

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:00 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Council President Matthews, Council Vice President Bertollo, Councilpersons Bennett, Lane, Mele, Sinning and Wojtecki. Also present were Mayor Goldberg, Director of Revenue and Finance Hewitt, Borough Administrator Maurer, Borough Attorney Pasquale, Borough Engineer Boswell, and Borough Clerk Witkowski.

FLAG SALUTE

Council President Matthews invited all present to join him in the flag salute and a moment of silence for those who gave their lives at Pearl Harbor.

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 15, 2010.

APPROVAL OF MINUTES

Council President Matthews entertained a motion to approve the minutes of the Regular Meeting of November 14, 2011, moved by Councilman Mele, seconded by Councilman Bennett. On roll call, all said yes with the exception of Councilman Wojtecki who abstained..

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.

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

ADOPTION OF ORDINANCES

None.

OLD BUSINESS

Council President Matthews asked if there was any old business to discuss.

Councilman Lane addressed Administrator Maurer and asked the status of the communications system for the Police Department and Borough which was passed with Bond Ordinance No. 1765 for \$900,000. Administrator Maurer responded the ordinance did not provide for updating the police desk and console, the 911 phone systems and the radio-based unit. The Police Department has been working diligently this year on completing this and has obtained a quote under state contract. We are working with Public Safety to combine communication needs into one package and will present to Council for their input. Councilman Lane asked the time frame of completion. Administrator Maurer indicated they are looking to this ASAP, there is not enough money to pass a resolution and he would recommend including enough money to cover the entire package. They would like to order in January based on meeting any concerns of the Council. Mayor Goldberg interjected many years ago there was preliminary discussions of moving the police desk which placed new communication equipment on hold. It is being revisited since the desk was not relocated.

Councilman Wojtecki commented in order to handle shared services with North Haledon and eliminate Hawthorne as a stand-alone dispatch center, we should be certain the new

communication system can handle additional frequency and dispatching lines. Administrator Maurer responded yes it will be included in the specs of the new system. Council President Matthews asked Administrator Maurer if there was a problem with the backup generator during last week's power outage. Administrator Maurer explained circuits thought to be on the panel, are not. Council President Matthews stated he is concerned about safety first, we cannot have down time with the backup generator, circuits can be moved from one panel to another, and would he obtain a quote to get this resolved.

Councilman Wojtecki asked Engineer Boswell the status of the concrete spalling repair of the Wagaraw Bridge. Engineer Boswell responded the county engineer has indicated it would be repaired shortly and he will look into a more definitive date from him.

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

NEW BUSINESS

Council President Matthews asked if there was any new business to discuss. None was raised.

PUBLIC HEARING

Liquor License Transfer

PERSON TO PERSON TRANSFER PLENARY RETAIL CONSUMPTION LICENSE NO. 1604-33-015-004 FROM LATIN BISTRO OFD CORP TO NISSAN SPIRITS LLC

Council President Matthews opened the meeting to the public. He stated if anyone desires 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.

Attorney Pasquale commented there are not any representatives of the applicant present and suggested to not go forward with the hearing without a representative to field and answer questions. He recommended carrying the matter until the next regular meeting. Council President Matthews entertained a motion to continue the hearing to December 21 council meeting without further notice and anyone with questions or comments need to appear, moved by Councilman Lane, seconded by Councilman Mele. On roll call, all voted yes with the exception of Councilman Wojtecki and Councilman Bennett who both voted no.

COUNCIL APPOINTMENT

R 239-11 Introduced by Councilman Lane

APPOINTMENT OF SUSAN WITKOWSKI AS THE MUNICIPAL CLERK FOR THE BOROUGH OF HAWTHORNE

WHEREAS, in accordance with N.J.S.A.40A:9-133 every municipality in the State of New Jersey is required to have a Municipal Clerk; and

WHEREAS, Susan Witkowski, a certified Registered Municipal Clerk of the State of New Jersey, was appointed to serve a three year term as Municipal Clerk of the Borough of Hawthorne, commencing December 8, 2008; and

WHEREAS, the Municipal Council of the Borough of Hawthorne has determined to reappointment Susan Witkowski as Municipal Clerk of the Borough of Hawthorne.

NOW, THEREFORE, BE IT RESOLVED by the governing body that Susan Witkowski is hereby appointed Municipal Clerk for the Borough of Hawthorne for a second term commencing December 9, 2011 and to continue to serve until her successor is duly appointed and qualified.

Council President Matthews asked if there was any discussion. Councilman Lane commented it has been exceptional working with Susan over the past two years; she is a dedicated employee and is honored to give her tenure. Moved by Councilman Sinning, seconded by Councilman Wojtecki. On roll call, all voted yes. Mayor Goldberg administered the Oath of Office.

