

**THE BOROUGH OF HAWORTH
300 Haworth Avenue
Haworth, New Jersey 07641**

**REGULAR MEETING OF THE MAYOR AND COUNCIL
MINUTES: TUESDAY, FEBRUARY 13, 2024 AT 7:30 P.M.**

CALL TO ORDER / SALUTE TO FLAG / PUBLIC ANNOUNCEMENT

Mayor Wasser called the meeting was called to order at 7:35 pm. Mr. Regan read the public announcement.

In accordance with the provisions of the Open Public Meeting Law, adequate notice has been providing by mailing the notice to The Record, posting a notice on the bulleting 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.

ROLL CALL OF THE MAYOR AND COUNCIL

Hon. Heather Wasser, Mayor – Present	Alanna Davis – Present
Andrew Rosenberg – Present	Michele Dilorgi - Absent
Glenn Poosikian – Present	Michael Rodino - Present
Dina Siciliano - Present	
Staff Present – Borough Attorney, Robert T. Regan	Deputy Municipal Clerk, Carolyn Lee

COMMUNICATIONS

Mayor Wasser thanked the DPW and the Police Department for keeping the roads clear and safe during the snow storm.

OLD BUSINESS

1. ORDINANCE #001-24: (ADOPTION) AN ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF THE BOROUGH OF HAWORTH ENTITLED, “PARKS, PLAYGROUNDS, AND RECREATIONAL AREAS”.

The ordinance was reviewed.

MOTION by: Councilman Rodino

SECONDED: Councilman Poosikian

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

Section 1.

Chapter 9 of the Code of the Borough of Haworth, Parks, Playgrounds and Recreational Areas, be and is hereby amended to add the following new Section and Subsection thereto:

§ 9-10 FEES FOR USE OF FIELDS, PARKS AND PUBLIC AREAS.

§ 9-10.1 The following permit fees shall apply:

a. Application Fee: \$50 (one time annual)

b. Facility Use Fee: \$100 per hour

c. Soccer, baseball, softball games use fee: \$175 per game (game time consisting of 2-hour 15-minute block)

d. Haworth recreation teams: The fee for Haworth recreation teams may be waived at the sole discretion of the Haworth Recreation Commission

e. Bathroom Facilities Fee: \$50

f. Playground/BBQ at Memorial Field: \$50 out of town/\$25 resident

g. Fee for block party (closure of municipal street): \$25

h. The Recreation Commission shall have the discretion to waive fees to an organization that has provided services to recreation programs of the Borough

Section 2. Inconsistent Ordinances Repealed.

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All ordinances or parts which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 3. Severability.

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

Section 4. Effective Date.

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

Vote: Ayes: Davis, Siciliano, Poosikian, Rosenberg & Rodino
Absent: Dilorgi MOTION APPROVED

Advertise as required by law and set a date for public hearing for the next meeting.

MOTION: Rosenberg SECONDED: Poosikian
Unanimously carried.

2. ORDINANCE #002-24: (ADOPTION) AN ORDINANCE TO AMEND CHAPTER 4 OF THE CODE OF THE BOROUGH OF HAWORTH ENTITLED, "LICENSING AND BUSINESS REGULATIONS"

The ordinance was reviewed.

MOTION by: Councilman Poosikian SECONDED: Councilman Rosenberg

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

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

Section 1.

Chapter 4 of the Code of the Borough of Haworth, Licensing and Business Regulations, Article III, Towing, Section 4-29, Towing and Storage Service Licenses, Subsection 4-29.3, Terms and Conditions, be and is hereby amended to add the following paragraph:

§ 4-29.3 Terms and Conditions.

c. Fees For Towing and Storage Service Providers.

The fee for a permit to engage in the business of towing shall be \$25.00 per year. The fee for operating a facility for the storage of vehicles shall be \$50.00 per year.

Section 2. Inconsistent Ordinances Repealed.

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

Section 3. Severability.

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

Section 4. Effective Date.

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

Vote: Ayes: Davis, Siciliano, Poosikian, Rosenberg & Rodino
Absent: Dilorgi MOTION APPROVED

Advertise as required by law and set a date for public hearing for the next meeting.

MOTION: Poosikian SECONDED: Rosenberg

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Unanimously carried.

