

January 4, 2012
Hawthorne, NJ

The Reorganization Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 7:00 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bennett, Lane, Matthews, Mele, Sinning, Wojtecki, and Bertollo. Also present were Mayor Goldberg, Borough Administrator Maurer, Borough Attorney Pasquale, Boswell Engineering Representative Mike Kelly, Director of Revenue and Finance Hewitt, and Borough Clerk Witkowski.

FLAG SALUTE

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

STATEMENT

Adequate notice of this meeting has been provided by the Annual Schedule of regular meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, e-mailed 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 7, 2011.

INVOCATION

Council President Matthews invited Rev. Msgr. Raymond Kupke, Ph.D. to give the invocation.

INTRODUCTION OF DIGNITARIES

Council President Matthews acknowledged elected officials and distinguished guests here tonight: Senator John Girgenti, Sheriff Berdnik, North Haledon Mayor Randy George, County Surrogate Bernice Toleda, Freeholder TJ Best, Paterson Councilman Andre Se, Republican Party Chairwoman Barbara Zakur, Democratic Party Chairman Jeff Gardner, County Democratic Leader John Currie, Hawthornoe Planning Board Chairman Walter Gardner, Hawthorne School Board Members Victor Terraglia, Elaine Tolomeo and Michelle Hyams and Hawthorne Police Chief Robert Scully.

ADMINISTERING OATH OF OFFICE

Joseph Wojtecki - Councilman First Ward

Jeffrey P. Gardner, Esq.

Mr. Gardner commented:

You get a C for voting, you get a B for working on a campaign, but to get an A, you need to run for office. You need to sacrifice what precious little free time you have to bring your message to the people you hope to represent. You need to listen to voters, hear their complaints, and respond to their concerns. And what do you get if you win? Your Prize? You get to sacrifice what precious little free time you have, listen to constituents, hear their complaints, and respond to their concerns. And win he did. With almost 70% of the vote in his Ward, Joe was the highest percentage vote getter in this past year's election, just as he was when he ran 4 years ago. When you are as honest, trustworthy, reliable, responsive and hardworking as Joe Wojtecki, you can count on the voters to stick with you. And Hawthorne is truly blessed to have someone like Joe as their voice on the Council. As the lone Democrat on the Council, it would be easy to just disappear when it came time for decisions to be made. What's one vote anyway? But, Joe has shown the ability to reach across the aisle, to build relationships that transcend partisan politics, as he works to make Hawthorne a better place for all of us. Councilman Wojtecki has been called many things by many people—contrarian, troublemaker, budget hawk, husband, father, coach, chef – but one thing all of Hawthorne knows it can call him is Friend. And, I am very proud to have the honor and the privilege to swear in my friend, Councilman Joe Wojtecki.

Jeffrey P. Gardner, Esq. administered the Oath of Office Joseph Wojtecki-Councilman First Ward.

John Bertollo-Councilman Second Ward	Senator John Girgenti
<p>Senator Girgenti commented: Happy New Year to the Mayor and Council, congratulations to all victors in the last election, we will continue to work together to better our community of Hawthorne which I am very proud to be a member of. Mr. Bertollo, I have had the privilege of doing this many times throughout the years, you are a dedicated person in Hawthorne, you have always been there, your heart is part of this town, and we want you to continue the great job you've been doing. You are important to this community, you care about it through all your efforts and the many organizations you represent. You are the type of person who should get involved in public service, you care, you are there and you are concerned about the young people, continue the great work.</p>	
<p>Senator John Girgenti administered the Oath of Office to John Bertollo-Councilman Second Ward.</p>	
Garret Sinning-Councilman Third Ward	Senator John Girgenti
<p>Senator Girgenti commented: I respect those who give their time in government, the local level of government is where you get the most action, most of the criticism and it takes a lot of effort, I commend everyone who gets involved, this is the firing arm, where all the activity takes place, respect these individuals who put the time in and care about their community. I am proud to see Garry here and to swear him in.</p>	
<p>Senator John Girgenti administered the Oath of Office to Garret Sinning-Councilman Third Ward.</p>	
Frank Matthews-Councilman Fourth Ward	Mayor Richard Goldberg
<p>Mayor Goldberg commented: It is my honor this evening to swear in Councilman Matthews. I first met Frank as a Councilman when we worked together on the Council and I have seen him grow and mature and truly become the great Councilman he is today. I am honored he asked me to swear him in, he has a lot of great choices and I take pride that he asked me.</p>	
<p>Mayor Richard Goldberg administered the Oath of Office to Frank Matthews-Councilman Fourth Ward.</p>	

ROLL CALL 2012 HAWTHORNE MUNICIPAL COUNCIL

On roll call, Councilman Bennett, Councilman Bertollo, Councilman Lane, Councilman Matthews, Councilman Mele, Councilman Sinning and Councilman Wojtecki, acknowledged as present.

NOMINATION AND ELECTION OF COUNCIL PRESIDENT

Council President Matthews then turned the meeting over to Clerk Witkowski, who announced the next order of business. She stated that the names for the Nomination and Election of Council President and Vice President would be called in the order drawn by lots for nomination.

Borough Clerk Witkowski asked for nominations for Council President. Councilman Lane nominated Councilman Bertollo, seconded by Councilman Sinning. There were no other nominations. On roll call, all voted yes. Councilman Bertollo abstained.

NOMINATION AND ELECTION OF COUNCIL VICE PRESIDENT

Clerk Witkowski asked for nominations for Council Vice President. Councilman Lane nominated Councilman Bennett, seconded by Councilman Sinning. There were no other nominations. On roll call, all voted yes. Councilman Bennett abstained.

ADMINISTERING OATH OF OFFICE

Mayor Goldberg administered the Oath of Office to Council President Bertollo.

Mayor Goldberg administered the Oath of Office to Council Vice President Bennett.

COUNCIL PRESIDENT COMMENTS

Council President Bertollo recognized the attendance of more dignitaries: Superintendent of Schools Robert Mooney, Jefferson Elementary School Principal Roseanne Zagata, Passaic County Council Bill Pascrell, Jr., Senator Bob Gordon and Passaic County Board of Election Commissioner Lauren Murphy.

