

**Regular Meeting
Mayor and Council
Borough of Haworth
April 9, 2024**

Call Meeting to Order Time: 7:31pm

Mayor's Announcement:

In compliance with Chapter 231, Public Law 1975, adequate notice of the meeting was made. It is included in the Annual Meetings posted on the bulletin board in the Municipal Center. Copies have been emailed to the BERGEN RECORD A copy has been filed with the Borough Clerk, and copies have been provided to individuals requesting the same.

Present: Hon. Heather Wasser, Mayor
Councilmembers: Alanna Davis
 Dina Siciliano
 Glenn Poosikian
 Andrew Rosenberg
 Michele DiIorgi
 Michael Rodino

Also present:

Ms. Ann H. Bistriz, Interim Borough Clerk, RMC, CMC, CMR Admin
Robert T. Regan, Borough Attorney

Salute to Flag

UNFINISHED BUSINESS

(MR) Second Reading of Tennis Fees #2024-9

Reading by Title Only Addendum A

**#2024-9 AN ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF THE
BOROUGH OF HAWORTH ENTITLED, "PARKS, PLAYGROUNDS, AND
RECREATIONAL AREAS"**

Motion -Davis

Second-Rosenberg

Meeting Open to Public Discussion

No comment

Meeting Closed to Public Discussion

Council Discussion-none

Roll Call- Vote All in Favor

Motion to Advertise Adoption-Davis

Second-Rosenberg

Vote-All in Favor

NEW BUSINESS

**(DS) Introduction on First Reading by Title Only-Addendum B
ORDINANCE #2024-10**

**AN ORDINANCE TO ESTABLISH REGULATIONS FOR THE
MANAGEMENT AND MAINTENANCE OF ALL TREES IN THE
BOROUGH OF HAWORTH**

Motion-Siciliano

A discussion ensued and Councilwoman Siciliano advised that a number of substantive changes would be required to be made to the Ordinance. It was determined that no action should be taken on the Ordinance in view of these forthcoming changes.

(AR) Introduction on First Reading by Title Only-Addendum C

Bond Ordinance #2024-11

BOND ORDINANCE TO AUTHORIZE THE UPGRADING OF THE PICNIC AREA AT THE HAWORTH SWIM CLUB IN, BY AND FOR THE SWIM POOL UTILITY OF THE BOROUGH OF HAWORTH, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$115,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Motion-Rosenberg

Second-Siciliano

Discussion-None

Roll Call Vote-All in Favor

(AR)Resolution #2024-67

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 23rd day of April, 2024, at 7:30 P.M., or as soon hereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Interim Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Motion-Rosenberg

Second-Poosikian

All in Favor

(GP) DPW Step Advancement of Kyle Kaneshige-Addendum D

Councilman Poosikian explained that new hires in the DPW are required to satisfy two requirements within two years of commencing employment. These two items are either approval as a firefighter or ambulance driver and obtaining of a commercial driver's license. If these requirements are met by March 31st, a new employee may advance to Step 2.

Motion-Poosikian

Second-Siciliano

Roll Call Vote-All in Favor

CONSENT AGENDA

The following resolutions are considered to be routine and non-controversial and will be voted collectively. Councilmembers may choose to remove any items from the Consent Agenda and request an individual vote

(AR) Resolution 2024-69-FINANCIAL RESOLUTION-Addendum E

Motion-Poosikian

Second-Sicialiano

Roll Call Vote-All in Favor

MEETING OPEN TO PUBLIC SESSION

Mayor Wasser then opened the meeting to the public for comments. Steve Jureller asked about the pending Massachusetts Avenue application and the status of paving Lakeshore Drive and Hardenbergh Avenue. He also commented on the Tree Ordinance and expressed a concern that clear cutting has occurred on properties. Greg Holden questioned about the Tree Ordinance stating that its content was substantial. He was advised that the Ordinance is following the State mandate pertaining to such legislation, with the State having a model Ordinance. The Mayor noted that the Ordinance is required and relates to NJDEP requirements pertaining to stormwater runoff. Another resident asked if the Tree Ordinance is too robust or intrusive and the Mayor responded that the proposal is not meant to be punitive, but to evaluate options pertaining to tree removal.