ADMINISTRATIVE AGENDA PRESENTED BY THE MAYOR

Mayor Goldberg reported that today is the 70th anniversary of the bombing of Pearl Harbor, we must never forget the attack that led us into World War II and to take time to thank those veterans who are still alive who fought in the war to end all wars. On Wednesday, November 30th the Borough received a piece of steel from the World Trade Center, thanks to Kevin Downes of Downes Tree Service for providing the truck to transport the beam and the equipment locally to move the beam into storage. We are grateful for Kevin and all he contributes to the community. Thank you to the Fire Department, Police Department and Ambulance Squad for providing the appropriate escort for the artifact once it arrived in town. As appropriate as it was, the welcoming ceremony was abruptly interrupted by the fire whistle where the fire department left the ceremony exemplifies when the need arises, our Fire Department responds. Mayor Goldberg met today with Hawthorne Rotary to discuss their sponsorship of the memorial, as well as a home that will not only be a monument for the steel but to our three emergency response organizations, Police, Fire and EMS. They have expressed their interest in the sponsorship and will vote on it next week. LAN Associates has volunteered to provide architectural and engineering services. Thank you to the Chamber of Commerce for the Santa parade on Friday, December 2nd and to all in the Borough for the tree lighting and after party. The event was attended by a tremendous amount of people, the entertainment and food was excellent. Mayor Goldberg called upon Mr. Solomon for his presentation.

PRESENTATION

Sustainable Jersey

Randall E. Solomon, Co-Director

Institute for Sustainability Planning & Governance

Thanked the Mayor and Council for the invitation. Sustainable Jersey is a certification program, and a national award winning certification program for New Jersey Municipalities who want to go green, save money and begin to think about the long-term future of the state.

Currently there are 350 out of 566 municipalities working toward New Jersey Sustainable Certification. The Borough of Hawthorne is one of the second cohorts to achieve the Sustainable Certification and Mr. Solomon is here to present the borough with the certification and plaque.

Mr. Solomon continued the borough has achieved the bronze level, making a commitment, organized and succeeded in implementing the program. The borough achieved impressive energy work in auditing and upgrading the buildings. The certification is good for three years. The bronze level is achieved by scoring 225 points out of 1000; the silver level is 350 points. If Hawthorne was to achieve the silver level, they would be one of the smallest municipalities to achieve that level. It takes a lot of people to achieve this certification; actions involve volunteers, staff, Green Team members, the Environmental Commission members, the Mayor, and the Council. Mr. Solomon called upon Environmental Commission Chairman Rayna Laiosa for her comments. Ms. Laiosa commented they worked hard the last two years with the Council, bridged partnership with the Chamber of Commerce, the Economic Development Committee, the Borough and the Department of Public Works. Other contributing factors include stepped up energy levels, the retrofit, annual Cel-Earth Bration, shredding day, recycling program, upgraded the environmental resource inventory, a carbon footprint, the Mayors Wellness Program all lend to the base of the bronze level. We have continued events this year such as the Green Fair with the Chamber of Commerce, Farmer's Market, Anti-Idling campaign, Green Map and various grants. They will work to achieve the silver level next year and thanked all those involved who pulled it all together.

Mr. Solomon presented the plaque to Environmental Commission Chairman Rayna Laiosa and committee members.

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

Tax Assessor

Tim Henderson

Retroactive appointment of July 1, 2011

Council President Matthews entertained a motion, with advice and consent, moved by Councilman Mele, seconded by Council Vice President Bertollo. On roll call, all voted yes.

ADMINISTRATIVE REPORTS

Mayor Goldberg called upon Director of Revenue and Finance Hewitt for her report. Director of Revenue and Finance Hewitt reported on the following:

The Finance Department is busy on year end closeout. The Finance Committee will meet on Monday where transfers will be discussed. Thursday, December 8th is Tax Collector Barbara Crowley's last day of work. She has done a fantastic job as Tax Collector, she will be missed and we wish her well. This concluded Director of Revenue and Finance Hewitt's report.

Mayor Goldberg called upon Attorney Pasquale for his report.

Attorney Pasquale reported on the following:

Congratulations to Borough Clerk Witkowski on her re-appointment.