Council President Bertollo thanked his neighbors and friends who supported his re-election to this Council. I am humbled by your support and consider it an honor to serve our community. Thank you to my wife Debbie and the rest of the family for all your support throughout the years. To my good friend Senator John Girgenti, thank you. Thank you for all you have done in serving your community and I wish you and Rose all the best of luck in your future endeavors. To my fellow council members, thank you for your vote of confidence, in allowing me to serve as Council President this year. I am honored and look forward to the challenges that lie ahead in 2012 and beyond. Thank you Councilman Matthews in your successful term as Council President last year. The goals and objectives you set for this Council were met or exceeded and for that you should be commended. Moving forward this year, it will be more challenging than ever before given today's economic woes and the financial crisis facing our federal, state and county governments. I strongly believe that our Mayor and Administration along with this Council are prepared again this year to step up to these economic challenges as we prepare the 2012 municipal budget and continue to provide municipal service to our community in the most cost effective manner. This will not be an easy task but you can all feel very confident that this Mayor and Council will always spend our tax dollars wisely. We will continue to think outside the box and continue to be aggressive in our approach to managing the finances of the Borough of Hawthorne. Some other local community challenges for 2012, include expanding and creating new shared service agreements with our Board of Education, Passaic County and our surrounding municipalities. Utilizing shared services has the potential to save our community thousands of dollars a year while still providing excellent municipal services. Another challenge is to continue working on new ratables and economic redevelopment. This year we will see the redevelopment completion of the Della Bouno property on Washington Avenue, the Millview Lofts at 55 Westervelt Avenue and a new supermarket on the former Merck site. We will continue to work on the redevelopment of the Pyrolac site, Pan Chemical site and Congress Mills properties, to name a few. Flood remediation is a major challenge for our community, the economic impact on the municipal budget, our businesses and our home owners, year after year is devastating. We are looking to join forces with Passaic County in seeking help from our state and federal agencies to remediate the Goffle Brook flood issues from the Wyckoff border all the way to the Passaic River. We will continue to support the Passaic Flood Commission in their mission to remediate the flooding along the Passaic River. As you can see, we have set a very aggressive agenda for the upcoming year. Our Challenges set forth for 2012 are all targeted to have a positive economic outcome for the taxpayers of Hawthorne. By working together in the spirit of cooperation with the Mayor Goldberg, fellow council members, the Board of Education, our Passaic County officials, borough employees and the residents of our community, there is no reason why Hawthorne cannot continue to be one of the nicest, most desirable communities in the state of New Jersey. I wish you and all the citizens of our great town, a happy health New Year, God bless you all and God bless the Borough of Hawthorne.

Council President Bertollo recognized Congressman Bill Pascrell was in attendance as well.

COUNCIL VICE PRESIDENT COMMENTS

Good evening and thank you all for coming. I'd like to begin by thanking my colleagues for allowing me to serve as Council Vice President this year. Either they have a lot of faith in me, or they think I'm Hawthorne's answer to Joe Biden. Although council committee lineups have not been formally announced yet, I fully expect to continue on as chairman of the public works and public safety committees, both of which saw a lot of activity in 2011 and should be just as busy in 2012. Just to touch on some of the high points: Phase 1 of the Washington Ave. / Royal Ave flood remediation project was successfully completed, a little behind schedule but that was the contractor's fault, not ours. The quality of the work was excellent, and we were able to save enough money on the job to pay for Phase 2 of the project, which will involve piping the Royal Ave culvert to control water flow and installing a new trash rack to prevent system clogging. Drainage and flood remediation work was also completed on Charwalt and Westervelt Avenue. Brockhuizen Lane, which finally became a Borough-owned public street last year, has been completely reconstructed, eliminating some safety issues that had plagued its residents for decades. The library roof, which had been leaking for years, was successfully repaired and the project came in at roughly \$24,000 under budget. (\$131,000 vs \$155,000). A multi-year repaving program has been developed that prioritizes streets based on their level of need, as determined by our engineer and Director of Public Works. Copies of that list were then distributed to the rest of the council for their input. The rankings are not cast in stone; we envision this being more of a planning tool going forward that will hopefully make budgeting, scheduling, and in some cases grant writing, more structured and efficient. And since we're talking about streets, that new street sweeper I promised you at last year's reorganization meeting has been operational for some time now, so hopefully you've all noticed a difference. On a combined public works/public safety front, the biggest project looming on the horizon involves the police department. Last year, our police department was one of 5 chosen by the JIF to become an "accredited department," which sounded simple enough when they proposed it. We figured we'd have to ensure that proper training is being done, update our standard operating procedure manuals, etc. No big deal. Well, as you know, nothing is ever as simple as it sounds. After a full evaluation it was determined that our police facility is going

to require some major renovations to satisfy modern regulations designed to ensure the safety of our officers, the safety of the people they serve, the security of those they apprehend, the security and integrity of evidence and assets, etc. All told, the bill could come to upwards of \$300,000. The work may not have to be done all at once – we don't know yet – but it has to be done. So, we'll be working with the finance committee, the council as a whole, the administration, and the police chief to figure out how best to tackle this project. Looks like I won't be getting bored in 2012. On a more personal note, I would just like to thank a few people who make it possible for me to keep doing this job I love so much. As some of you may know, last year was a particularly difficult year for me, and there were a few nights when I'm sure my heart and mind just seemed to be elsewhere. I'd like to thank my colleagues up here for taking the ball and running with it when that happened. Democrat or Republican, when we step onto this playing field up here and that gavel falls, we have to play as a team or you don't get the level of service you have a right to expect. I think we did that last year, even though one of us was playing hurt, and that speaks volumes about the character and dedication of the people I serve with here. The same goes for the rest of the team – Rich, Eric, Mike, Steve, Sue, Mary Jean, Joe – without each of you doing your jobs as well as you do, we couldn't do ours. And I'd certainly be remiss if I didn't publicly thank my wife and family for sacrificing so much of their time with me so I can give it to you. They say "Behind every great man there's a great woman." Well, I think Toni has proven that sometimes, behind just your average man there's a great woman, inspiring him to do more than he ever realized he could do. Thank you, Ton, for always supporting me and allowing me to serve the people of this community. To my inner circle of trusted confidantes and advisers – Rich, Mike, Barb, Victor, – thank you for your wisdom, your counseling, and your support last year. I'm a better public official...and perhaps a better person...because of you. Finally, a great big thank you to all of the residents of this fine community who trust us day in and day out to make their priorities our priority. I think I speak for everyone up here when I say we are going to do everything in our power to make 2012 one of the most successful years ever for this borough. Happy New Year to everyone, and may God bless the people of Hawthorne.

Borough Clerk Witkowski turned the meeting over to Council President Bertollo who continued with the agenda.

