

77. Regular Meeting of the Mayor and Council
of the Borough of Haworth held on April 23,
2019 at the Municipal Center

Present: Hon. Thomas P. Ference, Mayor

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

Borough Attorney: Robert T. Regan

Borough Auditor: Jeffrey C. Bliss
Chief Financial Officer: KJ Trevidi

Mayor Ference 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 notice: "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."

Public Hearing on the 2019 Municipal Budget

Mr. Bain explained this budget was reviewed by the Finance Committee and by working with the CFO and Auditor and said he believed it was a fair budget with an under 2 percent increase for a \$68.00 increase per home per the averaged assessed valuation.

The meeting was then opened to the public on the budget.

Mr. S. Chval, Woodland Place asked what is the penny increase in the budget and was told it is 1.01 cents.

As there were no further comments, the meeting was closed to the public hearing on the budget.

Resolution to Adopt the 2019 Municipal Budget

The following resolution was offered by Mr. Bain and seconded by Ms. Guenego:

For Copy of Resolution
see Page 89A of permanent minutes.

Resolution to Adopt the 2019 Municipal Budget – cont'd.

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

Mayor Ference thanked the Finance Committee and the borough professionals for their efforts in connection with this budget.

Mr. Bain thanked Ms. Siciliano and Ms. Guenego new members of the Finance Committee who were active and engaged in this process, doing a great job, he said.

Mr. Bliss and Mr. Trevidi then left the meeting.

Ordinance No. 19-03 – 2019 CAP Ordinance – 2nd Reading, Public Hearing

A motion was offered by Mr. Bain, seconded by Ms. Guenego and unanimously carried that Ordinance No. 19-03 be offered for second reading.

Ordinance No. 19-03, which is as follows was then read by title only as copies had been provided for those present.

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% or the cost of living adjustment, whichever is less, unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, the cost of living adjustment for calendar year 2019 budgets is calculated at 2.5% pursuant to N.J.S.A. 40A:4-45.2 and amounts to \$140,112; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Haworth in the County of Bergen finds it's advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that an additional 1.0% increase in the budget of said year, amounting to \$56,045 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

Ordinance No. 19-03 – 2019 CAP Ordinance – 2nd Reading, Public Hearing – cont’d.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Haworth, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2019 budget year, the final appropriations of the Borough of Haworth shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$196,157 and that the 2019 municipal budget for the Borough of Haworth be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The meeting was opened to the public on Ordinance No. 19-03. As there were no comments the meeting was closed to the public on this ordinance.

A motion was offered by Mr. Bain and seconded by Ms. Siciliano that Ordinance No. 19-03 be passed on second and final reading.

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

A motion was offered by Mr. Poosikian, seconded by Ms. Guenego and unanimously carried that the passage of Ordinance No. 19-03 be advertised as required by law.

COMMITTEE REPORTS

Report of Councilman Bain

Recreation

Mr. Bain reported the annual Egg Hunt was held last week-end with approximately 100 families present; the Fishing Contest will be held May 5th and plans for the Summer Program are progressing with various programs.

Report of Councilwoman Guenego

Ambulance Corps

Ms. Guenego reported the Ambulance Corps responded to 27 calls last month, 17 daytime, 87 miles, 71 man hours and 171 man hours year to date; notable activities included a CPR/First Aid class for Lindgren Preschool employees and a CPR class for residents and school employees.

COMMITTEE REPORTS – cont’d.

Report of Councilwoman Guenego – cont’d.

Parks and Playgrounds

Ms. Guenego reported plans are getting ready for the Phase 3 grant for the playground and other renovations at Memorial Field and the Myrtle Street Field with ADA compliancy being considered with the exploration of grants. She said there is progress on the pavilion at Memorial Field and grants are being sought.

Ms. Guenego further reported she and other councilmembers met with the borough engineer regarding open issues with the downtown project and samples of pavers and lighting are being looked at.

Board of Health

Ms. Guenego reported this Board met at which time tick issues were discussed as well as the Stigma Free Consortium in connection with mental health issues and further discussed placing the stigma free logo on the Borough’s website.

5-K

Ms. Guenego noted the 5K Committee will be celebrating its 10th anniversary this year and is discussing having a 10K Run in addition to the 5K, she has discussed this with the Police Chief who has indicated it is doable, noted the proposed course and two separate times for the races.

Report of Councilman Rosenberg

Planning Board

Mr. Rosenberg reported the Board heard the first half of a subdivision application on Whitman Street which will be continued at the next meeting; the Settlement Agreement with Schaefer’s Gardens was discussed and signed off on by the Board.

Zoning Board

Mr. Rosenberg reported the Board heard an appeal of a decision by the former building inspector regarding the placement of a shed and that appeal was denied with upholding the inspector’s decision.

COMMITTEE REPORTS – cont’d.

Report of Councilman Rosenberg – cont’d.