55 Westervelt is moving toward breaking ground by year's end. Tonight's resolution authorizes the Mayor to sign the developer's agreement with the developer. Closing of title as yet to take place on the property, the developer's agreement would not be signed until the developer owns the property. One requirement by lender is that the developer shows he can start building right away. We are working on that plan to satisfy all and protect the borough. The developer may have the project completed in nine to ten months. Thursday morning Administrator Maurer, Council Vice President Bertollo, Code Enforcement Officer Don Turner and he will appear in court on the Pan Chemical summonses for graffiti, weeds, and unsafe premises. A lawsuit has been filed against the property owners, Pan Chemical & One Washington Holdings, and is in the hands of the Sheriff's Department for service upon them. An appeal of the Board of Adjustments decision to deny the application for a 7-11 convenience store on Goffle Road has been filed by Mr. Cook, attorney representing the owner of the property, the Hank Shotmeyer family. The decision to appeal comes as no surprise, and applicant has named defendants Councilman Sinning, Council Vice President Bertollo, and members of the Five Corners Association in the appeal. We have exercised our constitutional right of freedom of speech and we will vigorously oppose this appeal.

This concluded Attorney Pasquale's report.

Mayor Goldberg called upon Engineer Boswell for his report.

Engineer Boswell reported on the following:

Highview Terrace and Brockhuizen Lane Blow Outs – Improvements have been completed.

Royal Avenue Drainage Ditch Design – The survey work has been completed and the existing condition plan prepared. The drainage improvement plans will be completed by December 22nd.

Library Roof – The contractor has completed the project. A site inspection was performed on Tuesday, December 6th and a punch list was generated. No leaks are present.

Mohawk Avenue – Work is completed and project being finalized.

2011 Road Program – The contractor is milling Watchung Drive today, December 7th, which will then complete the project.

UST Underground Monitoring – The project remains on hold, pending funding.

Wagaraw Bridge over Goffle Brook – The County Engineer has not yet reached a decision on how to proceed with repairs.

Christian Health Care Center – Fire testimony was provided at the December 5th meeting. The next Special meeting is scheduled for January 23rd, 2012, and the opposition's planner is expected to question the project.

Goffle Brook Bank Stabilization – SHIPO has submitted review comments and proposed revisions to the County Engineer for his review and signature. Received letter of approval with five minor conditions. Waiting for county to sign, then permits can be issued. One issue we are resolving now is a water line in one of the culverts at Rea Avenue. A water line is stuck up in the jacked-arch under the corrugated roof. The invert of the water line is higher than the low point of the arch; it is never exposed to water. The county engineer is asking to relocate it, but the water line does not need to be relocated, we believe he is speaking of a sewer line. Once the County Engineer's acceptance has been returned to SHIPO, Land Use can issue the permits.

Lafayette Hills Wetlands Blow Out – The Wilkin Management Group has a new property manager for Lafayette Hills. They will be submitting plans for our review to address the improvements to the wetlands.

Rea Avenue Bridges and Goffle Brook Dam – Next Thursday a diagnostic team meeting will take place with the NJDOT and NJ Transit to discuss upgrading signalization and warnings at Warburton Avenue at the crossing at the NY Susquehanna and Western Railroad. Administrator Maurer will be present, Council and Mayor are welcome to attend.

This concluded Engineer Boswell's report.

Mayor Goldberg called upon Administrator Maurer for his report.

Administrator Maurer reported on the following:

Congratulations to Borough Clerk Witkowski, Tax Assessor Henderson, and the Environmental Committee, best wishes to Barbara Crowley on her retirement and Jan Reenstra who will also be retiring at the end of the year. 2012 parking permits go on sale today, extended hours are available on December 7, 12, 19, and January 5, 9, and 17 from 4:30 to 7:30 p.m. More information may be found on our website at www.hawthornenj.org. Leaf collection is running two weeks behind due to the brush collection from the storm. We apologize to residents and ask for patience as all resources are being utilized. Bag pickup is on schedule every week, curb side loose leaves are behind schedule. Last day for bagged pickup is two weeks after this week. A reminder on snow removal: sidewalk snow and ice must be removed within eight hours of conclusion of storm in accordance with town ordinance and as courtesy to neighbors and children using the sidewalk. FEMA applications for reimbursement should be received in two weeks; we should receive +/- \$125,000 for Hurricane Irene, +/- \$30,000 for Lee and Halloween Nor'easter \$15 – \$20,000. This storm is not being considered a "snow event" therefore snow - plowing will not be eligible for reimbursement but debris and salting is. Rules vary storm to storm and we are working to recover every dollar we can. On December 14th from 6:00 p.m. to 8:00 p.m. in the court room, the NJDOT will be holding a "pre-construction" meeting on the Route 208 Bridge over Lafayette Avenue. Residents are invited. They anticipate work to begin on December 9th and plans for construction have been revised which will alleviate detours and will be less disruptive for our community.

This concluded Administrator Maurer's report.

Mayor Goldberg commented our Department of Public Works has done a great job with the clean up after the storms and continue to do a great job. Many towns still have trees and branches down.

Council President Matthews asked if there were any questions for the Administration.