3. ORDINANCE #003-24: (ADOPTION) AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF THE BOROUGH OF HAWORTH TO ESTABLISH A REQUIREMENT FOR ESCROW DEPOSITS IN CONNECTION WITH APPLICATIONS FOR DEVELOPMENT

The ordinance was reviewed and described as codifying the land use application fees and escrows. The meeting was opened to the public for questions. There were no questions from the public.

MOTION by: Councilwoman Siciliano SECONDED: Councilman Poosikian

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

WHEREAS, the Municipal Law Use Law permits a municipality to charge application fees and to require deposits in escrow to reimburse Borough professionals for services rendered in connection with applications for development.

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

Section 1.

Chapter 26 of the Code of the Brough of Haworth, Land Use Regulations, is amended to add a new Article entitled Article 26-1200, Application Fees, and the following Sections thereunder:

§ 26-1200 Application Fees For Land Development Applications.

§ 26-1200.1 Application Fees For Subdivisions.

a. Minor subdivision: \$1,000 plus \$300 per lot.

b. Major subdivision without site plan approval, variance approval, or conditional use approval:

(1) Preliminary approval: \$1,500 plus \$300 per lot.

(2) Final approval: \$1,000 plus \$300 per lot.

(3) Combined preliminary and final approval: \$2,500 plus \$300 per lot.

c. Site plan review:

(1) Application for preliminary approval only: \$3,000.

(2) Amended application for preliminary approval only: \$500.

(3) Application for final site plan approval: \$1,000.

(4) Application for amended final site plan approval: \$500.

(5) Application for combined preliminary and final site plan approval: \$4,000.

(6) Amended application for combined preliminary and final site plan approval: \$750.

(7) Application for minor site plan approval: \$500.

d. Conditional use application (meeting all conditions of conditional use Ordinance):

(1) Conditional use application without subdivision or site plan application: \$500.

(2) Conditional use application with ancillary subdivision or site plan application: \$500 together with filing fees for subdivision and/or site plan application as provided herein.

e. Conditional use application (applicant does not satisfy all conditions of conditional use Ordinance):

(1) Conditional use application without subdivision or site plan application: \$500 together with application fees for conditional use variance as provided herein.

(2) Conditional use application with ancillary subdivision or site plan application: \$750 together with filing fees for deviation from a conditional use variance as provided herein.

f. Variances pursuant to N.J.S.A. 40:55D-70d without site plan or subdivision application:

(1) Use variance: \$1,000.

(2) Expansion of a nonconforming use: \$750.

(3) Floor area ratio variance: \$750.

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- (4) Density variance: \$1,000.
- (5) Conditional use variance: \$750.
- (6) Height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the District for a principal structure: \$750.
- g. Variances pursuant to N.J.S.A. 40:55D-70c, known as bulk variances: \$300 for each variance.
- h. Any other application not specified: \$300 for each application.

Section 2.

Chapter 26 of the Code of the Borough of Haworth, Land Use Regulations, is amended to add a new Article entitled Article 26-1300, Escrow Deposits, pursuant to N.J.S.A. 40:55D-53.2 and the following Sections thereunder:

§ 26-1301 Escrow Fees For Reimbursement of Borough Professionals In Connection With Land Development Applications.

§ 26-1301.1 Professional Fees Established By Ordinance.

a. Escrow deposits for professional fees; procedure. In addition to the application fees set forth in §26-1201, the Planning Board or Board of Adjustment shall require escrow deposits in accordance with the provisions of the fee and deposit schedule set forth in §26-1301.2 hereof. The Chief Financial Officer of the Borough shall make all the payments to professionals for services rendered to the Borough or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of N.J.S.A. 40:55D-1, et seq. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and for review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Borough. The only cost that shall be added to any such charges shall be actual out-of-pocket expenses of such professionals or consultants including normal and typical expenses incurred in processing applications and inspecting improvements. No applicant shall be charged for any Borough clerical or administrative functions, overhead expenses, meeting room charges or any Borough costs and expenses except as provided for specifically by statute, nor shall a Borough professional add any such charge to his or her bill. The applicant's responsibility as to these charges shall be a continuing one from the initial filing of the application through and including decision and determination and any post-determination services as may be reasonably required. Said applicant's responsibility shall apply whether or not any such decision or determination is favorable or unfavorable to the applicant.

