

April 17, 2013  
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 7:15 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
Deputy Borough Clerk .....	Vanessa L. Nienhouse

Acting Borough Clerk Lori DiBella was not present.

#### **FLAG SALUTE**

Council President Matthews invited all present to join him in the flag salute and a moment of silence for the victims at the Boston Marathon bombings.

#### **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 20, 2013 moved by Councilman Wojtecki, seconded by Councilman Bertollo. 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 Council Vice President Bertollo, seconded by Councilman Wojtecki. On roll call, all voted yes.

#### **MAYOR'S APPOINTMENT:**

Mayor Goldberg appointed Jeffrey Vanderhook as Captain of the Police Department of the Borough of Hawthorne, effective April 18, 2013.

Council President Matthews entertained a motion, moved by Councilman Bennett, seconded by Councilman Mele. On roll call, all voted yes. Mayor Goldberg administered the Oath of Office. Captain Vanderhook thanked the Mayor and Administration and stated he is looking forward to working with Chief McAuliffe.

Mayor Goldberg appointed Peter Terrizzi as Lieutenant of the Police Department of the Borough of Hawthorne, effective April 18, 2013.

Council President Matthews entertained a motion, moved by Councilman Lane, seconded by Council Vice President Bertollo. On roll call, all voted yes. Mayor Goldberg administered the

Oath of Office. Lieutenant Terrizzi thanked everyone one for coming and that he has enjoyed working with the HPD for the past 26 years.

Mayor Goldberg appointed Frank Giglio as Sergeant of the Police Department of the Borough of Hawthorne, effective April 18, 2013.

Council President Matthews entertained a motion, moved by Council Vice President Bertollo, seconded by Councilman Wojtecki. On roll call, all voted yes. Mayor Goldberg administered the Oath of Office. Sergeant Giglio thanked the Mayor and council for this opportunity. He also thanked his co-workers and family.

There was a three minute recess. At 7:37 pm Council President Matthews reopened the meeting.

### **ADOPTION OF ORDINANCES:**

#### **ORDINANCE NO. 2083-13**

**BOND ORDINANCE PROVIDING FOR PURCHASE OF A DUMP TRUCK IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME.**

#### **Public Hearing**

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2083-13 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing none, Council President Matthews entertained a motion that the public hearing on Ordinance No. 2083-13 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted, posted on the borough website ([www.hawthornenj.org](http://www.hawthornenj.org)) and published in the Hawthorne Press. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Moved by Council Vice President Bertollo, seconded by Councilman Sinning. On roll call, all voted yes.

#### **ORDINANCE NO. 2084-13**

**AN ORDINANCE CREATING CHAPTER 320, TITLED "MASSAGE ESTABLISHMENTS" OF THE CODE OF THE BOROUGH OF HAWTHORNE**

#### **Public Hearing**

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2084-13 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing none, Council President Matthews entertained a motion that the public hearing on Ordinance No. 2084-13 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted, posted on the borough website ([www.hawthornenj.org](http://www.hawthornenj.org)) and published in the Hawthorne Press. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Moved by Council Vice President Bertollo, seconded by Councilman Bennett. Councilman Bennett stated he is happy we are being proactive with these types of establishments. Councilman Lane asked if the proprietor of a massage establishment has to be licensed also. Borough Attorney Pasquale responded there are two licenses, Hawthorne's and the State license. We license the establishment which the owner falls under. Councilman Lane asked if the owner would have to prove to us that they have licensed massage therapists. Attorney Pasquale replied yes the licensed therapists will have their licenses posted in the establishment. On roll call, all voted yes.

#### **ORDINANCE NO. 2085-13**

**AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 540, ZONING, ARTICLE I, GENERAL PROVISIONS, SECTION 540-8(R), IMPERVIOUS**

**COVERAGE, SO AS TO PROVIDE THAT IN ALL RESIDENTIAL ZONES, NOT LESS THAN 75% OF EVERY FRONT YARD, EXCLUSIVE OF DRIVEWAYS AND SIDEWALKS BUT NOT WALKWAYS, SHALL CONSIST OF VEGETATIVE OR PLANTED MATERIALS, IN THE BOROUGH OF HAWTHORNE.**

**Public Hearing**

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2085-13 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Heidi Ehmann- 112 Cedar Ave – Wanted to read a letter from a resident and Council President Matthews stated letters cannot be read during a meeting. She went on to summarize the letter stating the resident is against this ordinance stating that he feels it is not environmentally friendly to have a lawn. She also thanked Councilman Wojtecki for representing their Ward well and for realizing how non-sensible this ordinance is.

Cindy Frank- 74 6<sup>th</sup> Ave – Stated that she is assuming the ordinance is so that people do not pave over their front lawns. She would like to know how the borough is going to manage it. She asked why this wouldn't fall under storm water management. Attorney Pasquale responded in reference to enforcing this ordinance, it will be part of zoning and monitored by property maintenance. Storm water is regulated by the Engineer. Ms. Frank asked for the definition of impervious coverage. Borough Engineer responded for the definition we refer to NJ713-142. A conversation followed on what was included as impervious coverage and clarification of the 75%.

