

86. Regular Meeting of the Mayor and Council
of the Borough of Haworth held on April 24,
2018 at the Municipal Center

Present: Hon. John W. Smart, Mayor

Councilmembers: Glenn Poosikian
Andrew Rosenberg
Michael Bain
Regina Duffy
Jacqueline Guenego

Borough Attorney: Robert T. Regan

Borough Auditor: Jeffrey C. Bliss

Mayor Smart called the meeting to order at 7:30 PM and upon roll call all members were present with the exception of Mr. Volpe who had a scheduling conflict. The Mayor then read the following notice: "This is the Regular Meeting of the Mayor and Council of the Borough of Haworth. I am informed by the Clerk that adequate public notice has been provided by mailing notice to The Record, by posting a notice on the bulletin board in the Municipal Center, by filing a copy of the notice in the office of the Municipal Clerk and by mailing notice to all persons who requested same and prepaid the cost fixed by the Council."

Salute to Flag

Mayor Smart led those present in the pledge of allegiance.

Public Hearing on the 2018 Municipal Budget

Mayor Smart explained there is a \$55,000.00 increase in this budget, 1%, however due to a 1.9% increase in the ratable base there is no increase in the tax rate.

The meeting was opened to the public on the 2018 Budget. As there were no comments the meeting was closed to the public hearing on the budget.

Ordinance No. 18-03 – Performance & Maintenance Guarantees – 2nd Reading, Public Hearing

A motion was offered by Mr. Rosenberg, seconded by Mr. Bain and unanimously carried that Ordinance No. 18-03 be offered for second reading.

Ordinance No. 18-03 which is as follows was then read by title only as copies had been provided for those present:

Ordinance No. 18-03 – Performance & Maintenance Guarantees – 2nd Reading, Public Hearing – cont'd.

**BOROUGH OF HAWORTH
ORDINANCE #18-03
AN ORDINANCE TO AMEND CHAPTER XXVI OF THE
CODE OF THE BOROUGH OF HAWORTH ENTITLED,
“LAND USE REGULATIONS” TO ESTABLISH
REQUIREMENTS RELATED TO PERFORMANCE
AND MAINTENANCE GUARANTEES FOR
ON-TRACT IMPROVEMENTS**

PLEASE TAKE NOTICE that the above Ordinance was passed on first reading by the Mayor and Council on Tuesday, February 27, 2018. A public hearing on the Ordinance is scheduled for Tuesday, April 24, 2018 at 7:30 p.m. at the Municipal Building, 300 Haworth Avenue, Haworth, New Jersey. At such time and place, any person may speak on and offer comments on the Ordinance. A copy of the Ordinance is available for inspection at the office of the Borough Clerk at the Municipal Building during normal business hours.

SUMMARY OF ORDINANCE #18-03

The Ordinance implements certain amendments made to the performance and maintenance guarantee requirements of the Municipal Land Use Law which was adopted in P.L. 2017, c. 312 and became effective on January 16, 2018. The Ordinance provides for performance guarantees for certain improvements pertaining to subdivisions and site plan approvals. Performance guarantees are permitted for improvements including, streets, pavements, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, water mains, sanitary sewers, community septic systems, drainage structures, open space, and grading.

In addition, the Ordinance includes a provision requiring developers to furnish a safety and stabilization guarantee to the Borough to insure that disturbed property is returned to a safe and stable condition and to protect the public from unsafe or unstable conditions. The amount of the required safety and stabilization guarantee is detailed in the Ordinance.

Provision is also included for a guarantee for temporary certificates of occupancy. In addition, prior to the release of a performance guarantee, a maintenance guarantee is required to be posted in connection with the improvements, with the maintenance guarantee for a period not to exceed two years.

Regulations are included governing performance guarantees, with the amount not permitted to exceed 120% of the cost of the bonded improvements. Specific requirements are detailed pertaining to the calculation of the amount of bonded improvements and the requirements for the release of performance guarantees.

The Ordinance also includes requirements for reimbursing the Borough for reasonable inspection fees paid to the Borough Engineer for inspection of improvements and how the inspection fees are to be calculated.

