

**BOROUGH OF HAWORTH
MAYOR AND COUNCIL**

Executive Session Meeting – Tuesday, July 11, 2023 @ 7:30 PM

CALL TO ORDER/SALUTE TO THE FLAG

The Mayor and Council convened for this Executive Meeting of the Borough of Haworth on Tuesday, July 11, 2023 at 7:30 P.M. Mayor Wasser called the meeting to order at 7:32 P.M.

PUBLIC ANNOUNCEMENT

In accordance with the provisions of the Open Public Meetings Law, notice of this meeting has met the requirements of the law as part of the Borough of Haworth’s annual meeting notice published in The Record on January 23, 2023, posted on the bulletin board in borough hall, and on the Borough website at www.haworthnj.org.

SWEARING IN CEREMONY

- **Mayor Wasser** administered the Oath of Office to affirm the appointment of Jo Anna Myung as Municipal Clerk in the Borough of Haworth.

ROLL CALL

Hon. Heather Wasser, Mayor - Present	Glenn Poosikian - Present
Andrew Rosenberg - Present	Dina Siciliano - Present
Lisa Dhamija - Present	Howard Lau - Present
Alanna Davis - Absent	

Staff Present: Borough Attorney Robert T. Regan, Municipal Clerk Jo Anna Myung

UNFINISHED BUSINESS:

BOND ORD# 23-12: (INTRODUCTION) POLICE SALARY - TO ESTABLISH RATE OF COMPENSATION

MOTION BY: Councilwoman Siciliano, **SECONDED:** Councilman Rosenberg to publish Ordinance #23-12.

BE IT ORDAINED by the Council of the Borough of Haworth: The term of this Agreement shall be from January 1, 2022 through December 31, 2026. If a successor Agreement is not executed by December 31, 2026, then this Agreement shall continue in full force and effect until a successor Agreement is executed, after negotiations controlled by the PERC statute and applicable rules.

	<u>EFFECTIVE 01/01/2022</u>	<u>EFFECTIVE 07/01/2023</u>	<u>EFFECTIVE 01/01/2024</u>	<u>EFFECTIVE 01/01/2025</u>	<u>EFFECTIVE 01/01/2026</u>
During 1 st Year	\$39,730.00	\$39,730.00	\$39,730.00	\$39,730.00	\$39,730.00
2 nd Year	\$61,721.00	\$61,721.00	\$61,721.00	\$61,721.00	\$61,721.00
3 rd Year	\$70,073.00	\$70,073.00	\$70,073.00	\$70,073.00	\$70,073.00
4 th Year	\$78,426.00	\$78,426.00	\$78,426.00	\$78,426.00	\$78,426.00
5 th Year	\$86,779.00	\$86,779.00	\$86,779.00	\$86,779.00	\$86,779.00
6 th Year	\$95,133.00	\$95,133.00	\$95,133.00	\$95,133.00	\$95,133.00
7 th Year	\$103,445.00	\$103,445.00	\$103,445.00	\$103,445.00	\$103,445.00
8 th Year and Thereafter	\$126,511.00	\$129,674.00	\$132,916.00	\$136,239.00	\$139,645.00
Sergeant	\$135,653.00	\$139,045.00	\$142,522.00	\$146,086.00	\$149,739.00
Lieutenant	\$139,806.00	\$143,302.00	\$146,885.00	\$150,558.00	\$154,322.00
Captain	\$144,271.00	\$147,878.00	\$151,575.00	\$155,365.00	\$159,250.00

EMPLOYEES HIRED AFTER 01/01/2015:

	<u>EFFECTIVE 01/01/2022</u>	<u>EFFECTIVE 07/01/2023</u>	<u>EFFECTIVE 01/01/2024</u>	<u>EFFECTIVE 01/01/2025</u>	<u>EFFECTIVE 01/01/2026</u>
During 1 st Year	\$39,730.00	\$39,730.00	\$39,730.00	\$39,730.00	\$39,730.00
2 nd Year	\$50,725.00	\$50,725.00	\$50,725.00	\$50,725.00	\$50,725.00
3 rd Year	\$61,721.00	\$61,721.00	\$61,721.00	\$61,721.00	\$61,721.00
4 th Year	\$70,073.00	\$70,073.00	\$70,073.00	\$70,073.00	\$70,073.00
5 th Year	\$78,426.00	\$78,426.00	\$78,426.00	\$78,426.00	\$78,426.00
6 th Year	\$86,779.00	\$86,779.00	\$86,779.00	\$86,779.00	\$86,779.00
7 th Year	\$95,133.00	\$95,133.00	\$95,133.00	\$95,133.00	\$95,133.00
8 th Year	\$103,445.00	\$103,445.00	\$103,445.00	\$103,445.00	\$103,445.00
9 th Year and Thereafter	\$126,511.00	\$129,674.00	\$132,916.00	\$136,239.00	\$139,645.00
Sergeant	\$135,653.00	\$139,045.00	\$142,522.00	\$146,086.00	\$149,739.00
Lieutenant	\$139,806.00	\$143,302.00	\$146,885.00	\$150,558.00	\$154,322.00
Captain	\$144,271.00	\$147,878.00	\$151,575.00	\$155,365.00	\$159,250.00

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Siciliano, Dhamija, Lau

ABSENT: Davis

PUBLIC COMMENTS: None.

RESOLUTION NO. 013:07'2023 - 2023 Budget Amendment – Sheets 41 & 42 (2nd Reading - Adoption)

MOTION: Councilman Rosenberg

SECONDED: Councilman Poosikian

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth in the County of Bergen and State of New Jersey, to adopt the 2023 Budget Amendment Sheets 41 and 42:

SECTION 2 - UPON ADOPTION FOR YEAR 2023: Sheet 41

Be it Resolved by the Council Members of the Borough of Haworth, County of Bergen that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$6,606,083.00 (Item 2 below) for municipal purposes, and
- (b) \$_____ (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$_____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$_____ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$_____ (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ 343,526.00 (Item 5 below) Minimum Library Tax

SUMMARY OF REVENUES

1. General Reviews		
Surplus Anticipated	08-100	\$700,000.00
Miscellaneous Revenues Anticipated	13-099	\$1,633,595.00
Receipts from Delinquent Taxes	15-499	\$145,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSED (Item 6(a), Sheet 11)	07-190	\$6,606,083.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:		
Item 6, Sheet 42	07-195	
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY		
4. To be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:		
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX	07-192	\$343,526.00
Total Revenues	13-299	\$9,428,204.00

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:

Within "CAPS"

(a & b) Operations Including Contingent	34-201	\$5,839,834.00
(e) Deferred Charges and Statutory Expenditures – Municipal	34-209	\$854,648.00
(g) Cash Deficit	46-885	

Excluded from "CAPS"

(a) Operations – Total Operations Excluded from "CAPS"	34-305	\$1,215,577.00
(c) Capital Improvements	44-999	\$76,603.00
(d) Municipal Debt Service	45-999	\$1,096,542.00
(e) Deferred Charges – Municipal	46-999	\$95,000.00
(f) Judgments	37-480	
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	
(g) Cash Deficit	46-885	
(k) For Local District School Purposes	29-410	
(m) Reserve for Uncollected Taxes	50-899	\$250,000.00

6. SCHOOL APPROPRIATIONS – TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)

Total Appropriations

	07-195	
	34-499	\$9,428,204.00

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Siciliano, Dhamija, Lau

ABSENT: Davis

RESOLUTION NO. 014:07'2023 - Bond Anticipation Note – Qualified Tax-Exempt Obligation

MOTION: Councilman Rosenberg

SECONDED: Councilman Poosikian

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth in the County of Bergen and State of New Jersey, to approve the following resolution for the Bond Anticipation Note titled:

"RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF HAWORTH, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF HAWORTH AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$2,911,000 BOND ANTICIPATION NOTE, DATED JULY 14, 2023 AND PAYABLE JULY 12, 2024, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED."

WHEREAS, the Borough of Haworth, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$2,911,000 Bond Anticipation Note, dated July 14, 2023 and payable July 12, 2024 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

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

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes, or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer, and the other officials of the Borough are hereby authorized and directed to take such action, make such representations, and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2023.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2023.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2023 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Siciliano, Dhamija, Lau

ABSENT: Davis

MAYOR'S REPORT: Road paving was under way and on schedule. DPW did not have to do extra work for this job.