Council President Matthews entertained a motion that the public hearing on Ordinance No. 2085-13 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted, posted on the borough website ([www.hawthornenj.org](http://www.hawthornenj.org)) and published in the Hawthorne Press. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Moved by Council Vice President Bertollo, seconded by Councilman Mele. Councilman Bennett stated we already have an ordinance that specifically pertains to impervious surfaces. If it is flawed, amend it, don't create a new ordinance. If the concern is that residents will pave over their front lawns and park there, there is an ordinance addressing parking on residential property. He feels this is an unnecessary ordinance which encroaches on the individual rights of our tax payers. He recommends that the other council members vote against this. Councilman Wojtecki agreed with the points made by Councilman Bennett and feels we are going too far by intruding on what people can and cannot do on their own property. He also encourages his fellow council members to vote no. Council Vice President Bertollo stated that the ordinance committee recommended this ordinance not just for aesthetic purposes. Millions of dollars are spent on storm water management trying to eliminate impervious coverage in town. The intent was that they don't want to see 100% impervious coverage on front lawns. He didn't feel 50% was strong enough. He feels that a lot of the flooding we now have is due to too much impervious coverage in our area. Councilman Bennett asked Engineer Boswell if there is any documented proof that impervious surface on a front yard contributes any more to a town's storm water management problems than impervious backyards. He replied no. On roll call, Councilman Bennett, Councilman Lane and Councilman Wojtecki voted no and Council Vice President Bertollo, Councilman Mele, Councilman Sinning and Council President Matthews voted yes.

**ORDINANCE NO. 2086-13**

**AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 505, ARTICLE VIII, SECTION 505-47, MUNICIPAL PARKING, OF THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO RESTRICT PARKING IN AND ABOUT THE MUNICIPAL LIBRARY OF THE BOROUGH OF HAWTHORNE AS LIBRARY PARKING ONLY AND SO AS TO RESTRICT PARKING IN THE AREA OF THE HAWTHORNE MUNICIPAL BUILDING SO AS TO LIMIT THE SAME TO EMPLOYEE PARKING ONLY.**

**Public Hearing**

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2086-13 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record. Seeing none, Council

President Matthews entertained a motion that the public hearing on Ordinance No. 2086-13 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted, posted on the borough website ([www.hawthornenj.org](http://www.hawthornenj.org)) and published in the Hawthorne Press. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Moved by Council Vice President Bertollo, seconded by Councilman Sinning. Councilman Lane stated he would like signage stating employee spaces are open to the public after business hours. Also municipal vehicles should not be parked in the lot. Administrator Maurer responded his intention is to have a specific number of parking spaces that will be 24 hours and a specific amount of employee parking spots during business hours only. Attorney Pasquale added that he feels the council should adopt this ordinance as is and allow the administration to designate spaces as needed. Councilman Lane suggested that since there are still a lot of questions, we should pull the ordinance. Attorney Pasquale replied that the ordinance is properly written and they do not intend on changing it. A conversation followed. Council President Matthews asked if Administration would share a written plan with the council before implementing. Administrator Maurer stated they are awaiting a report from Chief McAuliffe. On roll call Councilman Wojtecki voted no, all others voted yes.

**ORDINANCE NO. 2087-13**

**AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 505, ARTICLE III, SECTION 505-21, TIME LIMIT PARKING, SCHEDULE XVI, OF THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO ADD THERETO CERTAIN ADDITIONAL LOCATIONS**

**Public Hearing**

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2087-13 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing none, Council President Matthews entertained a motion that the public hearing on Ordinance No. 2087-13 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted, posted on the borough website ([www.hawthornenj.org](http://www.hawthornenj.org)) and published in the Hawthorne Press. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Moved by Councilman Wojtecki, seconded by Council Vice President Bertollo. Councilman Wojtecki commented he is hopeful this will stay enforced. On roll call, all voted yes.

**ORDINANCE NO. 2088-13**

**AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 505, ARTICLE II, and SECTION 505-8, PROHIBITED TURNS AT INTERSECTIONS, SCHEDULE V, SECTION 505-57, OF THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO ADD THERETO ADDITIONAL LOCATIONS**

**Public Hearing**

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2088-13 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing none, Council President Matthews entertained a motion that the public hearing on Ordinance No. 2088-13 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted, posted on the borough website ([www.hawthornenj.org](http://www.hawthornenj.org)) and published in the Hawthorne Press. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Moved by Council Vice President Bertollo, seconded by Councilman Sinning. Council Vice President Bertollo thanked former Police Chief Scully and Patrolman DeLallo for implementing this plan to help with the traffic flow at Washington School. On roll call, all voted yes.