Councilman Lane addressed Engineer Boswell and asked if we could remove the trees that have fallen into the brook from the last storm or do we need a permit from NJDEP? Engineer Boswell replied yes we can remove them ourselves as long as you do not use equipment and/or cut down vegetation to access them. He has seen the trees in the brook and would advise they be removed without equipment. Councilman Lane asked Administrator Maurer if he would contact the County to clean up. Administrator Maurer replied yes, he will make the request tomorrow.

Councilman Sinning commented the recycling center office is without a heater, could we provide one for them. Mayor Goldberg stated yes, he would ask Administrator Maurer to handle this.

Council Vice President Bertollo asked Administrator Maurer why we are receiving only \$15,000 from the Halloween storm claim. We are still cleaning up debris. Administrator Maurer replied we can only claim a expenses from a 24-hour window, there are a lot of rules, and questions can be raised at the preliminary meetings. Mayor Goldberg interjected we would normally receive more of a reimbursement but this storm was not considered a snow storm. Administrator Maurer added we can ask the questions, the first weekend we worked the evening, using additional police officers, etc. Mayor Goldberg commented we normally start our twenty-four hours when we call outside services.

Councilman Lane asked Administrator Maurer if he would mention the railroad crossing repair at Diamond Bridge Avenue when he meets with the Susquehanna people. Administrator Maurer replied yes.

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

INTRODUCTION OF ORDINANCES

None.

CONSENT AGENDA MR 23-11; R 234-11 THROUGH R 237-11, R 240-11 and R 241-11

MR 23-11 Introduced by Councilman Mele

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Hawthorne desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016.

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

1. Richard S. Goldberg, Mayor of the Borough of Hawthorne hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.
2. The Borough Clerk of the Borough of Hawthorne is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Borough of Hawthorne officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

R 234-11 Resolution, introduced by Councilman Mele

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated 11/18/11.

CURRENT FUND	WT 888889	311,206.41
WATER OPERATING FUND	WT 888889	38,847.02
OTHER TRUST II FUND	WT 888889	39,069.01
TOTAL PAYROLL		<u>389,122.44</u>
CURRENT OPERATING FUND TO PAYROLL/FICA	WT 888889	15,779.37
WATER OPERATING FUND TO PAYROLL/FICA	WT 888889	0.00
TOTAL FICA		<u>15,779.37</u>

And also for the payroll dated 12/2/11.

CURRENT FUND	WT 888889	252,968.94
WATER OPERATING FUND	WT 888889	38,847.02
OTHER TRUST II FUND	WT 888889	10,261.34
TOTAL PAYROLL		<u>302,077.30</u>
CURRENT OPERATING FUND TO PAYROLL/FICA	WT 888889	13,832.71
WATER OPERATING FUND TO PAYROLL/FICA	WT 888889	0.00
TOTAL FICA		<u>13,832.71</u>

R 235-11 Introduced by Councilman Mele

WHEREAS, the Municipal Council of the Borough of Hawthorne shall regularly hold meetings during the year 2012, for the purpose of conducting such business as may come before them as the Governing Body of the Borough of Hawthorne as follows, and;

Regular Business Meetings at which action may be taken on any matter of public business, which is allowed or authorized by law, shall be held in the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, commencing at 8:00 p.m., prevailing time except for: January 4, 2012, Reorganization Meeting, commencing at 7:00 p.m.; June 6, 2012, Youth in Government Meeting, commencing at 8:00 p.m. and November 21, 2012, Regular Meeting, commencing at 7:00 p.m. The specific dates of such regular Business Meetings are:

January 4th (Reorganization Meeting-No Worksession), January 18th; February 1st, 15th; March 7th, 21st; April 4th, 18th; May 2nd, 16th; June 6th (Youth in Government-No Worksession), 20th; July 18th, 11th (amended as per discussion in work session) August 1st, 15th; September 5th, 19th; October 3rd, 17th; November 7th, 21st (No Worksession); December 5th, 19th; 2012.

Work Sessions will be held at 7:00 p.m. preceding the Regular Meetings.

WHEREAS, on December 7, 2011, (a) a copy of this resolution containing the schedule of Regular Meetings shall be posted on the Bulletin Board on which public notices are regularly posted at the Municipal Building and shall remain posted thereon throughout the year 2012; (b) a copy of this resolution shall be e-mailed to the Hawthorne Press, Herald News, and The Record, all being newspapers circulated within the Borough; and (c) a copy of this resolution shall remain on file in the office of the Borough Clerk and shall be available for public inspection throughout the year, and;

WHEREAS, the Borough Clerk is hereby authorized and directed to mail to any person so requesting a copy of this resolution and any amendments thereto, and any advance written notice of any other meetings to be held which are not set forth on the above schedule, provided, however, that such request is accompanied by payment of a fee of fifteen (\$15.00) dollars, which is hereby fixed as the fee for mailing all such notices during the year, 2012. No fee shall be charged for mailing all such notices to newspapers having circulation in Passaic or Bergen Counties who may request the same, and;

NOW, THEREFORE, BE IT RESOLVED, that 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 meeting so accommodations may be made.

