

142. Executive Meeting of the Mayor and Council of the Borough of Haworth held on July 10, 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

Mayor Smart 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. Volpe who was ill. The Mayor then read the following statement: "This is an Executive 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 notices to all persons who requested same and prepaid the same."

Ordinance No. 18-07 – Amending Licensing & Solicitation Ordinance – 2nd Reading, Public Hearing

A motion was offered by Mr. Rosenberg, seconded by Ms. Guenego and unanimously carried that Ordinance No. 18-07 be offered for second reading.

Ordinance No. 18-07 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 June 26, 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 July 10, 2018 at 7:30 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
ORDINANCE NO. 18-07

AN ORDINANCE TO AMEND CHAPTER IV OF THE CODE OF THE BOROUGH OF HAWORTH ENTITLED, "LICENSING AND BUSINESS REGULATIONS".

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

Section 1.

Chapter IV of the Code of the Borough of Haworth, Licensing and Business Regulations, §4-2, Peddlers, Hawkers and Vendors, Subsection 4-2.5, Time Restrictions, be and is hereby amended to read as follows:

4-2.5 Time Restrictions. No person shall sell, offer for sale, hawk or peddle in the Borough any of the items listed in subsection 4-2.1 before 9:00 a.m. or after 9:00 p.m.

Section 2.

Chapter IV of the Code of the Borough of Haworth, Licensing and Business Regulations, §4-2, Peddlers, Hawkers and Vendors, be and is hereby amended to add a new Subsection to be known as Subsection 4-2.9 and to read as follows:

Ordinance No. 18-07 – Amending Licensing & Solicitation Ordinance – 2nd Reading, Public Hearing – cont'd.

4-2.9 Do Not Knock Registry.

a. Any owner or occupant of real property within the Borough of Haworth who refuses to be canvassed or solicited pursuant to this Section may enroll in the Borough's "No Knock" registry by completing the application for "No Knock" registry at the Haworth Police Department police desk clerk, such application being incorporated herein by reference.

b. No person or peddler, as defined in this Section, shall sell, buy or dispose of, or offer to sell, buy or dispose of any goods, wares, merchandise, other personal property or services to be rendered in the future, or to take orders for any goods, wares, merchandise, other personal property or services to be rendered in the future, or to solicit business from any owner or occupant whose name and property address is included on the "No Knock" registry list maintained by the Haworth Police Department.

c. Any person or peddler who is found guilty of violating the provisions of this Section shall be subject to the fines and penalties as listed in Section 1-5 of the Borough Code.

Section 3.

Chapter IV of the Code of the Borough of Haworth, Licensing and Business Regulations, §4-3, Solicitors and Canvassers, Subsection 4-3.6, Time Restrictions, be and is hereby amended to read as follows:

4-3.6 Time Restrictions. No soliciting or canvassing activities shall be conducted before 9:00 a.m. or later than 9:00 p.m.

Section 4.

Chapter IV of the Code of the Borough of Haworth, Licensing and Business Regulations, §4-3, Solicitors and Canvassers, be and is hereby amended to add a new Subsection to be known as Subsection 4-3.7 and to read as follows:

4-3.7 Do Not Knock Registry.

a. Any owner or occupant of real property within the Borough of Haworth who refuses to be canvassed or solicited pursuant to this Section may enroll in the Borough's "No Knock" registry by completing the application for "No Knock" registry at the Haworth Police Department police desk clerk, such application being incorporated herein by reference.

b. No person or solicitor, as defined in this Section, shall sell, buy or dispose of, or offer to sell, buy or dispose of any goods, wares, merchandise, other personal property or services to be rendered in the future, or to take orders for any goods, wares, merchandise, other personal property or services to be rendered in the future, or to solicit business from any owner or occupant whose name and property address is included on the "No Knock" registry list maintained by the Haworth Police Department.

c. Any person or solicitor who is found guilty of violating the provisions of this Section shall be subject to the fines and penalties as listed in Section 1-5 of the Borough code.

Section 5. 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 6. Inconsistent Ordinances Repealed.

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

Section 7. Effective Date.

This Ordinance shall take effect after publication thereof and final passage as required by law.
June 29, 2018, Fee: \$172.50 (230) 4273850

The meeting was opened to the public on Ordinance No. 18-07. As there were no comments the meeting was closed to the public on this ordinance.

