

145. Regular Meeting of the Mayor and Council  
of the Borough of Haworth held on July 23,  
2019 at the Municipal Center

Present: Glenn Poosikian  
Andrew Rosenberg  
Michael Bain  
Jacqueline Guenego  
Dina Siciliano

Borough Attorney: Robert T. Regan

In the absence of Mayor Ference, Council President Poosikian 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. Wasser. Mr. Poosikian then read the following notice: “This is the Regular 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

Mr. Poosikian led those present in the pledge of allegiance.

Ordinance No. 19-09-Amendment to Land Use Ordinance – 2<sup>nd</sup> Reading, Public Hearing

A motion was offered by Mr. Bain, seconded by Ms. Siciliano and unanimously carried that Ordinance No. 19-09 be offered for second reading.

Ordinance No. 19-09 which is as follows was then read by title only as copies had been provided for those present.

146. Regular Meeting of July 23, 2019

Ordinance No. 19-09-Amendment to Land Use Ordinance – 2<sup>nd</sup> Reading, Public Hearing – cont'd.

Ordinance No. 19-09-Amendment to Land Use Ordinance – 2<sup>nd</sup> Reading, Public Hearing – cont’d.

The meeting was opened to the public on Ordinance No. 19-09.

Mr. S. Chval, Woodland Pl., questioned the “bulk area” - 5 acres in the ordinance.

Mr. Regan explained the entire tract is 5 acres.

As there were no other comments the meeting was closed to the public on this ordinance.

Mr. Regan explained this ordinance has been referred to the Planning Board with 35 days for their response.

Mr. Rosenberg said the Board met last week and unanimously approved a resolution to approve the ordinance however Mr. Regan said a written confirmation from the Board is needed.

Discussion included postponing the vote on this ordinance until the August meeting or waiting this evening for a response from the Planning Board.

COMMITTEE REPORTS

Report of Councilman Bain

Recreation

Mr. Bain reported the Summer Camp is in full swing with 44 signed up the first week, 50 the second week and 53 in the third week. He also noted the Mid-Summer Night Jam is scheduled for August 17<sup>th</sup>.

Finance

Mr. Bain reported a conference call was held last week with Standard and Poor regarding the Borough’s bond rating and received a AA rating for bond issues, explained the call which indicated the Borough is in a good financial situation.

Mr. Bain further reported the 2018 Audit Report has been received with only two recommendations.

Report of Councilwoman Guenego

Parks and Playgrounds

Ms. Guenego reported this Committee will be meeting this coming Thursday.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Guenego – cont'd.

Board of Health

Ms. Guenego note the Board did not meet in July.

Downtown Project

Ms. Guenego gave the following update on this project:

It was thought the contractor would give a week's notice before starting, however started yesterday and a notice regarding this work has been placed on the Borough's web-site and delivered to the businesses.

Mr. Poosikian commented the contractor will be working on only one side of Terrace Street at a time.

Ms. Guenego then referred to the timing for the completion of the project which she said should be finished in time for several events in September.

Report of Councilman Rosenberg

Zoning Board of Adjustment

Mr. Rosenberg noted the Board did not meet in July but will be meeting in August.

Police Department

Mr. Rosenberg reported the following:

The Police Chief attended the NJ Chief's Training Conference in Atlantic City with seminars on leadership, understanding human factors in lethal force encounters and an overview of new technologies available to police agencies.

The Department and the Haworth School participated in the 2019 NJ State Police Torch Run benefitting the Special Olympics with Officer McKeary and six students running with the torch through town and past the school.

Sgt. Ragone and Officer Stoltes received the 2018 Distinguished Service Award from the NJ Chapter of Mothers Against Drunk Driving which is awarded to police officers for outstanding service for DWI/DUI enforcement.

COMMITTEE REPORTS – cont'd.

Report of Councilman Rosenberg – cont'd.

Police Department – cont'd.