**OLD BUSINESS:**

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Councilman Lane asked for an update on a bill from the April 3<sup>rd</sup> council meeting for vehicle repairs. Administrator Maurer stated he is addressing this issue with the department heads.

Councilman Lane asked when the work will be completed in the dispatch room. Administrator Maurer stated it will be completed today.

Councilman Wojtecki thanked Mayor Goldberg, Administrator Maurer, Chief McAuliffe and members of the council for meeting with Manny, the owner of Justin's. Options for parking discussed were cones on the street corners, sandwich signs as well as placards directing patrons where to park, additional parking on Grand Ave and in the church parking lot. They also discussed valet parking if the other options don't work. Since the meeting there have been no parking issues.

Council President Matthews asked Administration when cleanup will be complete along Route 208. Administrator Maurer has not received a date as yet but will check whether PSE&G has arranged a date with the police department. Council President Matthews asked for an update on the crosswalk at Lincoln Ave and Rock Road. Administrator Maurer responded that he has spoken with the County and although they generally do not put painted crosswalks at T-intersections, they will consider installing one at that location. Council President Matthews asked Councilman Wojtecki when the two trees at Cornell Ave and on the corner of Lincoln and Florence Ave's will be planted. Councilman Wojtecki will reply via email.

**NEW BUSINESS:**

Councilman Wojtecki stated that the Ridgewood YMCA will be offering a six week Yoga program on Tuesdays from 6:15 to 7:15 pm. and is free for Veteran's.

**ADMINISTRATIVE AGENDA PRESENTED BY MAYOR GOLDBERG:**

Mayor Goldberg announced this is Boys and Girls Club Week. He spent the afternoon there doing homework with the children. The Executive Officer and the Chairman on the Board of The Boys and Girls Club are here to accept the following proclamation:

**PROCLAMATION**

WHEREAS, the young people of Hawthorne, New Jersey are tomorrow's leaders; and

WHEREAS, many such young people need professional youth services to help them cope with a wide range of social issues and challenges; and

.....  
WHEREAS, the Boys and Girls Club of Hawthorne provides programs and services to more than 1,500 young people annually; and

WHEREAS, the Boys and Girls Club of Hawthorne is at the forefront of efforts in inspiring and empowering young people to realize their full potential as productive, responsible and caring citizens; and

WHEREAS, the Boys and Girls Club of Hawthorne ensures that our young people keep off the streets, offering them a safe and supportive place to go and providing them with quality programs; and

WHEREAS, the Boys and Girls Club of Hawthorne will celebrate National Boys and Girls Club Week 2013 along with some 4,000 Clubs and more than 4.8 million young people nationwide.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the proud Borough of Hawthorne do hereby proclaim April 14<sup>th</sup> through April 20<sup>th</sup>, 2013 as

**BOYS & GIRLS CLUB WEEK**

and call on all citizens to recognize and commend the Boys & Girls Club of Hawthorne for providing comprehensive, effective services to the young people of our community.

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

Tom Demko, Executive Officer of the Boys and Girls Club, thanked the Mayor and Council on behalf of the members of the board, the staff and most importantly the 1,500 children they serve annually at the club. The Club has been in town since the 1940's and they look forward to continuing to help the children of the community in the future.

Mayor Goldberg stated this Saturday at Wagaraw Field is opening day for baseball/softball at 10am. Cel-Earth-Bration which includes the shred truck will be at the high school also starting at 10am. The first 3 boxes are free and boxes after that are asking for a \$5 donation to the Boys and Girls Club. This is our way of thanking them for always helping within the borough.

## **REPORTS:**

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

During Hurricane Sandy our emergency services were able to get gas at Star Sunoco. When the bill was received we were being billed with tax, as a government entity we do not pay. After comparing the bill to our Lukoil bill to see how much of it was taxes they noticed that there was a tax on that bill as well. After notifying the State we were able to get back \$8600 in back taxes. We are in the middle of our audit and everything seems to be going well.

Mayor Goldberg added May 1<sup>st</sup> starts our tax quarter; you are allowed 10 days to pay your taxes without penalty.

### **Borough Attorney Pasquale**

Congratulations to the three police officers promoted tonight. Thank you from the Hawthorne Lions Club who was able to raise \$10,500 at their beefsteak 2 weeks ago. There were 370 guests in attendance.

Hawthorne Deserves Better- The motion to dismiss the latest complaint was postponed by the judge to next Friday.

Pan Chemical- After several conversations with New Jersey Department of Environmental Protection, they have decided to join forces with us in going after One Washington and Pan Chemical to get the site cleaned up.

One Washington Holdings -In court before Judge Austin today who stated that this is the second time he has heard this matter and he hopes that we are working on putting new inspection processes in place so that this does not go back to court a third or fourth time. We are working with the property owner on this.

Mayor Goldberg congratulated the candidates who ran for the Board of Education. He congratulates them on their commitment to the community and the school system and he looks forward to working with the new and returning board members.

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

Congratulated the policemen who were promoted tonight.