CLOSED TO PUBLIC SESSION

CLOSED SESSION Time:

RESOLUTION

WHEREAS, N.J.S.A. 10:4-12 permits a public body to conduct business in Closed Session during a public meeting; and 5

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

Anticipated Litigation and Personnel

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-DiIorgi

Second-Rosenberg

Vote-All in Favor

RETURN TO OPEN SESSION ADJOURNMENT

Motion-Rosenberg

Second-Poosikian

Vote-All in Favor

ADJOURNMENT TIME

Motion
Second
Vote

Addendum A
ORDINANCE #2024-9
AN ORDINANCE TO AMEND CHAPTER 9 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 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)	\$105 (\$85 shall be allocated as revenue to the current account and \$20 dedicated to the trust account)
Haworth Senior (19 years and older Mid-Season Rate Starting August 15th	\$52.50
Haworth Family	\$230 (\$185 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)
Haworth Junior (18 years and under) Mid-Season Rate Starting August 15th	\$15.00
Non-Resident Player Fees for 2024	
Non-Resident Senior (19 years and older)	\$210 (\$165 shall be allocated as revenue to the current account and \$41 dedicated to the trust account)
Non-Resident Senior (19 years and older Mid-Season Rate Starting August 15th	\$105.00

Non-Resident Family	NA
Non-Resident Junior (18 years and under)	\$55 (\$45 shall be allocated as revenue to the current account and \$10 dedicated to the trust account)
Non-Resident Junior (19 years ad under) Mid-Season Rate Starting August 15th	\$27.50

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.

HEATHER WASSER, Mayor

ANN H. BISTRITZ, RMC CMC CMR
Interim Borough Clerk
Introduced:

Adopted:

Approved:

Addendum B
ORDINANCE #2024-10
AN ORDINANCE TO ESTABLISH REGULATIONS FOR THE
MANAGEMENT AND MAINTENANCE OF ALL TREES IN THE
BOROUGH OF HAWORTH

Section 1. Purpose.

The purpose of this section is to preserve and protect Borough trees and plantings by controlling, regulating and prohibiting certain activities on and along streets, roadways, rights-of-way, parks, recreation areas and other public property which may adversely impact upon those trees and plantings. Furthermore, the purpose of this article is to:

- preserve the beauty and character of Haworth
- encourage conditions and practices which prevent increased surface drainage, sedimentation and soil erosion, decreased soil fertility, post construction mortality
- communicate the shared benefits to the community including more aesthetically pleasing landscapes, increased property value, decreased cooling costs, enhanced air quality and reduce the borough's carbon footprint
- provide adequate revegetation of the area with appropriate species after construction and
- discourage indiscriminate and excessive removal, cutting and destruction of trees

Section 2. Definitions.

As used in this section, the following terms shall have the meanings indicated:

BOROUGH TREE

Shall mean any tree of which at least 50% when measured at four and one-half (4 1/2) feet above the surrounding ground is, shrub or plant or any root, branch, flower or other part thereof, located in or upon any street, park, recreation area or other Borough property and shall include park trees and shade trees. A tree shall be designated as: (a) a small tree, which is a type of tree with a mature height under 25 feet; (b) a medium tree, which is a type of tree with a mature height between 25 feet and 45 feet; and (c) a large tree, which is a type of tree with a mature height of 45 feet or more. A tree shall be defined as Any living woody perennial plant having a trunk diameter of at least four inches measured at four feet above the natural ground level. If a plant has multiple stems, then the aggregate of the stem diameters and/or the aggregate of the circumferences shall be used in determining whether the plant is a tree.

CLEAR CUTTING

The unpermitted removal of 50% or more of all trees on a property of at least 8" diameter.

COMMISSION

Shall mean the Haworth Shade Tree Commission which has been established in the Borough of Haworth pursuant to the authority of N.J.S.A. 40:64-1 et seq.

DEVELOPER

Shall mean any person who, directly or through an agent, employee or independent contractor, intends to engage in development of any land within the Borough of Haworth.

DEVELOPMENT

Shall mean the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building, structure or improvement on an individual property, and any other activity for which a soil permit is required pursuant to Chapter 24 of the Haworth Borough Code. Development shall also be deemed to include redevelopment.