A motion was offered by Mr. Poosikian and seconded by Mr. Rosenberg that Ordinance No. 18-07 be passed on second and final reading.

Ordinance No. 18-07 – Amending Licensing & Solicitation Ordinance – 2nd Reading, Public Hearing – cont’d.

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

A motion was offered by Mr. Rosenberg and seconded by Mrs. Duffy that the passage of Ordinance No. 18-07 be published as required by law. On voice vote all members voted in the affirmative with the exception of Mr. Bain who abstained. Declared carried.

Ordinance No. 18-08 – Police Salaries – 2018, 19, 20, 21 – 2nd Reading, Public Hearing

A motion was offered by Mr. Rosenberg, seconded by Mr. Bain and unanimously carried that Ordinance No. 18-08 be offered for second reading.

Ordinance No. 18-08 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 June 26, 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 July 10, 2018 at 7:30 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
ORDINANCE NO. 18-08**

AN ORDINANCE TO PROVIDE AND ESTABLISH THE RATE OF COMPENSATION, BENEFITS AND WORKING CONDITIONS FOR OFFICERS OF THE POLICE DEPARTMENT IN THE BOROUGH OF HAWORTH

BE IT ORDAINED by the Council of the Borough of Haworth:

SECTION I. OFFICERS OF THE POLICE DEPARTMENT:

The annual compensation, benefits and working conditions of the Officers of the Haworth Police Department for the years 2018, 2019, 2020 and 2021 shall be:

	EFFECTIVE 01/01/2018	EFFECTIVE 01/01/2019	EFFECTIVE 01/01/2020	EFFECTIVE 01/01/2021
During 1st Year.	\$38,855.00	\$38,855.00	\$38,855.00	\$38,855.00
2nd Year	\$60,362.00	\$60,362.00	\$60,362.00	\$60,362.00
3rd Year	\$68,531.00	\$68,531.00	\$68,531.00	\$68,531.00
4th Year	\$76,700.00	\$76,700.00	\$76,700.00	\$76,700.00
5th Year	\$84,869.00	\$84,869.00	\$84,869.00	\$84,869.00
6th Year	\$93,039.00	\$93,039.00	\$93,039.00	\$93,039.00
7th Year	\$101,168.00	\$101,168.00	\$101,168.00	\$101,168.00
8th Year and thereafter	\$114,612.00	\$117,477.00	\$120,414.00	\$123,425.00
Sergeant	\$122,894.00	\$125,967.00	\$129,116.00	\$132,344.00
Lieutenant	\$126,658.00	\$129,824.00	\$133,070.00	\$136,396.00
Captain	\$130,702.00	\$133,970.00	\$137,318.00	\$140,752.00
EMPLOYEES HIRED AFTER 01/01/2015:				
During 1st Year	\$38,855.00	\$38,855.00	\$38,855.00	\$38,855.00
2nd Year	\$49,608.00	\$49,608.00	\$49,608.00	\$49,608.00
3rd Year	\$60,362.00	\$60,362.00	\$60,362.00	\$60,362.00
4th Year	\$68,531.00	\$68,531.00	\$68,531.00	\$68,531.00
5th Year	\$76,700.00	\$76,700.00	\$76,700.00	\$76,700.00
6th Year	\$84,869.00	\$84,869.00	\$84,869.00	\$84,869.00
7th Year	\$93,039.00	\$93,039.00	\$93,039.00	\$93,039.00
8th Year	\$101,168.00	\$101,168.00	\$101,168.00	\$101,168.00

Ordinance No. 18-08 – Police Salaries – 2018, 19, 20, 21 – 2nd Reading, Public Hearing – cont’d.

9th Year and Thereafter	\$114,612.00	\$117,477.00	\$120,414.00	\$123,425.00
Sergeant	\$122,894.00	\$125,967.00	\$129,116.00	\$132,344.00
Lieutenant	\$126,658.00	\$129,824.00	\$133,070.00	\$136,396.00
Captain	\$130,702.00	\$133,970.00	\$137,318.00	\$140,752.00

SECTION II. CLOTHING ALLOWANCE AND ROTATIONAL DIFFERENTIAL

A. Each officer shall be paid an annual combined allowance for uniforms, equipment and uniform maintenance. The annual uniform allowance shall be One Thousand Two Hundred Dollars (\$1,200.00). The annual uniform allowance shall be paid in two (2) checks, fifty percent (50%) on June 1st of each year and the balance of the other fifty percent (50%) on December 1st of each year with the amount paid to each Officer being prorated based on the number of full months in the previous six (6 months) that the Officer was employed by the Department.