b. Scope of reimbursed services. The Borough shall be entitled to be reimbursed for the review of applications, both as to completeness and as to content; for the review and preparation of documents such as, but not limited to, drafting resolutions, developer's agreements, and necessary correspondence with applicant or applicant's professionals. Said services shall include but not be limited to legal, planning and engineering services and the services of outside consultants when an application is of a nature beyond the scope of the expertise of those professionals normally utilized by the Borough.

c. Deposit of escrow funds; refunds. Deposits received from any applicant in excess of \$5,000 shall be held by the Chief Financial Officer in a special interest-bearing deposit account, and upon receipt of bills from professionals and approval of said bills as hereinafter provided for, the Chief Financial Officer may use such funds to pay the bills submitted by such professionals or experts. The Borough shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the

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amount of interest exceeds \$100, the entire amount shall belong to the applicant and shall be refunded to him by the Borough annually or at the time the deposit is repaid or applied for the purposes for which it was deposited, as the case may be, except that the Borough may retain for administrative expenses a sum equivalent to no more than 33 1/3% of that entire amount, which shall be in lieu of all other administrative and custodial expenses. All sums not actually so expended shall be refunded to the applicant within 90 days after the final decisions by the appropriate Borough agency with respect to such application, upon certification by the Board secretary that such application has been finally decided.

d. Payments.

(1) Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional which voucher shall identify the personnel performing the service, and for each date the services were performed, the hours spent to one-quarter-hour increments, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the Chief Financial Officer of the Borough on a monthly basis in accordance with the schedule and procedures established by the Chief Financial Officer. The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer and the Deputy Borough Clerk of the Borough simultaneously to the applicant and the Borough agency for whom said services were performed.

(2) The Chief Financial Officer shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis, if monthly charges exceed \$1,000.

e. Applicant's continuing obligation to pay fees and escrow deposits.

(1) No developmental application of any type shall be deemed complete unless and until the required application fee is paid and the initial escrow deposit required hereunder has been deposited with the Borough.

(2) If at any time during the processing, review or hearing on a developmental application, the initial deposit has been expended or fallen below \$500 or the escrow account or deposit with respect to any such application contains insufficient funds to enable the Borough or any of its approving authorities or agencies to perform required application review or improvement inspections, the Chief Financial Officer of the Borough shall provide the applicant with a notice of the insufficient escrow or deposit balance, with a copy of said notice to the Board or agency having jurisdiction over the application.

(3) In order for the review or hearing on the application or the work on the development to continue, within seven days of receipt of the notice referred to in Subsection e(2) hereof, the applicant shall post an additional deposit to its escrow account to be agreed upon by the Borough or its approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds. In the event such additional deposit is not posted within the time required hereunder, the developmental application may be denied without prejudice.

(4) No subdivision plat or deed or site plan shall be signed or approved, nor shall any zoning permit, building permit, certificate of occupancy or other type of permit be issued with respect to any application unless and until an applicant has deposited with the Chief Financial Officer of the Borough sufficient funds to pay the fees and other charges of all professionals rendering services to the Borough and/or its Board or agency having jurisdiction of the application in connection with same.

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f. Close out procedure. The following close out procedures shall apply to all deposits and escrow accounts established under the provisions of N.J.S.A. 40:55D-1 et seq. and shall commence after the approving authority has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved in accordance with N.J.S.A. 40:55D-53, in the case of improvement inspection escrows and deposits. The applicant shall send written notice by certified mail to the Chief Financial Officer of the Borough and the approving authority, and to the relevant Borough professional, that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer of the Borough within 30 days and shall send a copy simultaneously to the applicant. The Chief Financial Officer of the Borough shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account including interest in accordance with N.J.S.A. 40:55D-53.1 shall be refunded to the applicant along with the final accounting.

g. Scope of charges. All professional charges for review of an application for development, review and preparation of documents or inspections of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with an application for development presently pending before the approving authority or upon review of compliance with the conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any state governmental agency and not under Borough jurisdiction except to the extent consultations with a state agency is necessary due to the effect of state approvals on the subdivision or site plan.

h. Limitation of inspection fees. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work, and such inspections shall be reasonably based on the approved development plans and documents.

i. Estimate of cost of improvements. The cost of the installation of improvements for the purposes of N.J.S.A. 40:55D-53 shall be estimated by the Borough Engineer based on documented construction costs for the public improvements prevailing in the general area of the Borough. The applicant may appeal the Borough Engineer's estimate to the County Construction Board of Appeals, established pursuant to N.J.S.A. 52:27D-127.

j. Appeals.