Sgt. Ragone was reassigned to work with the County Prosecutors Narcotics Task Force in observing people making drug deals on the streets of Paterson and once they traveled back into Bergen County a motor vehicle stop and an arrest is made.

An arrest was made involving a subject operating a bicycle in an erratic manner which resulted in several summonses issued for possession of drugs, etc.

146 summonses were issued last month.

Planning Board

Mr. Rosenberg reported the Board met and reviewed the revised Land Use Ordinance which they approved, heard an application from Suez to build a warehouse on their site and he explained the function of this facility.

Report of Councilwoman Siciliano

Library

Ms. Siciliano explained a power outage last Friday at which time the building was evacuated and discussed a policy if such an outage should occur. She noted the summer programs at the library are going well with many programs every month.

Swim Club

Ms. Siciliano reported there are over 200 members and the Club hosted non-members during last week's severe heat who paid guest fees. She reported no power earlier last week when a downed tree took down power lines.

Web-Site

A re-design is being worked on for the Borough's web-site Ms. Siciliano reported.

Haworth School

Ms. Siciliano reported plans are underway for the upcoming start of school.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Wasser

In the absence of Mrs. Wasser Ms. Siciliano gave the following reports:

Tennis Committee

Pest control has been undertaken, there has been a reorganization of the Committee, the new instructor has been very successful, the DPW helpful in re-locating a storage shed, the tournaments have been very successful, the courts are in good shape, 91 permits have been issued and former Mayor DeRienzo was thanked for his efforts in obtaining a grant for improvement of the courts.

Environmental Commission

Three “no idling” signs were placed downtown near Allesandro’s, Minit Mart and Post Office.

Report of Councilman Poosikian

Department of Public Works

Mr. Poosikian reported the Department has been cutting grass, maintaining the ballfields, patching potholes, cleaning the DPW complex, moving a shed for the Tennis Committee and repairing the railings at the tennis courts. He further reported the Department is down four employees and interviews were held for seasonal employees and two have accepted this position.

Fire Department

Mr. Poosikian reported the following: one meeting was held, 2 work nights, car fire drill, 6 activated fire alarms, motor vehicle through a garage and Suez is repainting fire hydrants throughout the town.

Report of Borough Attorney

Mr. Regan referred to the requirement to hire an administrative agent in connection with Affordable Housing, he has contacted a potential candidate and will have a proposal for the next meeting.

UNFINISHED BUSINESS

Reserved Parking at Municipal Center

Mr. Rosenberg reported he has been discussing this matter with his committee and will have a report for the next meeting. Reference was made to a parcel of borough property to the rear of the Minit Mart which is being used for parking of their vehicles, they have said they paid for the paving of that parking lot and maintain it. A recommendation from the Committee will be heard at the August 13th meeting.

August 27 Regular Meeting

Discussion was held pertaining to cancelling this meeting and it was concluded if all necessary items were concluded at the executive meeting the meeting could be cancelled.

Appointment of Building Inspector

Mr. Poosikian explained that Mr. Tessaro has resigned to take a full time job and the committee has met with two potential candidates selected one and the salary is within the approved range.

The following resolution was offered by Ms. Siciliano and seconded by Mr. Rosenberg:

**BE IT RESOLVED** by the Mayor and Council that Kevin Burnette is hereby appointed Construction Official and Building Sub-Code Official for a four year term to July 23, 2023 and Building Inspector and Zoning Official for a one year term to July 23, 2020 for the Borough of Haworth effective July 23, 2019 at an annual salary of \$25,000.00.

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

CONSENT AGENDA

A motion to approve the following was offered by Ms. Guenego and seconded by Mr. Bain with Ms. Guenego noting she was not present for the June 11<sup>th</sup> meeting in connection with the approval of those minutes.

Approval of Raffle License – Care One

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Haworth that the Off-Premise 50/50 Raffle Application #RA-474 of the Care Plus Foundation to be held at White Beeches Golf and Country Club, 70 Haworth Drive, Haworth on September 16, 2019 be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to.

CONSENT AGENDA – cont'd.