Police Department

Mr. Rosenberg reported the following: the Department received a grant for \$5,000.00 from the DOT for the “Distracted Driving Campaign” starting April 1st and during the campaign patrol will target any and all drivers using cell phones or manipulating electronic devices; Sgt. Fox, Officer Soltes and the Chief attended the annual seniors St. Patrick’s Day luncheon and spoke to them about the most recent fraud and theft by deception; the Chief has submitted Sgt. Ragone and Officer Soltes to be recognized by the NJ Chapter of Mothers Against Drunk Drivers for outstanding and distinguished service for DWI enforcement – this recognition is scheduled for June 13 and he commended both officers for their hard work and dedication. Lt. Saudino attended a course with members of the Bergen County Regional Swat Team.

Mr. Rosenberg noted last week’s car theft incidents and reminded everyone to lock their cars. Also he said Officer Soltes was involved in a motor vehicle accident when responding to an emergency, noting that those injured are recovering well.

Report of Councilman Poosikian

Fire Department

Mr. Poosikian reported the following: the Department responded to 7 calls last month, 6 in Haworth and 1 in Demarest; 2 work nights were held; 1 hose line drill; 3 activated fire alarms; air packs have been tested and more reflective stripes have been added to the vehicles for better visibility.

Department of Public Works

Mr. Poosikian reported the Department dealt with one snow storm and clean-up last month; are involved in equipment maintenance; working on the yard; swept the main roads and cleaning up the Swim Club area and fields.

Report of Councilwoman Siciliano

Shade Tree

Ms. Siciliano reported the Commission did not meet, daily calls continue regarding trees and the winter tree program has been completed.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Siciliano – cont'd

Swim Club

Ms. Siciliano reported the 2019 applications are ready to go out, will be posted on the website and referred to the recent ordinance adopted increasing the membership fees by \$50. She said this is the first increase in three years, will go a long way to provide several improvements, etc. and these fees are far below other towns. She said she will work to see the club flourishes and generate new members.

Haworth School

Ms. Siciliano reported a presentation of their budget will be held on April 30th.

Library

Ms. Siciliano reported the library is very active, noting some numbers including 40,000 for last year's circulation and 50,000 people coming into the library last year. She noted a BCCLS delivery training session and the town-wide garage sale this year.

Ms. Guenego suggested the library disseminate information more.

Report of Councilwoman Wasser

Environmental Commission

Mrs. Wasser noted the Commission is meeting tomorrow evening, they have been discussing an environmental impact study re. the affordable housing matter which will be undertaken by the Planning Board, enforcing existing ordinances re. plastic items, etc. and will be a sponsor of the Northern Valley Earth Fair this coming week-end.

Tennis

Mrs. Wasser reported there will be on-line registration for memberships this year, work is beginning to get the courts opened on time and the committee has asked the possibility of the police assisting with vandalism and trespassing at the courts.

Seniors

Mrs. Wasser said the recent luncheon went well, the Mayor attended and a BBQ will be held in June.

Mayor's Report

Community Development

Mayor Ference noted an application is being prepared for \$12,000.00 for ADA improvements at the Myrtle Street Field.

Tennis

Mayor Ference noted the DPW will be working on temporary steps at the tennis courts.

UNFINISHED BUSINESS

Placement of Signs on Borough Property

Ms. Guenego referred to her recent memo on this subject - lawn signs, signs not placed on the medians on Haworth Avenue and other concerns. It was concurred to go forward with this matter at the next meeting.

NEW BUSINESS

Ordinance No. 19-06 – Amending No Parking Times on Franklin, Jackson, Harrison, etc.

Mr. Rosenberg explained various problems in these areas near the high school where students park and the restrictions need to be updated to no parking between 8AM and 3PM on school days.

A motion was offered by Mr. Rosenberg, seconded by Mrs. Wasser and unanimously carried that Ordinance No. 19-06 be offered for first reading.

Ordinance No. 19-06 was then read by title only as follows:

AN ORDINANCE TO AMEND CHAPTER VII "TRAFFIC" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HAWORTH

Ms. Siciliano noted issues involving parents with parking and students crossing Knickerbocker Road and improper parking in the area.

In connection with banning parking on both sides of these streets on school days, Mr. Bain said he has spoken to residents in the area and they have no problem with it.

The meeting was opened to this public on this ordinance.

NEW BUSINESS – cont’d.

Ordinance No. 19-06 – Amending No Parking Times on Franklin, Jackson, Harrison, etc. – cont’d.

Ms. D. Fabiano, 43 Jackson Avenue discussed signs in this area being changed, said there is parking on both sides of Jackson Avenue now, the residents need relief now and there are tire tracks and debris left on their properties by the students.

Mr. Rosenberg said he will speak to the Chief regarding the signs and getting relief for the residents.

The meeting was then closed to be public on Ordinance No. 19-06.

A motion was offered by Mr. Rosenberg and seconded by Mrs. Wasser that Ordinance No. 19-06 be passed on first reading.