COUNCIL REMARKS

Councilman Wojtecki

Thanked the many people who were so instrumental this past year and the past eight years. First and foremost I would like to thank my family, Stacey, Joey, Alex, Christian, thank you. To my Mom, Chris, Char, and my father-in-law Spencer and my mother-in-law Maureen, thank you. To the voters of the 1st Ward, thank you again for allowing me to serve as your Councilman. For the next four years I promise to work as hard as I did the last eight years. To Chairman John Currie and the Passaic County Dem's, thank you for your support. To the members of the Hawthorne Democrats and our leader, Jeff Gardner, thank you. To the 1st Ward team of Joe Osborne, Heidi Amene, Mariam Loda and Alex Cajavo, thank you, you guys are fantastic. To my great friends, Lynn, Jamie, Jean, Bill, Naomi, Kevin, Meeghan, thank you for opening your homes for our fundraisers, mail stuffing, or just a place to have a quick meeting. To my fellow democratic candidates, Rob, Mary Lou, and Gus, it was a pleasure to run with you, and you work very hard. To John Bertollo, Garry Sinning and Frank Matthews, congratulations and I look forward to serving with you on the Council. Finally, as a Councilman it takes an incredible amount of time, I could not be able to do this without the support of my wife, for all those late night meetings, committees and campaigns, thank you.

Councilman Sinning

Thank you to Senator Girgenti for all his years of service and for taking the time tonight to swear us in. Although we have been on opposite sides of the aisle through many years, I have always considered John a friend and can always count on his support. Thank you to my wife. A few other dignitaries also here tonight are Bob Kurdock, Joe Rooney and James Dusenberry who are regulars and never miss a meeting. Congratulations to all my colleagues here tonight, I look forward to serving another four years.

Councilman Matthews

I'd like to start by thanking my wife Susan and my children Megan & Timothy for putting up with me during the recent campaign and giving me the time required to do what we do. I'd also like to thank the residents of the 4th ward for their overwhelming and continued support. It's a responsibility that I take seriously and will keep their interests in mind with every decision I make and, I'd also like to thank everyone in the audience for joining us tonight. Last year when we outlined our goals, the number 1 goal was Fiscal Restraint and Conservative Budgeting. With the cooperation of all Department Heads and the Administration, we were able to come in below the state imposed 2% cap with all of the allowable exclusions included and had one of the lowest tax increases in recent history. At the same time we increase our capital projects to include addressing some of our continuous flooding areas,

paving more roads under the road resurfacing program, and replacing about 1/3 of our under reading water meters. All this was done while lowering our total indebtedness at the same time. I would say that this will again be our greatest challenge and we will be faced with difficult decisions again this year. We will all have to work together to limit costs while keeping the level of service our residents expect. I'd like to thank the Administration and my Council colleagues for a productive 2011 and welcome the challenges ahead this year and look forward to working towards the goals outlined by President Bertollo and the Administration. Thank you again for joining us tonight, and have a Happy and Healthy New Year!

Councilman Mele

Congratulations to Garry, John, Frank and Joe on their re-election. Wishes to everyone for a happy and healthy New Year. I look forward to another year working closely with everyone and I think it will be a very good one for all of us.

Councilman Lane

Thank you to my colleagues for all the support they give to us and congratulations on your re-election. Thank you to my wife Margo for allowing me to put the time in that I do for the residents of the Borough of Hawthorne. It is a very time consuming job and a rewarding job when we see the progress being accomplished. Thank you to Senator Girgenti for all the hard work he's performed and given to Hawthorne, and as a very good friend, thank you and God bless you and your future endeavors, thank you for what you have done for the Borough of Hawthorne and the 35th district. Happy New Year to everyone and best wishes for a healthy and happy one. It will be very important to work together again this year, my colleagues have outlined a set of goals for us in 2011 which we were successful in meeting the majority of the goals as set out by the Council and Administration. This year we look forward to a better year with additional revenue coming into the borough to keep our taxes down.

APPROVAL OF MINUTES

Council President Bertollo entertained a motion to approve the minutes of the Regular Meeting of December 21, 2011, and Bid Minutes for Certified Tree Expert of December 8, 2011, moved by Councilman Wojtecki, seconded by Councilman Sinning. On roll call, all voted yes.

PUBLIC COMMENT (Agenda items only)

Council President Bertollo 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 Bertollo entertained a motion to close the public portion, moved by Councilman Lane, seconded by Councilman Sinning. On roll call, all voted yes.

ADOPTION OF ORDINANCES

None.

OLD BUSINESS

Council President Bertollo asked if there was any old business to discuss. None was raised.

ADMINISTRATIVE AGENDA PRESENTED BY THE MAYOR

Mayor Goldberg thanked Senator Girgenti for 33 years representing Hawthorne in Trenton, he had been our voice there and a great advocate. We look forward to working with Senator Bob Gordon and the great service he can provide for us. To Congressman Bill Pascrell whose district we share with him, we look forward to working with him and he providing for the Borough of Hawthorne.

MAYOR'S ADDRESS

It is my responsibility to give a State of the Borough Address during our reorganization meeting. While there is much to tell you I will try to do it as quickly as possible. First I want to congratulate the new Council President and Vice President. I look forward to working with you both during the upcoming year, as well as the entire Council. This administration has made economic development one of its highest priorities. Late last year and continuing early this year we are beginning to see the fruits of our labor. Millview Lofts a project that has been stalled for years is now under way and completion should be within one year. This project converts a factory in a residential neighborhood into residential housing. The Della Buono's conversion on Washington Ave also removes an industrial property from a residential neighborhood. The Planning Board last year approved turning a restaurant

on Goffle Road to a new car showroom and approved a supermarket on Wagaraw Road. This will mark the return of a supermarket more than 33 years after the Grand Union left Lafayette Avenue. It is my hope that the supermarket will become an anchor spurring more development on Wagaraw Road. Just last night the Planning Board had eight applications in front of them for Certificate of Compliance. In addition the Economic Development Committee is working with our planner to create a new zone from Lafayette to Braen Avenues on Goffle Road to make it easier for businesses to get the approvals they need to open. We are trying to make Hawthorne more business friendly. Last fall when it was announced that Jefferson School was a Blue Ribbon School I was unaware of the consequences. At first I thought it was a minor award with no real effect on the Borough. I couldn't have been more wrong. It is an award from the Department of Education for Excellence. In New Jersey only seven public schools have this distinction. Country wide there are only 304 Blue Ribbon Schools. The first question a potential home buyer asks a realtor about a town is how the schools are. In Hawthorne they can respond that we have a Blue Ribbon School one of only seven in the state. Thank you Jefferson School for raising the home prices in Hawthorne. In late November we received a piece of steel from the World Trade Center. Last week a committee met to decide how best to display the artifact and how to honor our first responders. I hope to have the project completed by September 11th so that we can dedicate the memorial that day. Hawthorne Day No. 4 will take place on October 6th. Hopefully it will be dryer than last year. Each year it has been bigger and better and this year will be no exception. I am hopeful for a kinder and gentler spring so that we get the maximum use of our fields at Wag. The Board of Recreation is getting a new look with three new members. The practice we started last year of dedicating portions of streets for those who died in service to our country will continue this year with dedications in June and in November. Our June honoree will be announced shortly. Last year was a challenging one with snow and rain and downed trees. I want to thank the hard working members of the Department of Public Works for the great job they did clearing snow cleaning branches and debris in the streets as well as leaves. Your work is under appreciated and anyone who drove through the neighboring towns after the Halloween snow storms knows that we were heads and shoulders over our neighbors. I continue to proclaim that Hawthorne has great first responders from the Police, Fire and EMS. They bring pride and professionalism to their jobs. They are to be commended and thanked. 2012 promises to be exciting year for Hawthorne. Get involved or stay involved and be part of our success.

