

35. Regular Meeting of the Mayor and Council
of the Borough of Haworth held on February
22, 2022 via Zoom

Present: Hon. Jacqueline S. Guenego, Mayor

Councilmembers: Glenn Poosikian
Michael Bain
Dina Siciliano
Heather Wasser

Borough Attorney: Robert T. Regan

Council President/Acting Mayor Guenego called the meeting to order at 7:30 PM and upon roll call all members of the council were present with the exception of Mr. Rosenberg. Ms. Guenego 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 copy on the bulletin board in the municipal center, by filing a copy 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

Ms. Guenego led those present in the pledge of allegiance.

Selection of Mayor

As the result of Mayor Ference’s resignation at the last meeting, Mr. Poosikian explained that as required by law, a letter was sent to Ms. Fay containing three names submitted by the Democratic County Committee to fill the mayor’s position – Susan Ferber, Jacqueline Guenego and Bruce Steintal.

A motion was offered by Mr. Poosikian and seconded by Ms. Siciliano that Ms. Guenego fill the unexpired term of Mayor Ference.

On roll call the vote was as follows: Ayes; Poosikian, Bain, Siciliano, Wasser. Declared carried.

Selection of Council President

A motion was offered by Mr. Poosikian and seconded by Mrs. Wasser that Ms. Siciliano be named council president to fill Ms. Guenego’s term in that position.

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

Ordinance No. 22-02-Obstructions in Right-of-Ways – 2nd Reading, Public Hearing

A motion was offered by Mr. Poosikian, seconded Mrs. Wasser and unanimously carried that Ordinance No. 22-02 be offered for second reading.

Ordinance No. 22-02 is as follows:

**AN ORDINANCE TO AMEND CHAPTER XVI
OF THE CODE OF THE BOROUGH OF HAWORTH
ENTITLED “STREETS AND SIDEWALKS”**

WHEREAS, *N.J.S.A. 40:67-1* permits the governing body of every municipality to prevent and prohibit encroachments, obstructions, and encumbrances in, over, or upon any street, highway or right-of-way within a municipality and to prevent the construction and placement of any post, structure, or projection in, over, or upon any street or highway; and

WHEREAS, any items, structures, and materials have been placed in or upon streets and rights-of-way within the Borough which can create dangerous and hazardous conditions to vehicles and a potential cause of accident or injury; and

WHEREAS, the Governing Body has determined that the prohibition of the placement of structures and equipment within, in, or upon streets or rights-of-way will be beneficial to public safety and limit municipal liability.

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

Section 1.

Chapter XVI of the Code of the Borough of Haworth, Streets and Sidewalks, §16-8.1, Prohibitions, be and is hereby amended to add the following Section:

§16-8 PROHIBITION OF THE PLACEMENT OF ITEMS, STRUCTURES AND MATERIALS WITHIN BOROUGH STREETS AND RIGHTS-OF-WAY.

§16-8.1. Prohibitions; Exceptions.

- a. No person shall place any structure, item, material or equipment in, upon or over any Borough street, sidewalk, right-of-way, or Borough easement.
- b. The prohibition in paragraph 1 of this Section shall not be deemed to apply to motor vehicles lawfully parked or located in or upon any street or right-of-way in accordance with *Title 39* of New Jersey Statutes and/or Haworth Borough Ordinance.

Ordinance No. 22-02-Obstructions in Right-of-Ways – 2nd Reading, Public Hearing – cont’d.

c. The prohibitions in paragraph a of this Section shall not apply to the placement of receptacles for the collection of solid waste and recyclables, debris and trash, vegetative and yard waste, and leaf collection.

§16-8.2. Violations and Penalties.

Any person who violates the provisions of this Ordinance shall be subject to such fines and penalties as set forth in §1-5 of the Borough Code.

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.

The meeting was opened to the public on Ordinance No. 22-02.