Municipal Building and Emergency Generator - The gas load data sheet referencing a new emergency generator for the Municipal Building is expected to be submitted to PSE&G by the end of this week. We are waiting for operating information on the existing generator.

Rock/Braen/Goffle Intersection - The intersection design plans are approximately 70% complete.

Wagaraw Field 4 Lighting - The electrical control panel as requested by the electrical sub-code official has been installed. PSE&G has to provide the actual service connection.

Washington/Royal Drainage Project - The remaining concrete work, consisting of a driveway apron and sidewalk, will be completed along with site restoration. A schedule has been requested from the contractor.

Cornell Avenue Sewer Repairs - The Borough is securing funding.

Goffle Brook Bank Stabilization - Tree pruning continues to be addressed south of Rea Ave. Rock walls are being installed south of Florence Ave and bio engineering installed south of Warburton Ave.

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

2012 Road Resurfacing Program - A schedule has been requested from the contractor to address the remaining site restoration which includes top soil and seeding and repairing a couple of sprinkler heads.

UST Groundwater Monitoring - Groundwater and soil sample results are expected on or about April 25<sup>th</sup>. The excavated soil will then be classified and scheduled for disposal.

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 any further until the exact award amount is known to determine the actual limits for the project. The truncated dome mat at the intersection with Tuxedo Avenue has been made safe. The entire ramp will be addressed as part of the Project.

2013 Road Resurfacing Program - The 2013 Road Program will be advertised next week and awarded at the May 15<sup>th</sup> Mayor & Council Meeting.

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

Utter Avenue Pump Station - The new pump for the Utter Avenue Station is not yet in service.

Wagaraw/Goffle & Wagaraw/Lincoln Intersections - The fire pre-emption sequence for Goffle/Wagaraw/Mohawk has been submitted to the Borough and can be implemented with the equipment in place. The fire pre-emption sequence for Lincoln/Wagaraw has also been submitted to the Borough. The Borough has received the Traffic Signal Pre-Emption Shared Services Agreement from Bergen County for this intersection.

Library Roof - Our office met with staff members of the Library on Tuesday, April 9<sup>th</sup>. A numbering scheme was developed to represent the various sections of the library roof. An 11" X 17" plan with the roof areas numbered was submitted to the Library so future roof or building issues can be clearly referenced. During the meeting, Library staff pointed out two possible areas of potential leaks.

### **Borough Administrator Maurer**

Has been in contact with the new government relations representative for Verizon in reference to the double woods in town. Verizon now has a list of 135 poles that need addressing and he will be meeting with the representative within the next two weeks to get their plan for when the poles will be completed. He has been working with the Department of Public Works on the specifications for the dump truck which is funded by Ordinance 2083-13. He is looking to go out to bid by next week and awarded at the May 14<sup>th</sup> council meeting. There is currently a request for proposals for the 9/11 memorial granite monument which is due next week and will be awarded at the May 1<sup>st</sup> council meeting. We have hired a replacement for the Deputy Court Administrator. We expect to have her sworn in at the May 1<sup>st</sup> council meeting. Hawthorne was without a sewer operator for approximately 8 years while North Haledon lent us there's. He has now retired and we will be working with North Haledon as they did with us until they are able to hire a new sewer operator. April 23<sup>rd</sup> from 6:30 until 8:30 will be the first Summer Recreation and pool sign up night here in the municipal lobby. For more information please see our website at [www.hawthornenj.org](http://www.hawthornenj.org). Mayor Goldberg reminded residents to sign up for Nixle alerts on our website or at Nixle.com.

### **Questions for the Administration**

Councilman Lane asked Administrator Maurer if Verizon will be in contact with Cablevision regarding the double poles. Administrator Maurer responded that most of the poles have already had the services moved and we are only awaiting the removal of the old poles. Councilman Lane also confirmed with Engineer Boswell that PSE&G received the card for the Wagaraw Field lighting. He replied yes they have the card and just need to physically go there and turn the power on. Councilman Lane asked when the curbs on Pasadena Place will be replaced. Administrator Maurer responded they are included in the 2013 Road Program which should be completed by midsummer.

Councilman Mele asked how many hours the part time Deputy Court Administrator position entails. Administrator Maurer responded depending on the court sessions, approximately 20 to 24 hours. Councilman Mele commented North Haledon saved us and the Public Works Committee a lot of money over the years with the use of their sewer operator, and with our retired operator now helping them out. He also commented he understands Engineer Boswell has put numbers on each section of the library roof. Engineer Boswell replied they have not only numbered each section but they have all issues being reported to Ed Sankevich, Project Manager.

Councilman Bennett asked what finishing the Washington/ Royal Ave project entails. Engineer Boswell responded repairing a resident's driveway, seeding her lawn, installing a sidewalk and driveway apron, replacing a broken casting, and putting a skim coat on the trench. He stated it should be done in two weeks. Councilman Bennett asked if the contractor has settled their issues with their supplier. Attorney Pasquale responded it has not been resolved and we will not pay the contractor until it is.