B. All Officers are subject to varying work schedules and rotation. In recognition of this, one percent (1%) of each member's regular semi-monthly compensation (base, longevity and holidays) shall be paid to all sworn Police personnel up to and including the rank of Sergeant. Said amount shall be paid in a lump sum annually not later than the first payroll in the month of March each year. The existing rotational differential (1%) shall be deleted for persons hired after January 1, 2015 only.

SECTION IV. LONGEVITY

Each officer shall receive a longevity payment representing 1% of his/her base annual salary after three (3) years of completed service. Thereafter, (after the third (3rd) year), each officer shall be paid an additional one (1) percent for every

three (3) years of completed service to a maximum of 8 percent (8%). All longevity payments shall be paid as part of the officer's regular pay. All creditable service time as an employee of the Borough of Haworth shall be used in longevity computation. Effective January 1 of each year, each officer shall be entitled to the maximum longevity benefit based on his/her total service.

Officers hired after January 1, 2015 shall receive payments in accordance with the following schedule:

After 9 Years of Completed Service	1%
After 12 Years of Completed Service	2%
After 15 Years of Completed Service	4%
After 18 Years of Completed Service	6%
After 21 Years of Completed Service	7%
After 24 Years of Completed Service	8%

SECTION V. HOLIDAYS

Each officer shall receive thirteen (13) holidays annually. Compensation for the thirteen (13) days shall be paid at the officer's current daily rate as part of the officer's semi-monthly pay.

SECTION VI. VACATION

Each officer shall be entitled to annual vacation leave as follows:

Years of Service	Amount of Vacation Leave
0 - 1 Year	Eight (8) hours for each month of service to a maximum of eighty (80) hours in the calendar year
First Year to Fifth Year	Eighty (80) hours vacation
Sixth Year to Tenth Year	One hundred twenty (120) hours vacation
Eleventh Year to Fifteenth Year	One hundred twenty-eight (128) hours plus eight (8) hours for each additional year of service
Sixteenth Year to Twentieth Year	One hundred sixty-eight (168) hours vacation
Twenty-one Years and Over	Two hundred eight (208) hours vacation

.Unused vacation days not taken by December 31st will be lost.

SECTION VIII. ANNIVERSARY OF SALARY SCHEDULE

The anniversary of the salary schedule relating to police officers shall be the first of each and every year. Where an appointment is made on or before June 30th of any year, the anniversary date shall revert to January 1st of such year; where the appointment is made subsequent to June 30th of any given year, the anniversary date of this salary schedule shall not be effective until January of the following year.

SECTION IX. SICK LEAVE

A. Each officer shall be entitled to one hundred twenty (120) hours of sick leave per year. Unused sick time shall continue to accumulate from year to year. There shall be no limit to such accumulation. The Chief may, at his discretion, grant up to forty (40) additional sick hours per year to any officer with ten (10) or more years of service who has need for additional sick days. Any additional sick time granted on this basis cannot accumulate.

B. Upon retirement, pursuant to the New Jersey Police and Fire Pension Laws, an officer shall be paid cash as a terminal leave benefit as follows:

(i) Officers hired prior to January 1, 2015 shall, subsequent to January 1, 2015, have the option on December 1 of each year, to sell back up to one-half (1/2) of his earned-but-not-used sick time for that year at the current rate of compensation, to be paid in the second regular pay cycle of the next year. Time not sold back is accrued for future use, but is not eligible for retirement cash out.

Officers may elect to sell back any amount up to one-half (1/2) of earned and unused time. Officers are not required to sell one-half (1/2).

(ii) Officers hired prior to January 1, 2015 shall be paid in cash at retirement one-half (1/2) of his accrued sick time as of December 31, 2014 (less any sick time used subsequently) provided however such payment shall be included within, and be subject to the eight hundred (800) hour career maximum set forth in subsection B.

Ordinance No. 18-08 – Police Salaries – 2018, 19, 20, 21 – 2nd Reading, Public Hearing – cont’d.

(iii) For officers hired prior to January 1, 2015, upon retirement such employees shall be paid cash at the time of retirement for one-half (1/2) of all his accumulated and unused sick time up to a maximum of eight hundred (800) hours over his career.