Ms. B. Borghi, St. Nicholas Av., questioned the ability for the public to see this ordinance on the borough’s website prior to the meeting. Mr. Regan responded it is not legally required.

Mayor Guenego said ordinances will be put up prior to the second reading.

Ms. Borghi then asked if basketball hoops already in the ground are grandfathered in re. this ordinance.

Mr. Regan responded a homeowner would have to apply for a permit or apply for a waiver or remove the structure.

As there were no further comments the meeting was closed to the public on Ord. 22-02.

A motion was offered by Ms. Siciliano and seconded by Mrs. Wasser that Ordinance No. 22-02 be passed on second and final reading.

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

Ordinance No. 22-02-Obstructions in Right-of-Ways – 2nd Reading, Public Hearing – cont’d.

A motion was offered by Mrs. Wasser, seconded by Mr. Poosikian and unanimously carried that the passage of Ordinance No. 22-02 be advertised as required by law.

COMMITTEE REPORTS

Report of Councilman Bain

Recreation

Mr. Bain reported that at the last meeting the Commission discussed the schedule for the year for various events and are planning to have the summer program at the school this season.

Finance

Mr. Bain noted budgets have been received from the various borough departments and after the Finance Committee reviews them the budget information will be presented to the whole council.

In connection with the capital budget for DPW vehicles Mr. Poosikian said a commitment has to be made soon regarding supply issues for several items. Also, he said the fire department needs scott-packs, these prices will escalate unless there is a letter of commitment and he questioned when there will be consideration of capital requests.

Mr. Bain responded that he has spoken with the fire chief regarding this issue and he will discuss this matter with the CFO regarding holding these items prior to the adoption of the capital ordinance.

Report of Councilman Poosikian

Fire Department

Mr. Poosikian noted he has submitted his report.

Department of Public Works

Mr. Poosikian noted there have been no significant storms and the department did a good job with a recent storm; there has been one resignation in the department which will have to be filled and there is a shredding event scheduled for March 12th at the Terrace Street Parking Lot.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Siciliano

Haworth School

Ms. Siciliano reported the vote on the school referendum will be held on March 8th.

Swim Club

Ms. Siciliano noted two ordinances will be introduced this evening for salaries and membership fees for the upcoming season and bids are being prepared for the ADA bathroom project at the club. She then thanked Mr. Ives, the pool manager for all his hard work and dedication.

Library

Ms. Siciliano reported the search continues for the director position and they are waiting for bids on the drainage work.

Shade Tree

Ms. Siciliano noted the winter tree program has started, discussion has been held regarding planting with the DPW and the next meeting has been changed to March 8th. She said they are also working on an Arbor Day celebration, they would like to get estimates for refurbishing the tree farm including other uses in that area, perhaps a community garden, noting maintenance is a big issue.

Report of Councilwoman Wasser

Environmental Commission

Mrs. Wasser reported the commission has reorganized with three new members, different projects were discussed and their meeting date has been changed to the 3rd Monday of the month.

Report of the Borough Administrator

Ms. Fay reported the annual Rabies Clinic will be held on March 12th at the Ambulance Corps building.

Mayor's Report

Mayor Guenego thanked all her fellow councilmembers, the borough staff and Mr. Regan, noting this is a hard-working council who are a pleasure and privilege to work with. She said at the meeting scheduled for March 22nd Mayor Ference will be honored, invited along with his family to thank him for all his service to the town over many, many years.

NEW BUSINESS

Stipends for the Ambulance Corps and Fire Department

Mayor Guenego referred to this request from both departments, noting particularly the problem with recruiting members.

Assistant Chief Hilcken and Chief Hennion of the fire department were present.

Assistant Chief Hilcken noted the presentation has been sent to the councilmembers, explained it is hard to get and retain members and a majority of the towns in the area are giving stipends. He explained the breakdowns in the report presented – quarterly payments, costs, etc.

Ms. Siciliano commented that she had been told there are grants available which is how other towns are funding this matter.

