

98. Executive Meeting of the Mayor and Council of the Borough of Haworth held on May 9, 2023 at the Municipal Center

Present: Hon. Heather Wasser, Mayor

Councilmembers: Glenn Poosikian
Andrew Rosenberg
Dina Siciliano
Lisa Dhamija
Howard Lau
Alanna Davis

Borough Attorney: Robert T. Regan

Mayor Wasser called the meeting to order at 7:30PM 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 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.”

Salute to Flag

Mayor Wasser led those present in the pledge allegiance.

Ordinance No. 20-08 – Deputy Clerk Position – 2nd Reading, Public Hearing, Adoption

A motion was offered by Ms. Siciliano, seconded by Mr. Poosikian and unanimously carried that Ordinance No. 20—08 be offered for second reading.

Ordinance No. 20-08 which is as follows was then read by title only as copies had been provided to those present:

BE IT ORDAINED by the Mayor and Council of the Borough of Haworth as follows:

Section 1. Chapter 2 of the Code of the Borough of Haworth, Administration, is hereby amended to add the following sections:

2-13 DEPUTY BOROUGH CLERK

2-13.1 Appointment; Term.

There shall be a Deputy Borough Clerk appointed by the Mayor with the advice and consent of the Borough Council. The term of office of the Deputy Borough Clerk shall be one (1) year which shall run from January 1 in the year in which the Clerk was appointed.

2-13.2 Compensation. The Deputy Borough Clerk shall receive such compensation as shall be fixed by the General Salary Ordinance of the Borough.

2-13.3 Duties. The Deputy Borough Clerk shall:

- a. During the absence or disability of the Borough Clerk, the Deputy Borough Clerk shall have all the powers of the Borough Clerk and shall perform the functions and duties of such office.
- b. The Deputy Borough Clerk shall perform such other functions and duties as shall be assigned by the Borough Clerk or by the Mayor and Council as the case may be.

Section 2. Inconsistent Ordinances Repealed.

All ordinances or parts which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 3. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 4. Effective Date.

This Ordinance shall take effect after publication thereof and final passage as required by law.

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The meeting was opened to the public on Ordinance No. 23-08. As there were no comments the meeting was closed to the public on this ordinance.

A motion was offered by Mr. Poosikian and seconded by Mrs. Dhamija that Ordinance No. 23-08 be passed on second and final reading.

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

A motion was offered by Ms. Siciliano, seconded by Mrs. Dhamija and unanimously carried that the passage of Ord. No. 20-08 be advertised as required by law.

Ordinance No. 23-09 -Amendments to Fire Department Ordinance – 2nd Reading, Public Hearing, Adop.

A motion was offered by Mr. Poosikian, seconded by Ms. Siciliano and unanimously carried that Ordinance No. 23-09 be offered for first reading.

A summary of Ordinance No. 23-09 is as follows:

This Ordinance establishes the organizational structure of the Haworth Volunteer Fire Department. The Ordinance contains provisions pertaining to membership, the process to become a member, the officers of the Department, and the duties of officers. The legislation also details the eligibility requirements for becoming an officer and the selection and election processes to name officers in the Department.

A Code of Conduct is established, and procedures detailed for the addressing of any charges of any nature filed against members of the Department. Rules and regulations and continuing training requirements and continuing education are also detailed. The Ordinance also references the establishment of a Junior Fire Fighter Auxiliary and a Department Auxiliary and details membership requirements for both.

Included in the Ordinance are provisions relating to the Hazardous Waste Cost Recovery Ordinance which permits the Borough to seek reimbursement against persons causing an unauthorized discharge of hazardous substances requiring emergency action by the Borough. A process is detailed pertaining to the reimbursement of the Borough for expenses incurred relating to the discharge of hazardous substances.

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The meeting was opened to the public on Ordinance No. 23-09. As there were no comments the meeting was closed to the public on Ordinance No. 23-09.

A motion was offered by Mr. Poosikian and seconded by Ms. Siciliano that Ordinance No. 23-09 be passed on second and final reading.

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

Public Hearing on Proposed Park Improvements at Memorial Field

The meeting was opened to the public on the proposed park improvements.

Mr. N. Weil, Surbeck Place questioned what was this matter about.

Mayor Wasser responded it is in connection with the borough applying for a matching grant from the County Trust Fund for improvements at Memorial Field.

As there were no further comments the meeting was closed to the public on this matter.

2023 Municipal Budget

Mr. Rosenberg explained this budget will be introduced at the May 23rd meeting and explained the following: increases in the budget this year include the addition regarding stipends; increase in salary for the new employee replacing Mr. Hennion; parks & playgrounds; request from parks & playgrounds for additional funds.