(iv) Officers hired after January 1, 2015 shall be entitled to the following benefit: On December 1 of each year, an officer has the option to sell back up to one-half (1/2) of his earned-but-not-used sick time for that year at the current rate of compensation, to be paid in the second regular pay cycle of the next year. Time not sold back is accrued for future use, but is not eligible for retirement cash out.

(v) For officers hired after January 1, 2012, upon retirement such employees shall be paid cash at the time of retirement for one-half (1/2) of all unused sick time for the year of retirement up to a maximum of Fifteen Thousand Dollars (\$15,000.00) over the career of such officer.

SECTION X. PERSONAL DAYS

Twenty-four (24) personal hours each year shall be available to each officer during the years 2018, 2019, 2020 and 2021. An officer may be awarded one additional vacation day ("Chief's Day") each year, at the discretion of the Chief of Police for that officer's outstanding performance in the line of duty, dedication to the community, educational achievement or for an act that brings acclaim to the officer, the department or the profession. This day may be awarded at the discretion of the Chief of Police, with the understanding that emphasis is placed on merit and all officers may not receive the day. The day selected shall not incur overtime. Unused personal days not taken by December 31st will be lost.

SECTION XI.

The provisions of this Ordinance shall be retroactive to January 1, 2018. Any ordinance or resolution in conflict with this Ordinance, other than the current contracts of employment, is hereby repealed.

The Ordinance shall take effect upon final publication as provided by law.
June 29, 2018, Fee: \$438.75 (585) 4273863

The meeting was then opened to the public on Ordinance No. 18-08. As there 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. 18-08 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. Rosenberg, seconded by Mr. Bain and unanimously carried that the passage of Ordinance No. 18-08 be advertised as required by law.

Correspondence

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
Mr. R. Regan	Substitution of Attorney for Lakeshore Developers (Schaefer's Gardens)	All Council

CONSENT AGENDA

Mr. Bain requested that No. 5 of the agenda be pulled regarding the Summer Recreation salaries for a further addition.

The following consent agenda was offered by Mr. Poosikian, seconded by Mrs. Duffy and unanimously carried:

CONSENT AGENDA – cont’d.

Approval of Raffle License

TITLE: RAFFLE APPROVAL – WOMANS CLUB HAWORTH
#RA-461 - ON PREMISE - MERCHANDISE
#RA-462 - ON PREMISE – 50/50

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth that the On-Premise, Merchandise #RA-461 and On-Premise, 50/50 #RA-462 Raffle Applications of the Womans Club Haworth to be held at 102 Park Street, Haworth on October 20, 2018 be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to.

Refund 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 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>
Anne O’Connell 140 Hardenburgh Avenue Haworth, NJ 07641	1378	\$100.00	140 Hardenburgh Ave.

Authorization to Execute Contract for Library HVAC System

WHEREAS, *N.J.S.A. 40A:11-12* permits a municipality to purchase goods or services without advertising for bids entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough is in receipt of a proposal from Lime Energy Services Company (“the Contractor”) for the furnishing of equipment and installation of a heating, ventilation and air conditioning system (“HVAC project”) at the Haworth Public Library; and

WHEREAS, the amount of the proposal is \$90,366.70; and

WHEREAS, the Borough wishes to enter into a contract for the HVAC project with the Contractor, and the Chief Financial Officer has certified that funds are available for this contract from Line Item C-04-18-006-006.

CONSENT AGENDA – cont’d.

Authorization to Execute Contract for Library HVAC System – cont’d.

NOW THEREFORE BE IT RESOLVED that Mayor John W. Smart and Borough Clerk Ann E. Fay be and are hereby authorized to execute a contract with the Contractor for the aforesaid HVAC project.

Approval of Pay Rates for Swim Pool Employees

BE IT RESOLVED the following are appointed as Lifeguards for the 2018 Summer Season:

