

152. Executive Meeting of the Mayor and Council  
of the Borough of Haworth held on  
September 13, 2022 via Zoom

Present: Hon. Jacqueline S. Guenego, Mayor

Councilmembers: Glenn Poosikian  
Andrew Rosenberg  
Michael Bain  
Dina Siciliano  
Heather Wasser  
Liza Dhamija

Borough Attorney: Robert T. Regan

Mayor Guenego 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 statement: "This is the executive meeting of the mayor and council of the Borough of Haworth. I am informed by the clerk that adequate notice has been provided notice 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."

Salute to Flag

Mayor Guenego led those present in the pledge of allegiance.

Mayor's Remarks

Mayor Guenego noted this week is the 21<sup>st</sup> anniversary of 9/11, thanked the fire department for their respectful service honoring all first responders, etc. and also noted Councilwoman Siciliano's remarks at the service which were a moving commemoration. The mayor also thanked Ms. Siciliano for her many updates for the council for the borough's website.

Ordinance No. 22-13 – Bond Ord. – 2<sup>nd</sup> Reading, Public Hearing, Adoption

A motion was offered by Mr. Bain, seconded by Ms. Siciliano and unanimously carried that Ordinance No. 22-13 be offered for second reading.

Ordinance No. 22-13 is as follows:

BE IT ORDAINED by the Borough Council of the Borough of Haworth, in the County of Bergen, State of New Jersey, as follows:

Ordinance No. 22-13 – Bond Ord. – 2<sup>nd</sup> Reading, Public Hearing, Adoption – cont’d.

Section 1. The Borough of Haworth, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new information technology equipment and new communication and signal systems equipment in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. It is anticipated that a grant in the amount of \$75,000 shall be received by the Borough from the County of Bergen Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund to finance the cost of the construction of pickleball courts described in Section 4.G hereof. Any of said grant funds received shall be applied as set forth in Section 12 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated

Ordinance No. 22-13 – Bond Ord. – 2<sup>nd</sup> Reading, Public Hearing, Adoption – cont’d.

maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new additional or replacement equipment and machinery for the use of the Department of Public Works ("DPW") consisting of (i) a hook lift assembly for trucks and (ii) a boom lift attachment for trucks.

Appropriation and Estimated Cost	\$ 110,000
Down Payment Appropriated	\$ 5,250
Bonds and Notes Authorized	\$ 104,750
Period of Usefulness	5 years

B. Acquisition of new additional or replacement equipment and machinery consisting of a mini-excavator for the use of the DPW.

Appropriation and Estimated Cost	\$ 45,000
Down Payment Appropriated	\$ 2,150
Bonds and Notes Authorized	\$ 42,850
Period of Usefulness	15 years

C. (i) Undertaking of various improvements to the Police Range and (ii) acquisition of new additional or replacement equipment and machinery for the use of the Police Department consisting of (a) a solar stop sign, (b) a solar speed sign, (c) a radar speed trailer and (d) traffic control equipment.

Appropriation and Estimated Cost	\$ 39,000
Down Payment Appropriated	\$ 1,860
Bonds and Notes Authorized	\$ 37,140
Period of Usefulness	15 years

D. Acquisition of new additional or replacement equipment and machinery and new information technology equipment for the use of the Police Department consisting of (i) equipment and apparatus for an SUV, (ii) body cameras, (iii) computer equipment and (iv) portable batteries for various equipment.

Ordinance No. 22-13 – Bond Ord. – 2<sup>nd</sup> Reading, Public Hearing, Adoption – cont’d.

Appropriation and Estimated Cost	\$ 60,000
Down Payment Appropriated	\$ 3,000
Bonds and Notes Authorized	\$ 57,000
Period of Usefulness	5 years

E. Acquisition of new communication and signal systems equipment consisting of radios for the use of the Fire Department.

Appropriation and Estimated Cost	\$ 16,000
Down Payment Appropriated	\$ 770
Bonds and Notes Authorized	\$ 15,230
Period of Usefulness	10 years

F. Acquisition of new additional or replacement equipment and machinery consisting of turnout gear for the use of the Fire Department.

Appropriation and Estimated Cost	\$ 8,000
Down Payment Appropriated	\$ 1,010
Bonds and Notes Authorized	\$ 6,990
Period of Usefulness	5 years

G. Construction of pickleball courts adjacent to the Swim Club.

Appropriation and Estimated Cost	\$ 154,000
Down Payment Appropriated	\$ 7,340
Bonds and Notes Authorized	\$ 146,660
Period of Usefulness	15 years

H. Installation of playground equipment at various parks and recreation facilities.

Appropriation and Estimated Cost	\$ 103,000
Down Payment Appropriated	\$ 4,905
Bonds and Notes Authorized	\$ 98,095
Period of Usefulness	15 years

I. Undertaking of HVAC improvements at Borough Hall. It is hereby determined and stated that said public building being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Ordinance No. 22-13 – Bond Ord. – 2<sup>nd</sup> Reading, Public Hearing, Adoption – cont’d.