Mr. Rosenberg asked councilmembers to review their budget books and the municipal tax rate at this time is .819.

Mr. Poosikian noted an issue with the DPW employees requiring to be members of the fire department and/or ambulance corps and the stipend being part of the employment agreement.

Mr. Rosenberg suggested receiving stipends for non-working hours only.

Mr. Poosikian responded this would not be fair as they respond to few after hours calls, their contract is up at the end of this year, they are trying to hire new members in the department, however the low starting salary is a problem as well as the requirement for responding to daytime fire calls.

Mayor Wasser commented regarding the removal of the firefighter requirement for employment in the DPW, the difficulty in obtaining volunteers and said perhaps the salary ordinance should be adjusted to assist with obtaining members for the DPW.

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Further discussion was held regarding the stipend situation and a date for the starting of the stipend.

UNFINISHED BUSINESS

Request for Vacation of Paper Street to be Annexed to 131 Hendrickson Street

Mr. Rosenberg explained several requirements in this process –certain costs are involved which have to be paid by the requestor, escrow funds, etc., and the contiguous property owners have to be notified.

Mr. Regan will prepare the paperwork regarding this request.

A motion was offered by Mr. Rosenberg, seconded by Ms. Siciliano and unanimously carried to proceed with the process of the vacation of the paper street.

NEW BUSINESS

Appointments of Commissioners to Bergen Joint Insurance Fund

A motion was offered by Mr. Rosenberg, seconded by Mr. Poosikian and unanimously carried to appoint Jo Anna Myung as Fund Commissioner to the Bergen JIF.

A motion was offered by Mrs. Dhamija, seconded by Ms. Siciliano and unanimously carried to appoint Councilman Poosikian as Alternate Fund Commissioner to the Bergen JIF.

Resignation of Councilwoman Guenego and Swearing-In of new Councilmember

Mayor Wasser thanked Ms. Guenego for her services as councilmember. Mayor Wasser noted the Haworth Democratic County Committee has submitted three candidates to fill the vacancy.

A motion was offered by Mr. Poosikian, seconded by Ms. Siciliano and unanimously carried to appoint Alanna Davis to the unexpired term of Ms. Guenego.

Mayor Wasser then administered the Oath of House to Mrs. Davis and Mrs. Davis took her seat at the council table.

Air Conditioning for Borough Offices

Mr. Rosenberg explained three quotations have been received for the air conditioning for which an ordinance is required.

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A motion was offered by Mr. Rosenberg, seconded by Mr. Poosikian and unanimously carried to proceed with this project subject to the preparation of a capital ordinance to be introduced at the next meeting.

CONSENT AGENDA

In connection with the change order resolution for pickle ball Ms. Siciliano said there is the need for an updated membership list to which Mayor Wasser responded that they are working on it. Further discussion concerned resulting in the addition to the resolution that it has to be subject to approval of the cost allocation as to the improvements at the courts.

A motion was offered by Mr. Rosenberg and seconded by Mr. Poosikian to approve the following. On roll call the vote was as follows: Ayes; Messrs. Poosikian, Rosenberg, Siciliano, Dhamija, Lau. Abstain – Mrs. Davis.

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>
Michael Dy 57 Schraalenburgh Road Haworth, NJ 07641	1470	\$100.00	57 Schraalenburgh Road
Martin Sambusini 200 Valley Road Haworth, NJ 07641	1469	\$100.00	200 Valley Road

Appointment -Dayana Marchisio

BE IT RESOLVED Dayana Marchisio is hereby appointed part-time Financial Assistant in the Finance Department for 20 hours per week, for a salary of \$22.00 per hour effective May 10, 2023.

Recognition of Mental Health Awareness Month

WHEREAS, mental health is essential to overall health and well-being, and all people experience times of difficulty and stress in their lives and should feel comfortable in seeking help and support to manage these times; and

WHEREAS, like physical illness, mental illness is a medical condition that can be treated effectively through prevention, early identification, and early intervention, and with effective treatment, all individuals with mental illness can make progress toward recovery and lead full, productive lives; and

WHEREAS, mental illness affects one in five people in the United States, and the experience can be devastating for individuals and families with little knowledge or access to mental health services; and

WHEREAS, the COVID-19 pandemic has created a multitude of mental health challenges for our community members of all ages, and connecting people to care is more important than ever; and

WHEREAS, May is annually recognized throughout the nation as Mental Health Awareness Month,

WHEREAS, it is the 10th anniversary of the beginning of the Stigma-Free Initiative in Bergen County with Paramus initially declaring itself a Stigma-Free Zone in 2013; and

WHEREAS, the Borough of Haworth, declared themselves as a Stigma-Free Zone and will continue to support the Stigma-Free initiative,

WHEREAS, Stigma-Free Zones aim to inspire public interest and open dialogue about stigma, raise awareness of the diseases of mental illness and create a culture wherein residents who have the diseases of mental illness feel free to seek treatment for the disease without fear of stigma; and,

WHEREAS, local resources are available to treat the disease of mental illness so no one resident needs to suffer alone or feel hopeless, and;

NOW THEREFORE BE IT RESOLVED that the Borough of Haworth recognizes the community needs and continues to support the efforts of the County of Bergen in continuing to be a Stigma-Free Zone.