(1) An applicant shall notify in writing the governing body with copies to the Chief Financial Officer, the approving authority and the professional whenever the applicant disputes the charges made by a professional for services rendered to the Borough in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to N.J.S.A. 40:55D-53.2. The governing body or its designee shall within a reasonable time attempt to remediate any disputed charges pursuant to N.J.S.A. 40:55D-53.2a. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals any charge to an escrow account or deposit by any Borough professional or consultant, or the cost of the installation of improvements estimated by the Borough Engineer pursuant to N.J.S.A. 40:55D-53.4. An applicant or his authorized agent shall submit the appeal in writing to the County Construction Board of Appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the Borough, the approving authority, and any

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professional whose charges are the subject of the appeal. An applicant shall file an appeal within 45 days from receipt of the informational copy of the professional's voucher required by N.J.S.A. 40:55D-53.2c, except that if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within 60 days from receipt of the Borough statement of activity against the deposit or escrow account required by N.J.S.A. 40:55D-53.2c. An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they present a pattern of excessive or inaccurate charges. An applicant making use of the provision need not appeal each charge individually.

(2) Appeals shall be taken in accordance with the rules and procedures established by the County Construction Board of Appeals.

(3) During the pendency of any appeal, the Borough or approving authority shall continue to process, hear and decide the application for development and to inspect the development in the normal course and shall not withhold, delay or deny reviews, inspections, signing or subdivision plans or site plans, the reduction or the release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy, or any other approval or permit because an appeal has been filed or is pending under this subsection. The Chief Financial Officer of the Borough may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the Chief Financial Officer of the Borough shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the Borough, the professional or consultant shall reimburse the Borough in the amount of any such disallowed charge.

§ 26-1301.2 Escrow Deposits; Schedule of Fees.

There is hereby established the following schedule of initial deposits required to be paid by each applicant for development toward reasonably anticipated Borough expenses for professional services and costs:

a. Minor subdivision. For each separate lot comprising the proposed subdivision, if granted:

- (1) Engineering escrow: \$500 per lot.
- (2) Planning escrow: \$500 per lot.
- (3) Legal escrow: \$500 per lot.

b. Major subdivision without site plan approval or conditional use approval:

- (1) Preliminary approval.

(a) Engineering escrow: \$750 for each lot up to five lots and \$350 for each lot in excess of five lots.

(b) Planning escrow: \$750 for each lot up to five lots and \$350 for each lot in excess of five lots.

(c) Legal escrow: \$750 for each lot up to five lots and \$350 for each lot in excess of five lots.

- (2) Final approval.

(a) Engineering escrow: \$250 for each proposed lot comprising the subdivision.

(b) Planning escrow: \$250 for each proposed lot comprising the subdivision.

(c) Legal escrow: \$500 for each proposed lot comprising the subdivision.

c. Major subdivision requiring site plan approval or conditional use approval. In addition to the escrow deposit for a major subdivision as required herein, an additional deposit shall be posted in connection with the site plan and/or conditional use aspect of the application in an amount as follows:

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- (1) Engineering escrow: \$500 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$500 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof.
- (2) Planning escrow: \$500 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$500 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof.
- (3) Legal escrow: \$500 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$500 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof.
- d. Site plan review without conditional use approval:
 - (1) Preliminary approval.
 - (a) Engineering escrow: \$1,000 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$500 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof.
 - (b) Planning escrow: \$1,000 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$500 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof.
 - (c) Legal escrow: \$1,000 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$500 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof.
 - (2) Final approval.
 - (a) Engineering escrow: \$250 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$200 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof.
 - (b) Planning escrow: \$250 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$200 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof.
 - (c) Legal escrow: \$250 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$250 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof.
- e. Site plan review together with conditional use approval:
 - (1) Preliminary approval.
 - (a) Engineering escrow: \$500 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$600 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof; \$250 for a site plan review ancillary to an application for a conditional use approval for a mobile cellular communications tower.
 - (b) Planning escrow: \$500 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$600 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof; \$250 for a site plan review ancillary to an application for a conditional use approval for a mobile cellular communications tower.
 - (c) Legal escrow: \$500 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$600 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof; \$250 for a site plan review ancillary to an application for a conditional use approval for a mobile cellular communications tower.
 - (2) Final approval.
 - (a) Engineering escrow: \$250 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$200 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof; \$100 for a site plan review ancillary to an application for a conditional use approval for a mobile cellular communications tower.