MAYOR'S APPOINTMENTS *(With advice and consent of Council)*

Court Administrator	Christine Oravetz
Deputy Court Administrator	Joyce Comerro
Prosecutor	Ralph Fava
Public Defender	Joseph DeMarco

Council President Bertollo entertained a motion, moved by Councilman Lane, seconded by Councilman Sinning. On roll call, all voted yes. Mayor Goldberg administered the Oaths of Office. Not present was Prosecutor Ralph Fava.

Tax Collector	Louise Siano
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Council President Bertollo entertained a motion, moved by Councilman Matthews, seconded by Councilman Wojtecki. On roll call, all voted yes. Mayor Goldberg administered the Oath of Office.

Member/Environmental Commission	Roseanne Zagatta
Member/Board of Health	Winnifred A. Kelly
Member/Library Board of Trustees	Joseph Metzler

Council President Bertollo entertained a motion, moved by Councilman Wojtecki, seconded by Council Vice President Bennett. On roll call, all voted yes. Mayor Goldberg administered the Oaths of Office.

Member/Zoning Board of Adjustment	John F. Gallagher
Member/Zoning Board of Adjustment	David A. Schroter
Member/Zoning Board of Adjustment	Scott Chamberlin

Council President Bertollo entertained a motion, moved by Councilman Wojtecki, seconded by Councilman Lane. On roll call, all voted yes. Mayor Goldberg administered the Oaths of Office.

MAYOR'S APPOINTMENTS

Members/Municipal Alliance Committee

JoAnne Graziano
John Magna
Michael Jarvis
Robert Mooney
Lorraine Powell
Robert Scully
Jayne TenKate
Emily Spina
Kathie O'Dowd
Christopher Connelly
Helen Pasquale
Therese Bigica

Council President Bertollo entertained a motion to record, moved by Council Vice President Bennett, seconded by Councilman Matthews. On roll call, all voted yes. Mayor Goldberg administered the Oaths of Office.

Member/Shade Tree Commission

John Terry

Mayor Goldberg indicated John Terry was not present and would be sworn in at a later date. No action was taken.

Members/Economic Development Committee

John Lane
Victor Terraglia
Anthony Spanedda
Carl Schmidt
Frank Coppolla
Evangeline Gomez

Council President Bertollo entertained a motion to record, moved by Council Vice President Bennett, seconded by Councilman Sinning. On roll call, all voted yes. Mayor Goldberg administered the Oaths of Office.

Member/Hawthorne Planning Board

Walter Garner III

Class 2 Member/Hawthorne Planning Board

Gene De Augustines

Alt. #2 Member/Hawthorne Planning Board

Barbara Zakur

Council President Bertollo entertained a motion to record, moved by Councilman Matthews, seconded by Councilman Sinning. On roll call, all voted yes. Mayor Goldberg administered the Oaths of Office.

Member/Board of Recreation

Karen Schell

Member/Board of Recreation

Barbara Mulvey

Member/Board of Recreation

Thomas Salkins

Council President Bertollo entertained a motion to record, moved by Councilman Wojtecki, seconded by Councilman Lane. On roll call, all voted yes. Mayor Goldberg administered the Oaths of Office.

Chief of the Ambulance Corps

Andrew Metzler

LEPC Council President

John Bertollo

LEPC Deputy Coordinator

John Carbone

LEPC Deputy Coordinator

Brian Vanderhook

Council President Bertollo entertained a motion to record, moved by Councilman Wojtecki, seconded by Councilman Sinning. On roll call, all voted yes with the exception of Council President Bertollo who abstained. Mayor Goldberg administered the Oaths of Office.

Risk Management Consultant

David Voza – Voza Agency

Council President Bertollo entertained a motion to record, moved by Councilman Mele, seconded by Councilman Matthews. On roll call, all voted yes. Mayor Goldberg administered the Oaths of Office.

2012 Solid Waste Advisory Committee Representative(s)

Joseph Clementi
Eric Maurer (Alt)

Council President Bertollo entertained a motion to record moved by Councilman Matthews, seconded by Council Vice President Bennett. On roll call, all voted yes. Mayor Goldberg administered the Oaths of Office.

Council President Bertollo entertained a motion to record the Administrative Agenda, moved by Councilman Wojtecki, seconded by Councilman Sinning. On roll call, all voted yes.

COUNCIL APPOINTMENTS

CA-1 Appointment and Award of Contract of the Municipal Auditor for the year 2012
Robert Swisher, CPA, RMA, of Suplee, Clooney & Company

Council President Bertollo entertained a motion to record, moved by Councilman Matthews, seconded by Councilman Mele. On roll call, all voted yes. Mayor Goldberg administered the Oath of Office.

CA-2 Council appointment to Planning Board Frank Matthews

Council President Bertollo entertained a motion to record, moved by Councilman Lane, seconded by Councilman Wojtecki. On roll call, all voted yes with the exception of Councilman Matthews who abstained. Mayor Goldberg administered the Oath of Office.

INTRODUCTION OF ORDINANCES

ORDINANCE NO. 2058-12 for Introduction

AN ORDINANCE TO AMEND ORDINANCE 1765 HERETOFORE ADOPTED BY THE BOROUGH OF HAWTHORNE, PROVIDING FOR ACQUISITION AND INSTALLATION OF PUBLIC SAFETY COMMUNICATIONS EQUIPMENT FOR POLICE, FIRE, AMBULANCE AND OTHER COMMUNICATION RELATED SERVICES, ALL AS SET FORTH THEREIN, SO AS TO CHANGE THE SCOPE OF WORK THEREUNDER TO INCLUDE REPLACEMENT OF AMBULANCE CORPS RADIOS, ACQUIRE AND INSTALL FIBER NETWORK CAPABILITIES, PURCHASE, INSTALL OR CONSTRUCT POLICE DEPARTMENT ACCREDITATION RELATED UP-GRADES, AND PROVIDE FOR CONSTRUCTION SUPERVISION THEREUNDER, AND FURTHER SO AS TO INCREASE THE AMOUNT OF THE APPROPRIATION FROM \$900,000 TO \$1,240,000 AND AUTHORIZE THE ISSUANCE OF BONDS OR NOTES FOR THE FINANCING OF THE SAME, IN AND BY THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY.

BE IT RESOLVED, that Ordinance No. 2058-12 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 February 1, 2012 and at said 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.