R 236-11 Introduced by Councilman Mele

WHEREAS, an application was made to the Borough of Hawthorne for a raffle license; and

WHEREAS, a check in the amount of \$20.00 was submitted with the application for RL#996, and \$20.00 for RL#998; and

WHEREAS, said application was cancelled after fees were submitted to the borough, and;

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne to authorize refund of said application fee in the amount of \$40.00 from the current account to:

Court Appointed Special Advocates Passaic County
573 Valley Road
Wayne, New Jersey 07470

R 237-11 Introduced by Councilman Mele

WHEREAS, 2011 Treasury records reflect certain interfund account balances as of December 1, 2011 that require account transfers in order to liquidate same prior to the close of the fiscal year.

NOW THEREFORE BE IT RESOLVED, By the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to settle these interfund items as indicated herein:

<u>PAY FROM</u>	<u>PAY TO</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
Current	OTII – UCC	675.00	Deposit Error
Current	OTII – Relocation	5,000.00	Budget Funding
Current	OTII – Recycling	275.00	Deposit Error
Current	General Capital	34,289.12	NJDOT Buena Vista I
Current	General Capital	32,500.00	NJDOT Rock Road I
Current	General Capital	138,750.00	NJDOT Mowhawk
Current	Water Operating	979.42	Posting Adjustment
Current	Other Trust I	21,900.00	Tax Sale
Current	Water Operating	626.87	Tax Sale
Water Operating	Current	30.00	Tax Sale
Water Operating	Current	61.00	Deposit Error

R 240-11 ***PULLED*******

Approval of person to person transfer of liquor license, Latin Bistro OFD Corp. aka Sabor Latin Bistro

R 241-11 Introduced by Councilman Mele

WHEREAS, the Planning Board of the Borough of Hawthorne has granted site plan approval to the owner of property located at 55 Westervelt Avenue; and

WHEREAS, the property owner has entered into a contract for sale to sell the property and all development rights to Highrise Development, LLC, which will become the new owner and developer upon closing of title; and

WHEREAS, as a condition set forth in the resolution of approval, the developer is required to enter into a Developer's Agreement with the Borough of Hawthorne and post required bond and escrow in accordance with the Municipal Land Use Law; and

WHEREAS, the Municipal Engineer has prepared an estimate setting forth the amount to be bonded and the escrow to be deposited for inspections associated with the construction; and

WHEREAS, the Borough Attorney has prepared a Developer's Agreement, incorporating therein the Resolution of approval of the Planning Board as well as the engineer's estimate as aforesaid; and

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Mayor and Clerk be and the same are hereby authorized to execute and deliver the Developer's Agreement referenced herein on behalf of the Borough of Hawthorne.

Council President Matthews entertained a motion to approve Resolutions MR23-11, R 234-11 through R 237-11 and R 241-11, moved by Councilman Mele, seconded by Councilman Bennett.

Council President Matthews asked if there was any discussion. Councilman Lane referred to R241-11, page 4, item 5 and asked if there was a time frame for this item. Attorney Pasquale responded no, it can be any time during construction and/or early stages of being occupied, this allows for some testing to take place. It can also extend beyond the time of the developers agreement. Engineer Boswell reiterated this was a good approach and gives us two years minimum agreement. Councilman Lane referred to page 5, item 7 and asked if an escrow account needs to be established for traffic control. Attorney Pasquale responded there was not anything in the engineer's estimate that indicated they would need traffic control. Councilman Lane commented he believed they had to bring the sewer line to Goffle Road and North 7th. Engineer Boswell added this is covered by state law and does not have to be in developer's agreement. Councilman Lane replied they may do some work in the road. Attorney Pasquale replied they would have to apply for a road opening permit. Councilman Lane referred to page 11, item 23, the TCO. Attorney Pasquale responded the only time we allow TCO is for outside site work, plantings, final grades, etc. Engineer Boswell interjected the agreement may allow for it, but it can be rejected. Councilman Lane referred to item 27, performance guarantees and asked how much money was there. Attorney Pasquale responded \$100,000. Councilman Lane referred to page 16 noting we would be supplied with the as-builts and a disk "if available", could we remove the wording "if available", we would definitely want and need a disk for our files. Attorney Pasquale responded yes he agrees. Councilman Lane asked about page 14, item 30 if that was a two-year maintenance bond. Attorney Pasquale responded yes.

On roll call, all voted yes.