Designation of Bond Anticipation Note as Qualified Tax-Exempt Obligation

WHEREAS, the Borough of Haworth, in the County of Bergen, New Jersey (the "Borough"), desires to designate a \$264,000 Bond Anticipation Note, dated July 15, 2019 and payable July 15, 2020 (the "Note"), as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (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 Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) the 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 2019.

SECTION 3. It is further determined and stated that the Borough has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2019, viz:

| <u>Amount</u>   | <u>Dated – Due</u> |
|-----------------|--------------------|
| \$1,810,000 BAN | 2/22/19 - 8/8/19   |

SECTION 4. 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, the Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. 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 2019 dated as of the date of delivery of the Note.

SECTION 6. This resolution shall take effect immediately upon its adoption.

CONSENT AGENDA – cont’d.

Approval of Repair Service for Vehicle 169

BE IT RESOLVED the Mayor and Council hereby authorize repair service for reported defects to be performed on Fire Vehicle L169 by Fire & Safety Services, 200 Ryan Street, South Plainfield, NJ 07080 in the amount of \$2,950.00. Account Number 9-01-25-100-314.

Approval Preventative Maintenance Vehicle 169

BE IT RESOLVED, the Mayor and Council hereby authorize preventative maintenance service be performed on Fire Vehicle L169 for chassis, pump, aerial and generator by Fire & Safety Services, 200 Ryan Street, South Plainfield, NJ 07080 in the amount of \$4,750.00. Account Number 9-01-25-100-314.

Approval Repair Service for Hoses at Fire House

BE IT RESOLVED, the Mayor and Council hereby authorize repair service to be performed on 11,240 feet of fire hose for testing purposes in the amount of \$2,585.20 by Fail Safe Testing, 300 Craig Road, Suite 209, Manalapan, NJ 07726. Account No. 9-01-25-100-395.

Approval Purchase Emergency Lighting – Chief’s Vehicle

BE IT RESOLVED, the Mayor and Council hereby authorize the purchase of Emergency Lighting and Installation for Police Chief’s vehicle to be performed by 10-75 Emergency Vehicles, 2065 Harlem Road, Cheektowaga, NY 14212 in the amount of \$5,913.48 as outlined in their proposal dated July 9, 2019. New Jersey State Contract No. A81334 & A81347.

Approval Purchase 2019 Chevrolet Tahoe

**WHEREAS**, pursuant to N.J.S.A. 40a:11-12A AND N.J.A.C. 5:34-7.29( c ), the Borough may, by resolution and without advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the Borough of Haworth has a need to purchase, on a timely basis, goods or services utilizing State contracts during 2018; and

**WHEREAS**, the procurement of goods and services through a cooperative purchasing program is considered to be an open and fair process under the New Jersey Pay-To-Play Law N.J.S.A. 19:44A-20.4 et seq.; and

CONSENT AGENDA – cont’d.

Approval Purchase 2019 Chevrolet Tahoe – cont’d.

**WHEREAS**, the Borough of Haworth plans to utilize the State Contract Vendors listed on the attachment, such transaction shall be subject to all conditions applicable to the current State contracts; now, therefore,

**BE IT RESOLVED**, by the Council of the Borough of Haworth, in the County of Bergen, that the Borough is hereby authorized to purchase goods or services in 2018 from the approved New Jersey State Contract Vendors on the following list, pursuant to all conditions of the individual State contracts:

| <u>Commodity / Service</u> | <u>State Contract Vendors<br/>Vendor Name</u>                                 | <u>State Contract #</u> |
|----------------------------|---|-------------------------|
| 2019 CHEVROLET TAHOE       | MALL CHEVROLET<br>\$37,525.00<br>75 HADDONFIELD ROAD<br>CHERRY HILL, NJ 08002 | ESCNJ 17/18-44          |