Council President Bertollo entertained a motion to approve introduction of Ordinance No. 2058-12 moved by Councilman Matthews, seconded by Council Vice President Bennett. Council President Bertollo asked if there were any questions. None were raised. On roll call, all voted yes with the exception of Councilman Lane and Councilman Wojtecki who abstained.

CONSENT AGENDA: R 01-12 through R 17-12

R 01-12 **Introduced by Councilman Matthews**

To ratify the actions of the Municipal Council Payroll dated 12/30/2011:

CURRENT FUND	WT 888889	\$	243,589.90
WATER OPERATING FUND	WT 888889	\$	43,450.12
OTHER TRUST II FUND	WT 888889	\$	15,079.73
TOTAL PAYROLL		\$	<u>302,119.75</u>

CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	13,569.79
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	-
TOTAL FICA		\$	<u>13,569.79</u>

R 02-12 Introduced by Councilman Matthews

WHEREAS, N.J.S.A. 40A:4-19 provides that where contracts, commitments of payments are to be made prior to the final adoption of the 2012 budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, this resolution will take effect on the first day of January 2012; and

WHEREAS, the said temporary appropriations are limited to 26.25% of the total appropriation in the 2011 budget, exclusive of any appropriations for Debt Service, Public Assistance and Capital Improvement Fund in the said 2011 budget.

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

TEMPORARY BUDGET
MUNICIPAL OPERATIONS

SALARIES & WAGES

General Administration	\$ 36,000.00
Mayor/Council	9,000.00
Municipal Clerk	24,000.00
Financial Administration	36,000.00
Revenue Collection	18,000.00
Tax Assessment	18,000.00
Legal Services	10,800.00
Planning Board	6,000.00
Zoning Board of Adjust	6,000.00
Construction Code	39,000.00
Code Enforcement	15,000.00
Uniform Police	816,000.00
Police Dispatchers	39,000.00
PEOSHA	6,000.00
Fire	6,000.00
Uniform Fire	27,000.00
Prosecutor	9,000.00
Streets	270,000.00
Sewer	39,000.00
Recycling	30,000.00
DPW Admin	30,000.00
Board of Health	30,000.00
Board of Recreation	27,000.00
Library	180,000.00
Municipal Court	33,000.00
Public Defender	3,600.00

S&W Total **1,763,400.00**

OTHER EXPENSES

Administration	5,000.00
Admin/Postage	5,000.00
Mayor/Council	1,000.00
Municipal Clerk	8,000.00
Finance	10,500.00
Revenue Collection	10,500.00
Assessor	8,000.00

Legal	15,000.00
Engineering	15,000.00
Planning	500.00
Zoning Board of Adjustments	500.00
Uniform Construction Code	8,000.00
Local Code Enforcement	1,500.00
Municipal Insurance	260,000.00
Group Insurance	600,000.00
Workers Comp	30,000.00
Uniformed Police	20,000.00
PEOSHA	2,500.00
Emergency Mgmt	2,000.00
Fire	30,000.00
Uniform Fire Safety	1,000.00
Streets	80,000.00
Shade Tree	5,000.00
Sewer	10,000.00
Recycling	100,000.00
Garbage Pickup	120,000.00
DPW Administration	10,000.00
Vehicle Maintenance	32,000.00
Board of Health	3,000.00
Environmental Commission	1,500.00
Board of Recreation	8,000.00
Field/Park Maintenance	10,000.00
Library	70,000.00
Public Events	5,000.00
Bond Fees	5,000.00
Electric/Gas	80,000.00
Street Lighting	40,000.00
Telephone	18,000.00
Passaic Valley Sewer Commission	300,000.00
Gasoline	75,000.00
Tipping Fees	130,000.00
Social Security	90,000.00
PERS	133,760.00
PFRS	221,500.00
Municipal Alliance	5,000.00
Municipal Court	3,500.00

Other Expense Total **2,590,260.00**

CURRENT TEMPORARY APPROPRIATIONS **\$4,353,660.00**

DEBT SERVICE

Current	
Debt Service	
Bond Principal	\$1,040,000.00
Bond Interest	420,649.00
Note Interest	57,900.00
NJEIT Loan	153,863.00
Wastewater Loans	<u>267,213.00</u>

Debt Service Appropriations **\$1,939,625.00**

TEMPORARY BUDGET

WATER UTILITY OPERATIONS

Salaries & Wages	\$252,000.00
Other Expense	
Operating Expenses	319,140.00
Lab Testing	8,000.00
Group Insurance	50,000.00
Municipal Insurance	20,000.00

Workers Comp 15,000.00

Other Expense Total **\$412,140.00**

WATER UTILITY TEMPORARY APPROPRIATIONS **\$664,140.00**

WATER UTILITY

Debt Service

NJEIT 2003 Loan 186,375.00

Note Interest 6,200.00

Bonds 50,000.00

Interest on Bonds 20,749.00

Total **\$263,324.00**

COMPUTATION OF MAXIMUM FOR TEMPORARY BUDGET

(Exclusive of Debt Service)

CURRENT BUDGET

2011 Budget as Adopted \$18,564,704.00

Add:

Amend 159 40,337.00

18,605,041.00

Less:

Capital Improvement Fund **100,000.00**

Public Assistance 0.00

Debt Service 1,919,662.00

2,019,662.00

Net Basis for Computation **\$16,585,379.00**

26.25% of Net Basis for Maximum
Computation and Maximum for

Temporary Budget **\$4,353,661.99**

WATER UTILITY BUDGET

2011 Budget as Adopted \$2,798,141.00

Add:

Amendments (40A:4-87) 0.00

2,798,141.00

Less:

Capital Improvement Fund 0.00

Debt Service 268,063.00

268,063.00

Net Basis for Computation **\$2,530,078.00**

26.25% of Net Basis for Maximum
Computation and Maximum for

Temporary Budget **\$ 664,145.48**

R 03-12 Introduced by Councilman Matthews

WHEREAS, the Petty Cash Funds for the Treasury is returned to general funds as of December 31, 2011 and must be reestablished.

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

<u>Department</u>	<u>Custodian</u>	<u>Amount</u>	<u>Fund</u>
Treasury	Mary Jeanne Hewitt	\$300.00	Current

R 04-12 Introduced by Councilman Matthews

A RESOLUTION NAMING OFFICIAL DEPOSITORIES FOR THE BOROUGH OF HAWTHORNE, NEW JERSEY FOR THE YEAR 2012

WHEREAS, N.J.S.A. 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository of its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state.

