

March 20, 2013  
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 7:27 p.m. in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

Mayor .....	Richard S. Goldberg
Council President .....	Frank E. Matthews
Council Vice President .....	John Bertollo
Councilman .....	Bruce Bennett
Councilman .....	John Lane
Councilman .....	Dominic Mele
Councilman .....	Garrett Sinning
Councilman .....	Joseph Wojtecki
Borough Administrator .....	Eric Maurer
Director of Revenue and Finance.....	MaryJeanne Hewitt
Borough Attorney .....	Michael J. Pasquale
Borough Engineer .....	Dr. Stephen T. Boswell
Acting Borough Clerk .....	Lori DiBella

### **FLAG SALUTE**

Council President Matthews invited all present to join him in the flag salute and a moment of silence for Walter Porter.

### **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 Hawthorne Press, Herald News, 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 6, 2012.

### **APPROVAL OF MINUTES**

Council President Matthews entertained a motion to approve the minutes of the Regular Meeting of March 6, 2013 moved by Councilman Bennett, seconded by Councilman Lane. On roll call, all voted yes.

### **PUBLIC COMMENT** (Agenda Items Only)

Council President Matthews opened the meeting to the public. He stated if anyone desired to be heard, please raise your hand to be recognized, come forward to the microphone state your name and address and sign the sheet for the record. He stipulated this be for agenda items only.

Seeing none, Council President Matthews entertained a motion to close the public portion, moved by Councilman Wojtecki, seconded by Councilman Sinning. On roll call, all voted yes.

### **ADOPTION OF ORDINANCES:**

None.

## **PUBLIC HEARING:**

### **OPEN SPACE GRANT APPLICATION FOR THE BAND SHELL RESTROOMS**

#### Project Description:

- Construction of restrooms at the west end of “Little Franklin Field, adjacent to the water treatment facility, and near the proposed band shell.
- Removal of the old tennis courts alongside May Street

Council President Matthews re-opened the meeting to the public. He stated if anyone desires to be heard regarding the Open Space Grant Application, please raise your hand to be recognized, come forward to the microphone, state your name and address and sign the sheet for the record.

Seeing none, Council President Matthews entertained a motion that the public hearing on the Open Space Grant Application be closed and that it be resolved that this hearing notice was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Motion by Councilman Wojtecki, seconded by Councilman Bertollo. On roll call, all voted yes.

#### **OLD BUSINESS:**

Councilman Lane thanked Mayor Goldberg and Administration for resolving the pothole issue on Mazur Place. He also asked Engineer Boswell if the gas line coming into the municipal building was high pressure. Engineer Boswell responded it is not and in order to get the pressure required to run the generator we would have to run a line from Goffle Road. He is working on a way to change the regulator coming off the street. Council President Matthews added we also need the high pressure to operate our furnace properly.

Councilman Bennett asked Administration to remind The Director of the Department of Public Works, Joe Clementi that the potholes on Washington Avenue need to be patched when weather permits.

Councilman Sinning asked Engineer Boswell for an update on the curbs on Pasadena Place. He replied they will be replaced as part of the 2013 Road Program.

Councilman Wojtecki asked Administration if the meeting has been scheduled regarding Justin’s parking. The Mayor responded not yet. Councilman Wojtecki stated there is still dog waste on Mohawk Avenue in front of Washington Elementary School. Administrator Maurer notified Superintendent of the Board of Education, Robert Mooney, who will have his staff monitor the grounds and clean it up. The Mayor added that the next step would be to issue summons to the school board for having dog waste on their property. Councilman Wojtecki asked about the community garden. The Mayor stated they are looking at a location between the Ambulance Corps building and the Rescue 5 building on Goffle Rd. He also asked about the contract with the fire department to which Attorney Pasquale answered they are still researching this. Councilman Wojtecki stated there are still potholes on May Street near the pool entrance that need filling. He also wanted to confirm that the Lion’s Club pasta dinner was still March 21<sup>st</sup>. Attorney Pasquale responded yes. The dinner is at 7pm at the Boys and Girls Club. Tickets are \$25.00 and all proceeds go towards scholarships for Hawthorne students.

Council President Matthews asked if Administration had a date for the insurance committee to meet. Administrator Maurer spoke with Dave Vozza, from the insurance company, today and he does not have a completion date yet. Council President Matthews requested that we try to set up the meeting for the next week or two.

**NEW BUSINESS:**

Councilman Lane stated that he has had resident complaints about a very loud fan running late at night at one of the factories behind Macaluso's. His concern is when the weather gets warmer and the residents start opening their windows the amount of complaints will increase. Council President Matthews stated he believes this has been an ongoing issue and the noise was traced back to the Premio building. Administration suggests we confirm the location of the noise and then contact the business and give them a chance to correct it before contacting the County.

Council President Matthews stated he is awaiting confirmation from the Board of Education to change the date of the May 15<sup>th</sup> council meeting to May 14<sup>th</sup> so that we can have the Youth in Government program at the same time.

**ADMINISTRATIVE AGENDA PRESENTED BY MAYOR GOLDBERG:**

Mayor Goldberg announced Earth Hour will take place on Saturday, March 23<sup>rd</sup> from 8:30 pm to 9:30 pm and presented the following proclamation:

**PROCLAMATION**

WHEREAS, Earth Hour 2013 will be held on Saturday, March 23<sup>rd</sup> between 8.30pm and 9:30pm; and

WHEREAS, Earth Hour is a global movement encouraging individuals, businesses and governments around the world to take positive actions for the environment by switching off their lights for one designated hour; and

WHEREAS, Earth Hour 2013 aims to show the actions that people, businesses and governments world-wide are taking to reduce their environmental impact; and

WHEREAS, the highlight of Earth Hour 2013 will see the world's most iconic landmarks go dark for one designated hour in a global celebration of their commitment to protect the one thing that unites us all – the planet.

THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Hawthorne do hereby proclaim March 23, 2013, between 8:30pm and 9:30pm "Earth Hour" and call upon the residents and businesses of the Borough of Hawthorne to observe the occasion by turning off all nonessential lighting during that hour.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Borough of Hawthorne to be affixed this twentieth day of March, 2013.

Mayor Goldberg announced World Autism Awareness Day will take place on Tuesday, April 2<sup>nd</sup> and presented the following proclamation:

**PROCLAMATION**

WHEREAS, Autism Speaks was founded in 2005 and the mission of Autism Speaks is to change the future for all who struggle with autism spectrum disorders; and

WHEREAS, In 2007, the United Nations General Assembly declared April 2 as World Autism Awareness Day (WAAD), with the goal of bringing the world's attention to autism, a pervasive disorder that affects tens of millions; and

WHEREAS, Autism is a complex neurobiological disorder that inhibits a person's ability to communicate and develop social relationships, and is often accompanied by behavioral changes; and

WHEREAS, Autism spectrum disorders are diagnosed in one in 110 children and one in 70 boys in the United States, affecting four times as many boys as girls; and

WHEREAS, the Centers for Disease Control and Prevention have called autism a national public health crisis whose cause and cure remain unknown; and

WHEREAS, Autism Speaks is dedicated to funding global biomedical research into the causes, prevention, treatments, and cure for autism; to raising public awareness about Autism and its effects on individuals, families, and society; and to bringing hope to all who deal with the hardships of this disorder.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Hawthorne do hereby proclaim April 2, 2013 as

### **LIGHT IT UP BLUE AND WORLD AUTISM AWARENESS DAY**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Borough of Hawthorne to be affixed this first day of April, 2013.

Ms. Burke announced that this is the 2<sup>nd</sup> year they are lighting it up blue. She thanked Mayor Goldberg for the proclamation. Ms. Burke also thanked Mrs. Ruiz from Hawthorne United which raised \$25,000 last year. She thanked the Council for all their support. This Sunday, 3/24, is the Blue Hair Extension Fundraiser at the Hawthorne Ambulance Corps Building. She thanked Councilman Lane for helping arrange this event. April 2<sup>nd</sup> will be the Light it Up Blue Walk at Hawthorne High School. April 4<sup>th</sup> will be a softball game between the parents and the teachers of Jefferson School. She produces and participates in these events for her son Aiden who suffers from severe autism. Autism affects 1 in 88 children, 1 in 54 boys.

Mayor Goldberg stated that anyone who has heard Ms. Burke's story knows why her team is one of the biggest fundraisers is Northern New Jersey. She is an inspiring person.

Mayor Goldberg announced that on Monday, 3/18, Wal-Mart informed The Bedrin Organization that they have elected to terminate its lease agreement and will not develop a supermarket at 204 Wagaraw Road. Wal-Mart has called this a business decision based on changing economic conditions. He reminded everyone that the Borough of Hawthorne did not choose Wal-Mart and as elected officials they do not have the ability to select which supermarket chain operates in this town. He will remain committed to redevelopment, economic growth and to lessening the tax

burden for the residents. Next month is Cel-Earth-Bratton Day and the Environmental Commission's Chairwoman Rayna Laiosa has a presentation tonight.

**PRESENTATION**

Environmental Commission's Chairwoman Rayna Laiosa

**CEL-EARTH-BRATION DAY AND T-SHIRT CONTEST WINNER  
CRISTEL COSTAVALO**

Mayor Goldberg presented this year's winner, Cristel Costavalo, a senior at Hawthorne High School, with her design framed to show our appreciation.

Chairwoman Laiosa announced that the Green Team along with the Chamber of Commerce is supporting the buy local campaign this Saturday, 3/23. "Hop the Shops" will start at the Library with the Easter egg hunt, and then residents will go to local shops with the "Hop the Shops" flyer in their window to enter into a drawing. The winner will be selected at Well Read Book Store at 5pm.

Over the next three months the Environmental Commission is holding a green lecture series at the Hawthorne Library. April 24<sup>th</sup> from 7:30pm – 9:00pm is "NJ Clean Energy Program" presented by Ed Schwartz of Green Living Solutions. May 22<sup>nd</sup> from 7:30 – 9:00pm is "Rain Barrel/ Rain Garden" presented by Amy Roe. June 26<sup>th</sup> from 7:30 – 9:00pm is "Organic Landscaping" presented by Amy Roe.

Mayor Goldberg reminded residents that Cel-Earth-Bratton Day, 4/20, is also Shred day and you can bring your personal paperwork to the high school for shredding. The Borough gets credit for total tonnage shredded that day.

**REPORTS:**

**Director of Revenue and Finance, MaryJeanne Hewitt**

The focus of the Finance Department is currently on the budget. They have been reviewing it with the Finance Committee and making necessary adjustments. Deputy Treasurer Michael Kaufmann has been taking classes and as he progresses with his studies, Director Hewitt is increasing his training. The first round of delinquent tax notices has been mailed.

Mayor Goldberg added that Deputy Treasurer Michael Kaufmann and his wife just welcomed a baby girl into their family.

**Borough Attorney Pasquale**

Thank you to Ms. Burke you give us perspective. Reminder, the Lion's Club Pasta Dinner at the Boys and Girls Club is tomorrow night, 3/21. All of the food is being donated by Macaluso's. Attorney Pasquale stated that the private session that was held prior to the public meeting was with our Environmental Joint Insurance Fund. Occidental Chemical, a company that was ordered by the Department of Environmental Protection to clean up Newark Bay, has brought 300 companies along the Passaic River into suit claiming they also have contributed to contaminating the river. The Borough has been presented with the ability to settle the lawsuit by paying our own DEP \$95,000.00. \$50,000 will be paid by our EJIF and the other \$45,000 the borough will be held accountable for and will get reimbursement from our prior insurance companies. He is recommending that we accept the settlement as it has been proposed.