DIAMETER AT BREAST HEIGHT (DBH)

The diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

HAZARD TREE

A tree or limbs thereof that meet one or more of the criteria below as determined by a design or licensed professional. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees. A Hazard Tree identified as:

- a. Having an infectious disease or insect infestation;
- b. Is dead or dying;
- c. Obstructing the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
- d. Causing obvious damage to structures (such as building foundations, sidewalks, utilities, etc.); or
- e. Determined to be a threat to public health, safety, and/or welfare by a certified arborist, Licensed Tree Expert (LTE), Certified Tree Expert (CTE), or municipal professional.

PARK TREE

Shall mean a tree, shrub, bush and all other woody vegetation in public parks and recreation areas within the Borough of Haworth and all other property owned by the Borough.

PERMITTING AUTHORITY

Shall mean any municipal board, agency, department or official which has the authority to issue an approval or permit to allow construction on land within the Borough of Haworth.

PERSON

Shall mean any person, firm, association, corporation, limited liability company, partnership or similar entity or any combination thereof. This term may be construed to designate the plural as well as the singular.

PLANTING STRIP

The part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic, or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

PROPERTY OWNER TREE

Any tree on private property that is not a Borough Tree or in the right-of-way. This ordinance is intended to cover Property Owner Trees as well as Borough Trees.

PUBLIC UTILITY

Shall mean a regulated public utility as defined in the Revised Statutes of the State of New Jersey (N.J.S.A. 48:2-13).

REPLACEMENT TREE

Shall mean a tree to be planted as a replacement for the removal of an existing tree. The Commission shall develop and maintain a list of desirable replacement trees, in accordance with the guidelines set forth in this section.

SHADE TREE

Shall mean a tree planted along a public road within or adjoining the municipal right-of-way. The Commission shall develop and maintain a list of desirable shade trees, in accordance with the guidelines set forth in this section.

STREET

Shall mean any road, avenue, street or highway dedicated to the public use for street purposes, regardless of whether it has been formally accepted by the Borough of Haworth. A street shall be deemed to include all portions lying between the dedicated or established public right-of-way lines and/or planting easement thereof, said lines being identical with the front property lines of lands abutting the street.

Section 3. Regulated Activities.

- a. Prohibited Activity: No person shall do or cause to be done by others, either purposely, carelessly or negligently, any of the following acts upon any public streets, parks, recreation areas or other Borough property:
1. Plant or trim any tree.
 2. Fasten any rope, wire, electric attachment, sign or other device to a tree, or any structure or device placed to support or protect the tree.
 3. Do any excavating within four feet of a Borough tree.
 4. Cut, break, climb with spikes, destroy, remove or substantially injure any tree, or injure, misuse or remove any structure or device placed to support the tree.
 5. Place or maintain upon the ground any salt or other substance which is injurious to tree growth or which would impede the free access of air, water or fertilizer to the roots of any tree.
 6. Apply any chemical or other injurious substance to any part of a tree, including roots, in such a manner as to injure or destroy the tree.
 7. Build fires or station any tar kettle, compaction roller, fuel dispensing truck or other engine or device in any street or other public place in such a manner that the heat, vapors, fuel or fumes may injure a tree.
 8. Pile any building material or make any mortar or cement within six feet of a tree. Portable sanitary facilities, such as Port-O-Sans, shall be kept a minimum of six feet from a tree.

b. Protection of Trees During Construction.

1. Any person proposing to engage in development on land within the Borough of Haworth, which requires a permit from a municipal permitting authority, shall submit to the permitting authority along with the permit application a tree plan showing: (i) the species, location, caliper and height of all existing shade trees; (ii) existing and proposed final elevations of the property within the drip line of all existing shade trees; and (iii) the species, caliper and location of all replacement shade trees. This process is required for all building demolition, additions, renovations and/or new construction which will affect any trees on the subject property, both Borough Trees and Property Owner Trees. The permitting authority shall forward the tree plan to the Commission which shall review the tree plans and render a report to

the permitting authority, within 14 days of receipt of the tree permit by the Commission, indicating whether the tree plan conforms to the requirements of this section. If the Commission determines that any part of the tree plan does not conform to the requirements of this section, it shall advise the permitting authority the manner in which the tree plan does not conform and shall recommend to the permitting authority appropriate revisions in order to bring the tree plan into conformance. The Commission shall also recommend to the permitting authority the amount which should be included in the performance and/or maintenance guaranties to be posted by the developer in order to insure the protection of existing trees and/or the planting of new trees. The failure of the Commission to render a report to the permitting authority within 14 days of receipt of the tree plan will not prevent the permitting authority from issuing the permit, provided that all other requirements for the permit have been met.