NOW, THEREFORE, BE IT RESOLVED on the 4th day of January, 2012, by the Council of the Borough of Hawthorne, County of Passaic, State of New Jersey, that:

1. Bank of America, Hawthorne, N.J.; Valley National Bank, Fair Lawn, N.J.; Chase Bank, Hawthorne, N.J.; Atlantic Stewardship, Hawthorne, N.J.; Wachovia Bank/Wells Fargo, Hawthorne, N.J.; TD Bank, Hawthorne, N.J.; Hudson United Bank, Franklin Lakes and Mendham, N.J.; Columbia Savings Bank, Hawthorne, N.J.; New Jersey Cash Management Fund, Division of Investment, Department of Treasury, Trenton, N.J.; be and are hereby designated as depositories for the Borough of Hawthorne for the year 2012.

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

R 05-12 Introduced by Councilman Matthews

WHEREAS, as per N.J.S.A. 40:53 1-2, the Borough of Hawthorne designates the following newspapers as legal papers for the year 2012:

The Hawthorne Press
The Herald News
The Record
The Newark Star Ledger

R 06-12 Introduced by Councilman Matthews

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

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

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Borough of Hawthorne does hereby ratify and reaffirm all previously adopted procedural rules, protocols and resolutions for the year 2012.

R 07-12 Introduced by Councilman Matthews

WHEREAS, it is deemed necessary that the Public Agency (the Borough of Hawthorne) shall designate an officer or employee to serve as Public Agency Compliance Officer (P.A.C.O.), whose name title, business address, telephone number and fax number shall be forwarded to the State Affirmative Action Office by January 10, of every year; and

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

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council that the Borough Administrator be and is hereby designated as Compliance Officer and the Clerk if hereby directed to file a copy of this resolution with the Department of the Treasury, Affirmative Action Office, CN-209, Trenton, New Jersey 08625-0209.

COMPLIANCE OFFICER DESIGNATION FOR THE BOROUGH OF HAWTHORNE:
Eric Maurer, Borough Administrator

R 08-12 Introduced by Councilman Matthews

A RESOLUTION RATIFYING AND AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO BURGIS ASSOCIATES

WHEREAS, the Borough Council of the Borough of Hawthorne will require professional services of a professional planner and has determined to award the same as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

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

WHEREAS, the Borough Council of the Borough of Hawthorne has previously retained the services of Joseph Burgis of Burgis Associates, to serve as planning consultant in a number of contexts, including, most recently, the preparation of a Housing Element and Fair Share Plan in satisfaction of Hawthorne's obligation under the Fair Housing Act and to serve as consultant to its Planning and Zoning Boards of Adjustment;

WHEREAS, the Borough of Hawthorne is obligated to monitor the status of affordable housing in the State and will in addition require the services of a planner from time to time;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Joseph Burgis and Burgis Associates, for professional planning services, in accordance with the written proposal for planning services previously submitted by Mr. Burgis and at the rates established therein. .
2. The contract is entered into without competitive bidding as "Professional Service," pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

R 09-12 Introduced by Councilman Matthews

A RESOLUTION RATIFYING AND AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO KNAPP, TRIMBOLI & PRUSINOWSKI, LLC

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

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

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

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

WHEREAS, the Borough Council of the Borough of Hawthorne has previously retained the services of Frederic M. Knapp, Esq., to serve as legal counsel in connection with employment matters;

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

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Frederic M. Knapp, Esq., of the law firm of Knapp, Trimboli & Prusinowski, L.L.C., for legal services as Labor and Employment Counsel for the period of January 1, 2012, through December 31, 2012, in accordance with the attached contract. The scope of services shall be as determined by the Administration on a case-by-case or assigned basis. Compensation shall be at the rate set forth in the contract as annexed, it being understood that billing for services shall not include travel time as any part thereof.

R 10-12 Introduced by Councilman Matthews

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO ROBERT SWISHER AND SUPLEE, CLOONEY & COMPANY

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the services of a Registered Municipal Accountant for the purpose of performing the 2011 Annual Audits pursuant to NJSA 40A:5-4, et seq., has been determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

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

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

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

WHEREAS, Robert Swisher, CPA, RMA, and the firm of Suplee, Clooney & Company, has submitted a proposal and contract for said accounting services, said contract to be available for inspection in the office of the Borough Clerk; and

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

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Robert Swisher and Suplee, Clooney & Company, for accounting services for the year 2012, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as "Professional Service," pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.

R 11-12 Introduced by Councilman Matthews

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO DAVID VOZZA AND THE VOZZA AGENCY FOR RISK MANAGEMENT SERVICES

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the services of a Risk Management consultant, as required by the Morris County Joint Insurance Fund and Municipal Excess Liability Joint Insurance Fund and has determined to award the same as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A 20.5; and

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

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

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

WHEREAS, David Vozza and the firm of The Vozza Agency, Inc., has submitted a proposal and contract for said risk management services, said contract to be available for inspection in the office of the Borough Clerk; and

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

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with David Vozza and the Vozza Agency, Inc., for risk management services for the year 2012, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as "Professional Service," pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution

R 12-12 Introduced by Councilman Matthews

A RESOLUTION RATIFYING AND AUTHORIZING THE 2012 AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO COMMUNITY GRANTS AND PLANNING, L.L.C.

WHEREAS, the Borough of Hawthorne is obligated to achieve compliance with the Fair Housing Act and satisfy its obligation to provide the realistic opportunity for the development of low and moderate income housing including the rehabilitation of existing substandard units of housing in the Borough of Hawthorne; and

WHEREAS, in accordance with the Fair Housing Act, the Borough has engaged the services of Community Grants and Planning, Inc., to serve as administrator of its Rehabilitative Housing Program; and

WHEREAS, the Borough Council of the Borough of Hawthorne has determined to award a contract for administration of its Rehabilitative Housing Program as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Community Grants and Planning has agreed to continue to serve in such capacity in accordance with the same terms and conditions previously set forth in a proposal submitted by said entity; and

WHEREAS, the provision of such services is not subject to the Local Public Contracts Law as such services are professional in nature, therefore not requiring the solicitation of bids; and

WHEREAS, the anticipated cost of such services, as certified by the Municipal Clerk, is not anticipated to exceed \$17,500 per year, thereby exempting the same from the terms of NJSA 19:44-20.5, et seq.;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does retain

Community Grants and Planning, Inc.,
569 Abbington Drive,
East Windsor, NJ 08520

to serve as administrator of its Rehabilitative Housing Program in accordance with the Professional Services Agreement previously submitted; and

BE IT FURTHER RESOLVED, that the Municipal Council does authorize the Mayor and Clerk to execute and deliver the aforesaid contract as and for the act of the Borough of Hawthorne, subject to receipt of a Business Disclosure Entity Certification and Determination of Value, the same to be placed on file with a true copy of this resolution.