One Washington Holdings – Waiting on a brief regarding the latest round of property violations.  
204 Wagaraw Road – The appellate division denied our request to hear our interlocutory appeal of the prior decisions made in this matter and is allowing the lawsuit at this point. Our appeal will still be heard at the end of the case if necessary. He does not believe that the withdrawal of Wal-Mart will end the litigation. Although Hawthorne Deserves Better is against Wal-Mart, the group from Shoprite is opposed to any supermarket coming to Hawthorne and as a result he expects this litigation to continue.

### **Borough Engineer, Dr. Stephen T. Boswell**

Library Roof- Paino Roofing replaced the caulking at a roof seam, which addressed the recent leak. The condition of the metal roof does not require replacement.

Washington/Royal Drainage- The remaining concrete work, which consists of a driveway apron and sidewalk, will be completed along with site restoration when weather conditions are appropriate.

Cornell Avenue Sewer Repairs- the Borough is securing funds to replace and line the sanitary sewer pipe.

Goffle Brook Bank Stabilization- the work is being continued as permitted by the weather.

Water System Improvements- Some, if not all, of the proposed improvements are to be funded in 2013.

2012 Road Resurfacing Program- Site restoration including top soil and seeding has to be addressed along with fixing a couple of sprinkler heads.

UST Groundwater Monitoring- Contingency samples confirmed excavation of material is complete. Waste classification and disposal of the excavated soil will be arranged. Two rounds of groundwater sampling needs to be performed over the next 60 days. If there are no other issues, the final report is expected to be completed by the end of May and finalized and submitted to the NJDEP in June.

Christian Health Care Center- the Board of Adjustment is preparing their Resolution of Approval.

May Street (2013 NJDOT Local Aid)- The construction design plans for May Street have been started and cannot be continued until the exact award amount is known to determine the actual limits for the project.

Well Field Parking- This project will be completed as part of the 2013 Road Resurfacing Program.

Old County Building- The condition of the building has been addressed.

Rock/Braen/Goffle Intersection- Our office is preparing the intersection design.

Tuxedo Truncated Dome Matt- The truncated dome matt has been made safe. The entire ramp will be addressed as part of the May Street Local Aid project.

Wagaraw Field 4 Lighting- One light pole foundation damaged a sanitary sewer. The sewer was repaired and the foundation is expected to be constructed by the end of this week, weather permitting. Our office met with the electrical sub code official, Ed Pepe, to address any remaining issues he may have so electrical permits can be issued.

Library Parking Lot- A budget number of \$50 to 60K was provided to the Borough. Partial reconstruction and some drainage improvements are required.

Warburton and Forest- The contractor will be back in the spring to infrared the pavement high spots.

Utter Avenue Pump Station- The purchase and installation of a new pump was awarded to AC Schultes.

Wagaraw/Goffle & Wagaraw/Lincoln Intersections- Our office is preparing the signal pre-emption design for these two intersections.

Pasadena Place- the 50 feet of curb will be addressed during the 2013 Road Program.

Mayor Goldberg added that he is very happy that the intersection at Rock/Braen/Goffle Roads will be getting a traffic light. The County will pay for the light and we are supplying the design.

### **Borough Administrator Maurer**

The 2013 Open Space & CDBG application has been submitted to the County. The pedestrian signals at Goffle Road and Goffle Hill Road are now operating. Department of Public Works will be working on the signals at Goffle Road and Rea Ave. next. State funding for the railroad crossing at Van Winkle is proceeding. Department of Transportation scheduled a meeting for this Friday, 3/22 to discuss traffic detours. Passaic County Open Space Master Plan is being presented by the County on April 8<sup>th</sup> at 7:45pm at the Paterson Free Library, 250 Broadway. Administrator Maurer is meeting with the pool manager on Monday and will have the pool open in accordance with the normal schedule.

### **Questions for the Administration**

Councilman Lane asked Engineer Boswell if he would look at the intersection at Diamond Bridge and Lincoln Ave. He is concerned that the lanes are not marked properly. Engineer Boswell replied that both of the lanes are through lanes and are striped with no arrow which is how they should be marked. Councilman Lane asked Councilman Sinning and Administrator Maurer if they are going to look into an ordinance for parking on North Watchung Drive. Mayor Goldberg responded they he and the Council did receive a notice regarding the parking and believes that due to the curve and the hill, something should be done about the parking. Council President Matthews added that there was also mention of a commercial vehicle that was constantly parked there. Administrator Maurer stated that he passed the information on to the police department and he will get their report and bring it to the Ordinance Committee.

Council President Matthews stated he forwarded an email to Administration regarding the crosswalk on Lincoln Ave. There is concern there is no safe place for residents to cross to Rock Road. Administration will follow up with the County.

Council President Matthews asked if there were any other questions or discussion. Council President Matthews entertained a motion to record the Administrative Agenda, moved by Councilman Bennett, seconded by Councilman Bertollo. On roll call, all voted yes.

