

54. Executive Meeting of the Mayor and Council of the Borough of Haworth held on March 14, 2023 via Zoom

Present: Hon. Heather Wasser, Mayor

Councilmembers: Glenn Poosikian
Andrew Rosenberg
Dina Siciliano
Jacqueline Guenego
Howard Lau

Borough Attorney: Robert T. Regan

Mayor Wasser called the meeting to order at 7:30 PM and upon roll call all members of the council were present with the exception of Mrs. Dhamija. 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 of allegiance.

Ordinance No. 23-03 2023 Road Improvement Program – 2nd Reading, Public Hearing, Adoption

A motion was offered by Mr. Poosikian, seconded by Ms. Guenego and unanimously carried that Ordinance No. 23-03 be offered for second reading.

Ordinance No. 23-03 is as follows:

BOND ORDINANCE TO AUTHORIZE THE 2023 ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE BOROUGH OF HAWORTH, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$223,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Haworth, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to undertake the 2023 Road Improvement Program at various locations (including drainage improvements at Park Street and reconstruction of the concrete path

Ordinance No. 23-03 2023 Road Improvement Program – 2nd Reading, Public Hearing, Adoption – cont'd.

at the Haworth Swim Club), as set forth on a list prepared or to be prepared by the Borough Engineer and placed or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor. It is hereby determined and stated that the roads being improved are 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").

Section 2. The sum of \$223,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. 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 (1) the making of such improvements is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$223,000, and (4) \$11,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$212,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$20,000 which is estimated to be necessary to finance the cost of such purpose, 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 4. It is hereby determined and stated that moneys exceeding \$11,000, 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 purpose. The sum of \$11,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$212,000 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.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$212,000 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

Ordinance No. 23-03 2023 Road Improvement Program – 2nd Reading, Public Hearing, Adoption – cont’d.

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 7. 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 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 and to issue 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.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. 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 \$212,000 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 10. 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 purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. 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.

Ordinance No. 23-03 2023 Road Improvement Program – 2nd Reading, Public Hearing, Adoption – cont’d.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 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 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 13. 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 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

The meeting was opened to the public on Ordinance No. 23-03. 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 Ms. Siciliano that Ordinance No. 23-03 be passed on second and final reading.

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

A motion was offered by Ms. Siciliano, seconded by Mr. Poosikian and unanimously carried that the passage of Ordinance No. 23-03 be advertised as required by law.

Ordinance No. 23-04 – 2023 Pickleball Membership Fees - 2nd Reading, Public Hearing, Adoption

A motion was offered by Mr. Rosenberg, seconded by Mr. Poosikian and unanimously carried that Ordinance No. 23-04 be offered for second reading.

Ordinance No.23-04 is as follows:

AN ORDINANCE TO AMEND CHAPTER IX OF THE CODE OF THE BOROUGH OF HAWORTH ENTITLED, “PARKS, PLAYGROUNDS AND RECREATIONAL AREAS” TO BE DESIGNATED AS SECTION 9.9 TO INCLUDE HAWORTH PICKLEBALL FEES

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

Ordinance No. 23-04 – 2023 Pickleball Membership Fees - 2nd Reading, Public Hearing, Adoption – cont’d.

Section 1.

Chapter IX of the Code of the Borough of Haworth, Parks, Playgrounds and Recreational Areas is hereby amended to add the following Section to be designated as Section 9.9 as to Haworth Pickleball Membership Fees for the year 2023 to read as follows:

Haworth Resident Player Fees for 2023

Haworth Single - 19 years old and over	\$75.00 (\$60 shall be allocated as revenue to the current account and \$15 dedicated to the trust account)
Resident 18 and under	Free
Resident Senior 80 years and older	Free
Haworth Household Cap*	\$175.00

Non-Resident Player Fees for 2023

Non-Resident Single – 19 years and older	\$150.00 (\$120 shall be allocated as revenue to the current account and \$30 dedicated to the trust account)
Non-Resident Senior 18 years and under	\$30.00
Non-Resident Senior 80 years and older	Free
Non-Resident Household Cap*	\$350.00

After September 15, 2023 the Fees will be Prorated as Follows

Haworth Single – 19 years and over	\$38.00
Resident 18 years and under	Free
Resident Senior 80 years and older	Free
Non-Resident Single-19 years and over	\$75.00
Non-Resident 18 years and under	\$15.00
Non-Resident Senior 80 years and older	Free

*A “Household” is considered all members in one residence. Proof of residency may be required.

Section 2. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, 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.

Ordinance No. 23-04 – 2023 Pickleball Membership Fees - 2nd Reading, Public Hearing, Adoption – cont’d.

Section 3. Inconsistent Ordinances Repealed.

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

Section 4. Effective Date

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

The meeting was opened to the public on Ordinance No. 23-04. 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 Mr. Rosenberg that Ordinance No. 23-4 be passed on second and final reading.

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

A motion was offered by Mr. Poosikian, seconded by Rosenberg and unanimously carried that the passage of Ordinance No. 23-04 be advertised as required by law.

UNFINISHED BUSINESS

Grants

Ms. Siciliano referred to Congressman Gottheimer’s Community Funding Plan which applications are due this Friday.

Ms. Guenego responded the borough will apply with the same submission as last year.