Councilman Sinning asked Administrator Maurer if the Verizon representative has come out and looked at the poles. He feels some are dangerous and should be addressed first. Administrator Maurer responded when he meets with Verizon he will mention this concern. Councilman

Sinning told Engineer Boswell that we have a couple more weeks to get the lights working at Wag Ballfield 4 before the night games begin.

Councilman Wojtecki asked if Administration has been in contact with the resident on Peach Tree Court regarding the street light. Administrator Maurer stated he has been in contact with PSE&G and was told it was a priority. Administrator Maurer gave PSE&G two weeks to fix the lights on Peach Tree and Old Orchard. Councilman Wojtecki asked if Attorney Pasquale had any news on the fire department contract. He responded he does not but will get the information before the next meeting.

Council President Matthews asked Administration if there was any new information from the insurance companies as far as recouping some of the money from the environmental settlement. Attorney Pasquale responded he has not heard anything about getting money back yet as the insurance companies were more concerned with getting the settlement approved. Administrator Maurer added that they still have time as we will not have to pay anything until next year.

Councilman Sinning asked if Engineer Boswell has spoken with anyone from the Library regarding the roof since last Wednesday when we had a lot of rain. Engineer Boswell responded yes they were there on Thursday and there were no leaks.

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 Lane. On roll call, all voted yes.

## **INTRODUCTION OF ORDINANCES:**

### **ORDINANCE NO. 2091-13**

#### **AN ORDINANCE EXTENDING THE TERM OF A CERTAIN LEASE AGREEMENT BETWEEN THE BOROUGH OF HAWTHORNE AND THE HAWTHORNE BOYS AND GIRLS CLUB FOR PROPERTY KNOWN AS LOT 8 IN BLOCK 48 ON THE TAX MAP OF THE BOROUGH OF HAWTHORNE.**

BE IT RESOLVED, that Ordinance No. 2091-13 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Governing Body in the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, on May14, 2013, at 7:00 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Hawthorne Press once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Moved by Councilman Bennett, seconded by Councilman Wojtecki. On roll call, all voted yes except Council Vice President Bertollo who abstained.

### **ORDINANCE NO. 2092-13**

#### **AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY.**

BE IT RESOLVED, that Ordinance No. 2092-13 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Governing Body in the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, on May14, 2013, at 7:00 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Hawthorne Press once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Moved by Councilman Wojtecki, seconded by Council Vice President Bertollo. On roll call, all voted yes.

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**RESOLUTIONS...**

**CONSENT AGENDA: MR42-13, R66-13 through R69-13:**

**MR 42-13 Introduced by Councilman Bennett**

**REMOVAL OF HANDICAP PARKING SPACE**

BE IT RESOLVED by the Mayor and Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that:

1. The words and phrases used herein shall have the same meaning respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey.
2. Pursuant to the Authority granted under N.J.S.A. 39:4-197.6, the following location was previously designated as a restricted parking space for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles
3. The parking space will be located on the north curblineline of Warren Avenue beginning forty feet (40') west of the northwest corner of Buena Vista and Warren Avenues and extending twenty-two feet (22') west adjacent to the residence known as Block 94 Lot 10 (also known as 58 Buena Vista Avenue) as shown on the Borough Tax Map is no longer needed

<b>Street Address</b>	<b>Original Resolution Date</b>
58 Buena Vista Ave	5/18/2011

4. The Police Department is hereby directed to have the sign calling attention to the provisions of this resolution removed.
5. This resolution shall take effect on adoption.

**R 66-13 Introduced by Councilman Bennett**

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated April 5, 2013.

CURRENT FUND	WT888889	\$	252,609.85
WATER OPERATING FUND	WT888889	\$	37,500.12
OTHER TRUST II FUND	WT888889	\$	7,528.45
<b>TOTAL PAYROLL</b>		<b>\$</b>	<b>297,638.42</b>
CURRENT FUND TO PAYROLL/FICA	WT888889	\$	13,755.39
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	-
<b>TOTAL FICA</b>		<b>\$</b>	<b>13,755.39</b>

**R 67-13 Introduced by Councilman Bennett**

Resolved: To authorize payment of the 2013 Memorial Day.

WHEREAS, the Memorial Day Parade in the Borough of Hawthorne will take place this year on Monday, May 27, 2013, and organizations that will be performing in the parade require payment immediately following the parade.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to draw checks against the Current fund in the amounts, and for the organizations, listed below, and that these checks be distributed after their services have been performed.