BY ORDER OF THE MAYOR AND COUNCIL

Ann E. Fay, Borough Clerk/Administrator
March 28, 2018, Fee: \$74.25 (90) 4251291

The meeting was opened to the public on Ordinance No. 18-03. As there were no comments the meeting was closed to the public on this ordinance.

A motion was offered by Mr. Rosenberg and seconded by Mr. Poosikian that Ordinance No. 18-03 be passed on second and final reading.

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

A motion was offered by Mr. Poosikian, seconded by Mrs. Duffy and unanimously carried that the passage of Ordinance No. 18-03 be advertised as required by law.

Ordinance No. 18-04 -2018 CAP Ordinance – 2nd Reading, Public Hearing

A motion was offered by Mr. Bain, seconded by Mrs. Duffy and unanimously carried that Ordinance No. 18-04 be offered for second reading.

Ordinance No. 18-04 which is as follows was then read by title only as copies had been provided for those present.

**PUBLIC NOTICE
BOROUGH OF HAWORTH
NEW JERSEY**

The ordinance published herewith was introduced on first reading at a meeting of the Mayor and Council of the Borough of Haworth held on March 27, 2018 and will be further considered for final passage after public hearing thereon at a meeting of the Mayor and Council to be held at the Municipal Center, Haworth, New Jersey on April 24, 2018 at 7:00 PM prevailing time, or as soon thereafter as the matter can be heard. A copy of said ordinance is available in the Municipal Clerk's Office, Municipal Center, Haworth, NJ during regular office hours.

Ann E. Fay, Municipal Clerk

**BOROUGH OF HAWORTH
BERGEN COUNTY, NEW JERSEY-ORDINANCE NO. 18-04
CALENDAR YEAR 2018 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A-4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% or the cost of living adjustment, whichever is less, unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and, WHEREAS, the cost of living adjustment for calendar year 2018 budgets is calculated at 2.5% pursuant to N.J.S.A. 40A:4-45.2 and amounts to \$136,756; and WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and, WHEREAS, the Borough Council of the Borough of Haworth in the County of Bergen finds it's advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and, WHEREAS, the Borough Council hereby determines that an additional 1.0% increase in the budget of said year, amounting to \$54,702 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and, WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Haworth, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2018 budget year, the final appropriations of the Borough of Haworth shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$191,458 and that the 2018 municipal budget for the Borough of Haworth be approved and adopted in accordance with this ordinance; and, BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and, BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and, BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

April 2, 2018, Fee: \$94.05 (114) 4252039

Ordinance No. 18-04 -2018 CAP Ordinance – 2nd Reading, Public Hearing – cont'd.

The meeting was opened to the public on Ordinance No. 18-04. As there were no comments the meeting was closed to the public on this ordinance.

A motion was offered by Mr. Rosenberg and seconded by Mrs. Duffy that Ordinance No. 18-04 be passed on second and final reading.

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

A motion was offered by Mr. Poosikian, seconded by Mrs. Duffy and unanimously carried that the passage of Ordinance No. 18-04 be advertised as required by law.

Correspondence

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
NJ Dept. Education	Percentage Shares for Tax Levies for Regional School District	All Council Finance
Arbor Day Foundation	Notification Award 2017 Tree City USA	All Council
C.P. Statile, Boro. Engineer	New Municipal Stormwater Regulations	All Council Boro. Attorney
Borough of Old Tappan	Resolution Endorsing Creation of Regional Park at Oradell Reservoir	All Council

Mayor Smart referred to the correspondence from the State Department of Education and explained the Borough's share in the Northern Valley Regional High School is down to 8.4% which is less 1.5% from last year.

In connection with the Arbor Day Foundation correspondence, Mayor Smart said in celebration of Arbor Day a tree will be planted at the Tree Farm this Friday.

Regarding the new stormwater regulations, Mayor Smart said there is now a requirement that all members of the Governing Body and Planning Board take an on-line course.