R 13-12 Introduced by Councilman Matthews

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO STEPHEN BOSWELL AND BOSWELL MC CLAVE ENGINEERING

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the services of a Borough Engineer for the purpose of performing the engineering services for year 2012, pursuant to NJSA 40A:5-4, et seq., has been determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

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

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

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

WHEREAS, Stephen Boswell, Ph.D. and the firm of Boswell McClave Engineering has submitted a proposal and contract for said accounting services, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, Stephen Boswell, Ph.D. has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that the firm of Boswell McClave Engineering has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit Boswell McClave Engineering from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Stephen Boswell, Ph. D. for services for the year 2012, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as "Professional Service," pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.

3. The award of this contract is subject to certification of funds by the Chief Financial Officer.

4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.

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

R 14-12 Introduced by Councilman Matthews

A RESOLUTION RATIFYING AND AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO MCMANIMON AND SCOTLAND, L.L.C.

WHEREAS, the Borough Council of the Borough of Hawthorne will require professional services of Bond Counsel for legal services and has determined to award the same as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

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

WHEREAS, the Borough Council of the Borough of Hawthorne has previously retained the services of McManimon and Scotland, to serve as legal counsel in connection with bond matters;

WHEREAS, McManimon and Scotland has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification, which certifies that the firm and its individual members have not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit McManimon and Scotland and its members from making any reportable contributions during the term of the contract

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with McManimon and Scotland for legal services as Bond Counsel for the period of January 1, 2012, through December 31, 2012, in accordance with the attached contract. The scope of services shall be as determined by the Administration on a case-by-case or assigned basis but nevertheless subject to approval by the council. Compensation shall be at the rate set forth in the contract as annexed.

2. The contract is entered into without competitive bidding as "Professional Service," pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.

3. The award of this contract is subject to certification of funds by the Chief Financial Officer.

4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.

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

R 15-12 Introduced by Councilman Matthews

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO CAPITAL ALTERNATIVES CORPORATION

WHEREAS, the Municipal Council of the Borough of Hawthorne previously undertook a search so as to identify and retain the services of a grant writer having expertise in researching availability of funds, identifying needs of the Borough and pursuing the same on behalf of the Borough; and

WHEREAS, as a result of such search, the Municipal Council awarded a contract to Capital Alternatives of New Milford to serve as grant writers in the Borough of Hawthorne; and

WHEREAS, the Borough, based upon recommendation of the Borough Attorney, had determined that it may award a contract without necessity of public bidding in accordance with the Local Public Contracts Law, it being the opinion of the Borough Attorney that the same constitutes Extraordinary Unspecified Services, that being services that are specialized in nature, requiring expertise, training and experience, including a proven track record in the area in question; and

WHEREAS, of the Borough of Hawthorne has determined to continue its relationship with Capital Alternatives and has determined to award a contract for grant writing as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated cost of such services, as certified by the Municipal Clerk, is anticipated to exceed \$17,500 per year, thereby requiring compliance with the terms of NJSA 19:44-20.5, et seq.;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does retain

Capital Alternatives Corporation,
Demarest House
618 River Road,
New Milford, NJ 07646

to provide grant writing and related services, all in accordance with the proposal submitted by the said company annexed hereto and incorporated by reference; and

BE IT FURTHER RESOLVED, that the Municipal Council does authorize the Mayor and Clerk to execute and deliver the aforesaid contract as and for the act of the Borough of Hawthorne, subject to receipt of a Business Disclosure Entity Certification and Determination of Value, the same to be placed on file with a true copy of this resolution as well as compliance with all terms of NJSA 19:44-20.5, et seq; and

BE IT FURTHER RESOLVED that the award of contract is subject to review of the contract by the Borough Attorney and modification as he may determine appropriate as well as verification of funds as may be required by the Chief Financial Officer.

R 16-12 Introduced by Councilman Matthews

RESOLUTION AUTHORIZING THE BOROUGH OF HAWTHORNE TO APPLY FOR A SUBGRANT AWARD FOR FEDERAL FISCAL YEAR 2012 DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING.

WHEREAS, the Hawthorne Office of Emergency Management wishes to apply for funding under the State Homeland Security Grant Program Subgrant CFDA #97.042 from the New Jersey State Police Office of Emergency Management; and

WHEREAS, the Subgrant, consisting of a total amount of \$10,000 including \$5,000 Federal Award and a local in-kind match of \$5,000, is for the purpose of enhancing Hawthorne's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Hawthorne Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, wishes to submit an Application for the Subgrant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS the Application for the Subgrant Award calls for an in-kind match in the amount of \$5,000 which the Passaic County Office of Emergency Management adequately satisfies through the 2012 Borough of Hawthorne budget for Division salaries and wages and fringe benefits.

NOW THEREFORE BE IT RESOLVED that the Borough of Hawthorne here with approves the application of the FFY11 Homeland Security Emergency Management Performance Grant Program Subgrant which will consist of a total amount of \$10,000 including \$5,000 Federal Award and \$5,000 Local Matching Funds; and

BE IT FURTHER RESOLVED that the Hawthorne Administrator, the Local Chief Fiscal Officer and the Local Director of Emergency Management are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services; the Chief Financial Officer; the Emergency Management and Office of the Treasury.

R 17-12 Introduced by Councilman Matthews

AUTHORIZATION OF CAPITAL ALTERNATIVES CORPORATION TO PREPARE APPLICATION FOR SIDEWALKS AT VARIOUS RAILROAD CROSSINGS

BE IT RESOLVED, by the Mayor and Council of the Borough of Hawthorne that application is made to the Commissioner of Transportation for aid under the New Jersey Transportation Trust Fund Authority Act for:

SIDEWALKS AT VARIOUS RAILROAD CROSSINGS

WHEREAS, THE Municipal Council has determined that such applications (s) should be prepared by Capital Alternatives Corporation, the grants specialists engaged by the municipality for assistance in such matters; and

BE IT RESOLVED, that Capital Alternatives Corporation is authorized to prepare, assemble, and submit the necessary documentation on behalf of the Borough of Hawthorne for the stated projects (s).

Council President Bertollo entertained a motion to approve Resolutions R 01-12 through R 17-12 moved by Councilman Matthews, seconded by Councilman Sinning. Council President Bertollo asked if there was any discussion. None was raised. On roll call, all voted yes.

OFF-CONSENT AGENDA R 18-12:

R 18-12 Introduced by Councilman Wojtecki

WHEREAS, an unsafe condition exists with police desk and radio communication for 911 Compliance in the Borough of Hawthorne due to the need for immediate repair and updating inter-department, and

WHEREAS, inadequate provision has been made in the 2012 Capital Budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 through 4-48 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency resolutions adopted in the year 2012 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-46 through 4-48 including this resolution total \$115,000.00, and three percent (3%) of the total operating appropriations in the budget for the year 2011 is \$556,941.00.