NEW BUSINESS:

RESOLUTION NO. 015:07'2023 - Appointment of Carolyn Lee as Deputy Clerk

MOTION: Councilwoman Dhamija

SECONDED: Councilwoman Siciliano

At this meeting of the Haworth Mayor and Council held on July 11, 2023, to approve Carolyn Lee as Deputy Clerk;

WHEREAS, there exist within the Borough of Haworth a vacancy in the position of Deputy Borough Clerk;

WHEREAS, the Governing Body has undertaken a comprehensive search and has interviewed candidates for this position.

WHEREAS, The Appointee shall be compensated at an annual salary of \$57,500.00 per year.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Haworth to appoint Carolyn Lee to the position of Deputy Clerk effective July 13, 2023, upon terms and conditions customary to the position and to be memorialized in the aforesaid Memorandum of Employment.

BE IT FURTHER RESOLVED If required, a copy of the resolution pertaining to the Appointee's position as Deputy Borough Clerk shall be forwarded to the Director of the Division of Local Government Services in the Department of Community Affairs.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Siciliano, Dhamija, Lau

ABSENT: Davis

RESOLUTION NO. 016:07'2023 - Appointment of Alan Silverman as Temporary Construction Code Official

MOTION: Councilwoman Siciliano

SECONDED: Councilman Rosenberg

At this meeting of the Haworth Mayor and Council held on July 11, 2023, to approve Alan Silverman as Temporary Construction Code Official;

WHEREAS, there is a vacancy in the position of Construction Code Official in the Borough of Haworth; and

WHEREAS, Alan Silverman ("the Appointee") is a duly licensed Construction Code Official.

NOW THEREFORE BE IT RESOLVED the Appointee be and is hereby appointed as Acting Construction Code Official for a period of thirty (30) days from the date of this resolution; and

BE IT FURTHER RESOLVED that the Appointee is authorized to sign the following:

1. Certificates of Occupancy if building inspections and all subcodes final inspections were completed.
2. Certificates of Approval for any permits that completed all final inspections.
3. Permits that have been reviewed/signed off by all subcodes related to the permit.
4. Certificates of Continued Occupancy if the building inspection passed (this relates to Building Certificates of Occupancy inspections).

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Siciliano, Dhamija, Lau

ABSENT: Davis

RESOLUTION NO. 017:07'2023 - Accept Catalis Contract

MOTION: Councilwoman Siciliano

SECONDED: Councilman Poosikian

At this meeting of the Haworth Mayor and Council held on July 11, 2023, to accept the contract with Catalis;

WHEREAS, the Borough entered into an agreement with GovOfficeWeb Solutions in 2019 to provide a website platform;

WHEREAS, the three-year agreement expired in December 2022;

WHEREAS, GovOffice was acquired by Catalis and negotiations continued with Catalis with regards to our renewal option;

WHEREAS, it is recommended by the Mayor and Council that the quotation received from Catalis for the Website Package is the most responsible.

NOW THEREFORE BE IT RESOLVED, that a contract be awarded to Catalis (United States) 3025 Windward Plaza, Suite 200, Alpharetta, GA 30005, in the amount of \$3,995.00 for the first year; 6% per year over the life of a 4-year term. The 60 days refers to a material breach.

BE IT FURTHER RESOLVED that to cancel or terminate the contract, the Boroughs shall be required to provide 180 days' notice as detailed therein.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Siciliano, Dhamija, Lau

ABSENT: Davis

RESOLUTION NO. 018:07'2023 - Firemen Association Applicant

MOTION: Councilman Poosikian

SECONDED: Councilwoman Siciliano

At this meeting of the Haworth Mayor and Council held on July 11, 2023, to accept Eric Slutsky to join the Haworth Fire Department as a volunteer Junior Fireman.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Siciliano, Dhamija, Lau

ABSENT: Davis

CONSENT AGENDA:

The following resolutions are considered routine and non-controversial, and will be voted on by one vote. If any Council Member wishes to remove any items from the consent agenda, and request an individual vote, they may do so.