Hawthorne Caballeros Alumni	1,100.00
Hawthorne Caballeros	1,100.00
Hawthorne High School Band	700.00
NY Skyliners Drum & Bugle Corps	2,500.00
Reilly Raiders Drum & Bugle Corps	2,500.00
Fusion Drum & Bugle Corp	1,500.00
Uptown String Band	1,500.00
Passaic High School Marching Band	1,500.00
1 <sup>st</sup> New Hampshire Volunteers	300.00
Military Transport Association	650.00
Passaic High School Naval ROTC	200.00
Passaic County Tech ROTC	200.00

**R 68-13      Introduced by Councilman Bennett**

WHEREAS, the Government Electronic Payment Act of 1955 authorizes municipalities to establish a credit card payment system upon passage of a resolution by the Governing Body; and

WHEREAS, various municipal departments, most notably the Municipal Court and the Department of Revenue and Finance, have expressed a desire to accept automated payments; and

WHEREAS, the Municipal Court often imposes fines and penalties against defendants appearing in Court that they are unable to pay at time of sentencing, resulting in large sums being outstanding and often uncollectable due to the financial circumstances of the parties; and

WHEREAS, residents have inquired from time to time about the payment of tax and water bills by way of credit card payment as a means of payment; and

WHEREAS, the Chief Financial Officer and Administrator have identified Nationwide Payment Solutions/MuniciPay as an entity with specialized experience in working with municipal entities to establish credit card acceptance systems; and

WHEREAS, Nationwide Payment Solutions/Municipay has submitted a proposal for such services whereby a charge of \$2.45 per transaction will be imposed upon the municipality for each credit card payment made through the Municipal Court and a similar charge imposed upon the paying party for each credit card payment made to the tax or water departments; and

WHEREAS, the CFO and Administrator, in consultation with the Borough Attorney have recommended entering into a contract with Nationwide Payment Solutions/Municipay for providing such services and the Borough Attorney has advised that based upon the cost of the program, largely borne by the paying party, and the statutory scheme, the award of such a contract is exempt from the requirements of the Local Public Contracts Law and the so called Pay to Play statute;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that it does authorize the execution of a contract with Nationwide Payment Solutions/MuniciPay for the providing of credit card acceptance services in accordance with the proposal submitted.

**R 69-13      Introduced by Councilman Bennett**

**APPROVE THE TONNAGE GRANT REPORT AND APPLICATION FOR YEAR 2012**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the municipality to apply for such Recycling Tonnage Grant for calendar year 2012 will memorialize the commitment of the municipality to recycling and to indicate the assent of the Hawthorne Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Hawthorne Mayor and Council does hereby endorses the submission of the Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and designates Douglas Morgan, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Council President Matthews entertained a motion to approve resolutions MR 42-13, R 66-13 through R 69-13, moved by Councilman Bennett, seconded by Councilman Mele. On roll call, all voted yes.

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

#### **Councilman Mele**

Municipal Alliance - sponsoring a dinner for the Senior Citizens April 24<sup>th</sup> at 5:30 in the High School cafeteria after which they will attend the ‘Singin’ in The Rain production. July and August they will be sponsoring movie nights.

Environmental Committee - Cel-Earth-Bratton takes place this Saturday from 10am to 2pm at HHS.

Project Pride- They will be putting new containers on Lafayette Ave with plantings in them.

#### **Councilman Bennett**

Board of Recreation - sign up dates for Summer Recreation Program and Summer Youth Tennis Program will be April 23, May 7 & 21, June 4 and 17 at 6:30pm to 8:30pm in the municipal building. Summer Recreation Program sessions are 6/21-7/12 and 7/15-8/2, Monday- Friday 8:30 – 1:00. Tennis Program session is 7/29-8/15 Monday-Friday times determined by child’s age group. Application forms are available at [www.hawthornenj.org](http://www.hawthornenj.org), download, complete and bring with you at sign ups.

Public Works - received a letter from Department of Environmental Protection which Administration is looking into. It stated that New Jersey regulations require back up power for our water system. We are now making sure that our proposed plug and play approach will legally satisfy their requirements. The Bamford Ave submersible pump has failed and will be fixed once the Utter Ave pump repairs are completed.

#### **Councilman Sinning**

Ordinance Committee – waiting on information to make informed decision on possible ordinances.

A conversation followed regarding the required financial disclosure statement. The State has extended the deadline to May 30<sup>th</sup>.

#### **Councilman Wojtecki**

Finance Committee – finalized the salary ordinance.

Shade Tree – 58 trees are still available. Shade Tree will be at Cel-Earth-Bratton on Saturday giving away tree samples as well as a full size to be planted by Mr. Hockenbery. The next meeting is May 7<sup>th</sup> at 4:30pm. The St. Anthony’s Feast is scheduled for June 12-15<sup>th</sup>.

#### **Council President Matthews**

Chamber of Commerce – Holding a business card exchange next Wednesday 5:30 – 7:30pm at the Atlantic Stewardship Bank on Goffle Road. Also working on a “Where’s Waldo” type event this summer.

Council President Matthews asked Mayor Goldberg to please update us on the Planning Board meeting from last night. Mayor Goldberg responded one applicant was carried while they obtain more information, the owners of Eat More Supermarket updated the Board on their progress and there was an application from Flo's Market to sell candy and ice cream next door starting in June or July which has been approved.