Pride Month

See Page 110A of permanent minutes.

Enabling Resolution – Open Space Memorial Field Improvement Project

Enabling Resolution - 2023 Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund Grant Municipal Park Improvement Program

WHEREAS, the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Haworth desires to further the public interest by obtaining a matching grant of \$100,000 from the County Trust Fund to fund the following projects: Memorial Field Improvement Project,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund for the Municipal Park Improvement Program application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body/board received held the required Public Hearing to receive public comments on the proposed park improvements in the application on **May 9, 2023**; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Haworth:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of May 12, 2023, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough Council of the Borough of Haworth has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Borough Council of the Borough of Haworth is committed to providing a dollar for dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Borough Council of the Borough of Haworth agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

Approve Change Order for Pickle Ball Courts

WHEREAS, the Borough of Haworth has entered into a Contract with Jag Paving Corp. of Kearny, New Jersey for the installation of pickleball courts (the Project”) at the Haworth Swim Club as specifically described in contract documents entitled,

“Proposal and Specifications For Haworth Swim Club Pickleball Court, October 2022” prepared by Christopher P. Statile, PA; and

WHEREAS, the contract price for the project was \$148,900.00; and

WHEREAS, due to unforeseen circumstances, a change order in the amount of \$64,850.00 is required, which change order exceeds the 20% limitation, the procedures for which are detailed in *N.J.A.C. 5:30-11.9* (“the Regulation”).

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Haworth that the following facts are made and determined:

1. The Governing Body approval process for a change order which exceeds the 20% limitation requires that the Chief Executive Officer of the Borough file a request for the change order with the Governing Body, which request must include a Statement indicating why the proposed change may be allowed under the Regulation. The Governing Body is in receipt of a Memorandum from the Mayor dated April 26, 2023 which details certain unforeseen circumstances which have arisen that require the expansion of the proposed pickleball courts for the Project. As detailed in the Mayor’s Memorandum, the Borough has received complaints about noise and other disruption pertaining to the playing of pickleball at Memorial Field on Delaware Avenue. In connection therewith, there have been inferences that litigation may be instituted claiming that these conditions constitute an actionable nuisance and may violate Code standards governing noise. Approval of the change order will allow the reduction of pickleball activities at Memorial Field to be reduced in scope, with the ultimate goal being the intent to eliminate pickleball play at Memorial Field entirely. Approval of the change order will be in furtherance of this goal and will also eliminate the possibility of litigation when pickleball activities are confined to the new courts to be constructed as a result of the change order at the Swim Club.

2. In addition, as noted in the Mayor’s Memorandum, the redesign and the expansion of the pickleball facility at the Swim Club will result in a more appropriate design and enhance safety conditions for players.

3. In accordance with the regulation as more particularly set forth in *N.J.A.C. 5:30-11.9(c)(2)*, a Statement is required from the Borough Engineer which details the factual circumstances justifying issuance of the proposed change order. In compliance with this requirement, the Mayor and Members of the Council are in receipt of correspondence from Borough Engineer Christopher P. Statile, P.E. dated April 26, 2023 which details unforeseen circumstances that justify the issuance of the change order. More particularly, as noted by the Borough Engineer, the configuration of the two courts proposed for the Swim Club was inconsistent with the anticipated sport play and topographic conditions that preempt the possibility of adding additional courts as may be desired by the Borough.

4. The unforeseen circumstances as detailed above, together with the topographic conditions, renders execution of a new Contract for the project an unreasonable interference with the efficient completion of the work. As noted by the Borough Engineer, requiring a new Contract would interfere with the work planned for the project.

5. Based upon the foregoing, the Governing Body has determined that the change order in the amount of \$64,850.00 will be in compliance with the Regulation and may be executed.

BE IT FURTHER RESOLVED that the within resolution authorizes a written Amendatory Contract with Jag Paving Corp. in accordance with the herein approved change order in the amount of \$64,850.00; and

BE IT FURTHER RESOLVED that a Notice of the within action shall be printed once in the official newspaper of the Borough in accordance with the provisions of *N.J.A.C. 5:30-11.9(b)(6)*, with a copy of the advertisement filed in the Office of the Borough Clerk and shall be available for inspection by the public; and

BE IT FURTHER RESOLVED that the Borough Clerk shall report to the Director of the Division of Local Government Services on an Appendix to the Borough's Annual Budget the within change order on a form provided by the Director, and a Summary of such report shall be included as supplemental material in the Borough's annual audit in accordance with the provisions of *N.J.A.C. 5:30-11.9(d)*.