Approve Purchase 2020 Police Interceptor

**WHEREAS**, pursuant to N.J.S.A. 40a:11-12A AND N.J.A.C. 5:34-7.29( c ), the Borough may, by resolution and without advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the Borough of Haworth has a need to purchase, on a timely basis, goods or services utilizing State contracts during 2018; and

**WHEREAS**, the procurement of goods and services through a cooperative purchasing program is considered to be an open and fair process under the New Jersey Pay-To-Play Law N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, the Borough of Haworth plans to utilize the State Contract Vendors listed on the attachment, such transaction shall be subject to all conditions applicable to the current State contracts; now, therefore,

**BE IT RESOLVED**, by the Council of the Borough of Haworth, in the County of Bergen, that the Borough is hereby authorized to purchase goods or services in 2018 from the approved New Jersey State Contract Vendors on the following list, pursuant to all conditions of the individual State contracts:

CONSENT AGENDA – cont’d.

Approve Purchase 2020 Police Interceptor – cont’d.

| <u>Commodity / Service</u> | <u>State Contract Vendors<br/>Vendor Name</u>                          | <u>State Contract #</u> |
|----------------------------|--|-------------------------|
| 2020 POLICE INTERCEPTOR    | WINNER FORD<br>\$32,037.00<br>250 BERLIN ROAD<br>CHERRY HILL, NJ 08034 | 88728                   |

Approval of Minutes

Regular Meeting of May 28, 2019  
Closed Meeting of May 28, 2019  
Executive Meeting of June 11, 2019  
Closed Meeting of June 11, 2019

Payment of Bills

FOR COPY OF RESOLUTION AND BILL LIST  
SEE PERMANENT MINUTES  
PAGES 159A – 159D

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

Ordinance No. 19-11 – Prohibiting Plastic Bags, etc.

Mr. Poosikian in referring to this ordinance said he thought this would be a process that would be slowly phased in.

Ms. Siciliano responded this is now a revised ordinance which is more detailed.

Mr. Regan suggested using discretion regarding enforcement.

A motion was offered by Ms. Siciliano, seconded by Ms. Guenego and unanimously carried that Ordinance No. 19-11 be offered for first reading.

Ordinance No. 19-11 was then read by title only as follows:

Ordinance No. 19-11 – Prohibiting Plastic Bags, etc. – cont’d.

AN ORDINANCE TO AMEND CHAPTER III OF THE CODE OF THE BOROUGH  
OF HAWORTH ENTITLED, “POLICE REGULATIONS”

A motion was offered by Mr. Rosenberg and seconded by Ms. Guenego that Ordinance No. 19-11 be passed on first reading.

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

A motion was offered by Ms. Guenego, seconded by Mr. Bain and unanimously carried that Ordinance No. 19-11 be advertised as required by law and a date set for public hearing August 13, 2019 at 7:30 PM at the Municipal Center.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Mr. Chval noted that past audits are not posted on the website and was told they would be.

Ms. B. Colonna, West View Terrace asked if there is a final tax rate and Mr. Bain replied not yet.

Ms. Colonna then referred to a residence in her neighborhood that is up for sale and mold infested and asked how the structure could be demolished without the spread of the mold.

Mr. Regan responded there are regulations governing demolitions and it is code driven.

Mr. Chval then asked the cost of an administrative agent to which Mr. Regan responded it is minimal with most being paid by the developer.

Mr. Chval referred to the library and BCCLS issue.

Ms. Siciliano explained that changes have been made in how BCCLS charges libraries for delivery with all libraries being charged the same no matter what their sizes and budgets, smaller libraries have opposed this, referred to a vote taken in June and a dispute regarding discrepancies in a grant from the Freeholders which resulted in Haworth getting \$2,000.00 less.

Ms. Colonna referred to Ord. 19-11 introduced this evening and asked why these materials have to be banned.

Open Meeting to Public – cont'd.

Mr. Poosikian responded there are some exceptions and this ordinance is more defined than the one presently on the books.

Mr. R. Sconfienza, 300 St. Nicholas Avenue said he buys recycled paper bags for his store, rarely uses plastic bags but there are times when they are appropriate and a discussion was held regarding plastic bags with handles for handicapped use.