Mr. Hilcken noted that FEMA funds perhaps are available.

Mr. George Hodges, vice president of the ambulance corps explained the stipend they are pursuing noting they have 24 active members, 15 handle week-end calls, three quarters of their calls are daytime with perhaps 5 or 6 people available, it is felt a stipend would aid in recruiting members, noting the DPW and other town employees in other towns respond to calls.

Mrs. R. Duffy, Ambulance Corps member explained the difference with the fire department regarding grants, etc.

Mr. Bain said the issue is daytime coverage and how would a stipend entice members.

Mrs. Duffy responded that she thought there would be more response and they do not presently have the pool of members they need.

Mr. Poosikian said there are limits regarding the borough's exceeding that number which are being discussed regarding annual appropriations.

Mayor Guenego thanked both departments for their efforts and all that they do is much appreciated. She said this discussion will be continued.

Grant Committee

A motion was offered by Mr. Bain, seconded by Mrs. Wasser and unanimously carried to approve a Grant Committee of members Mrs. Wasser, Mr. Bain and Mr. Rosenberg.

NEW BUSINESS – cont'd.

Introduction of Ordinance No. 22-03 – 2022 Swim Club Membership Fees

A motion was offered by Ms. Siciliano, seconded by Mr. Bain and unanimously carried to offer Ordinance 22-03 for first reading.

Ordinance No. 22-03 was then read by title as follows:

AN ORDINANCE TO AMEND CHAPTER IX OF THE CODE OF THE BOROUGH OF HAWORTH ENTITLED, “PARKS, PLAYGROUNDS AND RECREATIONAL AREAS”

A motion was offered by Ms. Siciliano and seconded by Mr. Poosikian to pass Ordinance No. 22-03 on first reading.

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

A motion was offered by Ms. Siciliano, seconded by Mrs. Wasser and unanimously carried to advertise Ordinance No. 22-03 as required by law and set a date for public hearing thereon on March 22, 2022 at 7:30 PM.

Introduction of Ordinance No. 22-04 – 2022 Swim Club Salaries

A motion was offered by Ms. Siciliano, seconded by Mrs. Wasser and unanimously carried that Ordinance No. 22-04 be offered for first reading.

Ordinance No. 22-04 was then read by title as follows:

AN ORDINANCE ESTABLISHING SALARIES FOR POOL PERSONNEL FOR 2022

A motion was offered by Ms. Siciliano and seconded by Mr. Bain that Ordinance No. 22-04 be passed on first reading.

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

A motion was offered by Ms. Siciliano, seconded by Mr. Poosikian and unanimously carried that Ordinance No. 22-04 be advertised as required by law and set a date for public hearing thereon March 22, 2022 at 7:30 PM.

NEW BUSINESS – cont'd.

Appointments to Fire Department

A motion was offered by Mr. Poosikian, seconded by Mrs. Wasser and unanimously carried that Marian Meiner and Michael Bolwell be appointed members of the Haworth Fire Department.

Advertise for DPW Employee

A motion was offered by Mr. Poosikian, seconded by Mrs. Wasser and unanimously carried that due to a vacancy in the DPW a position for an employee be advertised.

CONSENT AGENDA

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

Affirm the Borough's Civil Right Policy

WHEREAS, it is the policy of the Borough of Haworth to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to, the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Haworth has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE, BE IT ADOPTED by the Mayor and Council of the Borough of Haworth that:

Section 1: No official, employee, appointee or volunteer of the Borough of Haworth by whatever title known, or any entity that is in any way a part of the Borough of Haworth shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee, volunteer or entity is engaged in or acting on behalf of the Borough of Haworth's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or

CONSENT AGENDA – cont'd.

Affirm the Borough's Civil Right Policy

support in any way from the Borough of Haworth to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violation in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Haworth. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

Transfer of 2021 Appropriations

WHEREAS, Title 40A:4-58 provides that should it become necessary, during the last two months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over

CONSENT AGENDA – cont’d.

