

The reorganization meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 7:01pm, in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

Mayor .....	John V. Lane
Council President .....	Frank E. Matthews
Council Vice President.....	Bruce A. Bennett
Councilwoman .....	Anna Marie Sasso
Councilman .....	Dominic Mele
Councilwoman.....	Rayna Laiosa
Councilman.....	Mike Sciarra
Councilman .....	Joseph Wojtecki
Borough Administrator .....	Eric Maurer
Borough Attorney .....	Michael J. Pasquale
Borough Engineer Representative.....	Peter Ten Kate
Borough Clerk .....	Lori Fernandez

**FLAG SALUTE**

Council President Matthews invited all present to join him in the flag salute.

**STATEMENT**

Adequate notice of this meeting has been provided by the Annual Schedule of Regular Meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, emailed to The Herald News, The Record, The Gazette and all persons who have requested the mailing of such schedule, and a copy of said schedule has remained on file in the office of the Borough Clerk from and since December 7, 2022.

**INVOCATION**

Council President Matthews invited Pastor Howie Van Dyk to give the invocation.

**INTRODUCTION OF DIGNITARIES**

Council President Matthews introduced Alex Clavijo, Vice President of the Board of Education, Chief Knepper, Chief of Police and Police Captains Joe Carr, and Robert King. He thanked anyone else present holding office for their service.

Council President Matthews turned the meeting over to Borough Clerk Fernandez.

**NOMINATION & ELECTION OF 2023 COUNCIL PRESIDENT**

Borough Clerk Fernandez welcomed everyone to the 2023 reorganization meeting and wished everyone a Happy and Healthy New Year. Clerk Fernandez asked for nominations for Council President, the nomination call order was drawn by lots. Councilman Mele nominated Councilman Matthews, seconded by Councilman Sciarra. There were no other nominations. On roll call, all voted yes, with the exception of Councilman Matthews who abstained, motion carried. Mayor Lane administered the Oath of Office to Council President Frank Matthews.

**NOMINATION & ELECTION OF 2023 COUNCIL VICE PRESIDENT**

Borough Clerk Fernandez asked for nominations for Council Vice President. Councilman Mele nominated Councilwoman Laiosa, seconded by Council President Matthews. There were no other nominations. On roll call, all voted yes, with the exception of Councilwoman Laiosa who abstained, motion carried. Mayor Lane administered the Oath of Office to Council Vice President Rayna Laiosa.

Borough Clerk Fernandez turned the meeting back over to Council President Frank Matthews.

## **COUNCIL PRESIDENT MATTHEWS REMARKS**

I'd like to thank everyone for joining us tonight as well as my colleagues for their vote of confidence. Last year the items on our agenda fell into two categories; quality of life issues and administrative issues, this year will be the same.

### Quality of Life Issues

1. Garbage and Recycling Collection has been an issue this past year but I think we will have a better system in place now, and service should improve this year.
2. Illegal parking issues were addressed, and some may or may not have liked the efforts that were implemented but we will continue to explore ideas how to effectively enforce and aesthetically address how we do it. We will continue to work with the Traffic Division of the Police Department.
3. We will continue to be Green whenever possible. We applied for a grant to add an electric charging station at the library, but still have not received one. We will continue our paper shred days and increase the number of our packing foam collection drives to keep less waste out of our garbage stream.

### Administrative Issues

We have a number of large-scale capital project's that we are in the middle of addressing:

1. These projects were State mandated with little to no funding to support them. We are spending \$5 to \$6 million installing a water filtration system to our pump houses to meet new arbitrary lower State requirements. This is a noble effort, but without financial support, it will cost our water users.
2. The other mandate is to replace all of our water supply piping to our older homes that are galvanized. Under the "get the lead out" legislation, most of our main supply lines and the lateral lines that feed our older homes will need to be replaced. We test our water regularly and don't have any lead in our system. Galvanized pipe is made of Zinc, not lead, but has been lumped in with this bill. This mandate will cost between 10 to 15 million dollars to implement. This will also cost our water users.
3. Another large project is a total overhaul of our town-wide communication systems for Police, Fire, & EMS. With changing technology and aging infrastructure, we are modernizing our systems for both our ability to communicate and for safety. This is another multi-million-dollar project that is underway.
4. Last year we were lucky to be awarded a grant called a Neighborhood Preservation Program Grant. You may have noticed, some changes occurred to the outside of the library and by the pool. We're also looking into repairing the front steps and patio of the municipal building and possibly improving the appearance of the exterior of the building. Last year the zone and parameters of the grant were established in order to apply for the grant and a committee of residents, business owners and Borough representatives worked together on Phase 1 of this this program. This year, more positive improvements will follow.
5. We have also made a commitment to improve all of our athletic facilities and will be implementing the projects identified by the Field Committee.
6. The Ordinance committee will be finalizing the total re-write of our Borough Code including significant changes to the Zoning section. This will modernize the code and simplify applications for minor expansions.

7. We will be shifting our policy on sidewalk replacement at new tree locations to promote more tree replantings and not put a burden on a property owner. For the first time in a long time, the last two years we have planted more trees than we removed. We look to continue that trend.
8. We will continue to modernize our methods of communicating with our residents through Nixle, Facebook, and an up-to-date website.
9. Lastly, working with the Administration to prepare a fiscally sound budget that comes in with as low of an increase as possible will be a top priority. We have a number of high-cost capital projects on our plan, so this year's budget theme will be frugality. It will be a challenge balancing capital and yearly items. Please remember that State mandated projects will have an impact on our budget.

As you can see, we have a lot going on this year. The above-mentioned goals are not a complete list but rather an overview of what we would like to do this year. We look forward to the year ahead and working with the administration, and our residents, to keep Hawthorne the place we all love and call home. Thank you again for joining us tonight and I hope we all have a Happy and Healthy 2023!