OFF CONSENT AGENDA R 238-11

R 238-11 Introduced by Council Vice President Bertollo

WHEREAS, An emergency has arisen with respect to Uniform Police overtime in the Borough of Hawthorne, and the severe Passaic River flooding caused by Hurricanes Irene and Lee creating a health and safety hazard directly affecting residents of the Borough of Hawthorne, and

WHEREAS, no adequate provision was made in the 2011 Municipal Budget for the aforesaid purpose, and N.J.S.A. 40A:4-45.C provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations in the budget for the year 2011 is \$150,000.00, and, three percent (3%) of the total operating appropriations in the budget for the year 2011 is \$556,942.00.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with N.J.S.A. 40A:4-45.C, petition be made to the Director of the Division of Local Government Services for the creation of an appropriation set forth in the preamble in accordance with the following:

An emergency appropriation be and the same is hereby made for:

Uniform Police Salaries & Wages	\$65,000.00
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BE IT ALSO RESOLVED, that Said emergency appropriation shall be provided for in full in the 2012 budget, that funds for the appropriation shall be provided from surplus funds on hand, that two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services, and that the statements required by the Local Finance Board have been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government Services.

Council President Matthews entertained a motion to approve Resolution R 238-11, moved by Council Vice President Bertollo, seconded by Councilman Sinning. Council President Matthews asked if there was any discussion. None was raised. On roll call, all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Wojtecki

Thanked Council Vice President Bertollo for attending the Shade Tree Commission meeting last night. Congratulated Clerk Witkowski on her re-appointment.

Councilman Sinning

Attended the standing room only Wyckoff Planning Board meeting on Monday where they discussed fire concerns. The next meeting is January 23, 2012, the opposing team planners and the borough's planner will be present.

Council Vice President Bertollo

Finance Committee meets on Monday at 4:45 p.m. for last round of budget transfers. At the Shade Tree Commission meeting, they discussed how well they faired with Hurricane Irene and the Halloween Nor'easter as compared to surrounding communities. The areas where preventive pruning took place, Norma Terrace and Arlington Avenue, suffered very little or no damage. The pruning plan will continue into next year by phases.

Councilman Mele

No report.

Councilman Lane

The Passaic County Planning Department held their visioning meeting here last night. The central business district was discussed, took survey of possible scenarios and plans, results will be ready in the near future. Last survey results were made available. State does not have money in the 2012 budget for the program; applications for 2013 will be submitted in August 2012. The Cable TV Committee will be visiting Ridgewood to review the streaming process, and then will be presented to the Council. The Ambulance Corps responded to 109 calls in November, travelling 450 miles and posting 270 crew hours. At Monday's elections, Chief Andy Metzler was re-elected.

Councilman Bennett

The first round of leaf pickup has been completed. Second round to begin immediately, the DPW crews have been working overtime to catch up since the storms have put us behind. Library roof repairs are completed. The HVAC system in the municipal building is having issues with the heating system, one circulator pump is inoperable and the second may be going as well. One of two Muffin Monsters may need to be replaced; this is the machine that grinds up waste before it is shipped out of the borough. It was refurbished four years ago, it may need to be replaced, and costs could run \$35,500. One Muffin Monster must be operating at all times and one as backup.

Administrator Maurer indicated we have capital appropriations to cover this cost. Council Vice President addressed Engineer Boswell and asked his office be contacted concerning the Muffin Monster. Engineer Boswell commented they have taken a look at the Muffin Monster, due to the limited space; this is the only machine that will get the job done in that environment. Council Vice President questioned the life expectancy. Engineer Boswell responded it is being analyzed now. Councilman Lane asked if the leakage of rain water was still an issue as this could be costly. Also the possibility of sealing the manholes was discussed at one time. Engineer Boswell commented the cost is not much but the removal is expensive. An additional issue is residents putting their sump pump in their basement sink which is ground water getting into the sewer. He would recommend a ban on such activity. Discussion continued.

Council President Matthews

At last night’s Planning Board meeting one certificate of compliance was issued for a marketing and sales company who will be occupying the old Rhodes Real Estate building. Attended the visioning meeting. The Chamber of Commerce thanks all involved in the Santa Parade, their next meeting is scheduled for December 13th. The company of the year dinner will take place on Friday, January 27, 2012. Macaluso’s is the company of the year.

CORRESPONDENCE

None recorded.

MISCELLANEOUS

None recorded.