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(b) Planning escrow: \$250 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$200 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof; \$100 for a site plan review ancillary to an application for a conditional use approval for a mobile cellular communications tower.

(c) Legal escrow: \$250 for each 10,000 square feet or part thereof of the lot area to be developed, together with \$200 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof; \$100 for a site plan review ancillary to an application for a conditional use approval for a mobile cellular communications tower.

f. Variances pursuant to N.J.S.A. 40:55D-70d:

(1) Without site plan or subdivision approval.

(a) Engineering escrow: \$1,500.

(b) Planning escrow: \$2,000.

(c) Legal escrow: \$1,500.

(2) With site plan and/or subdivision approval.

(a) Engineering escrow: \$1,500 together with the escrow fees required for site plan and/or subdivision approval as required herein.

(b) Planning escrow: \$2,000 together with the escrow fees required for site plan and/or subdivision approval as required herein.

(c) Legal escrow: \$1,500 together with the escrow fees required for site plan and/or subdivision approval as required herein.

g. Variance pursuant to N.J.S.A. 40:55D-70c, otherwise known as "bulk variances".

(1) Engineering escrow: \$750 for the first variance applied for and \$250 for each additional variance.

(2) Planning escrow: \$750 for the first variance applied for and \$250 for each additional variance.

(3) Legal escrow: \$750 for the first variance applied for and \$250 for each additional variance.

h. Planned residential development applications together with preliminary or preliminary and final site plan approval.

(1) Engineering escrow: \$250 for each 10,000 square feet of lot area or part thereof to be developed, together with \$100 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof together with the escrow fees required for site plan and/or subdivision approval as required herein.

(2) Planning escrow: \$250 for each 10,000 square feet of lot area or part thereof to be developed, together with \$100 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof together with the escrow fees required for site plan and/or subdivision approval as required herein.

(3) Legal escrow: \$250 for each 10,000 square feet of lot area or part thereof to be developed, together with \$100 for every 2,500 square feet of proposed principal and accessory buildings and structures or part thereof together with the escrow fees required for site plan and/or subdivision approval as required herein.

i. Variances in connection with signs or fences:

(1) Residential property.

(a) Engineering escrow: \$250.

(b) Planning escrow: \$250.

(c) Legal escrow: \$250.

(2) Commercial property.

(a) Engineering escrow: \$500.

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- (b) Planning escrow: \$500.
- (c) Legal escrow: \$500.

j. Residential variances. For purposes of this Chapter, "residential variances" shall mean bulk variances (N.J.S.A. 40:55D-70c) on a residential property consisting of one lot with an existing single-family residence. The applicant shall post an escrow deposit for legal fees in the amount of \$1,000; provided, however, that the Planning Board may require additional escrow deposits for legal, planning, engineering or outside consultants should the Board determine it necessary for the fair consideration of the application.

k. Additional escrow deposits. The Planning Board or Board of Adjustment having jurisdiction in connection with a particular application may require additional escrow deposits for legal, planning, engineering or outside consultants should the Board determine it necessary for the fair consideration of the application.

Section 3. Inconsistent Ordinances Repealed.

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

Section 4. Severability.

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

Section 5. Effective Date.

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

Vote: Ayes: Davis, Siciliano, Poosikian, Rosenberg & Rodino
Absent: Dilorgi **MOTION APPROVED**

Advertise as required by law and set a date for public hearing for the next meeting.

MOTION: Poosikian **SECONDED: Rosenberg**
Unanimously carried.

NEW BUSINESS

1. ORDINANCE #004-24: (INTRODUCTION) Amend Ch 9 Parks, Playgrounds and Recreational Areas – 2024 Tennis Membership Fees

Mr. Rodino described the ordinance to use a percent of the membership dues to the trust account. This follows the same practice as Pickleball.

MOTION: Rodino **SECONDED: Rosenberg**
Unanimously carried.

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

Section 1.