<u>\$8.00/hr</u> Isabella Sposato Rich Rotonde Harley Nickl Hailey Tam Chad Marge Eren Karaburn Julia Monaco Alana Verbeyst Ava Miller Charlotte Davis Julia Ambartsoumian Jada Sewell Jackie Kim	<u>\$8.25/hr</u> Jinny Lee Mairead McDermott Sierra Hitchcock John Dongsu Kim Matt Maretic Stephanie McDermott Dan Kim James Zampetti Emma Lau Rachel Woods-Bannan	<u>\$8.50/hr</u> Amanda Welish Bobby Mansfield Olivia O’Donnell Sofia Sabella Nicholas Sabella Eoin Connell Taylor Hoyng Brandon Kim	<u>\$8.75/hr</u> Katie Miller Claudia Volpe Coner Wilson
<u>\$9.00/hr</u> Chloe Zampetti Luke Connell	<u>\$9.25/hr</u> Liam Cristello Michael Kilduff Lindsey Davidson	<u>\$9.50/hr</u> Fiona Connell	<u>\$10.00/hr</u> William Mayer Alex Paspalas

BE IT FURTHER RESOLVED the following be appointed as Office Staff:

Mia Armen \$8.25/hr John Kim \$8.00/hr Leia Tam \$8.00/hr
 Angelina Maretic \$8.00/hr

BE IT FURTHER RESOLVED the following be appointed as Managers:

Michael Ives Chris Armen Jon Morrisette

CONSENT AGENDA – cont'd.

Approval of Payment of Bills

FOR COPY OF RESOLUTION AND BILL LIST
SEE PERMANENT MINUTES
PAGES 153A – 153G

Approval of Minutes

Executive Meeting of May 8, 2018
Closed Meeting of May 8, 2018
Regular Meeting of May 22, 2018
Closed Meeting of May 22, 2018

Approval of Pay Rates for Summer Recreation Employees

Mr. Bain requested that this resolution include 2% raises for both the Director Jody Stark and the Assistant Director Jessica Cooley.

The following resolution was offered by Ms. Guenego, seconded by Mrs. Duffy and unanimously carried:

BE IT RESOLVED that the following are appointed as Summer Recreation Counselors for 2018 at the rate of \$7.91 per hour:

Caroline Vierheilig	Jake Moses
Kayleigh Young	Katelyn Scuro
Sebastian Bayuelo	Adel Azmi
Cobey Meyer	Emmett Pilsbury
Luke Han	Max Boos
David Polifroni	Tim Larsen
John Dominianni	Yuki Ando

BE IT FURTHER RESOLVED that William Lofaro be appointed as Summer Recreation Counselor at the rate of \$8.06 per hour.

BE IT FURTHER RESOLVED that Jody Stark, Director and Jessica Cooley, Assistant Director each receive a 2 percent increase.

UNFINISHED BUSINESS

Community Garden

A proposed draft resolution having been distributed to the councilmembers, Mr. Bain asked that an amendment be added that there would be no expenditures by DPW employees in connection with the garden.

Mayor Smart questioned how to enable this resolution if fees are not incorporated. It was suggested \$125.00 as an annual fee for a garden bed. He then questioned the amount of space within the Tree Farm to be used as a Community Garden and creating a waiting list.

Mr. Bain responded that after the first year they would see what the response is regarding the 24 beds allocated, they would be leaving the area intentionally open and co-mingle with the Tree Farm.

Mr. Poosikian noted the Shade Tree Commission met earlier this evening, there was a mixed reaction regarding the Community Garden, this was the first time they were apprised of the matter and some members were against utilizing the Tree Farm for this purpose. He said he felt the proposed resolution presented this evening was premature, noting that last year 30 trees were taken out of the Tree Farm, the area needs to be cleared out and evaluated as to what amount of space can be used for the Community Garden. He further suggested waiting until the Shade Tree Commission has time to evaluate the space and that they are willing to work with the Recreation Committee on this project.

Mayor Smart said 20 trees were taken out this past fall and planted in various areas in town. He suggested a period of 30 days to see how much space is available.

Mr. Bain questioned who would be clearing the area. Mr. Poosikian responded Mr. Luethke and his crew when time permits from their regular work schedule. He also noted that weed killers are used at the Tree Farm.

Mr. Bain said he had no objection for more time particularly since the area needs to be cleaned up.

Mr. M. Cohen present in the audience who presented the Community Garden at the last meeting said that Mr. Luethke did not pull any trees out, the Shade Tree Commission has been approached and he was told no one was available and that which was previously spoken this evening is a misrepresentation.

Mr. Bain agreed that the matter be postponed for 30 days.

Ms. S. Villarosa, 368 Valley Road said she did not see any point of this garden and that trees have been pulled from the Tree Farm. Living adjacent to the Tree Farm, she said it is an imposition with trucks coming in and out, piles of sand and pots, gravel, etc. in this area which her deck overlooks. She said if there were to be a garden there would be cars going in and out, it is an ugly site now and a large impact on her.