### **COUNCIL VICE PRESIDENT LAIOSA REMARKS**

I would like to thank my fellow council team members for their support for nominating me as their Vice President. I'm looking forward to taking on this leadership role and continuing work with our strong council team this year.

As I enter my fourth year, I reflect on how Hawthorne stood up and supported our residents and businesses during the COVID pandemic, and how our residents took initiative to donate food to Hawthorne's food pantry as well as donating to food pantries at local churches. I reflect fondly on how we resolved Hawthorne's affordable housing settlement at 204 Wagaraw Road & 542 Goffle Road. We held residents and businesses accountable for cleaning up their properties to maintain the beauty and aesthetic of our town. We took initiative at 8 Acre Woods to improve trails (maintained by Hawthorne DPW), and installed new entrance signs and trail markers, and updated maps with a QR Code under the Neighborhood Preservation Program and an Eagle Scout Project Sponsored by the Hawthorne Environmental Commission. And very proudly, I reflect on how Hawthorne achieved, for the fourth time, Sustainable Jersey Silver Certification with 520 action points by working together as a team along with our partners and local Hawthorne organizations.

I would like to extend a huge Thank You to our Fire, Police, Ambulance, Hawthorne Domestic Violence Response Team, and our First Responders. They are Incredible! Dedicated, as always. They are there for the call of duty and Protection of Our Residents and Businesses! Let's not forget our borough employees working at the Municipal Building: our Borough Clerk, Finance, Tax, Health, Building, Recycling, and DPW Departments to continue to serve our residents! We truly are lucky to have dedicated and caring employees who make Hawthorne special!

As a leader, we need to see the "Big Picture" and build partnerships and strong communication with the public. – It's a two-way street. It's always important to remember that we represent all the people. I will continue to work with:

- the Hawthorne Police addressing the speeding of vehicles on our residential streets, such as Diamond Bridge Avenue, Washington Ave, Warburton Ave, Central Ave, and Dixie Ave and beyond Ward 2 area,
- Work with our Clean Community Coordinator and local Hawthorne organizations to promote and conduct litter clean up campaigns by "Helping the Hawthorne BEE Defeat Litter",
- Continue support and promotion of our local businesses. We need to say thank you and recognize them as a valuable contributor to our community, and

- Work with the administration to prepare a fiscally sound budget that balances capital projects and annually yearly expenses with the top priority being making smart decisions to keep the impact of budget increases to a minimum.

If you don't know by now, my nickname is "Ms. Persistence". I will find ways to make those things happen that are best for Hawthorne! By working as a team and a united front on Council, we can accomplish anything we set our mind to. Believe it!

It is truly an honor to serve the residents of Hawthorne! Have a Happy, Safe, and Healthy New Year! I look forward to getting 2023 off to a great start!

Please mark your calendar, our next Polystyrene Collection Day is Saturday, January 7, 2023 at the Hawthorne Pool Complex from 9:00 am until the container is full. Hawthorne residents Only!

## **COUNCIL MEMBERS REMARKS**

### **Councilman Mele**

Councilman Mele wished everyone a Happy & Healthy New Year and thanked Council President Matthews for his great leadership throughout the year and for his help with the Finance Committee along with Councilwoman Laiosa.

### **Councilwoman Sasso**

Councilwoman Sasso congratulated Council President Matthews and Council Vice President Laiosa. She thanked her fellow councilmembers, Mayor Lane and Administrator Maurer for their patience with her and it's her honor to have served the Borough alongside each and every one of them. It was a year of many firsts and many changes, all progressive, of which she is very proud of. She looks forward to watching the changes made within the Borough for years to come including the updating of the library, Franklin Field, the band shell and the new playground at the municipal pool complex. Other changes were forced upon us, the water lines and PFAS treatment, but they had to be done. Our residents will reap the rewards of those changes as time goes on. Change is hard but once it is done, it will be well worth it. She encouraged everyone to support our local businesses. She looks forward to working with everyone this coming year, and continue to celebrate our wonderful town in every way possible. She wished everyone a Happy and Healthy New Year.

### **Councilman Bennett**

If you've been watching the circus taking place in Washington this week, you're probably just as frustrated as I am that the people, we've entrusted with the job of running our country can't even seem to do something as simple as agree on a new Speaker of the House. I don't know why, but I do know that is NOT how government is supposed to work.

Fortunately, the residents of Hawthorne do not have to worry about that kind of nonsense here. When Councilwoman Laiosa expressed an interest in serving as Council Vice President, I gave her my full support. Why? Because I think it's important for the newer, younger members of the Council to step up into positions of leadership when they're ready so they can experience firsthand the challenges and responsibilities that come with those positions and learn how to deal with them. I think Rayna will make a fine Vice President, and more important, I think the experience will make her a better Councilwoman. That sounds like a win-win situation to me, not just for us, but for the entire town.

Hawthorne has faced some enormous challenges in the last few years, beginning with a worldwide pandemic that threatened our families and friends and pushed our local businesses and economy to the brink of financial ruin. But we got through it. And then there's Trenton's illogical, unfunded mandates that will cost communities like Hawthorne millions of dollars. We have no vote or say in that matter, so we will face those challenges the same way we face every challenge. All seven of us up here will work together with the Mayor and Administration to

find the most beneficial, cost-effective solutions we can, and then work together to implement them. We may not all have the same political affiliations or ideologies, but when it comes to doing what's right for the people of Hawthorne, we put those differences aside and pursue one common goal together. Because that, my friends, is how government is supposed to work.

That said, I would like to wish all of our residents a very happy, healthy, and prosperous New Year.

#### Councilman Sciarra

Councilman Sciarra congratulated Council President Matthews and Council Vice President Laiosa and wished everyone a Happy New Year.

#### Councilman Wojtecki

Councilman Wojtecki congratulated Council President Matthews and Council Vice President Laiosa and wished everyone a Happy New Year and looks forward to serving the residents of the Borough of Hawthorne.