2. The planting of shade trees and/or the protection of existing shade trees in connection with development, as well as the posting of adequate performance and/or maintenance guaranties to ensure such planting and/or protection, should be incorporated into any approvals or permits granted or issued by any municipal land use agencies and/or permitting authorities. The maintenance guaranties posted shall remain in effect for a period of two years from the date of issuance of the Certificate of Occupancy or acceptance of the work by the Borough.
3. The developer shall protect all shade trees from damage during construction, in accordance with the requirements of this section and the developer shall use all other necessary and appropriate tree preservation methods. Extreme care should be taken by developers, their engineers, architects and contractors, in specifically protecting the root zone of existing shade trees during all construction on the property.
4. Where any shade tree is proposed to be surrounded by pavement of stone, cement, asphalt or any other substance tending to impede the free access of air and/or water to the tree root system, no portion of that pavement shall be placed nearer than two feet to the base of the trunk of the shade tree, nor shall the elevation of the existing ground be changed more than one foot.
5. During construction, the owner, developer, contractor or person in charge of the job site shall place adequate guards around all shade trees as will effectively protect them from damage or injury.
6. No person shall operate excavation and/or earthmoving equipment in such a manner as to injure any shade tree.

- c. **Replacement of Borough Trees Destroyed or Damaged During Construction.**
The developer shall be responsible for replacing any and all shade trees destroyed during construction or damaged to the extent that the Commission determines that the tree will not survive as a result of the damage, or that the tree poses an imminent danger to life or property. Replacement trees shall conform to the requirements of this section. In addition to the penalties authorized by this section, the Commission may require a person who removes or otherwise destroys a tree in violation of this section to pay a replacement assessment to the Borough. The replacement assessment shall be the value of the tree as determined by the appraisal of a trained forester or certified tree expert retained by the Commission for that purpose. In lieu of an appraisal, the Commission may adopt a formula and schedule based upon the number of square inches contained in a cross section of the trunk of the tree multiplied by a predetermined value per square inch based upon the replacement rate established by the International Society of Arboriculture (ISA). The square inch cross section shall be calculated from the diameter at breast height and, if there is a multiple stem tree, then each trunk shall be measured and an average shall be determined for the tree. For the purpose of this section, "diameter at breast height" shall mean the diameter of the tree taken at a point 4 1/2 feet above ground level. The Commission shall modify the value of the tree based upon its species variety, location and its condition at the time of removal or destruction.

- d. **Wires, Cables, Electric Current.**
 - 1. Every person having control over any wire for the transmission of electric current along a public highway shall at all times guard all trees through which or near which the wires pass against any injury from the wires or from the electric current carried by them. The device or means used shall be subject to approval of the Commission.

 - 2. Every person having control over any wire for the transmission of electric current along a public highway shall temporarily remove any wires or the electricity therefrom when it shall be necessary in order to remove or trim any trees within a public highway within 24 hours after service upon the owner of the wire or wires, or the owner's agent, of a written notice to remove the wire or wires or the electricity, signed by two members of the Commission, or by its secretary, upon the order of the Commission.

- e. **Guidelines**
 - 1. The Commission shall utilize the following guidelines when implementing this section:

- (a) Replacement trees should be a native species, of the type found in the mature forests of the northern New Jersey/southern New York area such as oak, maple, hickory or other hardwoods. The Commission will review and comment on alternative tree types when submitted for individual properties.
 2. If replacement trees are proposed in connection with development of an individual property, they shall be planted within an overall landscaping plan and not solely used for shielding along property boundaries.
 3. All replacement trees shall be of sufficient caliper and health, and planting should ensure an established root system and growth.
- f. Homeowner Trees
1. Homeowners, Developers or Builders that wish to remove Property Owner Trees with a DBH of 6” or greater not in conjunction with building construction (see 16-7.6 and 16-7.7) shall file a tree removal permit with the Borough. The Borough shall have the Commission review the permit within 14 days of its submission. The Commission shall respond to the Borough, indicating whether the tree permit conforms to the requirements of this section. If the Commission determines that any part of the tree removal permit does not conform to the requirements of this section, it shall advise the permitting authority the manner in which the permit does not conform and shall recommend to the permitting authority appropriate revisions in order to bring the permit into conformance. The failure of the Commission to render a report to the permitting authority within 14 days of receipt of the tree plan will not prevent the permitting authority from issuing the permit, provided that all other requirements for the permit have been met. Clear cutting of Homeowner Trees shall not be permitted.
 2. Such permit shall include the below information:
 - (a) Applicant name, address, phone number and email address;
 - (b) Location of Property;
 - (c) Number, Sizes and Species of Trees to be Removed;
 - (d) Total number of trees removed from this lot, including this request, within the 24 months prior to the date of application:
_____ trees;