Mayor Smart then referred to the resolution from the Borough of Old Tappan regarding a proposal for the creation of a regional park around the Oradell Reservoir with a 16 mile walking and biking path. He said Hawthorn would have some reservations regarding this project including security at the Suez facility, nearby private properties and residences, patrolling the area, etc.

COMMITTEE REPORTS

Report of Councilman Bain

Finance

Mr. Bain noted the completion of the 2018 Budget and acknowledged the assistance of the Finance Committee and CFO.

Recreation

Mr. Bain reported the Fishing Contest will be held on May 6th; the Summer Camp is open for early registration; applications for counselors have been sent out and the Camp will be open for Kindergarten through those entering 6th grade.

Report of Councilwoman Guenego

Ambulance Corps

Ms. Guenego reported the Ambulance Corps responded to 11 calls last month, 6 daytime, 115 miles, 41 man hours on calls, man hours year to date, 205. She also reported the Ambulance Corps continues to experience problems with daytime coverage.

Library

Ms. Guenego noted the Library Director has reported the grant application for the HVAC system has been submitted to the State and the library is revising its tutoring policy use and use of the meeting rooms.

Board of Health

The Board did not meet.

Report of Councilman Rosenberg

Zoning Board of Adjustment

Mr. Rosenberg reported the Board at their last meeting approved the 2017 Activities Report.

Planning Board

Mr. Rosenberg reported this Board began to hear a subdivision application for property on Schraalenburgh Road/Summit Place which would involve ingress and egress over a small strip of Borough owned land; the application was put off for 90 days. He also reported the Board held a discussion regarding the re-examination of the Master Plan.

COMMITTEE REPORTS – cont'd.

Report of Councilman Rosenberg – cont'd.

Police Department

Mr. Rosenberg noted correspondence received from Chief Gracey that Officer Buono has completed his period of probation and a resolution will be on the next meeting agenda to appoint him as a permanent member of the Department.

Mr. Rosenberg referred to further correspondence from the Chief commending Sgt. Ragone and the officers assisting him on their professionalism on their handling of a recent stressful pursuit and making a good arrest involving a speeding motor vehicle through borough streets as well as onto the White Beeches Golf Course.

Activities of the Department last month included participation in the “Distracted Driving Campaign”, attendance at the seniors’ annual St. Patrick’s Day luncheon; the upcoming “Cocoa with a Cop” with students from the local school; attendance at the “National Walk Out” at the Haworth School and assistance in East Rutherford involving the Peruvian Soccer team in that town for crowd control, Mr. Rosenberg noted.

Report of Councilman Poosikian

Shade Tree Commission

Mr. Poosikian reported the Mayor attended the last meeting of the Commission at which time a discussion was held regarding enforcement of tree removals in the Borough’s easement, there will be an informal Arbor Day ceremony at the Tree Farm and a spring planting of 15 trees is being planned.

Fire Department

Mr. Poosikian reported the following: the Department responded to a total of 15 calls last month – 6 in Haworth and 6 Demarest and two storm standbys were held; total man hours for March – 195; total man hours year to date, 403; the Department conducted its monthly meeting, 2 work nights and the pancake breakfast; Mr. Runge will be Firefighter 1 and Mr. Iovino has almost completed this course and training at the firehouse on bail out training is being conducted.

Report of Councilwoman Duffy

Seniors

Mrs. Duffy noted members of the Police Department attended the seniors’ last meeting and the interaction with them and the Police was excellent; the Senior Korean Dance Team performed at that meeting and she thanked the Library Director for working with the seniors on various programs.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Duffy – cont'd.

Swim Club

Mrs. Duffy reported the pools are being painted, the club will open for the season full time on June 23rd and the life guards have been hired.

Environmental Commission

Mrs. Duffy reported the recent Earth Day event at the high school was very successful with many vendors participating.

Tennis

Mr. Duffy noted the Tennis Committee has been discussing the closing of Court 4, using it for lessons and explained various permit types. Discussion was held regarding insurance etc. if the courts were going to be leased to a private entity along with a hold harmless agreement and indemnification. It was further discussed as to what type of improvements might be undertaken which would have to be known, continued maintenance and dates for use of Court 4.