#### **APPROVAL OF MINUTES None.**

#### **PUBLIC COMMENT** (Agenda items only)

Council President Matthews opened the meeting to the public. He stated if anyone desired to be heard, please raise their hand to be recognized, come forward to the microphone and state their name and address. Seeing none, Council President Matthews entertained a motion to close the public portion of the meeting, moved by Councilman Mele, seconded by Councilwoman Sasso. Carried on voice vote.

#### **ADMINISTRATIVE AGENDA PRESENTED BY MAYOR LANE**

Good evening, friends, residents and neighbors. To those of you present here at the Hawthorne Borough Hall Council Chambers, those of you watching via TV or live streaming, and to all of the residents of Hawthorne, my very best wishes for a happy, healthy and safe new year. Our printed Hawthorne calendar has been mailed out, and it is likely that you have already received it. There is a lot of important information about our Borough in that calendar and available on our website. I also encourage you to sign up for Nixle messaging. It is easy to do by using the information provided in the calendar. I would like to update you tonight on several important topics, the first being those affecting our Hawthorne water utility and our infrastructure.

#### Water Regulations and Rates

New state regulatory requirements have mandated two major projects for the Hawthorne Water Utility and will drive up the rates customers pay for their water. In 2020, the New Jersey DEP adopted maximum levels in drinking water for a class of chemicals known as PFAS, with testing and then compliance beginning in 2021. This testing revealed that Hawthorne water has levels of two of these chemicals - PFOA and PFOS - that exceed the new standards, and mandated treatment that would bring the water into compliance by August of 2022. Ever since, though, the DEP's actions bespeak "hurry up and wait." When the Borough submitted an application to the DEP for a required permit to install the treatment system, the DEP took 4 months to review it before issuing the permit... and then the same DEP took yet another 6 months to review the very same project when we applied for low-cost financing before allowing us to go out to bid. The amount of PFAS in our water is infinitesimal - around 20 parts per trillion, yes, TRILLION - for both PFOA and PFOS - the equivalent of one drop in one Olympic swimming pool. That level was well within previous DEP and EPA guidance until the DEP adopted the new standards, and below what was even detectable, not too many years ago. There is no "do not drink" order mandated by the DEP for these levels of PFAS. Their guidance is that people with certain health conditions consult with their health care providers. Although we have now awarded a contract for construction, completion is still a long way off, since there is a 30-week lead time for delivery of the equipment the contractor must install, which means that the system won't be operational until late in 2023. Hawthorne Water did not cause this PFAS situation... and we are not alone.

PFAS are man-made chemicals used for a wide range of products: stain- and water-resistant materials, non-stick pans, and even microwave popcorn bags - which have been introduced into the environment, and water supplies, by industrial processes and disposal of waste. Every water utility that taps into the same aquifer as we do have PFAS in the water, as do many utilities with other water sources.

The situation for water service lines is more ridiculous. In a new state law requiring that water utilities replace all lead service lines, the legislature, in its wisdom, counterfactually defined galvanized service lines as "lead." The Hawthorne water system has NO lead service lines - NONE - but 45% of the service lines in the system are made of galvanized pipe and therefore must be replaced, despite the fact that thirty years of water tests under the federal government's "lead and copper rule" have demonstrated that there is NO LEAD in Hawthorne water.

At least testing shows that there are PFAS in Hawthorne water, no matter at what minute quantities, which we will be removing with a treatment system that will cost \$7 million. Yet, although there is no lead in Hawthorne water, we will have to spend twice that amount - an estimated \$15 million - to replace galvanized pipes over a ten-year period. Phase 1 was completed in 2022, and Phase 2 is planned for 2023. And who will pay for all this work? Well, the state is great at issuing regulations but not so great in providing funding. The state will give Hawthorne \$1 million toward the PFAS system through "principal forgiveness," and then provide low-interest financing for the other \$6 million. For the \$15 million for galvanized line replacement, they will provide only low-interest financing... and maybe not even that beyond early phases of a 10-year project. That leaves our water customers to pay the bill. Remember to thank the State the New Jersey when you pay 13% higher water rates in 2023, then another 13% rate increase in 2024, and yet another double-digit rate hike in 2025.

#### Recreational Facilities

In 2022 the Council funded and authorized design of three high-priority projects identified by the Fields Committee formed by Mayor Emeritus Goldberg. The projects include fencing and lighting at Franklin Field and reconstruction of the roller hockey rink - all of which we expect to have constructed in 2023. The Borough applied for and received a \$90,000 grant from the Passaic County Open Space Funds. In addition, the Borough completed construction on a new playground at the recreation complex that was also funded by the County Open Space Funds. We also replaced sod at the Franklin Field.

#### Emergency Services Communications

Another initiative promised in my address a year ago is the update to the communications system for our emergency services, which calls for the replacement of equipment over 40 years old. Some of the new equipment is already on order, and within the next couple of months, we will be asking the Council to authorize the funding to complete the project. While this has taken longer than anticipated, within the next couple of months we should have a final project ready to present to the Council, and will be ready to order that equipment.

#### Public Safety

The Borough has seen increased calls for both our Fire Department and Ambulance Corps, and this is likely to be a trend going forward. Both entities desperately need additional volunteers to help provide these critical services. The Fire Department has developed a close working relationship with the Glen Rock Fire Department to help meet the needs of both communities. We are working with two different ambulance service providers to help support the Hawthorne Volunteer Ambulance Corps by responding to the increased volumes of daytime ambulance calls. I'd also like to recognize Hawthorne Ambulance Corps Chief Ken Houtsma upon his retirement from the Corps after over 50 years of service. Traffic safety is a priority. My administration is working with the Council to create a 4-ton weight limit on some of our local streets. Meanwhile, the Police Traffic Bureau will focus on borough-wide speed enforcement and crack down on distracted driving. Intermittently, our police officers will be monitoring pedestrian crosswalks. As a service

to our residents, our plan is to increase the number of Division of Motor Vehicle on-site mobile services, a program which was very successful in 2022.