BILLS

Council President Matthews entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion moved by Councilman Mele, seconded by Council Vice President Bertollo. Council President Matthews asked if there was any discussion. On roll call, all voted yes. Councilman Lane abstained from checks #12779, 12780, 12782, 12783, 12787, 12788, 12889, 12791, 12792, 12793, 12798, 12800, 12801, 12802, 12803, 12810, 12813, 12818, 12822, 12823, 12824, 12825, 12826, 12831, 12832, 12833, 12834, 12835, 12836, 12838, 12839, 12841, 12842, 12843, 12845, 12846, 12848, 12853, 12859, 12862, 12868, 12869, 12870, 12871, 12873, 12874, 12879, 12883, 12888, 12892, 12893, 12897, 12898, 12899 and Councilman Wojtecki abstained from checks #12779, 12780, 12783, 12788, 12889, 12791, 12798, 12810, 12818, 12822, 12831, 12832, 12833, 12839, 12841, 12843, 12846, 12870, 12871, 12883, 12892, 12893, 12897.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
A T & T	12779	47.90	FIRE DEPT O/E
A-VAN ELECTRICAL	12780	55.92	FIRE DEPT O/E
AMERICAN TRAFFIC & STREET SIGN	12781	160.00	STREETS & ROADS O/E
ANDREW METZLER	12782	153.00	AMBULANCE CORPS O/E
AQUARIUS IRRIGATION SUPPLY,INC	12783	14.44	FIRE DEPT O/E
BOB'S TIRES & WHEELS INC	12784	1,060.09	VARIOUS
BOSE CORPORATION	12785	1,074.90	MUNICIPAL ALLIANCE
BOSWELL ENGINEERING, INC	12786	7,077.75	ENGINEERING SERVICES O/E
BRIAN TRICOLI	12787	153.00	AMBULANCE CORPS O/E
BRIAN WARNER	12788	30.00	FIRE DEPT O/E
BROADHURST SHEET METAL INC	12789	125.00	VEHICLE MAINT FIRE DEPT
CHARLENE ELVIN	12790	469.93	VARIOUS
CHIEF FIRE EQUIP CO	12791	205.48	FIRE DEPT O/E
CHRISTINA MANFREDI	12792	153.00	AMBULANCE CORPS O/E
CHRISTOPHER CONNOLLY	12793	153.00	AMBULANCE CORPS O/E
CINTAS CORP	12794	278.64	PUB WORKS ADMIN O/E
CINTAS FIRST AID AND SAFETY	12795	332.11	VARIOUS

CITY WIDE MAINTENANCE	12796	1,350.00	PUB WORKS ADMIN O/E
CMRS-FP	12797	1,450.32	GENERAL ADMIN O/E
CNP FITTEST OF NJ LLC	12798	175.00	FIRE DEPT O/E
CROWN PLAZA PHILADELPHIA	12799	110.00	SHADE TREE COMMISSION O/E
DANIEL VANDERHOOK	12800	153.00	AMBULANCE CORPS O/E
DAVID HILDEBRAND	12801	153.00	AMBULANCE CORPS O/E
DAVID LEMBO	12802	153.00	AMBULANCE CORPS O/E
DAVID SYLVESTER	12803	153.00	AMBULANCE CORPS O/E
DELL GARDEN CENTER	12804	1,456.25	VARIOUS
DON'S AUTO REPAIR SERVICE LLC	12805	65.00	VEHICLE MAINT POLICE
DRAEGER SAFETY DIAGNOSTICS, IN	12806	145.00	DRUNK DRIVE ENFORCE A
EARTHLINK BUSINESS	12807	1,619.40	TELEPHONE CHARGES
EXTEL COMMUNICATIONS, INC	12808	150.00	POLICE DEPT O/E
FED EX	12809	6.68	STREETS & ROADS O/E
FEDERATED EMERGENCY SERVICES	12810	3,394.78	VEHICLE MAINT FIRE DEPT
FREMGEN POWER EQUIPMENT INC	12811	393.35	SHADE TREE COMMISSION O/E
G.NEIL CO, INC	12812	299.95	PEOSHA O/E
GEORGE LODDER	12813	153.00	AMBULANCE CORPS O/E
GET A CAN	12814	1,064.00	RECYCLING PRO O/E
GILL ASSOCIATES	12815	84.75	GENERAL ADMIN O/E
HAMMER HEAD EMERGENCY	12816	1,850.00	VARIOUS
HAWTHORNE AUTO LAB	12817	871.08	VEHICLE MAINT POLICE
HAWTHORNE FIRE DEPT	12818	465.74	VARIOUS
HAWTHORNE PRESS INC	12819	102.96	VARIOUS
HAYLEY ENCARNACION	12820	195.00	MUNI COURT
HESS CORPORATION	12821	5,033.75	VARIOUS
HFD #1	12822	2,195.00	VARIOUS
HFD #2	12823	2,195.00	VARIOUS
HFD #3	12824	2,195.00	VARIOUS
HFD #4	12825	2,195.00	VARIOUS
HFD #5 RESCUE	12826	495.00	VARIOUS
HOLIDAY SIGNS	12827	115.60	VARIOUS
HOME DEPOT SUPPLY	12828	47.89	PUB WORKS ADMIN O/E
HOME SUPPLY & LUMBER CO., INC.	12829	52.03	PUBLIC EVENTS O/E
IMSA NEW YORK	12830	160.00	STREETS & ROADS O/E
JAMES COUNSELLOR	12831	30.00	FIRE DEPT O/E
JAMES GEIER	12832	30.00	FIRE DEPT O/E
JARED VAN EK	12833	30.00	FIRE DEPT O/E
JASON CRAWFORD	12834	153.00	AMBULANCE CORPS O/E
JESSICA LUQUE	12835	153.00	AMBULANCE CORPS O/E
JILL MINIACI	12836	153.00	AMBULANCE CORPS O/E
JOHN DEERE LANDSCAPE	12837	1,887.05	MAINTEN OF PARKS
JOHN LANE	12838	153.00	AMBULANCE CORPS O/E
JOHN MARSCH	12839	30.00	FIRE DEPT O/E
JOHN THOMAS DESIGN INC	12840	126.61	PUB WORKS ADMIN O/E
JOHN TRIPICCHIO	12841	30.00	FIRE DEPT O/E
JONI GONZALEZ	12842	153.00	AMBULANCE CORPS O/E
JOSEPH SPERANZA	12843	30.00	FIRE DEPT O/E
K&K TROPHY MART INC	12844	126.26	PUBLIC EVENTS O/E
KEN HOUTSMA	12845	153.00	AMBULANCE CORPS O/E
KEN'S AUTO ELECTRIC, LLC	12846	578.00	VARIOUS
KNAPP, TRIMBOLI & PRUSINOWSKI	12847	7,032.00	VARIOUS
LEONARD METZLER	12848	153.00	AMBULANCE CORPS O/E
LINDA SABOW	12849	95.00	GROUP INSURANCE O/E
LISA SLOOTMAKER	12850	275.00	VARIOUS
LORRAINE POWELL	12851	126.46	MUNICIPAL ALLIANCE
M & B SEPTIC SERVICE, LLC	12852	80.00	BOARD OF REC