**INTRODUCTION OF ORDINANCES:** None.

### **RESOLUTIONS...**

### **CONSENT AGENDA: R48-13, R50-13 through R56-13:**

**R 48-13      Introduced by Councilman Bennett**

**RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION ENTITLED THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, ET AL. V. OCCIDENTAL CHEMICAL CORPORATION, ET AL., DOCKET NO. ESX-L-9868-05 (PASR) SUBSTANTIALLY IN ACCORDANCE WITH THE TERMS OF A PROPOSED CONSENT JUDGMENT AND RELATED DOCUMENTS**

WHEREAS, the BOROUGH OF HAWTHORNE is a third party defendant in litigation entitled the New Jersey Department of Environmental Protection, et al. v. Occidental Chemical Corporation, et al., Docket No.ESX-L-9868-05(PASR) (the Passaic River Litigation); and,

WHEREAS, the New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection, and the Administrator of the New Jersey Spill Compensation Fund (collectively, "Plaintiffs"), have offered to settle directly with all Third Party Defendants, including the BOROUGH OF HAWTHORNE and,

WHEREAS, on behalf of the BOROUGH OF HAWTHORNE counsel executed a Confidentiality Agreement and Memorandum of Understanding with Plaintiffs which, among other things, allowed for settlement negotiations between the BOROUGH OF HAWTHORNE and Plaintiffs and for the development of settlement documentation, provided that the negotiations and the documents generated during the course of those negotiations were to remain strictly confidential; and,

WHEREAS, negotiations between Plaintiffs and Third Party Defendants, including the BOROUGH OF HAWTHORNE, have resulted in the preparation of a proposed Consent Judgment and related settlement documentation; and,

WHEREAS, the GOVERNING BODY OF THE BOROUGH OF HAWTHORNE has reviewed with counsel the proposed Consent Judgment and related settlement documentation in Executive Session at the meeting of March 6, 2013; and,

WHEREAS, the proposed Consent Judgment and related settlement documentation continue to remain strictly confidential in accordance with the Confidentiality Agreement and Memorandum of Understanding executed by counsel on behalf of the BOROUGH OF HAWTHORNE until such time as they are published by Plaintiffs in accordance with the Consent Order on the Approval Process for the Proposed Consent Judgment entered by the Court on January 24, 2013 ("Consent Order"), a copy of which is annexed hereto as Exhibit "A"; and,

WHEREAS, the proposed Consent Judgment and related settlement documentation may be subject to change depending on the outcome of the approval process outlined in the Consent Order; and,

WHEREAS, the GOVERNING BODY OF THE BOROUGH OF HAWTHORNE desires to approve the proposed settlement as reflected in the proposed Consent Judgment and related settlement documentation and allow for the approval process to move forward in accordance with the Consent Order.

NOW, THEREFORE, LET IT BE RESOLVED by the GOVERNING BODY OF THE BOROUGH OF HAWTHORNE as follows:

1. All of the foregoing "Whereas" clauses are incorporated by reference as if set forth at length herein.
2. The BOROUGH OF HAWTHORNE hereby authorizes the settlement of the Passaic River Litigation substantially in accordance with the terms set forth in the proposed Consent Judgment and related settlement documentation reviewed by the GOVERNING

BODY OF THE BOROUGH OF HAWTHORNE in Executive Session at the meeting of March 6, 2013.

3. BOROUGH OF HAWTHORNE counsel and all other appropriate BOROUGH OF HAWTHORNE officials and personnel are authorized to prepare any and all related documents and perform all tasks, which will effectuate the purposes of this Resolution.
4. The appropriation of any and all settlement sums shall be the subject of a subsequent resolution to be adopted by the GOVERNING BODY OF THE BOROUGH OF HAWTHORNE after the finalization of the approval process set forth in the Consent Order and in accordance with the proposed Consent Judgment.
5. This Resolution shall take effect immediately and/or as required by law.

**R 50-13      Introduced by Councilman Bennett**

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated March 8, 2013.

CURRENT FUND	WT 888889	\$249,363.86
WATER OPERATING FUND	WT 888889	\$36,407.67
OTHER TRUST II FUND	WT 888889	<u>\$8,990.90</u>
TOTAL PAYROLL		\$294,762.43
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$13,135.93
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	<u>\$-</u>
TOTAL FICA		\$13,135.93
CURRENT FUND TO PAYROLL/EMPLOYER PENSION LIABILITY		
	WT888889	\$1,149,290.00
WATER OPERATING FUND TO PAYROLL/EMPLOYER PENSION LIABILITY		
	WT888889	\$57,000.00
TOTAL ANNUAL EMPLOYER PENSION LIABILITY		\$1,206,290.00

**R 51-13      Introduced by Councilman Bennett**

WHEREAS, the annual interest payment of the 1992 Wastewater Treatment Fund Loan in the amount of \$81,559.84 has become due and payable on April 1, 2013.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer is hereby authorized to pay to the New Jersey Department of Environmental Protection funds in the amount of \$81,559.84 from the Current Fund in payment to the Wastewater Fund Loan.

**R 52-13      Introduced by Councilman Bennett**

WHEREAS: Tax Sale Certificate #2009-07 was sold on December 1, 2009 in the amount of \$254,658.52 on Block 48 Lot 6.01 then assessed to 275 Goffle Rd Realty, LLC and said lien was originally purchased by US Bank-Cust/Sass Muni V dtr TL5G 2 LP 50 S 16<sup>th</sup> St. Ste 1950, Philadelphia, PA 19102, and

WHEREAS: said lien was redeemed on March 7, 2013 in the amount of \$254,658.52, said lienholder is entitled to a refund including the amount of the lien \$44,680.34, penalty of \$2,680.82, interest on certificate \$26,562.46, search and recording fee of \$55.00, legal fees \$1,170.00, subsequent taxes of \$133,232.71 and interest of \$46,277.19 for a total of \$254,658.52 and

NOW, THEREFORE, BE IT RESOLVED: that the Collector of Taxes recommends that a check be issued by the Treasurer from the Other Trust II/Trustee Account to US Bank-Cust/Sass Muni V dtr in the amount of \$254,658.52 to reimburse the lienholder for the lien, penalty, fees, subsequent taxes and interest.