Mayor's Report

Emergency Response Plan

Mayor Smart explained the updating of this Plan, Mr. Sullivan has met with the County regarding this update, a meeting has been scheduled for May 19 for emergency management coordinators and the update must be completed by August 24.

Haworth School

Mayor Smart reported the public hearing on this budget indicates a 2% increase and the principal of the school has resigned.

Councilman Volpe

Mayor Smart noted Mr. Volpe is undergoing medical treatment and will not be present for the May 8th meeting.

UNFINISHED BUSINESS2018 Road Improvement Program

Mayor Smart explained the need to choose the streets to be included in the Riverside Cooperative Program. Discussion was held concerning the inclusion of Lake Shore Drive and the Haworth Country Club portion; Suez paying 1/3 of the cost - \$42,400.00 and that Suez wants 15 additional parking spaces however if they use pervious pavement that is not eligible in the Co-op program. Further discussion will be held at the second meeting in May.

NEW BUSINESSAppointment to Fire Department

A motion was offered by Mr. Poosikian, seconded by Ms. Guenego and unanimously carried that Colin Hilcken be appointed a member of the Haworth Fire Department.

CONSENT AGENDA

The following consent agenda was offered by Mr. Rosenberg, seconded by Mrs. Duffy and on roll call all members voted in the affirmative:

Refund of Driveway Permit Deposits

WHEREAS, the Superintendent of the Department of Public Works has inspected and found that work has been satisfactorily completed on the following Driveway Permits,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the following refunds be made:

<u>NAME AND ADDRESS</u>	<u>PERMIT #</u>	<u>AMOUNT</u>	<u>ADDRESS</u>
Chung Kim 398 Orchard Place Haworth, NJ 07641	1354	\$100.00	398 Orchard Place
A. Macchione Brothers 71 S. Newman Street Hackensack, NJ 07601	1368	\$100.00	153 Haworth Avenue
TriValley Landscaping PO Box 71 Haworth, NJ 07641	1371	\$100.00	295 Myrtle Street
Pro One Construction 100 Maple Street, Apt. 52 Garfield, NJ 07026	1374	\$100.00	37 Valley Road

CONSENT AGENDA – cont'd.

Award of Contract to Nautilus – Painting, etc. of Pools

WHEREAS, proposals were sought for the Summarizing Service for the Swim Club Pools for the 2018 Season and the Painting of the Swim Club Pools for the 2018 Season; and

WHEREAS, three proposals were received; and

WHEREAS, it is recommended after review by the Swim Club Manager and the Mayor and Council that the proposal received from Nautilus Swimming Pool Supplies and Services, Inc. is the most responsive.

NOW THEREFORE BE IT RESOLVED that a contract be awarded to Nautilus Swimming Pool Supplies, 80 Patterson St., Hillsdale, NJ 07642 in the amount of \$14,935.00 for the Summarizing Service and for the Painting of the Swim Club Pools for the 2018 season as outlined in their proposal dated March 24, 2018.

Self-Examination of the 2018 Municipal Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Haworth has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2018 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Haworth that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, if applicable, the amounts have been calculated pursuant to law and appropriated as such in the budget.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

CONSENT AGENDA – cont’d.

Self-Examination of the 2018 Municipal Budget – cont’d.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the “CAP” law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated;
 - b. Items of appropriations are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Adoption of 2018 Municipal Budget

FOR COPY OF RESOLUTION
SEE PERMANENT MINUTES
PAGE 97A

Approval of Payment of Bills

FOR COPY OF RESOLUTION AND BILL LIST
SEE PERMANENT MINUTES
PAGES 97B – 97H

Approval of Minutes

Executive Meeting of March 13, 2018
Closed Meeting of March 13, 2018
Regular Meeting of March 27, 2018
Closed Meeting of March 27, 2018

May Council Meeting

Mayor Smart noted three members will be unavailable for the May 8th meeting and discussion was held as to cancelling this meeting.

As there was no further business to come before the Council the meeting adjourned at 9:40 PM on motion duly offered, seconded and carried.



Ann E. Fay, RMC, CMC
Clerk-Administrator