Appropriation and Estimated Cost	\$ 15,000
Down Payment Appropriated	\$ 715
Bonds and Notes Authorized	\$ 14,285
Period of Usefulness	15 years

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Aggregate Appropriation and Estimated Cost	\$ 550,000
Aggregate Down Payment Appropriated	\$ 27,000
Aggregate Amount of Bonds and Notes Authorized	\$ 523,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$33,600 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$27,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$27,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$523,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Ordinance No. 22-13 – Bond Ord. – 2<sup>nd</sup> Reading, Public Hearing, Adoption – cont’d.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$523,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Ordinance No. 22-13 – Bond Ord. – 2<sup>nd</sup> Reading, Public Hearing, Adoption – cont’d.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 11.62 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$523,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable

Ordinance No. 22-13 – Bond Ord. – 2<sup>nd</sup> Reading, Public Hearing, Adoption – cont’d.

expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

The meeting was opened to public on Ordinance 22-13.

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. 22-13 be passed on second and final reading.

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

A motion was offered by Mr. Bain, seconded by Ms. Siciliano and unanimously carried that the passage of Ordinance 22-13 be advertised as required by law.

## UNFINISHED BUSINESS

### Road Program

Mr. Poosikian explained it had been thought to bid this project in the fall, however the borough engineer and DPW superintendent have indicated it is best to wait until the spring, re. lower petroleum prices, etc. and more contractors would bid then. He said the number of streets will include DOT grants which have been received.

Further discussion included streets that cannot wait are being identified in the interim and the DPW will continue with those streets which are in need of patches.

Mr. Bain suggested that Lake Shore Development assist due to all their equipment with the damage in that area on Lake Shore Drive Mr. Regan responded that would have had to be in a developers agreement.

Mr. Poosikian referred to the status of the repairs needed for the Stevens Place Bridge – the contractor is waiting for one piece of concrete base which has delayed the project however in a few weeks they should start construction.

### Pickleball

Mayor Guenego asked for an update on the bid for the pickleball courts. Ms. Siciliano explained that the material for the paving has been decided on now which the engineer can add to the bid specs which are now ready to go out to bid.

### Fencing at Memorial Field

Mr. Poosikian explained a tree came down on the fencing at the Little League Field and he will be meeting with the DPW regarding new fencing at the site noting this is a swampy area which is a problem.

Mrs. Wasser commented that trees are overgrown at the pickleball courts,

## CONSENT AGENDA

A motion was offered by Mr. Bain and seconded by Ms. Siciliano to approve the following consent agenda. On roll call the vote was as follows: Ayes; Messrs. Poosikian, Rosenberg, Bain, Siciliano, Wasser, Dhamija. Nays – none. Declared carried.

CONSENT AGENDA – cont’d.

Refund of Driveway Permit Deposits

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

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

<u>NAME AND ADDRESS</u>	<u>PERMIT #</u>	<u>AMOUNT</u>	<u>ADDRESS</u>
Jose Jimenez 384 Maple Street Haworth, NJ 07641	1457	\$100.00	384 Maple Street
Lazaro Carvajal 546 Sunset Avenue Haworth, NJ 07641	1458	\$100.00	546 Sunset Avenue
Robin Wenograd 114 Brook Street Haworth, NJ 07641	1455	\$100.00	114 Brook Street

Approval of Raffle Licenses

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Haworth that the On-Premise, 50/50 Raffle Application and On-Premise, Merchandise Raffle Application of the Womans Club Haworth #RA-495 and #RA-496 to be held at Sacred Heart Church, 102 Park Street on November 5, 2022 and the Off-Premise, 50/50 Raffle Application of Sacred Heart Church #RA-497 to be held at Sacred Heart Church, 102 Park on December 18, 2022 be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to.

Certification of the Annual Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

CONSENT AGENDA – cont’d.

Certification of the Annual Audit – cont’d.

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Haworth, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

CONSENT AGENDA – cont’d.