Eagle Scout Project

Mr. Poosikian reported that he met with Eagle Scout Candidate Gatanos who is suggesting a project to replace the bridge between Memorial Field and Surbeck Place. Mr. Poosikian has told him that would not be feasible as it would need an engineer and be built by professionals. He then said Scout Gatanos who is also a junior fireman and has suggested reaching out to seniors to update their prior smoke detectors and also to do a fire safety program at the school.

UNFINISHED BUSINESS – cont'd.

Projects

Ms. Guenego said she has met with Mr. Statile regarding current grants – Phase 3 at Memorial Field has a current grant and the borough will apply for general improvements at the field.

Mr. Poosikian said replacing nets and trimming trees has been completed at Memorial Field.

NEW BUSINESS

2023 Municipal Budget

Mr. Rosenberg reported there have been some issues in the preparation of the budget and it will be included for the next meeting.

Introduction of Ordinance No. 23-05 – 2023 Tennis Membership Fees

A motion was offered by Ms. Guenego, seconded by Mr. Rosenberg and unanimously carried that Ordinance No. 23-05 be offered for first reading

Ordinance No. 23-05 was then read by title only as follows:

AN ORDINANCE TO AMEND CHAPTER IX OF THE CODE OF THE BOROUGH OF HAWORTH ENTITLED “PARKS, PLAYGROUNDS AND RECREATIONAL AREAS” TO BE DESIGNATED AS SECTION 9.10 TO INCLUDE TENNIS MEMBERSHIP FEES

A motion was offered by Mr. Rosenberg and seconded by Mr. Poosikian that Ordinance No. 23-05 be passed on first reading.

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

A motion was offered by Mr. Poosikian, seconded by Mr. Rosenberg and unanimously carried that Ordinance No. 23-05 be advertised as required by law and a date set for public hearing thereon on March 28, 2023 at 7:30 PM at the Municipal Center.

Salaries

Ms. Siciliano explained that in looking at the increase in hours in certain departments which would require a salary increase as it would be over the maximum set in the present ordinance these ranges are being looked at in order to introduce a salary ordinance for the next meeting.

NEW BUSINESS – cont’d.

Appointments to Board of Health

A motion was offered by Ms. Guenego, seconded by Mr. Poosikian and unanimously carried to appoint Mr. Nick Montello and Mr. William Kaiser to one year alternate appointments on the Board of Health.

Change in Recreation Commission Members’ Terms

Mayor Wasser appointed Ms. Daphne Saperstein as an alternate member and Ms. Tina Stratton as a full member of the Recreation Commission.

CONSENT AGENDA

A motion was offered by Ms. Guenego and seconded by Mr. Rosenberg to approve the following.

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

Authorization to Advertise for Operation of Food Concession Stand at Swim Club

BE IT RESOLVED, that the Municipal Clerk is hereby authorized to advertise for proposals for the operation of a Food Service Concession (Snack Bar) at the Haworth Swim Club for the 2023 Pool Season.

Temporary Emergency Appropriations

WHEREAS, the Borough Council of the Borough of Haworth enacted a temporary budget to cover the period from January 1, 2023 to the date of adoption of the budget; and

WHEREAS, N.J.S.A. 40A:40-20 permits the Borough Council by a two-thirds vote of the full membership, to make temporary appropriations; and

WHEREAS, the Borough Council wishes to make the emergency temporary appropriations shown in Schedule “A” attached hereto and made part hereof.

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

1. That the Borough Council by a two-thirds vote of the full membership hereby makes the emergency temporary appropriations as shown on Schedule “A” attached hereto and made part hereof.

Temporary Emergency Appropriations – cont’d.

- 2. That said emergency temporary appropriation will be provided in full in the 2023 budget under the titles as listed in the attached schedule.
- 3. That a copy of this Resolution shall be filed forthwith with the Director of the Division of Local Government Services.

Temporary Emergency No. 1 2023 Temporary Budget

Attachment A

<u>Current Fund</u>	<u>From</u>	<u>To</u>	<u>Account</u>
Library Maintenance	\$113,000	\$116,510	3-01-29-292-377
Gasoline	\$25,000	\$26,000	2-01-31-266-300

Payment of Bills

FOR COPY OF RESOLUTION AND BILL LIST
 SEE PERMANENT MINUTES
 PAGES 63A – 63J

Approval of Minutes

Regular Meeting of February 28, 2023

Open Meeting to Public

The meeting was opened to the period of public discussion.

Ms. S. Wunsch, Haworth Avenue congratulated the new mayor and thanked all for their service.

Fire Chief Hennion asked if there has been discussion in the budget for stipends for the fire department members.

Mr. Rosenberg responded it is being discussed during the budget review

Chief Hennion then asked if the current fire department ordinance is being reviewed.

Mr. Poosikian responded that it will be reviewed with Mr. Regan.

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

Close Meeting to Public

The following resolution was offered by Ms. Guenego, seconded by Mr. Rosenberg 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 March 14, 2023, at which time the following items will be discussed:

Affordable Housing Litigation
Contract with United Way

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 8:50 PM and as there was no further business to come before the council a motion was offered by Ms. Guenego, seconded by Mr. Rosenberg and unanimously carried to adjourn.

Ann E. Fay, RMC, CMC
Clerk-Administrator

63F. Executive Meeting of March 14, 2023

631. Executive Meeting of March 14, 2023

63J. Executive Meeting of March 14, 2023