Chapter 9 of the Code of the Borough of Haworth, Parks, Playgrounds, and Recreational Areas, Section 9-10, Haworth Tennis, Subsection 9-10.1, Haworth Tennis Membership Fees, be and is hereby amended to read as follows:

Haworth Resident Player Fees for 2024	
Haworth Senior (19 years and older)	\$100 (\$80 shall be allocated as revenue to the current account and \$20 dedicated to the trust account)

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Haworth Family	\$225 (\$180 shall be allocated as revenue to the current account and \$45 dedicated to the trust account)
Haworth Junior (18 years and under)	\$30 (\$24 shall be allocated as revenue to the current account and \$6 dedicated to the trust account)
Non-Resident Player Fees for 2024	
Non-Resident Senior (19 years and older)	\$205 (\$164 shall be allocated as revenue to the current account and \$41 dedicated to the trust account)
Non-Resident Family	NA
Non-Resident Junior (18 years and under)	\$50 (\$40 shall be allocated as revenue to the current account and \$10 dedicated to the trust account)

Section 2. Inconsistent Ordinances Repealed.

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

Section 3. Severability.

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

Section 4. Effective Date.

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

Advertise as required by law and set a date for public hearing for the next meeting.

MOTION: Poosikian

SECONDED: Davis

Unanimously carried.

2. ORDINANCE: (TABLED) 2024 Haworth Swim Club Salaries

3. ORDINANCE #005-24: 2024 (INTRODUCTION) Haworth Swim Club Membership Rate

The changes from 2023 is the Haworth Household and non-resident Household fee increased by \$15. The fees are lower compared to other towns. The guest fees increased to \$25 from \$20 per person. It was clarified that a senior couple is at least one member of the couple is a senior.

MOTIONED BY: Siciliano

SECONDED: Rosenberg

AN ORDINANCE TO AMEND CHAPTER IX OF THE CODE OF THE BOROUGH OF HAWORTH ENTITLED,

"PARKS, PLAYGROUNDS AND RECREATIONAL AREAS."

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

Section 1.

Chapter IX of the Code of the Borough of Haworth, Parks Playgrounds and Recreational Areas, Sec 9-8, Haworth Swim Club, Subsection 9-8.1, Membership Fees, be and is hereby amended to

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read as follows:

	Early Bird Rate (by June 23th)	Regular Rate (after June 24th)	August 1 to Labor Day
Haworth Household*	\$675	\$725	\$350
Haworth Single	\$350	\$400	\$200
Haworth Couple **	\$475	\$525	\$275
Haworth Senior Single	\$250	\$300	\$150
Haworth Senior Couple	\$450	\$500	\$250
Haworth Senior Family***	\$550	\$600	\$300
Non-Resident Household*	\$775	\$825	\$450
Non-Resident Senior Single	\$350	\$400	\$200
Non-Resident Senior Couple	\$550	\$600	\$350
Non-Resident Senior Family***	\$650	\$700	\$400
Non-Resident Single	\$400	\$450	\$250
Au-Pair	\$200	\$250	\$125

* A "Household" is considered all members living in one residence. Proof of residence may be required.

** A Haworth Couple is restricted to two Haworth residents at the same address within the ages of 21 - 59.

*** A "Senior Family" is restricted to Seniors and their children. If additional individuals are included (ie. grandchildren) the membership should be considered a "Household" membership. *Senior is considered 60+*

Daily Rates for non-members: \$25 (18 & over), \$15 (2 - 17)

- only open to Bergen County residents (must show proof of residency);
- We DO NOT offer rain-checks or reimbursement due to inclement weather;
- Prices remain the same throughout the day.

Guest Rates: \$10 per person/day *must be accompanied by a member.*

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.

Section 3. Inconsistent Ordinances Repealed. All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 4. Elective Date. This ordinance shall take effect after publication thereof and final passage as required by law.

VOTE: Ayes: Davis, Siciliano, Poosikian, Rosenberg, Rodino

Absent: Dilorgi

MOTION APPROVED

Advertise as required by law and set a date for public hearing for the next meeting.

MOTION: Rodino

SECONDED: Siciliano

Unanimously carried.

4. RESOLUTION #R24-2-048: Advertise for 2024 Season Snack Stand at Haworth Swim Club

Councilwoman Sicilano has the bid packet and will email to the council members. There will be a default provision where the contract will be terminated if the snack stand does not open.

MOTION BY: Siciliano

SECONDED: Davis

Unanimously carried.