Community Garden

Mr. Bain commented that fellow residents would be using the garden, there is a lot of benefit from a community garden and people would be careful in the use of the land. He said they are not permanent beds and there would not be heavy equipment involved.

Mayor Smart said with the 30 day postponement it would enable the clean up of the Tree Farm, suggested by-laws, limiting the number of people on the site and possibly restrictions of the hours.

Mr. Bain said there would be by-laws, hours have been discussed and the DPW will not be maintaining the site, it would be volunteer run.

Mayor Smart said more input would be sought in the 30 days.

Mr. B. Villarosa suggested notifying the residents in the surrounding area of this plan.

Reject Bids for Downtown Improvements and Authorize Negotiations with the Two Bidders

These bids were received by the Borough on June 29, 2018, two bids were received which were in excess of the cost estimates for this project.

Mayor Smart explained a financial report he presented indicating what monies are now available for the project, also the Borough Engineer has suggested the removal of certain aspects in the project and because this is the second time this project has been bid negotiations can be held with the Borough and both bidders.

Mr. Rosenberg suggested that instead of cutting out one item to take out a portion of what could be done later.

Mr. Poosikian commented that even with the grant for the project the Borough would be spending more money and felt there is a need to reevaluate the project due to the amount of money it is costing.

Mayor Smart noted the engineer's estimate for landscaping the trees, etc. which could be taken out, the expense of certain types of the lighting, up-lighting of the trees, etc. He suggested the rejection of the bids and to commence negotiations with the bidders, the engineer, Mr. Regan and himself.

Reject Bids for Downtown Improvements and Authorize Negotiations with the Two Bidders – cont'd.

The following resolution was offered by Mr. Bain and seconded by Mr. Rosenberg

WHEREAS, the Borough of Haworth advertised that sealed bids would be received on June 29, 2018 for a project entitled “Downtown Improvements Terrace Street and St. Nicholas Avenue” (“the project”); and

WHEREAS, in response to the advertisement for proposals, the following bids were received:

Zuccaro, Inc.
Base Bid- \$610,078.60
Alternate Items- \$86,846.00
Total - \$696,924.60

S. Batata Construction
Base Bid- \$694,593.60
Alternate Items- \$123,400.00
Total - \$817,993.60; and

WHEREAS, the price submitted by the lowest bidder, Zuccaro, Inc. (“Zuccaro”) is in excess of cost estimates prepared on behalf of the Borough prior to advertising for proposals; and

WHEREAS, the Borough previously advertised for proposals that bids would be received for the project on July 6, 2017 with one bid being received, from Batata; in the base bid amount of \$622,025, which bid was subsequently rejected as also being in excess of cost estimates received prior to advertising for proposals.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council as follows:

1. The bids received for the project on June 29, 2018 be and are hereby rejected, and the Governing Body determines that the bids are unreasonable as to price based on cost estimates prepared on behalf of the Borough.
2. As noted above, the receipts of bids on June 29, 2018, and the rejection thereof, constitutes the second time that the Borough has rejected bids as not being reasonable as to price based on cost estimates.
3. Pursuant to *N.J.S.A. 40A:11-5 (3)* (“the statute”), the Governing Body authorizes negotiation for a contract with the two bidders, Zuccaro, Inc. and Batata who submitted proposals on June 29, 2018. In accordance with the statute, both bidders shall be afforded a reasonable opportunity to negotiate, provided however that a contract shall not be awarded unless the negotiated price is lower than the lowest rejected bid price submitted on June 29, 2018 and is deemed to be a reasonable price.

Reject Bids for Downtown Improvements and Authorize Negotiations with the Two Bidders – cont'd.

4. The Borough Clerk/Administration and/or Borough Engineer be and are hereby authorized to notify the parties submitting bids on June 29, 2018 that same have been rejected and to provide them with a copy of the within resolution.

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 at 8:25 PM by Mr. Poosikian, seconded by Ms. Guenego 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 July 10, 2018 at which time the following items will be discussed:

Affordable Housing
Personnel Policies

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 items 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 items 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 9:05 PM and as there was no further business to come before the Council adjourned on motion offered by Mr. Rosenberg, seconded by Mr. Bain and unanimously carried.



Ann E. Fay, RMC, CMC
Clerk-Administrator