

137. Executive Meeting of the Mayor and Council  
of the Borough of Haworth held on August 9,  
2022 via Zoom

Present: Hon. Jacqueline S. Guenego, Mayor

Councilmembers: Glenn Poosikian  
Andrew Rosenberg  
Michael Bain  
Dina Siciliano  
Heather Wasser  
Lisa 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 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 Guenego led those present in the pledge of allegiance.

Heat Wave

Mayor Guenego noted a drought watch was issued today by the DEP requesting voluntarily conserving water which notice will be included on the borough’s website.

Ordinance 22-11 – 2022 Road Program – 2<sup>nd</sup> Reading, Public Hearing, Adoption

A motion was offered by Mr. Poosikian, seconded by Mr. Bain and unanimously carried that Ordinance No. 22-11 be offered for second reading.

Ordinance No. 22-11 is as follows:

**BOND ORDINANCE TO AUTHORIZE THE 2022 ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE BOROUGH OF HAWORTH, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$320,000 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.**

Ordinance 22-11 – 2022 Road Program – 2<sup>nd</sup> Reading, Public Hearing, Adoption – cont’d.

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 2022 Road Improvement Program at various locations, 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. 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 \$320,000 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 \$320,000, and (4) \$16,000 of said sum is to be provided by the down

Ordinance 22-11 – 2022 Road Program – 2<sup>nd</sup> Reading, Public Hearing, Adoption – cont’d.

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 \$304,000, 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 \$16,000, 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 \$16,000 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 \$304,000 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 \$304,000 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

Ordinance 22-11 – 2022 Road Program – 2<sup>nd</sup> Reading, Public Hearing, Adoption – cont’d.

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 \$304,000 and that

Ordinance 22-11 – 2022 Road Program – 2<sup>nd</sup> Reading, Public Hearing, Adoption – cont’d.

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.

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

Ordinance 22-11 – 2022 Road Program – 2<sup>nd</sup> Reading, Public Hearing, Adoption – cont’d.

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. 22-11. 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. Bain that Ordinance No. 22-11 be passed on second and final reading.

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

A motion was offered by Mr. Bain, seconded by Mr. Poosikian and unanimously carried that the passage of Ordinance No. 22-11 be advertised as required by law.

A motion was offered by Mr. Poosikian and seconded by Mr. Rosenberg to advertise for the receipt of bids for the 2022 Road Program.

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

Ordinance No. 22-12 – Barrier-Free Restroom at Haworth Swim Club

A motion was offered by Ms. Siciliano, seconded by Mrs. Wasser and unanimously carried that Ordinance No. 22-12 be offered for second reading.

Ordinance No. 22-12 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:

Section 1. The Borough of Haworth, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to undertake ADA-bathroom improvements at the Haworth Swim Club in, by and for the Swim Pool Utility of the Borough. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Ordinance No. 22-12 – Barrier-Free Restroom at Haworth Swim Club – cont'd.

Section 2. The sum of \$165,000 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. It is anticipated that \$150,000 aggregate amount of grants from the Bergen County Community Development Program, pursuant to the Federal Housing and Community Development Act, shall be received by the Borough to finance the cost of the improvements described in Section 1 hereof. Any of said grant funds so received shall be applied as set forth in Section 10 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 (1) said purpose 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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$165,000, and (4) \$8,000 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 \$157,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$15,000 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 \$8,000, appropriated for down payments on capital improvements or for the capital improvements fund in Swim Pool Utility budgets heretofore adopted for said Borough, are now available to finance said purpose.

Ordinance No. 22-12 – Barrier-Free Restroom at Haworth Swim Club – cont'd.

The sum of \$8,000 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 \$157,000 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 \$157,000 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 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 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



Ordinance No. 22-12 – Barrier-Free Restroom at Haworth Swim Club – cont'd

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 fifteen 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 \$157,000 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 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.

Ordinance No. 22-12 – Barrier-Free Restroom at Haworth Swim Club – cont'd

Section 12. 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 13. 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 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

The meeting was then opened to public discussion on Ordinance No. 22-12. As there were no comments the meeting was closed to the public on this ordinance.

A motion was offered by Ms. Siciliano and seconded by Mr. Bain that Ordinance No. 22-12 be passed on second and final reading.

On roll call the vote was as 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 No. 22-12 be advertised as required by law.

A motion was offered by Ms. Siciliano and seconded by Mrs. Wasser to advertise for the receipt of bids for the Swim Club barrier free restrooms.

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

UNFINISHED BUSINESS

Renewal of Cell Tower Lease

Mr. Regan reported he is waiting for a response from American Tower on changes to this lease and they have extended their one time payment to the borough to September 30<sup>th</sup>.

Leaf Contract

Mr. Poosikian noted there is an issue with the length of this contract recently awarded for a five-year term for removal of the grinding and removal of leaves. Mr. Regan indicated he has not heard from the contractor.