### Neighborhood Preservation Program (NPP)

Our Neighborhood Preservation Program got off to a great start in 2022 through the efforts of Coordinator Ellen Brogno and the NPP stakeholder committee chaired by John Bertollo. Activities undertaken in 2022 included a new plaza in the front of the library, planters on the downtown light poles, a wall mural at the pool, new signage in the Eight-Acre Woods, and handouts were printed with a wayfinding map for the Borough. In year 2, we expect to have a decorative clock installed at Diamond Bridge and Lafayette Avenues, complete further enhancements at the library, and a partnership between the Boro Bandshell and restaurants.

### Development Projects

The Borough is seeking new development that will enhance our tax base. The project at 204 Wagaraw Road saw the new gym open at the end of last year, and the storage facility and residential apartments are planned to be open by mid- 2023. The Christian Health VISTA project was completed and opened. Hawthorne Heights on Goffle Road, which is a required project for our affordable housing plan, and was approved by the courts, has received Planning Board approval. The Planning Board also just approved a new Lidl grocery store at the intersection of Wagaraw and Goffle Roads. 31 new businesses have been approved by the Planning Board. Additionally, our planner has completed a report which recommends designating the Pyrolac property for redevelopment. This report will be reviewed by the Planning Board and then the Council as the next step toward developing this property. The Administration has been working with a potential developer for the vacant Pan Chemical property as well as the former Hawthorne Chevy used car lot on Lafayette Avenue.

### Zoning Ordinance

The Administration, working with our planner, has drafted an updated Zoning Ordinance that is being recommended to the Planning Board and Council for review and adoption. This Zoning Ordinance derives from an updated Master Plan approved by the Planning Board on August 16, 2022. Adoption of the ordinance, after final tweaks, is expected in the first quarter of 2023. This is a comprehensive overhaul of the Ordinance, a massive but necessary undertaking that brings the Ordinance into current times. We are a largely developed community. The most important goal of the update is to encourage the right kind of growth and redevelopment in the community without losing our sense of community. The update includes a rezoning of many of our single-family residences so that our residents can make improvements to their homes without the need to spend time and money appearing before our Planning or Zoning Board. The new ordinance will recognize the need to address our affordable housing obligation in ways intended to fit in with our existing homes and businesses. We want to encourage the right kind of commercial growth as we move from heavier industrial uses to cleaner, more modern uses. We want our existing businesses to be able to grow and prosper, recognizing changes that will help strengthen our tax base and our sense of community. There is an emphasis on reinvigorating our downtown, increasing foot traffic and encouraging investment in older buildings in need of a facelift. There is a recognition of the changing times as more residents now work from home, and want different dining options, such as outdoor dining. There is great attention to the impact of development on our existing infrastructure and the environment. Whether it is controlling water runoff, encouraging green building measures or preserving open space, the Ordinance moves us forward in significant ways. This has been a monumental effort and will bring the Borough forward in many ways.

### Budget and Finance

The 2022 budget included a tax rate increase of 3.5%, which is higher than in recent years. Unfortunately, we expect additional increases due to inflation and other factors in 2023. Once again, the Borough had no audit finding for the 2021 audit that was completed this past year, thanks to the efforts of our Director of Revenue & Finance, Laurie Foley.

### Other Significant Achievements

I'd like to congratulate Bill Haffler, our new Director of Public Works, for completing the leaf pick up schedule on time for the first time in many years. Bill has also identified equipment that will make other DPW activities much more efficient. And, as promised a year ago, the Borough had all of our athletic fields in shape before the start of each season for each sport.

When I spoke at our January 1 Council Meeting last year, I spoke about the promises I made while I was campaigning in 2021. I have worked tirelessly to meet all of those promises plus even more. There are a number of projects that we have completed to make Hawthorne a better place to live and there are more in the pipeline for 2023. Several of these are:

- In response to my requests to the Post Office and U.S. Congressman Bill Pascrell's Legislative Office, I am told that significant improvements will be initiated at our Hawthorne branch during the first quarter of 2023.
- We worked with Passaic County Nutrition Services to reopen the Senior Citizens lunch program held at the ambulance building on Goffle Road. Additional programs will begin during the first quarter of 2023.
- We worked with the Passaic County Sheriff's Department and the Paterson Police Department on controlling the loud music coming from the City of Paterson, which adversely affected our residents in the south side of town this past summer, and our efforts are on-going
- Together with property maintenance and zoning, we'll make sure that residents and business owners keep their properties in compliance with their zoning approvals.

Many of you already know that I am in my office every day. Many of you have met with me there. I welcome your input, suggestions, and want to hear your concerns. Many good ideas have come from our residents and our borough employees, so don't hesitate to reach out to me. Let's all work together for the betterment of Hawthorne. I will continue to send out a weekly Mayor's letter, now actually more of a newsletter, to keep you up-to-date on the happenings in the Borough. Thank you to all of our residents for caring so much about one another. When someone is in need, the citizens of our community take action and come together. Thank you, again, to our emergency services providers - our fire department, police department, and ambulance corps - for your dedication and the great job you do all year long. Thank you to our Borough Administrator Eric Maurer, my administrative staff, and all of our Borough employees for the terrific job you do each and every day to keep this town humming. Thank you to our elected officials who have committed themselves to serving the public and to tackling tough issues. Thank you, too, to the countless volunteers who selflessly give their time all year long serving on boards, commissions, and committees and those residents who just step up when asked to provide their expertise on projects or to support town events. You are all the heart of this community, and we are especially grateful. I plan to place an Addendum to this report on the Mayor's page on our website listing several additional projects that have been completed in 2022.