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5. RESOLUTION #R24-2-049: Establish a Dedication by Rider for Uniform Construction Code Enforcement Fees Required by NJS 52:27D-119 ET SEQ

This resolution was suggested by the CFO and is done in other towns. This is for the Building Department penalties that are collection for violations that will go into a dedicated Building Department account. This is similar to the tennis ordinance.

MOTION BY: Rosenberg SECONDED: Poosikian

A RESOLUTION REQUESTING PERMISSION TO ESTABLISH A DEDICATION BY RIDER FOR UNIFORM CONSTRUCTION CODE ENFORCEMENT FEES REQUIRED BY NJS 52:27D-119 ET SEQ

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and'

WHEREAS, 52:27D-119 ET SEQ provides for receipt of Uniform Construction Code Enforcement Fees by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Uniform Construction Code Penalty Account are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Mayor and Council of the Borough of Haworth, County of Bergen, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Uniform Construction Code Penalty Account NJS 40A:5-29.
2. The Clerk of the Borough of Haworth, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

VOTES: Ayes: Davis, Siciliano, Poosikian, Rosenberg, Rodino
Absent: Dilorgi MOTION APPROVED

6. RESOLUTION #R24-2-50: Chief Financial Officer Permanent Part Time Hire (Salary)

The interim CFO is Lauren Rohrer who has gone above and beyond than expected. She is full time in Emerson. Haworth is converting her payroll from hourly to salary.

MOTION: Rosenberg SECONDED: Poosikian

WHEREAS, there exists in the Borough of Haworth the position of Chief Financial Officer in the accordance with the provisions of N.J.S.A 40A:9-140.10 and §2-21.3 of the Borough Code.

NOW THEREFORE BE IT RESOLVED that Lauren Roehrer ("the Appointee") be and is hereby appointed Chief Financial Officer for the Borough retroactive to the commencement date of her employment on February 1, 2024 for a four (4) year term ending January 31, 2028; and

BE IT FURTHER RESOLVED, that the Appointee shall be paid an annual salary of \$65,000.

VOTE: Ayes: Davis, Siciliano, Poosikian, Rosenberg, Rodino
Absent: Dilorgi MOTION APPROVED

7. Mayoral Appointments

- a. Planning Board
- Resignation - Stephanie Mitra

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- Member - Jeff Pavel (completing 4-year unexpired term ending 12/31/2024)
- Alternate 1 – Josh Hirschhorn (completing 2-year unexpired term ending 12/31/2024)
- Alternate 2- Stephen Chval (1 year term ending 12/31/2024)
- b. Zoning Board of Adjustment
 - Resignation - Stephen Chval
 - Alternate 1 - Alfred Martinez (2-year unexpired term ending 12/31/2024)
 - Alternate 2 - Jeff Heitzner (1-year unexpired term ending 12/31/2024)
- c. Shade Tree Commission
 - Member - Donald Russell (complete unexpired 5-year term ending 12/31/2027)
 - Alternate - Michael Golland (1-year term ending 12/31/2024)

MOTION BY: Rosenberg SECONDED: Poosikian
Unanimously carried.

8. Dispatch

Mr. Rosenberg and Chief Gracey will be meeting with Mahwah dispatch to discuss improving dispatch response time. They will update Mrs. Heitzner. There are a few incidents, but the current system works.

9. Revaluation Order

On February 8, 2024 it was determined that Haworth must do a revaluation in 2025 for 2026 tax year. Revaluations are required to be done every 10 years but have not been done based on the ratio of 85-87% assessed value and recently the houses are down to about 70% assessed value. 2004 was the last time a revaluation was done. Updated tax maps are required. Cost is expected to be around \$150,000 to \$200,000.

10. Bernard Troy

Mr. Troy passed away last night. He was a dedicated volunteer, a member of the Planning Board for almost 30 years. It is a great loss for the the town and he will be missed.

CONSENT AGENDA

The following resolutions are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

MOTIONED BY: Poosikian SECONDED: ROSENBERG

- 1. January 23, 2024 Minutes**
- 2. January 23, 2024 Minutes – closed session**
- 3. RESOLUTION #R24-2-051: Tax Collection refund – Romel Fermano**

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth that the Tax Collector be authorized to refund the overpayment of 2024 property taxes to the following:

BLOCK	LOT	REFUND TO:	2024 TAXES
600	10	Romel Fermano	
199 Whitman St			\$ 4,107.00
		Haworth, NJ 07641	

For duplicate payment on property:
RRF Properties LLC

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Haworth, New Jersey 07641**

555 Haworth Ave
Haworth, NJ 07641

Total \$ 4,107.00

4. RESOLUTION #R24-2-052: APPROVAL OF BILLS AND CLAIMS

The bills and claims are appended.