A motion was offered by Mr. Poosikian and seconded by Ms. Siciliano that, if necessary, to approve a 3-year term for this service.

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

NEW BUSINESS

Ordinance No. 22-13 – 2022 Capital Bond Ordinance

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

Ordinance No. 22-13 was then read by title only as follows:

Title: BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT IN, BY AND FOR THE BOROUGH OF HAWORTH, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$550,000 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.

A motion was offered by Mr. Bain and seconded by Ms. Siciliano that Ordinance No. 22-13 be passed on first reading.

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

NEW BUSINESS – cont'd.

Ordinance No. 22-13 – 2022 Capital Bond Ordinance – cont'd.

A motion was offered by Mr. Bain, seconded by Mr. Poosikian and unanimously carried that Ordinance No. 22-13 be advertised as required by law and a date set for September 13, 2022 at 7:30 PM.

Mold Issue in Police Department

Mr. Rosenberg explained there are issues in the police department air conditioning system in headquarters and the lobby of borough hall; mold has been found in the ducts during a recent inspection and a quote has been received for \$2615.17.

A motion was offered by Mr. Rosenberg and seconded by Mr. Bain to approve a Duct Cleaning Proposal for police headquarters from Servpro, Mountainside, NJ in the amount of \$2615.17.

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

Discussion was held regarding other areas in the borough hall with air conditioning problems. Mr. Bain said the air conditioning item is included in the bond ordinance introduced earlier. It was noted that other areas in the air conditioning system in the municipal center will be checked tomorrow.

Pickle Ball

Mr. Rosenberg noted this committee wants to offer reduced fees for the rest of the year which will need a new ordinance.

A motion was offered by Mr. Rosenberg and seconded by Mr. Bain to approve the following rates for pickle ball members for the remainder of this year: \$30 for residents and \$60 for out of town.

Kottke Agreement/Borough of Haworth/120 Garfield Street

Mr. Rosenberg reported the Kottke's have signed the preliminary agreement with the borough pertaining to a future land exchange.

NEW BUSINESS – cont'd.

Pickle Ball Lines Painted on Grant Street

Mr. Poosikian reported these lines have been painted on a section of Grant Street pavement and suggested a letter be sent to the homeowner there to remove the lines within a certain number of days.

Camera Placed on Borough Tree on Whitman Street

Mr. Rosenberg noted this illegally placed camera has been removed by the resident.

Tennis

Mrs. Wasser questioned on-line payments yet for memberships and referred to the needed step repair at the courts which needs to be done.

Mr. Bain responded the DPW can do the labor with the borough purchasing the necessary parts.

CONSENT AGENDA

A motion was offered by Mr. Bain and seconded by Mr. Poosikian to approve the following consent agenda. On roll call the vote was as follows: Ayes; Messrs. Poosikian, Rosenberg, Bain, Siciliano, Wasser, Dhamija. Declared carried.

Emergency Appropriation – Leaf Removal

WHEREAS, an emergency has arisen with respect to the funding of Department of Public Works other expenses, and no adequate provision was made in the 2022 Budget for the aforesaid purpose, and

WHEREAS, N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total emergency appropriation created including this appropriation to be created by this resolution is \$95,000 and three percent of the total operations in the budget for the year 2022 is \$232,246

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Governing Body of the Borough of Haworth in the County of Bergen (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

CONSENT AGENDA – cont’d.

Emergency Appropriation – Leaf Removal – cont’d.

An emergency appropriation be and the same is hereby made for:

Current Fund

Streets and Roads

Other Expenses

\$95,000

1. That said emergency appropriation shall be provided in full in the 2023 budget.
2. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
3. That an “Emergency Note” not in excess of the above amount be authorized pursuant to N.J.S.A. 40A:4-48 and in accordance with the provision of N.J.S.A. 40A:4-51.
4. That an “Emergency Note” may be executed by the Mayor and the Chief Financial Officer and the seal affixed to and attested to by the Borough Clerk. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time.
5. That said note may be renewed from time to time and such notes and any renewals thereof shall be payable on or before December 31, 2023.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of Local Government Services.

Payment of Bills

FOR COPY OF RESOLUTION AND BILL LIST

SEE PERMANENT MINUTES

PAGES

Approval of Minutes

Regular Meeting of July 26, 2022

Closed Meeting of July 26, 2022

Open Meeting to Public

The meeting was opened to the period of public discussion. As there were no comments the meeting was closed to public discussion.

Close Meeting to Public

The following resolution was offered by Mrs. Wasser, 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 August 9, 2022 at which time the following item will be discussed:

Personnel Matter

**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 item 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 item 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 8:40 PM and as there was no further business a motion was offered Mr. Bain, seconded by Mrs. Wasser and unanimously carried to adjourn.

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Ann E. Fay, RMC, CMC  
Clerk-Administrator