(e) Reason for tree removal

g. Tree Removal Fees

1. The fee for a Tree Removal Permit shall be as follows:
 - (a) \$50 per tree of diameter of at least 6” up to 12”
 - (b) \$100 per tree of diameter greater than 12” up to 24”
 - (c) \$200 per tree of diameter greater than 24” up to 30”
 - (d) \$500 per tree of diameter greater than 30”
2. Notwithstanding the above fee schedule, no permit fee shall be required for the removal of a dead or hazardous tree, provided the applicant and/or property owner provides a certification from a Certified Tree Specialist confirming the condition of the tree, or has the consent of the Commission regarding the condition of such tree.

h. Notice or Consent of Adjoining Property Owner (if required)

1. In the event that any tree to be removed is within six (6) feet (as measured at the center-line of the tree) from the property line between two properties, the applicant is required to notify the owner of the adjacent property by letter or personal contact and the applicant shall be required to submit written evidence of such notification at the time of application for a tree removal permit. In addition, in the case of any tree shown on a survey plan located on a property line, the applicant shall be required to obtain written consent from the adjacent property owner to remove said tree and said written consent shall be submitted by the applicant at the time of application for a tree removal permit.

i. Tree Removal Plan

1. Attach an original plan of tree removal consisting of a lot map showing the location of all trees with all trees of diameter 6” or greater at DBH, and the location of all trees to be removed, the species of such trees, and their caliper.

j. Consent of Property Owner

1. The undersigned hereby certifies that he or she is the owner of the property which is affected by this application and hereby consents to this application.

2. Signature of Property Owner _____ Date _____

k. Fines

1. Should a Homeowner remove a Homeowner Tree without a permit, the Homeowner shall pay a fine equal to five (5) times the cost of the permit fee as defined in 16-7.14.c for any trees of diameter 24” or less, and ten (10) times the cost of the permit fee for any tree greater than 24”.

l. Tree Replacement Requirements

Any person, who removes one or more tree(s), as defined as under 16-7.14, with a DBH of at least 6”, unless otherwise detailed under 16.7.16, shall be subject to the requirements of the Tree Replacement Requirements Table. The species type and diversity of replacement trees shall be in accordance with the current list as posted on the Haworth Shade Tree Commission website. An approved tree replacement schedule sanctioned by the Planning or Zoning Board as part of a land use application shall overwrite the requirements of the Tree Replacement Requirements Table.

m. Replacement tree(s) shall:

1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;

(a) Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;

(b) Be monitored by the applicant and/or Borough for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and

(c) Shall not be planted in temporary containers or pots, as these shall not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria
1	DBH of 6" to 12.99"	Replant 1 tree with a minimum tree caliper of 2.5" for each tree removed
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 2.5" for each tree removed
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 2.5" for each tree removed
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 2.5" for each tree removed

n. Replacement Alternatives

If the municipality determines that some or all required replacement trees cannot be planted on the subject property where the tree removal activity occurred, then the applicant shall do one of the following:

1. Plant replacement trees in a separate area(s) approved by the Borough.
2. Pay a fee of \$400 per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.
3. Plant a larger caliper tree in equal wholesale value to the tree required for restitution.

Section 4. Exemptions.

- a. The requirements of this section shall not apply to:
 1. Activities in or along State highways and/or County highways and parks, with the consent of the New Jersey Department of Transportation and/or the Bergen County Department of Parks.
 2. Activities conducted by regulated public utilities on land in which the public utility has obtained an easement or right-of-way, except as otherwise provided in subsection 16-7.13c.
 3. Activities conducted by the Borough Department of Public Works, Borough Construction Code Official, or other municipal agencies as deemed necessary for the public safety.
- b. All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. "Proper justification" may be photos or statements from NJ licensed tree expert as per NJ Statue 45:15C-11 or arborist:
 1. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count 'resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]
 2. Tree farms in active operation, nurseries, fruit orchards, and garden centers.
 3. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality.
 4. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
 5. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan.

6. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.
7. The removal of any tree as ordered by the Enforcement Officer.
8. Any tree located on publicly owned land and removed by the appropriate public agency with the consent of the Borough Code Compliance Officer or Borough Engineer.
9. Any tree that poses imminent danger to life or property in the opinion of the Borough Engineer, Construction Official, or certified arborist. If prior notification of the removal of said tree pursuant to this chapter is not given to the Code Compliance Officer and/or Borough Engineer prior to removal, then notification must be provided within three days of such removal. Hazard trees may be removed with no fee or replacement requirement.
10. Any dead tree or substantially diseased tree as a result of natural causes or storm damage where:
 - (a) The person desiring to destroy or remove the tree is the owner of the land upon which the tree is located;
 - (b) The person notifies the Code Compliance Officer of the desire to remove the tree; and
 - (c) The Code Compliance Officer and/or Borough Engineer verifies that the tree is dead and substantially diseased as a result of natural causes.
 - (d) A public utility determines the tree may impair their provision of service.
11. Accident- or storm-damaged trees where removal is in response to an emergency.
12. Tree removal and restitution plans approved by the Planning or Zoning Board in conjunction with Site Plan, Soil Movement, or Zoning Appeal Approval.

Section 5. Enforcement.

- a. Any person who is found to be in violation of the provisions of this section shall, upon conviction thereof, be punished for a first-time offense by a fine of not less than \$1,000 nor more than fifteen hundred (\$1,500.00) dollars, as determined by the Municipal Court Judge. For a second or subsequent offense, a fine of not less than fifteen hundred (\$1,500.00) dollars nor more than \$2,000, shall be imposed. A separate offense shall be deemed committed on each day during, or on which, a violation occurs or continues.
- b. In addition to the penalty set forth above, any person who removes or otherwise destroys a tree in violation of this section shall pay a replacement assessment to the Borough of Haworth, which shall be calculated in accordance with N.J.S.A. 40:64-12.
- c. Any public utility or cable television company that clears, moves, cuts, or destroys any trees, shrubs or plants for the purpose of erecting, installing, moving, removing, altering or maintaining any structures or fixtures, necessary for the supply of electric light, heat or power, communication or cable television services upon any lands in which it has acquired an easement or right-of-way, shall not be subject to any penalty under this section. This paragraph shall not, however, exempt any public utility or cable television company from any penalty or replacement assessment imposed for negligent actions.

SECTION 6. Repeal of Certain Sections.

Section 16-7, Subsections 16-7.1 to 7.13, inclusive, be and are hereby repealed. Section 16-8, Subsections 16-8.1 and 16-8.2 be and are hereby repealed.

SECTION 7. Severability.

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION 8. Effective Date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**Heather Wasser
Mayor**

ANN BISTRITZ, RMC CMC CMR

Interim Borough Clerk

Introduced:

Adopted:

Approved:

**Addendum C
Bond Ordinance 2024-11**

BOND ORDINANCE TO AUTHORIZE THE UPGRADING OF THE PICNIC AREA AT THE HAWORTH SWIM CLUB IN, BY AND FOR THE SWIM POOL UTILITY OF THE BOROUGH OF HAWORTH, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$115,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

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

Section 2. The sum of \$115,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required

pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. It is anticipated that the following grants shall be received by the Borough to finance the cost of the purpose: (A) \$45,000 from the State of New Jersey Department of Community Affairs; and (B) \$50,000 from the County of Bergen Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund. Said grant funds shall be applied as set forth in Section 9 hereof. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$115,000, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$115,000, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$20,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$115,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$115,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be

renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$115,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies

or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 11. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the

Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

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

Addendum D
Resolution 2024-68
DPW Advancement of Steps

Whereas, Mr. Kyle Kaneshige is an employee of the Haworth Department of Public Works; and

Whereas, Mr. Kaneshige has completed Firefighter 1 and secured his CDL; and

Whereas, pursuant to the Department of Public Works contract, if a new hire satisfies these two requirements before March 31st of the year, they are entitled to move from Step 1 to Step 2.

Therefore Be It Resolved, that the Mayor and Council of the Borough of Haworth approve the advancement of Mr. Kyle Kaneshige to Step 2 of the Department of Public Works contract with a retroactive pay increase starting April 1, 2024.