**R 53-13            Introduced by Councilman Bennett**

WHEREAS, 64 Lincoln Ave., known as Block 20 Lot 30 on the Tax Duplicate, was sold to Hawthorne Volunteer Fire Company #4 and received exempt status on January 1, 2012, and

WHEREAS, said property water connection was removed and the meter pulled;

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be authorized by the Municipal Council of the Borough of Hawthorne to cancel water for 2012 1<sup>st</sup> - 4<sup>th</sup> quarters in the amount of \$118.80 and 2013 1<sup>st</sup> in the amount of \$29.70.

**R 54-13            Introduced by Councilman Bennett**

WHEREAS, the County of Passaic and the Borough of Hawthorne have met and conferred through professional staff and elected officials about the need to make improvements to the intersection at Goffle Road, Rock Road and Braen Avenue in the Borough of Hawthorne; and

WHEREAS, as a result of such meetings the County of Passaic currently operates one such site at the Ambulance Corps building, owned by the Borough of Hawthorne and located on Goffle Road in Hawthorne, in accordance with an Interlocal Agreement executed by the County of Passaic and the Borough of Hawthorne; and

WHEREAS, there is mutual benefit to be derived from the arrangement insofar as citizens of the municipality and county receive an important service, the Borough of Hawthorne receives remuneration for making available its facility, and the County of Passaic has been able to continue to offer this program to county residents at a cost less than that it was required to pay if it was to continue at the site formally utilized by the County of Passaic, all in furtherance of the objectives of the Interlocal Services Act, N.J.S.A. 40:8A-1, et. seq.; and

WHEREAS, the Passaic County Board of Chosen Freeholders has adopted a resolution agreeing to extend the said Interlocal Agreement for an additional one year term upon the same terms and conditions as the existing agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that it does authorize and approve of the execution of an extension of a shared services agreement with the County of Passaic, allowing for use of the Ambulance Corps

Building on Goffle Road in connection with its Congregate Nutrition Program, with payment as set forth therein, and subject to review and approval of such agreement by the Borough Attorney.

**R 55-13      Introduced by Councilman Bennett**

WHEREAS, application has been made by Gerald A. Wlodarczyk for a person to person transfer to it of plenary retail consumption liquor license 1604-33-017-008; and

WHEREAS, the owner of the license, All Seasons Dining & Catering, LLC, consented to the said transfer; and

WHEREAS, the applicant submitted, in support of its application, documentation so as to support the transfer, including approval of the Division of Taxation granting sales tax clearance for the proposed transferee; and

WHEREAS, the Municipal Council of the Borough of Hawthorne approved such transfer on December 19, 2012; and

WHEREAS, it was subsequently determined that no similar tax clearance was provided for the transferor, All Season's Dining & Catering, Inc.; and

WHEREAS, the Division of Taxation has indicated that it will not issue a tax clearance certificate for that entity until such time as the approval for transfer granted by the Borough of Hawthorne is rescinded and the license properly re-established in the name of the transferee, All Seasons Dining & Catering, LLC;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that it does hereby rescind its prior approval of the person to person transfer of plenary retail consumption license number 1604-33-017-008 from All Seasons Dining & Catering, LLC, to Gerald A. Wlodarczyk, approved December 19, 2012, as the same was granted without receipt of tax clearance approval from the Division of Taxation.

**R 56-13      Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with Zenith Construction for Wagaraw Field 4 - Lighting Improvements in the Borough of Hawthorne authorized by Ordinance #2073-12, and,

WHEREAS, and Boswell Engineering has recommended approval of the following change order:

Change Order No. 1	
8' chain link fence & repair existing gates	\$8,176.00

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No.1 increasing the amount of the payment required under said contract by the sum of \$8,176.00, shall be and hereby is approved, and the Mayor and Borough Clerk are hereby authorized and directed to execute the same for and on behalf of the Borough of Hawthorne.

Council President Matthews entertained a motion to approve resolutions R 48-13, R 50-13 through R 56-13, moved by Councilman Bennett, seconded by Councilman Wojtecki. Council President Mathews asked if there was any discussion. Councilman Bennett stated he is not happy with R48-13 and Council President Matthews added we will hopefully recoup our portion from the insurance companies. Councilman Wojtecki confirmed that he is allowed to vote on R53-13 since it has a private association with the fire department. On roll call, all voted yes except Councilman Wojtecki who abstained from R53-13 and Councilman Lane who abstained from R53-13 and 54-13.

## **REPORTS OF SPECIAL COUNCIL COMMITTEES:**

### **Councilman Wojtecki**

Tuesday April 2<sup>nd</sup> at 4:30 is the next Shade Tree meeting. St. Anthony's Feast food preparation begins on April 1<sup>st</sup>.

### **Councilman Sinning**

Ordinance Committee meeting yesterday was cancelled.

### **Council Vice President Bertollo**

Finance Committee continues to meet on Monday afternoons as they build the budget. They are now working on changes and recommendations and will introduce the budget at the April 3<sup>rd</sup> Council meeting.

### **Councilman Bennett**

Board of Recreation discussed some field scheduling issues as well as how the umpires, for the baseball and soccer association, are currently being paid. This has been referred to the Finance Committee for resolution. All items discussed at the Public Works meeting have been covered in previous reports.

Council Vice President Bertollo added that the Finance Committee did discuss the procedure of payment to the umpires and Administrator Maurer is now discussing this with Borough Attorney Pasquale and Chief Financial Officer Hewitt.

### **Councilman Mele**

Attended School Board meeting nothing to report.

### **Councilman Lane**

Board of Health meeting is tomorrow, 3/21. Ambulance Corps is hosting the blue hair extensions for Autism fundraiser this Sunday, 3/24 from 11am-4pm.

### **Council President Matthews**

Planning Board had one certificate of compliance. Environmental Commission presented the environmental inventory which will be attached to the Master Plan. Although it is a living document, it will be updated regularly and part of the plan going forward.