### MAYOR'S APPOINTMENTS (With Advice and Consent of Council)

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**Public Defender**

*(to complete an unexpired term)*

William J. Marotta III

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**Registrar of Vital Statistics**

**Deputy Registrar of Vital Statistics**

Carol Chamberlin

Phyllis Wooldridge

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**Board of Health Members**

Thomas Seraffian

Christopher Connolly

Michael J. Firrincili



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**Library Board of Trustees**Cheryl Pasquale  
Evan Toth

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**Environmental Commission Members****Alternate #1 Member**

Lisa DeVos

**Alternate #2 Member**

Holly Cowen

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**Zoning Board of Adjustment Members****Alternate #2 Member**

Lyle Hatch

Danilo Ramirez

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**Fire Sub-Code Official**

Christopher J. DiBella, Sr.

**Risk Management Consultant**

David Vozza, Vozza Agency

Council President Matthews entertained a motion to approve, motion by Councilman Bennett, seconded by Councilman Mele. On roll call, all voted yes, motion carried. Mayor Lane administered the Oath of Office to all those who were present at the meeting.

**MAYOR'S APPOINTMENTS****Shade Tree Commission Members**

Leslie Hines

Diane Korzinski

**Alternate #1 Member**

Rick Hockenberry

*(to complete an unexpired term)*

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**Municipal Alliance Committee Members**

Nancy Agnello, Chair

Brian Cosgrove

Sherrine Schuldt

Lori Fernandez, Coordinator

Joanne Graziano

Officer Tim Vega

Kyle Graham

Matt Corvo

Richard Spirito, Jr.

Thomas J. Bushnauskas

Capt. Robert King

Det./Sgt. Ian Spohn

Capt. Joseph Carr

Police Chief James Knepper

Pastor Howard Van Dyk

Kelly Clifford

Honorable John Meola

Lt. Benjamin Veenema

Diana Connolly

Helen Pasquale

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**Board of Recreation Committee Members**

Robert Pasquale

Melissa Riley

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**Planning Board Class IV Members**

Gene DeAugustines

**Alternate # 1 Member**

Tiffany Della Croce

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**Public Agency Compliance Officer**

Eric Maurer

**Solid Waste Advisory Council**

William Haffler

**Alternate Rep Solid Waste Advisory Council**

Eric Maurer

Council President Matthews entertained a motion to record, motion by Councilman Mele, seconded by Councilman Bennett. Carried on voice vote. Mayor Lane administered the Oath of Office to all those who were present at the meeting.

**COUNCIL APPOINTMENTS & OATH OF OFFICE:**

**CA-1** Appointment of the 2023 Municipal Auditors Suplee, Clooney & Company

Council President Matthews entertained a motion to approve, moved by Councilman Bennett, seconded by Councilman Mele. On roll call, all voted yes, motion carried. Mayor Lane administered the Oath of Office to Bill Swisher of Suplee, Clooney & Company.

**CA-2** Planning Board Class III Member / Council Representative, Frank Matthews

Council Vice President Laiosa entertained a motion to approve, moved by Councilman Wojtecki, seconded by Councilman Mele. On roll call, all voted yes, with the exception of Council President Matthews who abstained, motion carried. Mayor Lane administered the Oath of Office.

**RESOLUTIONS**

**CONSENT AGENDA: R 1-23 through R 21-23**

**R 1-23** Introduced by Councilman Bennett

WHEREAS, N.J.S.A. 40A:4-19 provides that where contracts, commitments of payments are to be made prior to the final adoption of the 2023 budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, this resolution will take effect on the first day of January 2023; and

WHEREAS, the said temporary appropriations are limited to 26.25% of the total appropriation in the 2022 budget, exclusive of any appropriations for Debt Service, Public Assistance and Capital Improvement Fund in the said 2023 budget.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the following temporary appropriations be made and that a certified copy of this resolution be transmitted to the Treasurer for her records (See Attached)

**R 2-23** Introduced by Councilman Bennett

WHEREAS, the Petty Cash Funds for the Treasury is returned to general funds as of December 31, 2023 and must be reestablished.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to draw a check on the Current Fund and as follows:

<u>Department</u>	<u>Custodian</u>	<u>Amount</u>	<u>Fund</u>
Treasury	Laurie A. Foley	\$300.00	Current

**R 3-23** Introduced by Councilman Bennett

WHEREAS, N.J.S.A. 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository of its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state. NOW, THEREFORE, BE IT RESOLVED on this 1st day of January, 2023, by the Council of the Borough of Hawthorne, County of Passaic, State of New Jersey, that:

1. Columbia Savings Bank, Hawthorne, N.J.
2. Spencer Savings Bank, Saddle Brook, N.J.
3. New Jersey Cash Management Fund, Division of Investment, Department of Treasury, Trenton, N.J.

be and are hereby designated as depositories for the Borough of Hawthorne for the year 2023.

Prior to the deposit of any municipal funds in the above-mentioned depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered under the Government Units Deposit Protection Act (R.S. 17:9-41).

**R 4-23 Introduced by Councilman Bennett**

WHEREAS, as per N.J.S.A. 40:53 1-2, the Borough of Hawthorne designates the following newspapers as legal papers for the Year 2023:

The Herald News  
The Record  
The Newark Star Ledger

**R 5-23 Introduced by Councilman Bennett**

WHEREAS, the Municipal Council of the Borough of Hawthorne has previously adopted rules, protocols and resolutions setting forth procedural matters for the conduct and operation of the Council meetings and business; and

WHEREAS, the Municipal Council wishes to extend and continue all such rules and resolutions;

NOW THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne does hereby ratify and reaffirm all previously adopted procedural rules, protocols and resolutions for the year 2023.