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

A motion was offered by Mr. Bain, seconded by Mr. Rosenberg and unanimously carried that Ordinance No. 19-06 be advertised as required by law and a date set for public hearing on May 14, 2019 at 7:30 PM at the Municipal Center,

CONSENT AGENDA

A motion was offered by Mr. Bain, seconded by Mr. Poosikian and unanimously carried to approve the following consent agenda:

Refund of Driveway Permit Deposit

WHEREAS, the Superintendent of the Department of Public Works has inspected and found that work has been satisfactorily completed on the following Driveway Permit,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the following refund be made:

<u>NAME AND ADDRESS</u>	<u>PERMIT #</u>	<u>AMOUNT</u>	<u>ADDRESS</u>
J.J. Sinisi 272 Broad Avenue Fairview, NJ 07022	1395	\$100.00	385 Harland Avenue

CONSENT AGENDA – cont'd.

Approval of Raffle – Ambulance Corps

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth that the Off-Premise, 50/50 Raffle Application of the Haworth Volunteer Ambulance Corps Inc. #RA-470 to be held at 23 Hardenburgh Avenue on September 8, 2019 be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to.

Approval of Raffle – Sacred Heart Church

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth that the Off-Premise, 50/50 Raffle Application of Sacred Heart Church #RA-469 to be held at 102 Park Street on September 29, 2019 be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to.

Authorization for Preparation of Tennis Courts

WHEREAS, quotations were sought for the spring opening and preparation of the tennis courts for the 2019 season; and

WHEREAS, two quotations were received; and

WHEREAS, it is recommended by the Mayor and Council that the quotation received from Courts Unlimited is the most responsive.

NOW THEREFORE BE IT RESOLVED that a contract be awarded to Courts Unlimited, 17 Furnace Road, Chester, NJ 07930 in the amount of \$6,000.00 as outlined in their proposal of February 12, 2019.

Self-Examination of 2019 Municipal Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Haworth has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2019 budget year.

CONSENT AGENDA – cont’d.

Self-Examination of 2019 Municipal Budget – cont’d.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Haworth that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer’s certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, if applicable, the amounts have been calculated pursuant to law and appropriated as such in the budget.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the “CAP” law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated;
 - b. Items of appropriations are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Payment of Bills

FOR COPY OF RESOLUTION AND BILL LIST
SEE PERMANENT MINUTES
PAGES 89B – 89H

CONSENT AGENDA – cont'd.

Approval of Minutes

Executive Meeting of March 12, 2019
Regular Meeting of March 12, 2019
Regular Meeting of March 26, 2019
Closed Meeting of March 26, 2019

Open Meeting to Public

The meeting was opened to the period of public discussion.

Mr. L. Kottke, 120 Garfield Street asked about a situation with his property and adjoining borough owned property.

Mayor Ference responded that the matter will be discussed in closed session.

Mr. Kottke then referred to different areas in town being considered for affordable housing.

Mr. Regan explained a Settlement Agreement has been approved regarding the Schaefer property and now consideration is being given to the settlement with Fair Share Housing for the Borough's entire plan.

Mr. B. Anderson, Hardenburgh Avenue asked about the timing on the affordable housing matter.

Mr. Regan responded there will be application to the Planning Board, public hearings, site plan approval, etc. and the process will take several months.

Mayor Ference explained all the steps in this matter which he said is a very complicated process.

Mr. Anderson then asked what other areas are being considered for affordable housing.

Mr. Regan responded the Schaefer property is one component, a Fairness hearing will be held in June which will be advertised in various locations, noted the procedures involving the Planning and Zoning Boards with ordinances to implement the whole matter.

Dr. M. Kahn, Paulson Place referred to correspondence he had given the Mayor and Council.

Open Meeting to Public – cont'd.

Mayor Ference responded it has been forwarded to the proper agencies.

Dr. Kahn then distributed books to the governing body and asked about the timing of the posting of minutes since he felt they should be put on the website very shortly after the meetings.

Mr. Regan referred to a recent court decision whereby unapproved minutes should not be posted – only when they approved.

Dr. Kahn then said the minutes should be available in a week and then referred to his correspondence regarding what he felt was an outdated plastics ordinance. He then said landscapers should not be parking in the street but in the driveways where they are doing the work. He then said the police should be stopped from idling their vehicles to which Mrs. Wasser replied that she wanted the police to run their lights.

Dr. Kahn then said that many towns have banned gas blowers in connection with pollution and Haworth should look into this.

Ms. Siciliano thanked Dr. Kahn for his time regarding environmental issues, said he has brought a lot of issues to the governing body and asked him to give the Council time to study these issues.

Mrs. R. Duffy, Lake Shore Drive referred to signs in town which are often deposited at the DPW yard and suggested it should be the responsibility of the owners of the signs to get them back.

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

Close Meeting to Public

The following resolution was offered by Mr. Poosikian, seconded by Ms. Siciliano and unanimously carried at 9:05 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 April 23, 2019 at which time the following items will be discussed:

Affordable Housing
METRO-PCS
Kottke Property, Borough Property

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 9:30 PM and as there was no further business to come before the Council adjourned on motion duly, offered, seconded and unanimously carried.

Ann E. Fay, RMC, CMC
Clerk-Administrator

89A. Regular Meeting of April 23, 2019

89B. Regular Meeting of April 23, 2019

89C. Regular Meeting of April 23, 2019

89D. Regular Meeting of April 23, 2019

89G. Regular Meeting of April 23, 2019

89H. Regular Meeting of April 23, 2019