Mr. Sconfienza then referred to trees which are planned to be planted in front of his store in connection with the downtown project, said prior trees there have died, been replaced and they too died. He referred to the planned grates around the trees which are dangerous and the trees will not survive with salt melter on the roads in the winter. He said he preferred these trees be eliminated in front of his property and the issue be re-considered as this could be a liability.

Mr. Poosikian responded the Downtown Committee visited many towns and most all have these grates with trees. He said Mr. Sconfienza's concerns will be taken under advisement.

Ms. B. Borghi, St. Nicholas Avenue, referred to the current parking in front of the Borough Hall which is used by the pharmacy staff all day long, this should be looked at and suggested 1 hour parking in this area. She further referred to police parking their cars on Stevens Place.

Mr. Rosenberg responded these parking issues are being discussed and on the west side of Stevens Place the police parking signs are now gone and released to the general public.

Ms. Borghi then referred to a flag pole on Terrace Street for which a replacement is no longer being donated. Ms. Guenego responded the flag pole is now budgeted.

Dr. M. Kahn, Paulson Place asked how he could comment on the ordinance introduced this evening regarding plastics, etc. Mr. Poosikian responded he could e-mail his comments.

Dr. Kahn then asked if his solar report has been distributed and asked if the library is interested in solar panels. Ms. Siciliano responded the report was submitted and they are looking to see if it is economically feasible.

Dr. Kahn responded that it costs nothing, paid by incentives, a lower rate is paid and explained the federal tax credit.

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

Ordinance No. 19-11

Suggested changes were discussed particularly regarding permissible use by handicapped individuals of plastic bags and straws.

A motion was offered by Ms. Guenego, seconded by Mr. Rosenberg and unanimously carried to amend Paragraph C in connection with handicapped use.

Library Resolution

Ms. Siciliano read a resolution she has prepared and a motion was offered by Ms. Siciliano, seconded by Ms. Guenego and unanimously carried to approve the resolution:

WHEREAS, the Haworth Municipal Library (heretofore referred to as the Library) is a current and upstanding library member of the Bergen County Cooperative Library System (heretofore referred to as BCCLS);

WHEREAS, the Library is one of the smallest libraries in the BCCLS system with regard to budget and size of municipality;

WHEREAS, regardless of size and budget, the Library has been required to carry the same burden of delivery costs as libraries with budgets over \$1million;

WHEREAS, the budget burden of delivery costs has adversely effected the ability to staff the library to desired capacity and taken funds from desired programs and collection items;

WHEREAS, based on their Net-Lending status, the Haworth was set to receive a set amount of the Bergen County Freeholder grant;

WHEREAS, without notice, the formula to distribute said monies was amended and a vote at the June 27 System Council Meeting was taken to permit equal distribution of funds, diminishing the amount to Haworth by almost \$2000;

WHEREAS, not all participating voting libraries were Bergen County libraries though they are a part of the BCCLS system;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth, to dispute the outcome of said System Council vote and request that freeholders of Bergen County address this discrepancy and provide a detailed outline of the conditions of the grant, despite a published statement from the Freeholders contending that BCCLS need not consult with the Freeholders as to the best management of the grant.

Ordinance No. 19-09

Mr. Rosenberg explained he has received this evening from Mr. Troy, Planning Board Chairman confirmation that the Board approved this ordinance.

A motion was offered by Mr. Rosenberg and seconded by Ms. Guenego that Ordinance No. 19-09 be approved on second and final reading.

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

A motion was offered by Mr. Rosenberg, seconded by Ms. Guenego and unanimously carried that the passage of Ordinance No. 19-09 be advertised as required by law.

Adjournment

As there was no further business to come before the Council the meeting adjourned at 9:15 PM on motion duly offered, seconded and carried.

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Ann E. Fay, RMC, CMC  
Clerk-Administrator

159A. Regular Meeting of July 23, 2019