**CORRESPONDENCE:** None.

**MISCELLANEOUS:** None.

**BILLS:**

Council President Matthews entertained a motion to approve the bills and forward them to the Treasurer for payment moved by Council Vice President Bertollo, seconded by Councilman Mele. Council President Matthews asked if there was any discussion. On roll call, all voted yes. Council Vice President Bertollo abstained from checks 15082 and 4546. Councilman Wojtecki and Councilman Lane abstained from checks 15064, 15084, 15085, 15093, 15097, 15098, 15100, 15118, 15123, 15125, 15127 and 15140.

<b>VENDOR</b>	<b>CHECK#</b>	<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>CURRENT FUND</b>			
ACCUTEST LABORATORIES	15060	307.50	ENGINEERING SERVICES O/E
ACORN TERMITE & PEST CONTROL	15061	100.00	DPW ADMIN O/E
ACTION DATA SERVICES	15062	738.28	VARIOUS
ALL AMERICAN FORD	15063	2,606.80	VARIOUS
ALL HANDS FIIRE EQUIPMENT	15064	155.23	FIRE DEPT O/E
AMERICAN HOSE CO INC	15065	3,117.83	VARIOUS
BCB JANITORIAL SUPPLY CO INC	15066	59.90	DPW ADMIN O/E
BOB'S TIRES & WHEELS INC	15067	193.00	VARIOUS
BOUBLIS ELECTRIC INC	15068	2,400.00	REVENUE COLLECTION
BRAEN STONE INDUSTRIES, INC	15069	423.00	STREETS & ROADS O/E
BRIAN BERTOLLO	15070	220.00	GROUP INSURANCE O/E
BRIAN WARNER	15071	30.00	TELEPHONE CHARGES
BRUNSWICK FAIRLAWN LANES	15072	59.80	BOARD OF REC
CABLEVISION	15073	244.49	DPW ADMIN O/E
CAROL CHAMBERLIN	15074	50.00	GROUP INSURANCE O/E
CHIEF FIRE EQUIP CO	15075	350.00	POLICE DEPT O/E
CLAYTON TURNER	15076	220.00	GROUP INSURANCE O/E
CMRS-FP	15077	3,000.00	GENERAL ADMIN O/E
COACTIVE CAPITAL PARTNERS LLC	15078	400.00	POLICE DEPT O/E
DAVE STERN INC	15079	3,780.75	VARIOUS
DELLA RICA & SONS	15080	6,772.50	VARIOUS
DIESEL TRUCK SERVICE, INC	15081	2,107.00	VARIOUS
DOWNES TREE SERVICE, INC.	15082	12,255.00	VARIOUS
FIFTH AVENUE LANDSCAPING	15083	4,800.00	SHADE TREE COMMISSION
FIRE COMPANIES. COM	15084	931.89	FIRE DEPT O/E
FIREFIGHTER ONE LLC	15085	2,863.80	VARIOUS
FIRST MOUNTAIN ARBORICULTURE L	15086	780.00	SHADE TREE COMMISSION
FUTURE SANITATION INC	15087	39,375.00	VARIOUS
GET A CAN	15088	2,400.00	GARBAGE & TRASH O/E
GRAINGER, INC	15089	833.93	STREETS & ROADS O/E
HAWTHORNE AUTO LAB	15090	1,370.89	VEHICLE MAINT POLICE
HAWTHORNE B.O.E.	15091	650.00	BOARD OF REC
HAWTHORNE BOARD OF EDUCATION	15092	2,749,422.00	SCHOOL TAX
HAWTHORNE FIRE DEPT	15093	37.64	FIRE DEPT O/E

HAWTHORNE HITCH AND TRAILER	15094	1,787.48	VARIOUS
HAWTHORNE PRESS INC	15095	41.34	VARIOUS
HESS CORPORATION	15096	5,702.92	VARIOUS
HFD #1	15097	1,745.00	VARIOUS
HFD #2	15098	1,745.00	VARIOUS
HFD #3	15099	1,745.00	VARIOUS
HFD #4	15100	1,745.00	VARIOUS
HFD #5 RESCUE	15101	495.00	VARIOUS
HOME DEPOT SUPPLY	15102	49.94	STREETS & ROADS O/E
INTERNATIONAL SALT CO LLC	15103	16,550.25	VARIOUS
JAMES BAKKER	15104	180.00	GROUP INSURANCE O/E
JARED VAN EK	15105	30.00	TELEPHONE CHARGES
JERSEY ELEVATOR INC	15106	301.30	VARIOUS
JOHN ARTURI	15107	30.00	TELEPHONE CHARGES
JOHN MARSCH	15108	30.00	TELEPHONE CHARGES
JOHN TRIPICCHIO	15109	30.00	TELEPHONE CHARGES
JORDAN TRANSPORTATION,INC	15110	630.00	VARIOUS
JOSEPH SPERANZA	15111	30.00	TELEPHONE CHARGES
KAY PRINTING & ENVEL CO, INC	15112	1,081.00	CONST CODE OFFICIAL O/E
LANGUAGE LINE SERVICES	15113	83.84	MUNI COURT
LEGACY TOURS LLC	15114	725.00	BOARD OF REC O/E
LISA SLOOTMAKER	15115	50.00	GROUP INSURANCE O/E
LOUIS BAY 2nd LIBRARY	15116	50,000.00	FREE PUBLIC LIBRARY O/E
LUK OIL	15117	10,424.03	BULK PURCHASE GASOLINE
MACALUSO'S RESTAURANT	15118	5,556.25	FIRE DEPT O/E
MICHAEL NELSON	15119	30.00	TELEPHONE CHARGES
MICROSYSTEMS-NJ.COM, LLC	15120	1,300.00	TAX ASSESSMENT O/E
MONTONE REMOD & CONS CO, INC	15121	850.00	SEWER SYSTEM O/E
MURPHY COMMUNICATIONS	15122	204.24	VEHICLE MAINT POLICE
NASSAU NDI DIAGNOSTICS	15123	490.00	FIRE DEPT O/E
NJ ASSOC OF CHIEFS OF POLICE	15124	250.00	POLICE DEPT O/E
NJ IAAI	15125	400.00	UNIFORM FIRE SAFETY O/E
NJ MEADOWLANDS COMMISSION	15126	2,051.42	VARIOUS
NJ STATE VOL FIREMAN'S ASSN	15127	25.00	FIRE DEPT O/E
NJLCA	15128	80.00	STREETS & ROADS O/E
NO JERSEY MUNI EMPL BNFT FUND	15129	182,376.00	GROUP INSURANCE O/E
NY SUSQUEHANA & WESTERN RAILWA	15130	1,955.02	SEWER SYSTEM O/E
OFFICE CONCEPTS GROUP INC	15131	14.90	STREETS & ROADS O/E
P & A AUTO PARTS, INC	15132	322.97	VARIOUS
PASSAIC CNTY MUNI CLERKS ASSOC	15133	100.00	MUNICIPAL CLERK O/E
PLANNED BUILDING SERVICES, INC	15134	1,430.00	DPW ADMIN O/E
PODS ENTERPRISES, INC.	15135	75.90	DPW ADMIN O/E
PROCOPY INC	15136	2,092.00	VARIOUS

