

94. Regular Meeting of the Mayor and Council of the Borough of Haworth held on May 24, 2022 via Zoom

Present: Hon. Jacqueline Guenego, Mayor

Councilmembers: Glenn Poosikian
Andrew Rosenberg
Michael Bain
Dina Siciliano
Heather Wasser

Borough Attorney: Robert T. Regan

Mayor Guenego sadly referred to the massacre today of 15 children at a school in Texas and wanted to assure parents that the Haworth Police Department will do all in their power to protect our children, said this is not a failure in law enforcement, it is our failure as a country affecting 15 families tonight.

The meeting was then called to order by Mayor Guenego at 7:35 PM and upon roll call members of the council were present with the exception of Mrs. Dhamija. The Mayor then read the following statement: "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 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 Guenego led those present in the pledge of allegiance.

Ordinance No. 22-08 – CAP Ordinance – 2nd Reading, Public Hearing, Adoption

A motion was offered by Mr. Bain, seconded by Ms. Siciliano and unanimously carried that Ordinance No. 22-08 be offered for second reading.

Ordinance No. 22-08 is as follows:

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 2022 budgets is calculated at 2.5% pursuant to N.J.S.A. 40A:4-45.2 and amounts to \$153,655; and

Ordinance No. 22-08 – CAP Ordinance – 2nd Reading, Public Hearing, Adoption – cont’d.

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 2022 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 \$61,462 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 2022 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 \$215,117 and that the 2022 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.

The meeting was opened to the public on Ordinance 22-08. As there were no comments the meeting was closed to the public on this ordinance.

A motion was offered by Mr. Bain and seconded by Mr. Poosikian that Ordinance No. 22-08 be passed on second and final reading.

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

A motion was offered by Mr. Bain, seconded by Mr. Poosikian and unanimously carried that the adoption of Ordinance No. 22-08 be advertised as required by law.

COMMITTEE REPORTS

Report of Councilman Bain

Mr. Bain's submitted report is attached. He further reported the following:

Recreation

Members of the commission met last Sunday at the Swim Club to stake out the pickleball courts; the borough engineer will re-flag the area which will be disturbed as least as possible, the grant for this project is \$50,000 with matching borough funds of \$50,000 and the pickle ball committee will meet on this matter.

Report of Councilman Rosenberg

Planning and Zoning Boards

Mr. Rosenberg reported these boards did not meet this month and it is expected their June meetings will be held in person.

Police Department

Mr. Rosenberg reported the department members are attending many training sessions, making traffic arrests and thanked the department and the DPW for their assistance and attendance at the recent dedications for the Ferber and Volpe memorials. He then referred to Chief Gracey's recent installation as president of the Bergen County Chief's Association which the council attended, noting the great respect the members of this organization have for the chief and Mayor Guenego commented that the chief is held in high esteem by many.

Report of Councilman Poosikian

Department of Public Works

Mr. Poosikian reported the department has been cleaning the parks and playgrounds, filling potholes, cleaning the pond and preparing the areas for the two memorials.

Fire Department

Mr. Poosikian's submitted report is attached and added the department will be holding a fund raiser – a golf outing on June 20th at the Rivervale Country Club.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Siciliano

Swim Club

Ms. Siciliano reported the club is opening this coming Saturday, the new manager is Chris Armand and the DPW has done so much work on the grounds which she is so very grateful.

Library

Ms. Siciliano noted summer reading programs will be held for both children and adults.

Shade Tree Commission

Ms. Siciliano reported membership on the commission is increasing and they will be holding discussions with the environmental commission regarding trees, noting there is a limited budget this year as to tree issues, etc. and many residents are responding to the fall planting.

Report of Councilwoman Wasser

Tennis

Mrs. Wasser reported the committee has voted to rename themselves Haworth HarTru Tennis Courts, voted to eliminate the requirement for letters for out of town permit applications and 86 permits have been issued so far. Also, she noted the courts are open and thanked the DPW for their assistance with the courts.

Environmental Commission

Mrs. Wasser reported the commission is indexing open space in the borough and discussing trees.

Ambulance Corps

Mrs. Wasser said she will get the monthly report, their budget needs to be discussed as it is significantly less than what was submitted, noting all the COVID costs they have incurred.

Mr. Poosikian noted the borough has been informed we will be getting FEMA funds related to the pandemic, the ambulance corps does much purchasing for other departments which needs to be allocated as to what this is and to come up with a system and there is a need to meet with the finance committee with more information and hard numbers.

Mr. Bain responded he will meet with the ambulance corps and the CFO for a line item added in the budget to re-imburse the ambulance corps for medical supplies, etc.

Mayor's Report

Mayor Guenego reported a lot has been going on in town noting the dedication of the two memorials for Mr. Ferber and Mr. Volpe, acknowledged Mr. Rosenberg for his efforts in obtaining the memorials and also Mrs. Borghi for her help which is all appreciated.

Mayor Guenego referred to Chief Gracey's installation as president of the Chief's Association and said it is nice to know they are in good hands with him.