BE IT FURTHER RESOLVED that this Resolution shall take effect upon submission and approval of the cost allocation as to the proposed improvement.

Appointment OEM Coordinator

BE IT RESOLVED Keith Kolkebeck be appointed Office of Emergency Management Coordinator for the Borough of Haworth effective May 9, 2023.

Appointment Public Safety Coordinator

BE IT RESOLVED Emily Venezio be appointed Public Safety Officer for the Haworth Police Department effective May 15, 2023 at an annual salary of \$50,000

Endorsement to Extend 3rd Round Affordable Housing Obligation

WHEREAS, the Borough of Haworth endorses Bill S3739/A5402 preserving the currently established 3rd round obligations for an additional three years by legislating a pause in determining 4th round Affordable

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Housing obligations, including present and prospective need and related litigation, which is scheduled to commence in July of 2025; and,

WHEREAS, this would give all parties additional time to assess the efficacy and local impacts on the 3rd round agreements and give the legislature and the Governor time to reestablish their proper roles in balancing the needs of all stakeholders in this process; and,

WHEREAS, New Jersey's municipalities working through the 3rd round obligations require more time than had been allotted given the cascading effects of Covid; and,

WHEREAS, municipalities are still sorting out the ripple effects of Covid lockdowns on their tax base and land use plans; and,

WHEREAS, many builders are demanding more residential units than the infrastructure of our fully developed communities can safely and responsibly absorb faulting the post Covid record inflation that drives construction, debt financing and service costs to levels that incentivize builders to overreach; and,

WHEREAS, municipalities should be allowed to work towards appropriately meeting the 3rd round commitments before adding yet another layer that public health safety & welfare, limited infrastructure, hyper-local environmental and infrastructure challenges and fiscal realities may show to be unrealistic.

NOW THEREFORE BEING RESOLVED, the Borough of Haworth strongly endorses Bill S3739/A5402 and believes that extending our 3rd round obligation to 2028 will present a clearer picture of how each of the towns fared in meeting their goals and might also reveal the hyper-local environmental and infrastructure challenges each municipality is facing in achieving those goals; and,

AND BE IT FURTHER RESOLVED, that our municipality should be allowed to work towards appropriately meeting the 3rd round commitments, before adding yet another layer of unrealistic allocations - allocations that disregard the structural limitations costs and ancillary impacts on our already overburdened taxpayers; and,

AND BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Murphy; the members of the NJ Senate and Assembly; the League of Municipalities; and all NJ Municipalities.

Payment of Bills

See Page 110B-J of permanent minutes.

Approval of Minutes

Regular Meeting of April 25, 2023

Open Meeting to Public

The meeting was opened to the period of public discussion.

Mr. N. Weil, Surbeck Place questioned the improvements at Memorial Field.

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Mayor Wasser explained the borough annually approves to apply for grants and this is for the improvement of the playground at Memorial Field.

Mr. Weil then said other towns are playing on the field and referred to previous discussions regarding the lack of volunteers in Haworth. He then asked if the change order resolution for the pickle ball courts is for three courts. He was told no, it is for two courts. Mr. Weil then said the pickle ball players are playing after 9 PM.

Mr. Rosenberg responded they are not playing then just cleaning-up, putting equipment away, etc.

Mr. R. Hoyng, chairman of the recreation commission reported the fishing contest last Saturday was very successful, thanked the DPW and the Fire Department for their assistance and there were 80 participants.

Ms. S. Wuensch, Haworth Avenue thanked all for their service. She then said the downtown enhancement project feels unfinished.

Mayor Wasser responded the finishing of the pergola is underway and more work will be done.

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

Close Meeting to Public

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

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 May 9, 2023, at which time the following items will be discussed:

Personnel
Litigation

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

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A motion was offered by Mr. Poosikian, seconded by Mr. Rosenberg and unanimously carried to appoint Christopher Pellegrino as Driver-Laborer for the Department of Public Works at the contractual rate subject to psychological and physical examinations.

A motion was offered by Mr. Poosikian, seconded by Mr. Rosenberg and unanimously carried to appoint Thomas Runge permanent foreman for the Department of Public Works at the contractual rate.

Adjournment

As there was no further business to come before the council a motion was duly offered, seconded and carried at 9:30 PM to adjourn.

Ann E. Fay, RMC, CMC
Clerk-Administrator