PUBLIC SERV ELEC & GAS	15137	21,048.60	VARIOUS
PUBLIC WORKS ASSOCIATION OF NJ	15138	60.00	STREETS & ROADS O/E
QUALITY COMMUNICATIONS RICOH AMERICAS CORPORATION	15139	50.35	POLICE DEPT O/E
ROBERT POLITO LANDSCAPING	15140	802.04	FIRE DEPT O/E
RT OFFICE PRODUCTS	15141	350.00	STREETS & ROADS O/E
SHOTMEYER BROS FUEL CO	15142	496.62	VARIOUS
SIRCHIE FINGERPRINT LABS	15143	9,012.47	VARIOUS
STAPLES	15144	329.83	POLICE DEPT O/E
STEELFAB	15145	279.78	VARIOUS
SUPERIOR DISTRIBUTORS	15146	704.70	VEHICLE MAINT SEWER
TANIS HARDWARE	15147	66.37	STREETS & ROADS O/E
THE CENTER-OCCUPATIONAL MED	15148	239.14	STREETS & ROADS O/E
TRIANGLE TROPHY	15149	600.00	POLICE DEPT O/E
TRIMBOLI & PRUSINOWSKI LLC	15150	1,320.00	VARIOUS
TURNOUT UNIFORMS	15151	562.50	LEGAL SERV& COSTS O/E
TYCO ANIMAL CONTROL SERVICES	15152	286.90	VARIOUS
UNITED RENTALS, INC	15153	2,100.00	ANIMAL CONTROL O/E
VERIZON	15154	7,485.36	VARIOUS
VERIZON WIRELESS (N)	15155	203.75	VARIOUS
VILLAGE OF RIDGEWOOD	15156	1,225.59	VARIOUS
VITAL COMMUNICATIONS, INC.	15157	1,028.14	STREETS & ROADS O/E
WASTE MANAGEMENT OF NJ WM B MAHWINNEY AMBULANCE CORPS	15158	510.00	TAX ASSESSMENT O/E
	15159	37,408.11	TRANSFER STATION
	15160	<u>1,250.00</u>	DPW ADMIN O/E
<b>TOTAL CURRENT</b>		<b>\$ 3,225,312.28</b>	

#### **WATER OPERATING**

ACTION DATA SERVICES	9221	1,000.00	WATER UTILITY O/E
AGRA ENVIRONMENTAL SVC	9222	2,206.25	LAB TESTING WATER
ALL AMERICAN FORD	9223	1,597.01	WATER UTILITY O/E
AP CERTIFIED TEST	9224	230.00	WATER UTILITY O/E
BROADHURST SHEET METAL INC	9225	25.00	WATER UTILITY O/E
CABLEVISION	9226	84.69	WATER UTILITY O/E
CAPITOL SUPPLY CONSTR PRODS IN	9227	900.97	WATER UTILITY O/E
CMRS-FP	9228	1,000.00	WATER UTILITY O/E
HESS CORPORATION	9229	24,689.32	WATER UTILITY O/E
HOME DEPOT SUPPLY	9230	92.37	WATER UTILITY O/E
JESCO INC	9231	124.90	WATER UTILITY O/E
LUK OIL	9232	1,662.15	WATER UTILITY O/E
MUMFORD-BJORKMAN ASSOCIATES	9233	3,400.00	WATER UTILITY O/E
ONE CALL CONCEPTS, INC.	9234	34.20	WATER UTILITY O/E
POST & KELLY ELECTRIC CO, INC	9235	395.00	WATER UTILITY O/E

PROCOPY INC	9236	170.00	WATER UTILITY O/E
PUBLIC SERV ELEC & GAS	9237	20,735.53	WATER UTILITY O/E
SHOTMEYER BROS FUEL CO	9238	164.99	WATER UTILITY O/E
TANIS HARDWARE	9239	62.42	VARIOUS
VERIZON WIRELESS (N)	9240	<u>243.09</u>	WATER UTILITY O/E
<b>TOTAL WATER OPERATING</b>		<b>\$ 58,817.89</b>	