Council Presidents Matthews offered condolences to Lori DiBella and her family in the passing of her father in law. Our thoughts and prayers go out to Lori and her family.

**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 Councilman Mele, seconded by Councilman Bennett. Council President Matthews asked if there was any discussion. Councilman Lane asked that checks 15230 and 15238 be held until he has reviewed them with the administration. Council President Matthews asked that Administrator Maurer meet with Councilman Lane to discuss these items. On roll call, all voted yes. Council Vice President Bertollo abstained from checks 15231. Councilman Wojtecki and Councilman Lane abstained from checks 15219, 15234, 15270, 9263.

VENDOR	CHECK#	TOTAL	DESCRIPTION
<b>CURRENT FUND</b>			
ABSOLUTE FENCE SERVICES, INC	15217	5,350.00	MAINTEN OF PARKS
NEWTEL PAYPHONE OPERATIONS	15218	50.00	DPW ADMIN O/E
AAA EMERGENCY SUPPLY CO INC	15219	149.00	FIRE DEPT O/E
ACCLAIM INVENTORY LLC	15220	2,400.00	GENERAL ADMIN O/E
ACORN TERMITE & PEST CONTROL	15221	100.00	DPW ADMIN O/E
ANTHEM SPORTS LLC	15222	3,844.10	BOARD OF REC O/E
BOB'S TIRES & WHEELS INC	15223	256.00	VARIOUS
CABLEVISION	15224	404.91	DPW ADMIN O/E
CANON FINANCIAL SVCS INC	15225	75.50	STREETS & ROADS O/E
CANON SOLUTIONS AMERICA INC	15226	12.16	STREETS & ROADS O/E
CHIEF SUPPLY CORP.	15227	230.29	LOCAL CODE ENFORCEMENT
CINTAS FIRST AID AND SAFETY	15228	392.52	VARIOUS
COACTIVE CAPITAL PARTNERS LLC	15229	400.00	POLICE DEPT O/E
DIESEL TRUCK SERVICE, INC	15230	1,158.00	VEHICLE MAINT ROAD
DOWNES TREE SERVICE, INC.	15231	310.50	VEHICLE MAINT ROAD
EARTHLINK BUSINESS	15232	219.41	TELEPHONE CHARGES
EBF ENTERPRISES LLC	15233	75.69	PEOSHA O/E
FIREFIGHTER ONE LLC	15234	3,682.00	VARIOUS
FIRST MOUNTAIN ARBORICULTURE L	15235	650.00	SHADE TREE COMMISSION
FUTURE SANITATION INC	15236	39,375.00	VARIOUS
G&G TECHNOLOGIES	15237	10,640.00	MUNICIPAL CLERK O/E
HAWTHORNE AUTO LAB	15238	394.80	VEHICLE MAINT POLICE
HAWTHORNE BOARD OF EDUCATION	15239	2,749,422.00	SCHOOL TAX
HAWTHORNE PRESS INC	15240	75.66	VARIOUS
HENRY'S PLUMBING & HEATING INC	15241	186.07	VARIOUS
JAMES SODER	15242	255.00	GROUP INSURANCE O/E
JORDAN TRANSPORTATION,INC	15243	720.00	MUNICIPAL ALLIANCE
KONICA/MINOLTA	15244	95.40	DPW ADMIN O/E
LILLIAN GUIDO	15245	70.00	CONTRA REVENUE
LORI DIBELLA	15246	564.00	MUNICIPAL CLERK O/E
LUK OIL	15247	2,537.05	BULK PURCHASE GASOLINE
M & B SEPTIC SERVICE, LLC	15248	168.00	BOARD OF REC
MGL PRINTING SOLUTIONS	15249	95.00	BOARD OF HEALTH O/E
MICHAEL J. PASQUALE, ESQ	15250	489.09	LEGAL SERV& COSTS O/E
MONSEN ENGINEERING CO	15251	1,400.00	VARIOUS