Transfer of 2021 Appropriations – cont’d.

and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by resolution setting forth the facts (adopted by not less than 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Haworth that the Chief Financial Officer be and is hereby authorized to make the following transfers in the 2021 Operating Budget Appropriations:

Current Fund	FROM	TO
State Health Benefits	\$610.00	Finance Salaries
1-01-23-095-300		1-01-035-100
		\$515.00
		Code Enforcement Salaries
		1-01-25-110-100
		\$95.00

Emergency Temporary Appropriation

WHEREAS, the Borough Council of the Borough of Haworth enacted a temporary budget to cover the period from January 1, 2022 to the date of adoption of the budget; and

WHEREAS, N.J.S.A. 40A:40-20 permits the Borough Council by a two-thirds vote of the full membership, to make temporary appropriations; and

WHEREAS, the Borough Council wished to make the emergency temporary appropriations shown in Schedule “A” attached hereto and made part hereof.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Haworth, County of Bergen, State of New Jersey, as follows:

- That the Borough Council by a two-thirds vote of the full membership hereby makes the emergency temporary appropriations as shown on Schedule “A” attached hereto and made part hereof.
- That said emergency temporary appropriation will be provided in full in the 2022 budget under the titles as listed in the attached schedule.
- That a copy of this Resolution shall be filed forthwith with the Director of the Division of Local Government Services.

Emergency Temporary Appropriation – cont’d.

2022 Temporary Budget

Schedule A

<u>Current Fund</u>	<u>From</u>	<u>To</u>	<u>Account</u>
DPW OE (Leaf Removal)	\$30,000	\$120,000	2-01-26-150-300
Computer Maintenance	\$7,000	\$10,000	2-01-20-050-300

Advertise for Proposals for Operation of Food Service Concession Stand at Swim Club

BE IT RESOLVED, that the Municipal Clerk is hereby authorized to advertise for proposals for the operation of a Food Service Concession (Snack Bar) at the Haworth Swim Club for the 2022 Pool Season.

Approval of Payment of Bills

FOR COPY OF RESOLUTION AND BILL LIST

SEE PERMANENT MINUTES

PAGES 46A – 46I

Approval of Minutes

Executive Meeting of February 8, 2022

Closed Meeting of February 8, 2022

Open Meeting to Public

The meeting was opened to the period of public discussion

Ms. B. Borghi referred to the earlier conversation regarding the tree farm and a community garden, suggesting the local school be involved.

Ms. Siciliano noted there is a gardening club at the school now.

Mayor Guenego suggested bringing the matter to the board of education and Ms. Siciliano noted the possibility of grants for such a project.

Mr. L. Weil, Surbeck Pl. reported the sign for Surbeck Place is gone, the wooden bridge at the end of this street is rotting out and the understructure is not good. He reported unleashed dogs

Open Meeting to Public – cont'd.

at the field and asked why the little league field is locked to the public. He said it should be available to all and the law banning unleashed dogs from the park is not being enforced.

Mayor Guenego responded that she will convey Mr. Weil's concerns to Chief Gracey.

Mr. Weil then referred to an ongoing property renovation in the neighborhood, said there is a tire in the parking lot at Memorial Field and beer bottles in trees. He then thanked Ms. Celotto for reporting these concerns to the DPW.

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

Close Meeting to Public

The following resolution was offered at 9:05 PM by Mr. Poosikian, 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

WHEREAS, the Governing Body deems it necessary to conduct a closed session and to exclude the public on February 22, 2022 at which time the following item will be discussed:

Litigation

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.

Reopen Meeting to Public

The meeting was reopened to the public at 9:20PM and as there was no further business to come before the council a motion was offered by Mr. Bain, seconded by Mr. Poosikian and unanimously carried to adjourn.

Ann E. Fay, RMC, CMR
Clerk-Administrator