**OTHER TRUST II**

ALL AMERICAN FORD	4541	259.56	RECYCLING
ALLISON BLAU	4542	60.00	POAA
BELMAR SPRING WATER COMPANY	4543	21.87	RECYCLING
DAVE STERN INC	4544	561.20	VARIOUS
DIESEL TRUCK SERVICE, INC	4545	2,874.00	VARIOUS
DOWNES TREE SERVICE, INC.	4546	5,980.00	RECYCLING
ENVIRONMENTAL RENEWAL, LLC	4547	150.00	RECYCLING
P & A AUTO PARTS, INC	4548	115.45	VARIOUS
PABCO INDUSTRIES	4549	397.00	RECYCLING
PRINTMASTERS	4550	270.00	RECYCLING
THOMAS ZACONIE	4551	62.15	UCC PENALTIES
US BANK CUST/SASS MUNI V DTR	4552	254,658.52	TRUSTEE
VERIZON WIRELESS (N)	4553	81.03	UCC PENALTIES
VITAL COMMUNICATIONS, INC.	4554	<u>75.00</u>	UCC PENALTIES
<b>TOTAL OTHER TRUST II</b>		<b>\$ 265,565.78</b>	

**DOG DEDICATED**

NJ DEPARTMENT OF HEALTH	6079	<u>201.00</u>	STATE OF NEW JERSEY
<b>TOTAL DOG DEDICATED</b>		<b>\$ 201.00</b>	

**TOTAL BILL LIST** **\$ 3,549,896.95**

**PUBLIC COMMENTS**

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

Gene Barbieri - 70 Rea Ave

Thanked Ms. Burke for sharing her moving story. He then asked the Mayor why he stated the tax savings, if Wal-Mart opened, would have been \$400,000.00 and it was previously stated at \$350,000.00. Attorney Pasquale responded that the amount of \$350,000.00 was the amount Mr. Bedrin was hoping for and \$400,000.00 was what the Borough tax assessor estimated the tax savings would be to the Borough of Hawthorne.

Mike Pasquino - 51 MacFarland

Is happy to be a resident of Hawthorne and he thanked Hawthorne Deserves Better for standing up for what they believe in.

Chief of Police Robert Scully – Hawthorne Police Department

He is retiring next week and wished to thank the Mayor, Council, Administration and his wife for their guidance, help, inspiration and friendship. It has been a pleasure serving the Borough for the last 30+ years.

Alex Clavijo - 33 Westervelt Ave

He would like to invite the residents to come see the wax museum at Washington Elementary School this Friday, 3/22.

Mayor Goldberg added they attended last year and encouraged all to visit, it is a great display.

Johannes Baars - 130 Cedar

In reference to the open space on Wagaraw Road, he would like to see a 55-plus community built there. Council President Matthews will pass the idea on to the owner of the property.

Joe Osborne - 112 Cedar Ave

Thank you to the residents who supported Hawthorne Deserves Better. Those who opposed Wal-Mart had different reasons but all came together and agreed that the benefits were outweighed by the draw backs. H.D.B will continue the lawsuit on the ordinances until those ordinances are corrected.

Karen Peters - 116 3<sup>rd</sup> Ave

In reference to the emails Mayor Goldberg was referring to, the Bloomberg report stating Wal-Mart executives were concerned since Wal-Mart was off to a slow start. Two weeks later Bloomberg reported that Wal-Mart profits rose. She believes that although Wal-Mart may have made a business decision not to come to Hawthorne, it is not because they are doing poorly.

George Alvarez - 118 Cedar Ave

He feels that by Wal-Mart not coming to town, it will help keep our small town feel.

Councilman Mele added that he would like the public to know that most of the Councilmen have also lived in town most of their lives and the town is also very important to them as well.

Bob Kurdock - 15 Rhodes

Very thankful to the Mayor, Chief Scully, Councilman Mathews and Councilman Mele for helping the residents of the community he lives in, with a “frightening situation”. They came and met with over 60 residents and they were all very appreciative. He questioned if there were objections by the Council to a supermarket coming into Hawthorne. Council President Matthews responded that it went to the Planning Board and they did not have any objections. He defended the Mayor and Council positions on Wal-Mart.

Jeff Gardner - 124 Highview Terrace

Speaking to applaud the volunteers in our community who are not paid and who make an amazing difference and initiated a standing ovation for them.

Claudia Ruiz - 43 Passaic Ave

Has had issues with traffic on Wagaraw Road and is happy that Wal-Mart will not be causing additional traffic. Her son is a class mate of Johanna Burke's and she would like to publicly thank her for all the work and time she puts into what she does.

Casey Gatti - 117 Tuxedo Ave

Saw in the Hawthorne Press that only 5% of the residents have signed up for Nixle. Feels we need to advertise the Nixle system to make it a success. Mayor Goldberg added that when the tax bills are sent out, there will be information from the Mayor regarding Nixle.

Heidi Ehmman – 112 Cedar Ave

She feels very blessed to live in this town and she knows that the Mayor and Council feel the same. She is amazed by the outpouring of love and support here.

Council President Matthews asked if anyone else wished to be heard. Seeing none, Council President Matthews entertained a motion to close the public portion, moved by Councilman Lane, seconded by Councilman Sinning. On roll call, all voted yes.

**ADJOURNMENT**

At 9:14 p.m., Council President Matthews entertained a motion to adjourn the regular meeting, moved by Councilman Lane, seconded by Councilman Bennett. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE ON **WEDNESDAY, APRIL 3, 2013**. THE WORK SESSION WILL BEGIN AT 7:00 P.M. WITH THE REGULAR MEETING IMMEDIATELY THEREAFTER. PERSONS WITH DISABILITIES WHICH REQUIRE AIDES SUCH AS: SIGN LANGUAGE INTERPRETER, TELECOMMUNICATIONS, BRAILLE, TAPES OR LARGE PRINT, SHOULD NOTIFY THE BOROUGH CLERK'S OFFICE TEN DAYS PRIOR TO ATTENDANCE AT A MEETING SO ACCOMMODATIONS MAY BE MADE.

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Frank E. Matthews  
Council President

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Lori DiBella  
Acting Borough Clerk