MONTONE REMOD & CONS CO, INC	15252	1,380.00	SEWER SYSTEM O/E
NEUTRON INDUSTRIES	15253	179.09	DPW ADMIN O/E
NEWTEL PAYPHONE OPERATIONS	15254	100.00	DPW ADMIN O/E
NJLBHA	15255	95.00	BOARD OF HEALTH O/E
PASCACK DATA SERVICES	15256	3,320.00	IT SERVICES
PLANNED BUILDING SERVICES, INC	15257	1,430.00	DPW ADMIN O/E
PRINTMASTERS	15258	150.00	DPW ADMIN O/E
PUBLIC SERV ELEC & GAS	15259	24.25	VARIOUS
PUBLIC WORKS ASSOCIATION OF NJ	15260	20.00	STREETS & ROADS O/E
QUALITY COMMUNICATIONS	15261	284.00	STREETS & ROADS O/E
R & R PUMP & CONTROL	15262	1,441.00	SEWER SYSTEM O/E
RICHARD MC AULIFFE	15263	128.76	DPW ADMIN O/E
RT OFFICE PRODUCTS	15264	34.95	POLICE DEPT O/E
SETCON INDUSTRIES INC	15265	940.00	STREETS & ROADS O/E
SHOTMEYER BROS FUEL CO	15266	7,733.97	BULK PURCHASE GASOLINE
STAPLES	15267	29.88	VARIOUS
STEELFAB	15268	1,340.00	VEHICLE MAINT ROAD
STONE INDUSTRIES	15269	986.10	STREETS & ROADS O/E
SUBURBAN GENERATOR	15270	493.91	DPW ADMIN O/E
SUNOCO SUNTRAK	15271	8,389.18	BULK PURCHASE GASOLINE
TANIS HARDWARE	15272	240.54	VARIOUS
TREASURER, STATE OF NEW JERSEY	15273	675.00	FEES PAY MARRIAGE
TRIMBOLI & PRUSINOWSKI LLC	15274	447.00	LEGAL SERV& COSTS O/E
TYCO ANIMAL CONTROL SERVICES	15275	2,340.00	ANIMAL CONTROL O/E
UNITED RENTALS, INC	15276	3,742.68	STREETS & ROADS O/E
VERIZON	15277	213.82	VARIOUS
VERIZON WIRELESS (N)	15278	893.26	TELEPHONE CHARGES
VITAL COMMUNICATIONS, INC.	15279	<u>510.00</u>	TAX ASSESSMENT O/E
<b>TOTAL CURRENT</b>		<b>\$ 2,863,809.54</b>	

**WATER OPERATING**

AGRA ENVIRONMENTAL SVC	9252	706.25	LAB TESTING WATER
CABLEVISION	9253	87.14	WATER UTILITY O/E
CANON FINANCIAL SVCS INC	9254	75.50	WATER UTILITY O/E
CANON SOLUTIONS AMERICA INC	9255	12.15	WATER UTILITY O/E
CINTAS FIRST AID AND SAFETY	9256	72.65	WATER UTILITY O/E
HENRY'S PLUMBING & HEATING INC	9257	406.63	VARIOUS
LUK OIL	9258	443.13	WATER UTILITY O/E
ONE CALL CONCEPTS, INC.	9259	57.00	WATER UTILITY O/E
POST & KELLY ELECTRIC CO, INC	9260	1,510.00	VARIOUS
RUTGERS UNIVERSITY	9261	998.00	WATER UTILITY O/E
STAPLES	9262	5.19	WATER UTILITY O/E
SUBURBAN GENERATOR	9263	308.00	WATER UTILITY O/E
SUNOCO SUNTRAK	9264	1,456.40	WATER UTILITY O/E
TANIS HARDWARE	9265	16.56	WATER UTILITY O/E
VERIZON WIRELESS (N)	9266	<u>243.09</u>	WATER UTILITY O/E
<b>TOTAL WATER OPERATING</b>		<b>\$ 6,397.69</b>	

**OTHER TRUST II**

BELMAR SPRING WATER COMPANY	4559	26.52	RECYCLING
EBF ENTERPRISES LLC	4560	99.56	RECYCLING
HEIDY AMARAL	4561	80.00	POAA
THOMAS ZACONIE	4562	62.15	UCC PENALTIES
VERIZON WIRELESS (N)	4563	81.03	UCC PENALTIES
VITAL COMMUNICATIONS, INC.	4564	<u>75.00</u>	UCC PENALTIES
<b>TOTAL OTHER TRUST II</b>		<b>\$ 424.26</b>	

**DOG DEDICATED**

NJ DEPARTMENT OF HEALTH	6080	<u>57.00</u>	STATE OF NEW JERSEY
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<b>TOTAL DOG DEDICATED</b>		<b>\$</b>	<b>57.00</b>	
<b>BUILDERS ESCROW</b>				
BURGIS ASSOCIATES, INC	5167	1,000.00		204 WAGARAW ROAD LLC
BOSWELL ENGINEERING, INC	5168	8,682.00		204 WAGARAW ROAD LLC
BOSWELL ENGINEERING, INC	5169	1,936.00		SPRINT SPECTRRUM 133/1
BOSWELL ENGINEERING, INC	5170	528.00		SPRINT
BOSWELL ENGINEERING, INC	5171	264.00		LUDDY 82/4
JOSEPH LUDDY	5172	1,235.50		LUDDY 82/4
BOSWELL ENGINEERING, INC	5173	<u>704.00</u>		METRO PCS NY 278/1&2
<b>TOTAL BUILDERS ESCROW</b>		<b>\$</b>	<b>14,349.50</b>	
<b>TOTAL BILL LIST</b>			<b><u>\$ 2,885,037.99</u></b>	

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

**ADJOURNMENT**

At 9:18 p.m., Council President Matthews entertained a motion to adjourn the regular meeting, moved by Council Vice President Bertollo, seconded by Councilman Sinning. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE ON **WEDNESDAY, MAY 1, 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