NOW, THEREFORE, BE IT RESOLVED, by Municipal Council of the Borough of Hawthorne (not less than two-thirds of the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-46 through 4-48:

1. An emergency capital appropriation be and the same is hereby made for:
Deferred Charges
Police and Fire Communications \$115,000.00

2. Said emergency appropriation shall be funded in full by a capital ordinance to be adopted no later than December 31, 2012.

Council President Bertollo entertained a motion, moved by Councilman Wojtecki, seconded by Council Vice President Bennett. Council President Bertollo asked if there was any discussion. None was raised. On roll call, all voted yes.

NEW BUSINESS

NB-1 Approval of Used Car License Renewals for the Year 2012

- M & P Foreign Used Cars, Inc. II
- Hawthorne Auto Sales
- Nissan of Hawthorne, LLC
- Paul’s Motors
- Triangle Auto Sales
- RES Associates

Council President Bertollo entertained a motion to approve NB-1, moved by Councilman Mele, seconded by Councilman Matthews. On a roll call, all voted yes.

NB-2 Approval **Wholesale** Car License Renewal for the Year 2012

- Big E’s Auto Sales (formerly E G Auto)

Council President Bertollo entertained a motion to approve, Councilman Matthews moved for discussion, seconded by Councilman Sinning. Council President Bertollo opened for discussion. Councilman Matthews stated last year he supported this license, at that time he expressed to Mr. Gensinger his expectations. Councilman Matthews feels he did not meet them. Councilman Lane agreed and added the location is not being maintained as per the Planning Board resolution. Council President Bertollo asked if denied, is there an opportunity to come before the Council in the future? Attorney Pasquale replied yes. Mayor Goldberg explained he had a conversation with Mr. Gensinger and he just recently received his lease and that things will change dramatically. Council President Bertollo asked if it can be reconsidered in two weeks. Attorney Pasquale said it is tabled or voted on tonight. Council President Bertollo asked if tabled, it is held over as the cars need to be removed from the pool lot and returned to the car lot. Attorney Pasquale commented the council has the authority to license and any zoning violation issues should be presented to the Planning Board. Councilman Matthews rescinds first motion and modifies motion to table application for two weeks. Councilman Sinning rescinds and modifies second as well. Council President Bertollo states Councilman Matthews and Councilman Sinning on modified motion to table for two weeks and client will be notified of tonight’s action. On roll call, all voted yes with the exception of Councilman Lane and Councilman Mele who voted no.

NB-3 Approval of Amusement Device Renewals for the Year 2012

- Lorano Services dba at Diamond Liquors – 1 device
- Lorano Services dba at Rumors – 2 devices
- Wayne Vending dba at Front Porch – 2 devices
- Wayne Vending dba at R.D. Benders – 1 devices
- David G. Neeb dba at Jiggles – 1 device
- American Family Fun dba at Skuffy’s – 3 devices

Council President Bertollo entertained a motion to approve NB-3, moved by Council Vice President Bennett, seconded by Councilman Mele. Council President Bertollo asked if there was any discussion. Councilman Wojtecki questioned the number of amusement devices allowed in one establishment. Attorney Pasquale confirmed the ordinance states “no more than three devices”. On a roll call, all voted yes.

BILLS

Council President Bertollo entertained a motion to approve the bills and forward them to the Treasurer for payment, moved by Councilman Matthews, seconded by Councilman Mele. Council President Bertollo asked if there was any discussion. On roll call, all voted yes. Councilman Lane and Councilman Wojtecki abstained from any checks pertaining to the Fire Department.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
MARY JEANNE HEWITT	11144	300.00	PETTY CASH
MORRIS COUNTY MUNI JT INS FUND	11145	218,177.46	MUNICIPAL INSURANCE
NO JERSEY MUNI EMPL BNFT FUND	11146	144,352.00	GROUP INSURANCE

VOZZA AGENCY	11147	<u>10,197.00</u>	MUNICIPAL INSURANCE
TOTAL CURRENT		\$ 373,026.46	
WATER OPERATING			
MORRIS COUNTY MUNI JT INS FUND	8404	35,000.00	MUNICIPAL INSURANCE
NO JERSEY MUNI EMPL BNFT FUND	8405	<u>50,000.00</u>	GROUP INSURANCE
TOTAL WATER OPERATING		\$ 85,000.00	
TOTAL BILL LIST		<u>\$ 458,026.46</u>	

PUBLIC COMMENT

Council President Bertollo 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 and state your name and address.

Senator Robert Gordon

Senator Gordon commented though he is not officially representing the Borough of Hawthorne until Tuesday, he is here tonight for two reasons, one to pay personal tribute to his friend and colleague Senator Girgenti. He has served the people of Passaic County and this community with distinction. He has devoted his professional life to serving the public. I have seen him at close hand, he is a Chairman of an important committee, and he has shaped public policy for the good of the people of this state. He has been a force for positive change, thank you for all he has done for the people of Hawthorne and the people of New Jersey. Secondly, I wish the Mayor and Council the very best as they begin a new year, there are certainly very daunting challenges as we heard a very aggressive agenda articulated tonight. I reaffirm to the Mayor and Council my commitment and that of my assembly and colleagues, Assemblywoman Connie Wagner and Assembly-Elect Timothy Eustace that we are committed to working in partnership with you on addressing the problems and the issues that you face whether it's moving a grant application through the process or working with the DEP and the remediation of redevelopment of property. I will be striving to achieve the standards set by my predecessor that is my goal, I will do whatever I can to serve the people of Hawthorne. Senator Gordon presented certificates to the newly installed Council members, Council Vice President Bennett, Councilman Matthews, Council President Bertollo, Councilman Sinning and Councilman Wojtecki. He continued, I wish everyone a happy, healthy and prosperous New Year and look forward to becoming a part of this community. Please inform me of every Eagle Scout meeting, parade, beefsteak, etc.!

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

BENEDICTION

Council President Bertollo invited Borough Attorney Pasquale to give the Benediction.

ADJOURNMENT

Council President Bertollo entertained a motion to adjourn the meeting at 9:36 p.m., moved by Councilman Matthews, seconded by Councilman Sinning. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE ON **WEDNESDAY, JANUARY 18, 2012**. WORK SESSION TO BEGIN AT 7:00 P.M. AND REGULAR MEETING AT 8:00 P.M. IF A PERSON WITH DISABILITIES REQUIRES AIDES SUCH AS: SIGN LANGUAGE, INTERPRETER, TELECOMMUNICATIONS, BRAILLE, TAPES OR LARGE PRINT, THE BOROUGH CLERK'S OFFICE SHOULD BE NOTIFIED TEN DAYS PRIOR TO ATTENDANCE AT A MEETING SO ACCOMMODATIONS MAY BE MADE.

John Bertollo
Council President

Susan Witkowski
Borough Clerk