Addendum E
Resolution 2024-69
FINANCIAL RESOLUTION

1. THAT the Borough Tax Collector be designated as the Official Tax Search Officer for the Year 2024.
2. THAT the Borough Tax Assessor be designated as the Official Tax Assessment Officer for the Year 2024.
3. THAT the Payroll Manager be designated as the Certifying Officer and the Municipal Treasurer as the Supervising Certifying Officer to be responsible for the processing at the local level all documents pertaining to the Public Employees Retirement System (PERS), Police and Fire Retirement System (PFRS) and Defined Contribution Retirement Program (DCRP), particularly enrollments, members' accounts, retirement certifications
4. THAT the Borough Treasurer be designated as the individual responsible for the investment of Borough funds, including wire transfers.
5. RESOLVED that a Petty Cash Fund in the amount of \$500 be established for the Year 2024 and the control of such account be the responsibility of the Municipal Clerk.
6. RESOLVED that the following institutions be designated as depositories for the funds for the Borough for the Year 2024:
 - State of New Jersey Cash Management and
 - ConnectOne Bank, Cresskill, NJ

AND BE IT FURTHER RESOLVED, that all checks and withdrawals of Borough funds drawn on the above listed institutions for the Current, Capital, Dog License, Trust, Unemployment, Escrow Trust, Community Development, Drug & Alcohol Alliance, Swim Pool, Swim Pool Capital, Municipal Donation, Affordable Housing, Flexible Spending, Scholarship Fund, and Seniors Accounts be signed by the Mayor, Council President, and the Treasurer;

AND BE IT FURTHER RESOLVED, that all checks and withdrawals of Borough funds drawn on the Payroll Account be signed by the Borough Treasurer and Tax Collector/Payroll Admin;

AND BE IT FURTHER RESOLVED, that all checks and withdrawals of the Municipal Court and Municipal Court Bail Account be signed by the Court Administrator.

7. THAT said officers for Year 2024 are as follows:

Mayor	Heather Wasser
Council President	Glenn Poosikian
Treasurer	Lauren Roehrer
Tax Collector/Payroll Admin	Diane Holden
Court Administrator	Janet Gallagher

8. WHEREAS, N.J.S.A. 40A: 5-17.1 provides that a municipality may authorize the cancellation of Tax Delinquencies of less than Ten (\$10.00) Dollars.

WHEREAS, the Mayor and Council of the Borough of Haworth have adopted a resolution authorizing the cancellation of property tax delinquencies under \$10.00;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth, that the Tax Collector is hereby authorized to process, without any further action on the part of the Governing Body, the cancellation of any property tax delinquency of less than (\$10.00); and

BE IT FURTHER RESOLVED, that a certified Copy of this Resolution be provided by the Municipal Clerk to the Tax Collector and the Chief Financial Officer.

**Addendum F
Resolution 2024-70
Payment of Bills**

WHEREAS, claims have been submitted to the Borough of Haworth in the following amounts under various funds of the town:

Current Appropriations (2023)	\$	2,708.94
Current Appropriations (2024)	\$	129,527.19
General Capital Fund	\$	39,003.38
Senior Activities	\$	-
Swimming Pool (2023)	\$	-
Swimming Pool (2024)	\$	167.66
Swimming Pool Capital	\$	-
Municipal Donation Trust	\$	-
Animal Trust/Dog Fund	\$	-
Affordable Housing	\$	1,335.25
Trust/Escrow	\$	3,468.50
Unemployment	\$	5,491.19
Total	\$	181,702.11

WHEREAS, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, Borough Council, and the Chief Financial Officer; and

WHEREAS, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Haworth and that the claims specified on the schedule

attached hereto, following examination and approval by the Council and Chief Financial Officer and Department Head be paid and checks issued accordingly; and

WHEREAS, claims have already been paid in the following amounts for the purpose specified below:

Payroll- Salaries/Wages	03/28/24	\$	156,267.09
Payroll- Salaries/Wages		\$	-
Pensions		\$	-
Debt Service		\$	-
Debt Service Interest		\$	-
	TOTAL	\$	156,267.09

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Haworth that the claims totaling **\$337,969.20** be approved and ratified respectively.

This is a certified copy of the minutes approved at the Regular Mayor and Council Meeting of the Borough of Haworth on May 14, 2024.

Ann Bistriz RMC CMR

Interim Clerk