NEW BUSINESS

Introduction of Ordinance No. 22-09 – Drainage System at Library

A motion was offered by Ms. Siciliano, seconded by Mrs. Wasser and unanimously carried that Ordinance No. 22-09 be offered for first reading.

Ordinance No. 22-09 was then read by title on as follows:

PROVIDING FUNDING FOR THE IMPROVEMENT OF LIBRARY DRAINAGE IN THE BOROUGH OF HAWORTH, IN THE COUNTY OF BERGEN, NEW JERSEY, AND APPROPRIATING \$10,000 THEREFOR FROM THE CAPITAL FUND BALANCE OF THE BOROUGH.

A motion was offered by Mr. Poosikian and seconded by Ms. Siciliano that Ordinance No. 22-09 be passed on first reading.

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

A motion was offered by Ms. Siciliano, seconded by Mr. Bain and unanimously carried that Ordinance No. 22-09 be advertised as required by law and a date set for public hearing on June 14, 2022 at 7:30 PM.

Gas Pumps

Mr. Poosikian reported that one of the pumps at the DPW is malfunctioning and if it should go down an alternate is needed; there is a state credit card without taxes which would only be used in emergency situations and said this issue will be looked at further.

Payment of Bills

Mr. Rosenberg referred to an item on this month's payment of bills for an invoice from the planning board engineer from 2019 for plan review which he said should have been charged to the applicant. He said a policy has to be developed when these bills are submitted.

NEW BUSINESS – cont’d.

Payment of Bills – cont’d.

It was concluded to remove this item from the payment of bills.

A motion was offered by Mr. Bain and seconded by Mr. Rosenberg to approve the payment of bills as amended. On roll call the vote was follows: Ayes; Messrs. Poosikian, Rosenberg, Bain, Siciliano, Wasser. Nays – none. Declared carried.

FOR COPY OF RESOLUTION AND BILL LIST

SEE PERMANENT MINUTES

PAGES 102A – 102F

OPRA RESOLUTION

Mr. Poosikian referred to the condensed version of this resolution which he said waters down the effectiveness of how it is being used, noting item 2 which amends the law to provide municipalities not be subject to any provision that the legislature, state agencies or the executive branch are exempt from and item 6 which precludes requests for personal identifying information, drivers’ license numbers, etc.

Ms. Siciliano commented the OPRA requests are onerous on the staff, there should be evaluation case by case however, there has to be support of access to documentation we have.

Mr. Bain said the public is entitled to information, he is cognizant of the costs incurred however there has to be balance for the right of the citizens.

A motion was offered by Mr. Poosikian, seconded by Mr. Bain and unanimously carried to table the OPRA resolution.

CONSENT AGENDA

A motion was offered by Mr. Bain and seconded by Mr. Rosenberg to approve the following.

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

Self-Examination of 2022 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

CONSENT AGENDA – cont’d.

Self-Examination of 2022 Municipal Budget – cont’d.

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 2022 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Haworth that the 2022 annual budget be examined 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.
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.

CONSENT AGENDA – cont’d.

Self-Examination of 2022 Municipal Budget – cont’d.

5. The budget and associated amendments have been introduced, publicly advertised, and adopted 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.

Refund of Driveway Permit Deposit

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

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

<u>NAME AND ADDRESS</u>	<u>PERMIT #</u>	<u>AMOUNT</u>	<u>ADDRESS</u>
Steve Vallianos	1450	\$100.00	97 Prospect Avenue

Approval of School Crossing Guard – Michael Sullivan

BE IT RESOLVED that Michael Sullivan is hereby appointed School Crossing Guard for the Borough of Haworth.

Approval of Minutes

Executive Meeting of May 10, 2022

Open Meeting to Public

The meeting was opened to the period of public discussion. As there were no comments the meeting was closed to public discussion.

Close Meeting to Public

The following resolution was offered by Mrs. Wasser, seconded by Mr. Bain and unanimously carried:

WHEREAS, *N.J.S.A. 10:4-12B* permits a public body to exclude the public from the portion of a meeting at which certain items are discussed; and

Close Meeting to Public – cont'd.

WHEREAS, the Governing Body deems it necessary to conduct a closed session and to exclude the public on May 24, 2022 at which time the following item will be discussed:

Cell Tower Renewal Lease

NOW THEREFORE BE IT RESOLVED that the Mayor and Council does hereby exclude the public from the portion of the meeting at which time the above item will be discussed; and

BE IT FURTHER RESOLVED that the discussion conducted in closed session will be disclosed to the public upon completion or conclusion of the foregoing item and when determined by the Governing Body that the Borough's interests will not be adversely affected.

Re-Open Meeting to Public

The meeting was reopened to the public at 8:50 PM and as there was no further business to come before the council a motion was offered by Mr. Bain, seconded by Mrs. Wasser and unanimously carried to adjourn.

Ann E. Fay, CMC, RMC
Clerk-Administrator