Dedication by Rider for Pickle Ball Donations

WHEREAS, permission is required of the Director of the Division of Local Government Services for the approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth, County of Bergen, State of New Jersey as follows:

The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for donations –acceptance of bequests and gifts as per N.J.S.A. 40A:4-39 –

A. Reserve for Pickleball Activities

The Borough Clerk of the Borough of Haworth is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Authorization Execution of Amendment to Verizon Wireless Lease Agreement

**WHEREAS**, the Borough of Haworth as Lessor has leased a portion of land to New York SMSA Limited Partnership d/b/a Verizon Wireless (“Verizon”) pursuant to that certain Lease Agreement dated August 13, 1997 (as the same may have been amended from time to time, collectively, the “Lease”); and

**WHEREAS**, on or about August 17, 2009 said Lease was amended (“the First Amendment”); and

**WHEREAS**, on or about May 16, 2012 said Lease was further amended (“the Second Amendment”); and

**WHEREAS**, Verizon has entered into a Management Agreement with American Tower which manages Verizon’s operations; and

**WHEREAS**, the Borough is a municipal corporation of the State of New Jersey and a political subdivision thereof and has the full power and authority to enter into its obligations under the Amendment and the other transaction documents as hereinafter defined; and

CONSENT AGENDA – cont’d.

Authorization Execution of Amendment to Verizon Wireless Lease Agreement – cont’d.

**WHEREAS**, the Mayor and Council hereby authorizes the Mayor and Borough Clerk to execute the Amendment and other transaction documents as permitted by law.

**WHEREAS**, American Tower, on behalf of Verizon, has requested that the Borough enter into a Third Amendment to Lease Agreement which provides as follows:

1. A one-time payment by Verizon to the Borough in the amount of \$15,000.00 payable within thirty (30) days provided that the Borough executes the Third Amendment to Lease Agreement and a Memorandum of Lease on or before September 23, 2022.

2. The term of the Lease shall provide that Verizon as Lessee for four (4) five (5) year terms commencing on August 1, 2022, which renewal term shall automatically renew unless the Borough is advised that Verizon as Lessee will not renew the Lease at least sixty (60) days prior to the commencement of the new renewal term.

3. The current rent payable to the Borough is \$4,321.07 per month. Commencing on August 1, 2022 and on each successive annual anniversary date, the rent is to increase by three (3%) percent per year.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council as follows:

1. The Third Amendment, Memorandum of Lease, and transaction documents be and are hereby approved.

2. The Mayor and Borough Clerk be and are hereby authorized and directed to execute the Third Amendment, Memorandum of Lease, transaction documents, and such other documents as may be required in accordance with the provisions of the Amendment.

Support of DEP Stormwater Grant

**WHEREAS**, the Borough of Haworth desires to receive \$50,000.00 in funds from the New Jersey Department of Environmental Protection for the purpose of creating a stormwater asset management program; and

**WHEREAS**, the grant money would be used to build a digital inventory of all stormwater facilities within the Borough; and

**WHEREAS**, the inventory can be used for future planning and maintenance needs;

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

CONSENT AGENDA – cont’d.

Support of DEP Stormwater Grant – cont’d.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application to the New Jersey Department of Environmental Protection 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 signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Payment of Bills

FOR COPY OF RESOLUTION AND BILL LIST

SEE PERMANENT MINUTES

PAGES A - G

Approval of Minutes

Executive Meeting of August 9, 2022

Closed Meeting of August 9, 2022

Open Meeting to Public

The meeting was opened to the period of public discussion.

Ms. M. Rosenberg, Pine Lane noted the bridle path towards Haworth Drive and Lake Side East needs work. Mr. Poosikian replied that the borough has talked to the county and improvements to the area are part of the borough’s FEMA money.

Ms. J. Gallagher, Lake Shore Drive suggested having one side of Lake Shore Drive be a “no parking” zone noting that vehicles coming over the railroad tracks are very dangerous and even some temporary relief there would be good.

Mr. Regan noted there would have to be an ordinance to create the “no parking” area. Mr. Bain said it is a very dangerous situation coming over the tracks and Ms. Gallagher indicated that this area is seeing increased traffic with the ongoing construction.

Mrs. Wasser said the intersection of Maple Street and Haworth Avenue should be addressed. Mr. Poosikian suggested flashing stop signs in this area. Mr. Rosenberg said he will talk to the police chief regarding this issue.

Open Meeting to Public – cont'd.

Further discussion took place regarding several serious issues at this intersection; one suggestion was the installation of speed bumps.

Ms. B. Borghi, St. Nicholas Avenue said vehicles do not stop at the intersection of Valley Road and Lakeshore Drive to which she was told this area is in the borough of Closter.

Ms. Borghi then referred to parking issues on Park Street between St. Nicholas Avenue and Haworth Avenue and said there is no need for parking there, it is a dangerous situation and should have “no parking” signs.

Ms. Cora Koch, Grant Street referred to the prior discussion regarding the intersection of Haworth Avenue and Maple Street suggesting a yellow caution light in that area. Mr. Rosenberg said he will talk to the police chief on this matter.

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

As there was no further business to come before the council a motion was offered at 8:15 PM by Mr. Bain, seconded by Mr. Rosenberg and unanimously carried to adjourn.

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Ann E. Fay, RMC, CMC  
Clerk-Administrator