**R 6-23 Introduced by Councilman Bennett**

WHEREAS, the Borough Council of the Borough of Hawthorne has the need for the services of a Municipal Engineer for the year 2023 and has determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised; and

WHEREAS, Dr. Stephen T. Boswell and Boswell Engineering, has submitted a proposal and contract for said engineering services, with both fixed rate and hourly based general services on behalf of the Borough in an amount not to exceed \$190,000 absent further action by the Council, as well as project based and escrow services, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, the Administration recommends the award of contract to Dr. Stephen T. Boswell and Boswell Engineering, based upon experience in the given field, familiarity with the Borough of Hawthorne and the submission of a contract within the expectation of the budget for such services; and

WHEREAS, Dr. Stephen T. Boswell and Boswell Engineering has submitted to the Borough of Hawthorne a duly completed entity disclosure certification which certifies that Dr. Stephen T. Boswell and Boswell Engineering has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit Dr. Stephen T. Boswell and Boswell Engineering from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Dr. Stephen T. Boswell of the engineering firm Boswell Engineering for engineering services as Municipal Engineer for the period of January 1, 2023, through December 31, 2023, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

**R 7-23            Introduced by Councilman Bennett**

WHEREAS, the Borough Council of the Borough of Hawthorne has the need for the services of a Municipal Planning Consultant for the year 2023 and has determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised; and

WHEREAS, Joseph H. Burgis, P.P., AICP and Burgis Associates, Inc., has submitted a proposal and contract for said planning consulting services, based upon provision of general consulting services to the Borough as well as project based services as may be awarded by the Council, and escrow services, all services billed at hourly rates, with the general consulting services not to exceed \$20,000 absent further Council action, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, the Administration recommends the award of contract to Joseph H. Burgis, P.P., AICP and Burgis Associates, Inc., based upon experience in the given field, familiarity with the Borough of Hawthorne and the submission of a contract within the expectation of the budget for such services; and

WHEREAS, Joseph H. Burgis, P.P., AICP and Burgis Associates, Inc., has submitted to the Borough of Hawthorne a duly completed entity disclosure certification which certifies that Joseph H. Burgis, P.P., AICP and Burgis Associates, Inc., has not made any reportable contributions to a political or candidate committee in the

Borough of Hawthorne in the previous one year and that the contract will prohibit Joseph H. Burgis, P.P., AICP and Burgis Associates, Inc., from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Joseph H. Burgis, P.P., AICP of the planning services firm of Burgis Associates, Inc., as the Municipal Planning Consultant for the period of January 1, 2023, through December 31, 2023, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

**R 8-23            Introduced by Councilman Bennett**

WHEREAS, the Borough Council of the Borough of Hawthorne will require professional services of Special Labor and Employment Counsel for legal services for the year 2023 and has determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised; and

WHEREAS, Trimboli & Prusinowski, LLC, has submitted a proposal and contract for said special labor counsel legal services, setting forth an hourly rate for such services with the contract value not to exceed \$18,000 absent further Council action, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, the Administration recommends the award of contract to Trimboli & Prusinowski, LLC, based upon experience in the given field, familiarity with the Borough of Hawthorne and the submission of a contract within the expectation of the budget for such services; and

WHEREAS, Trimboli & Prusinowski, LLC, has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that Trimboli & Prusinowski, LLC, has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit Trimboli & Prusinowski, LLC, from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Trimboli & Prusinowski, LLC, for professional services of Special Labor and Employment Counsel for legal services for the period of January 1, 2023, through December 31, 2023, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

**R 9-23            Introduced by Councilman Bennett**

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the professional services of Bond Counsel legal services for the year 2023 and has determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the contract will not exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised; and

WHEREAS, McManimon, Scotland & Baumann, LLC, has submitted a proposal and contract for said bond counsel legal services, with an amount not to exceed \$5,000 absent further Council action, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, the Administration recommends the award of contract to McManimon, Scotland & Baumann, LLC, based upon experience in the given field, familiarity with the Borough of Hawthorne and the submission of a contract within the expectation of the budget for such services; and

WHEREAS, McManimon, Scotland & Baumann, LLC, has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that McManimon, Scotland & Baumann, LLC, has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit McManimon, Scotland & Baumann, LLC, from making any reportable contributions during the term of the contract in the event the value of the contract exceeds \$17,500;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with McManimon, Scotland & Baumann, LLC, for bond counsel legal services for the period of January 1, 2023, through December 31, 2023, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.

2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

**R 10-23      Introduced by Councilman Bennett**

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the services of a Municipal Attorney for the year 2023 and has determined to award the same as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A 20.5; and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised; and

WHEREAS, Michael J. Pasquale, Esq., has submitted a proposal and contract for said legal services, with both retainer service and hourly rate services, with a total amount not to exceed \$120,000 absent further Council action, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, the Administration recommends the award of contract to Michael J. Pasquale, Esq., based upon experience in given field, familiarity with the Borough of Hawthorne and the submission of a contract within the expectation of the budget for such services; and

WHEREAS, Michael J. Pasquale, Esq., has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that Michael J. Pasquale, Esq. and Michael J. Pasquale & Associates has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit Michael J. Pasquale, Esq. and Michael J. Pasquale & Associates from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Michael J. Pasquale, Esq., of the law firm of Michael J. Pasquale & Associates, for legal services as Municipal Attorney for the period of January 1, 2023, through December 31, 2023, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.

4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

**R 11-23 Introduced by Councilman Bennett**

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the professional services of a Registered Municipal Accountant for the year 2023 and has determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised; and

WHEREAS, Robert Swisher, CPA, RMA, and the firm of Suplee, Clooney & Company, has submitted a proposal and contract for said accounting services, with a contract value not to exceed \$45,900, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, the Administration recommends the award of contract to Robert Swisher, CPA, RMA, and the firm of Suplee, Clooney & Company, based upon experience in the given field, familiarity with the Borough of Hawthorne and the submission of a contract within the expectation of the budget for such services; and

WHEREAS, Robert Swisher, CPA, RMA, and the firm of Suplee, Clooney & Company, has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that Robert Swisher, CPA, RMA, and the firm of Suplee, Clooney & Company has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit Robert Swisher, CPA, RMA, and the firm of Suplee, Clooney & Company from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Robert Swisher, CPA, RMA, and the firm of Suplee, Clooney & Company for accounting services for the period of January 1, 2023, through December 31, 2023, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.