5. RESOLUTION #R24-2-053: RAFFLE APPLICATION APPROVALS

WHEREAS, the raffle applications were submitted to the Legalized Games of Chance Control Commission,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the following be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to.

Organization	Raffle Application	Type
K of C Immaculate Conception Council 9021	RA-509	50/50 On Premise
Old Tappan Parent Teacher Organization	RA-510	Gift Baskets
Sacred Heart Church	RA-511	Casino Night
Sacred Heart Church	RA-512	50/50 Off Premise

**VOTES: Ayes: Davis, Siciliano, Poosikian, Rosenberg, Rodino
(*Mr. Rodino abstained from voting on both minutes)**

ABSENT: Dilorgi

MOTION APPROVED.

PUBLIC COMMENTS

1. Bonnie Borghi – 381 St. Nicholas Ave.
 - Mrs. Borghi asked if the CFO's schedule will change. Mr. Rosenberg will ask the CFO if there could be more face time, but it depends on Emerson. Emerson pays the CFOs benefits. Haworth will pay the Haworth salary with no benefits.
 - There are a lot of geese droppings on the sidewalks, geese chasing people and carrying disease. Mayor Wasser suggested creating and an ad hoc committee. It was suggested the committee would consider all animal control and not only geese.
 - Mrs. Borghi announced that the last phase of the playground is done. The area is fenced and is inclusive and sensory playground for 2-5 year olds. It is has multi-generational swings. Mayor Wasser thanked Mrs. Borghi for her hard work and suggested a ribbon cutting ceremony.

CLOSED SESSION Time: 8:06pm

RESOLUTION

WHEREAS, N.J.S.A. 10:4-12 permits a public body to conduct business in Closed Session during a public meeting; and

WHEREAS, the Mayor and Council deem it necessary to discuss certain matters in Closed Session as permitted by the aforesaid statute.

BE IT FURTHER RESOLVED that discussion of the aforementioned subjects may be made public at such time as disclosure of the discussion will not detrimentally affect the interest and Borough as to said discussion.

Motion: Rodino

Second: Poosikain

Unanimously carried.

REOPENED MEETING TO OPEN SESSION ADJOURNMENT – Time: 8:15pm

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The meeting reconvened in Public Session at 8:15pm.

Motion: Rosenberg

Second: Rodino

Unanimously carried.

RESOLUTION #R24-2-54 APPOINTING ANN BISTRITZ AS BOROUGH CLERK/ADMINISTRATOR AND LOCAL REGISTRAR ON AN INTERIM BASIS

MOTION BY: ROSENBERG

SECONDED: POOSIKIAN

WHEREAS, there will be vacancies in the positions of Borough Clerk, Borough Administrator and Local Registrar in the Borough government as of February 16, 2024; and
WHEREAS, N.J.S.A. 40A:9-133 requires a municipality to have a Municipal or Borough Clerk; and
WHEREAS, N.J.S.A. 26:8-11 requires that a Local Registrar be appointed, and that in any municipality having a population of less than 5,000 persons when the County Clerk does not act as the Local Registrar, the Municipal or Borough Clerk shall be appointed as Local Registrar.
NOW THEREFORE BE IT RESOLVED that Ann Bistriz be and is hereby appointed as Borough Clerk, Borough Administrator and Local Registrar on an interim basis effective February 20, 2024; and
BE IT FURTHER RESOLVED that the said appointee shall work a schedule based on 24 hours per week maximum and shall be paid for the aforesaid positions the sum of \$60.00 per hour; and
BE IT FURTHER RESOLVED that the within resolution shall, if necessary, be provided to such other agencies and parties as required.

VOTE: Ayes: Poosikian, Rosenberg, Siciliano, Davis, & Rodino

Absent: Dilorgi

MOTION APPROVED

ADJOURNMENT

MOTIONED BY: Rosenberg SECONDED: Poosikian

Unanimously carried.

Meeting adjourned at 8:20pm