RESOLUTION NO. 019:07'2023 - Cancellation of Reserve Balances – Other Trust Funds

MOTION: Councilman Rosenberg

SECONDED: Councilwoman Siciliano

At this meeting of the Haworth Mayor and Council held on July 11, 2023, to cancel reserve balances from other Trust Funds;

WHEREAS, there exists a reserve balance on the Other Trust Funds balance sheet of the Borough of Haworth;

WHEREAS, the funds creating the reserve balance have been investigated, and it has been determined that the reserve balance should be cancelled; and

WHEREAS, it is necessary to formally cancel said balance so that the unexpended reserve balance may be credited to the Current Fund surplus;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth, that the following reserve balance may be cancelled:

Other Trust Funds

Reserve for Employee Scholarships

\$2,494.48

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Siciliano, Dhamija, Lau

ABSENT: Davis

RESOLUTION NO. 020:07'2023 - Approval of Minutes – Regular Meeting of June 27, 2023

MOTION: Councilman Rosenberg

SECONDED: Councilwoman Siciliano

At this meeting of the Haworth Mayor and Council held on July 11, 2023, to approve the Regular Meeting Minutes of June 27, 2023.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Siciliano, Dhamija, Lau

ABSENT: Davis

These meeting minutes have been approved by the Haworth Mayor and Council on July 25, 2023.

RESOLUTION NO. 021:07'2023 Approval of Minutes – Closed Session Meeting of June 27, 2023

MOTION: Councilman Rosenberg

SECONDED: Councilwoman Siciliano

At this meeting of the Haworth Mayor and Council held on July 11, 2023, to approve the Closed Session Minutes of June 27, 2023.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Siciliano, Dhamija, Lau

ABSENT: Davis

RESOLUTION NO. 022:07'2023 Approval of Bills and Claims

MOTION: Councilman Rosenberg

SECONDED: Councilwoman Siciliano

At this meeting of the Haworth Mayor and Council held on July 11, 2023, to approve the bills and claims of which are appended.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Siciliano, Dhamija, Lau

ABSENT: Davis

OPEN FOR PUBLIC COMMENTS:

- Mr. Nubar Nakashian was selected as a New Jersey Fifth District Hometown Hero for his outstanding contributions to our District and will be honored at a ceremony on July 25, 2023 at 11:00 AM by U.S. Congressman Josh Gottheimer
- Member of the public thanked the Mayor and Council for a job well done regarding the side walk installation on Lake Shore Drive.
- Mr. Alfred Martinez inquired about reporting trees for removal. Councilwoman Siciliano responded that residents can report any concerns they have to the Shade Tree Commission and at the Borough Clerk's office.

Public comments closed.

CLOSED SESSION

The Mayor and Council convened in Closed Session at 7:52 P.M. and reconvened in public session at 8:15 P.M.

RESOLUTION NO. 023:07'2023 - Approval of Closed Session Meeting – June 27, 2023

MOTION: Councilman Rosenberg

SECONDED: Councilman Poosikian

At this meeting of the Haworth Mayor and Council held on July 11, 2023;

WHEREAS, the Mayor and Council of the Borough of Haworth is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4 – 6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4 – 12, provides that a Closed Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Mayor and Council for the Borough of Haworth to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4 – 12b subsection designated below:

(b)(7) Matters Relating to Litigation, Negotiations, and the Attorney-Client Privilege: Employment, Software/Networks

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth, assembled in

public session on Tuesday, June 27, 2023, that a Closed Session closed to the public shall be held for the discussion of matters relating to the specific items designated above; and

BE IT FURTHER RESOLVED, that the deliberations conducted in Closed Session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Siciliano, Dhamija, Lau

ABSENT: Davis

OPEN FOR PUBLIC COMMENTS:

ADJOURNMENT

MOTION: Councilwoman Davis

SECONDED: Councilman Poosikian

And approved by all present to adjourn the meeting of the Mayor and Council of the Borough of Haworth at 8:18 P.M.

Respectfully Submitted,

Jo Anna Myung – RMC, CMR, EMT
Municipal Clerk/Borough Administrator