5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

**R 12-23      Introduced by Councilman Bennett**

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the professional services of a Risk Management consultant for the year 2023 and has determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised; and

WHEREAS, David Vozza and the Vozza Agency, Inc., has submitted a proposal and contract for said risk management services, with a contract value not to exceed \$34,900, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, the Administration recommends the award of contract to David Vozza and the Vozza Agency, Inc., based upon experience in the given field, familiarity with the Borough of Hawthorne and the submission of a contract within the expectation of the budget for such services; and

WHEREAS, David Vozza and the Vozza Agency, Inc., has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that David Vozza and the Vozza Agency, Inc., has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit David Vozza and the Vozza Agency, Inc. from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with David Vozza and the Vozza Agency, Inc., for risk management services for the period of January 1, 2023, through December 31, 2023, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

**R 13-23      Introduced by Councilman Bennett**

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the professional services of a Grant Writer for the year 2023 and has determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised; and

WHEREAS, Capital Alternatives Corporation, Inc., has submitted a proposal and contract for said grant writing services, with all payment to be project based and therefore not subject to a not to exceed value, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, the Administration recommends the award of contract to Capital Alternatives Corporation, Inc., based upon experience in the given field, familiarity with the Borough of Hawthorne and the submission of a contract within the expectation of the budget for such services; and

WHEREAS, Capital Alternatives Corporation, Inc., has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that Capital Alternatives Corporation, Inc., has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit Capital Alternatives Corporation, Inc., from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Capital Alternatives Corporation, Inc., for grant writing services for the period of January 1, 2023, through December 31, 2023, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

**R 14-23      Introduced by Councilman Bennett**

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the professional services of a Certified Tree Expert for the year 2023 and has determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-23.5; and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised; and

WHEREAS, Alberta Tree Services, LLC, has submitted a proposal and contract for said Certified Tree Expert services, said contract to be available for inspection in the office of the Borough Clerk, said contract being subject to an amount not to exceed \$44,000 for the year absent further Council approval; and

WHEREAS, the Administration recommends the award of contract to Alberta Tree Services, LLC, based upon its experience in the given field, past service to and familiarity with the Borough of Hawthorne and the submission of a contract within the expectation of the budget for such services; and

WHEREAS, Alberta Tree Services, LLC, has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that Alberta Tree Services, LLC and its principal Kevin Alberta, have not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit Alberta Tree Services, LLC, from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Alberta Tree Services, LLC, for grant writing services for the period of January 1, 2023, through December 31, 2023, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

**R 15-23      Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne has determined there is a need to utilize the services of an appraiser from time to time in support of tax appeal litigation and other matters requiring such services and has determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the contract will likely exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised; and

WHEREAS, Robert McNerney and McNerney & Associates has acted in such capacity for many years and has submitted billing rates to the Borough for such purposes for the calendar year 2023, said services to be on a project basis, with the schedule available for inspection in the office of the Borough Clerk; and

WHEREAS, the Administration recommends the award of contract to McNerney & Associates based upon experience in given field, familiarity with the Borough of Hawthorne and the submission of a proposal and schedule within the expectation of the budget for such services, with the contract value not to exceed \$15,000; and

WHEREAS, McNerney & Associates has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that McNerney & Associates and its principal, Robert McNerney, has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit McNerney & Associates from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with McNerney & Associates appraisal services for the period of January 1, 2023, through December 31, 2023, in accordance with the attached schedule and at the rate of compensation as set forth therein.
2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

**R 16-23 Introduced by Councilman Bennett**

WHEREAS, it is deemed necessary that the Public Agency (the Borough of Hawthorne) shall designate an officer or employee to serve as Public Agency Compliance Officer (P.A.C.O.), whose name title, business address, telephone number and fax number shall be forwarded to the State Affirmative Action Office by January 4<sup>th</sup>, of every year; and

WHEREAS, the P.A.C.O. if the liaison official for matters concerning P.L. 1975, c. 127 (N.J.A.C. 17:27) and should have the authority to make the appropriate correction(s) to the Borough of Hawthorne’s contracting procedures if required; and

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council that the Borough Administrator be and is hereby designated as the 2023 Compliance Officer and the Clerk if hereby directed to file a copy of this resolution with the Department of the Treasury, Affirmative Action Office, CN-219, Trenton, New Jersey 08625-0209.

**2023 PUBLIC AGENCY COMPLIANCE OFFICER DESIGNATION**

**FOR THE BOROUGH OF HAWTHORNE:**

**ERIC MAURER**

**R 17-23 Introduced by Councilman Bennett**

WHEREAS, N.J.S.A. 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law; and

WHEREAS, N.J.S.A. 54:4-67 has been amended to permit the fixing of said rate of 8 % per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hawthorne, County of Passaic, State of NJ, as follows:

1. The Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after due date and 18% per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after due date and if a delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31<sup>st</sup>, an additional penalty of 6% shall be charged against delinquency.

2. Effective January 4, 1994, there was and will continue to be a ten (10) day grace period of quarterly tax payments made by cash, check or money order.

3. Any payments not made in accordance with paragraph two of this resolution shall be charged interest from the due date as set forth in paragraph one of this resolution.

4. This resolution shall be published in its entirety once in an official newspaper of the Borough of Hawthorne.

5. A certified copy of this resolution shall be provided by the Borough Clerk to the Tax Collector, Borough Attorney and Borough Auditor for the Borough of Hawthorne.

**R 18-23 Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne issues licenses, renewable on an annual basis, permitting the sale of used cars, both retail and wholesale; and

WHEREAS, the Municipal Clerk has received renewal applications and payment of required fees from the persons or entities set forth on the schedule annexed hereto wishing to renew licenses previously issued; and

WHEREAS, required inspections have been performed with satisfactory results reported to the Municipal Clerk;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne does hereby authorize the issuance of renewal licenses for used car sales, retail or wholesale as indicated, to the persons or entities on the attached schedule for the year 2023.

**R 19-23 Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne issues licenses, renewable on an annual basis, permitting the use of amusement devices at various establishments; and

WHEREAS, the Municipal Clerk has received renewal applications and payment of required fees from the persons or entities set forth on the schedule annexed hereto wishing to renew licenses previously issued; and

WHEREAS, required inspections have been performed with satisfactory results reported to the Municipal Clerk;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne does hereby authorize the issuance of renewal licenses for amusement devices to the persons or entities on the attached schedule for the year 2023.

**R 20-23      Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne issues licenses, renewable on an annual basis, permitting the operation of a massage establishment at identified locations; and

WHEREAS, the Municipal Clerk has received renewal applications and payment of required fees from the persons or entities set forth on the schedule annexed hereto wishing to renew licenses previously issued; and

WHEREAS, required inspections have been performed with satisfactory results reported to the Municipal Clerk;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne does hereby authorize the issuance of renewal licenses for massage establishments to the persons or entities on the attached schedule for the year 2023.

**R 21-23      Introduced by Councilman Bennett**

WHEREAS, the United State Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program the Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies; and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting law enforcement agency; and

WHEREAS, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Hawthorne that the Hawthorne Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31, 2023; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Hawthorne Police Department is hereby authorized to acquire items of non-controlled property designated “DEMIL A,” which may include: office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the next twelve months, based on the needs of the Hawthorne Police Department without restriction; and

BE IT FURTHER RESOLVED that Hawthorne Police Department is hereby authorized to acquire the following “DEMIL B through Q” property, if it shall become available in the next twelve months: (2) utility trucks, (2) cargo trucks, (4) off road utility vehicles, (10) personal protection shields, (25) .223 millimeter rifles; (2) capabilities set non-lethal; and

BE IT FURTHER RESOLVED that the Hawthorne Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Hawthorne Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31<sup>st</sup> of the current calendar year from January 1, 2023 to December 31, 2023.

Council President Matthews entertained a motion to adopt consent agenda resolutions R 1-23 through R 17-23, R 18-23(as amended) and R 19-23 through R 21-23, moved by Councilman Bennett, seconded by Councilwoman Sasso. On roll call, all voted yes, motion carried.

**BILLS**

**Current Fund**

Petty Cash Resolution	\$ 300.00	
Elliott Lewis Corp	\$ 16,725.00	
Morris County JIF	\$ 151,810.00	
Passaic Valley Sewer Commission	\$ 358,761.21	
The Vozza Agency, Inc.	\$ 5,551.00	
Life Storage	\$ 344.00	
Louis Bay 2 <sup>nd</sup> Library	\$ 75,000.00	
MetLife SBC	\$ 307.92	
Preferred Business Systems	\$ 7,370.00	
State Treasurer, Certification	\$ 35.00	
		\$ 616,204.13

**Water Operating Fund**

Morris County JIF	\$ 25,000.00	
		\$ 25,000.00

**GRAND TOTAL \$ 641,204.13**

Council President Matthews entertained a motion to approve the bills and forward them to the Treasurer for payment, motion by Councilman Mele, seconded by Councilman Sciarra. On roll call, all voted yes with the exception of Councilman Wojtecki who abstained on bills pertaining to the fire department. Motion carried.

### **PUBLIC COMMENT**

Council President Matthews opened the meeting to the public. He stated if anyone desired to be heard, please raise their hand to be recognized, come forward to the microphone and state their name and address.

#### 14 Westervelt Avenue, Hawthorne

Ms. Gary voiced her concerns about the Hawthorne drinking water and had some questions regarding mitigation, bottled water, health issues, translation of the letter to residents in Spanish, the source of contamination, water fountains in the schools and the effect on water bills and taxes.

Council President Matthews stated we are in compliance with all federal and state requirements but the state changed the requirements. The Borough is implementing the plan that has been recommended, the water is not unsafe to drink, but the state standards have changed. The language in the letter is written by the DEP including numerous typos, poor wording, and the Borough has no choice in changing the wording in the letter. There is no health emergency to require the Borough to distribute water bottles.

Administrator Maurer added we are a utility, meaning we have to pass the cost onto our customers. If water was to be distributed to everyone, it would be purchased, have an administrative cost tacked onto it, and that cost passed on to the customers. The Borough is not responsible for the PFAS in the water, it is the manufacturers of certain products and how they disposed of the waste in the process, that is how contamination happens. Suits against these manufacturers have been initiated, if successful, there will be money available to reduce the cost passed on to the customers. Until then, customers have to be charged for the cost to remedy it.

She asked if there will be any further aid on top of the \$1 million in aid we are receiving. Administrator Maurer stated we have applied for low interest financing for the galvanized service line replacement.

Council Vice President Bennett stated he has been drinking the Hawthorne tap water for 45 years and does not drink bottled water.

#### Victor Terraglia, 50 Ridge Road, Hawthorne

Mr. Terraglia congratulated Council President Matthews and Council Vice President Laiosa for a job well done along with the Mayor and Council.

Seeing no one else, Council President Matthews entertained a motion to close the public portion of the meeting, moved by Councilman Sciarra, seconded by Councilman Wojtecki. Carried on voice vote.

**BENEDICTION** Council President Matthews invited Pastor Howie Van Dyk to give the Benediction.

Pastor Howie stated he was honored to be invited to the meeting and thanked the Mayor and Council for their service.

### **ADJOURNMENT**

At 8:20pm Council President Matthews entertained a motion to adjourn, motion by Councilman Bennett, seconded by Councilman Wojtecki. Carried on voice vote.

**THE NEXT MEETING OF THE MUNICIPAL COUNCIL IS  
WEDNESDAY, JANUARY 18<sup>th</sup> at 7:00 PM**