MARGO LANE	12853	153.00	AMBULANCE CORPS O/E
MARY JEANNE HEWITT	12854	130.68	VARIOUS
MATTHEW HOOGMOED	12855	99.99	POLICE DEPT O/E
METLIFE	12856	314.28	GROUP INSURANCE O/E
MICHAEL KAUFMANN	12857	360.00	GROUP INSURANCE O/E
MIDLAND AUTO PARTS	12858	46.67	STREETS & ROADS O/E
MORGAN HESSE	12859	153.00	AMBULANCE CORPS O/E
MUNIDEX, INC	12860	3,180.00	REVENUE COLLECTION O/E
NICOLE GRETEN	12861	75.00	MUNI COURT
NIZAR MESHANNI	12862	153.00	AMBULANCE CORPS O/E
NJ STATE LEAGUE MUNICIPALITIES	12863	1,140.00	GENERAL ADMIN O/E
NO JERSEY MUNI EMPL BNFT FUND	12864	170,967.00	GROUP INSURANCE O/E
NORTHERN SAFETY CO INC	12865	187.96	STREETS & ROADS O/E
OFFICE CONCEPTS GROUP INC	12866	428.85	VARIOUS
P & A AUTO PARTS, INC	12867	85.52	POLICE DEPT O/E
PAMELA GRANGER	12868	153.00	AMBULANCE CORPS O/E
PATRICIA ALBERTA	12869	153.00	AMBULANCE CORPS O/E
PAUL CASTELVI	12870	153.00	AMBULANCE CORPS O/E
PINNACLE	12871	3,315.50	FIRE DEPT O/E
PUBLIC SERV ELEC & GAS	12872	16,350.43	VARIOUS
RICH MALIZIA	12873	153.00	AMBULANCE CORPS O/E
ROBERT VAN DUESEN	12874	153.00	AMBULANCE CORPS O/E
RONNIE GONZALEZ	12875	100.00	GROUP INSURANCE O/E
RT OFFICE PRODUCTS	12876	3,103.13	VARIOUS
RUGGED OUTFITTERS	12877	355.00	STREETS & ROADS O/E
RUTGERS UNIVERSITY	12878	622.30	FINANCIAL ADMIN O/E
RYAN BURKE	12879	153.00	AMBULANCE CORPS O/E
SIMPLEX GRINNELL LP	12880	3,059.00	PUB WORKS ADMIN O/E
SPRINT-WIRELESS	12881	1,615.60	POLICE DEPT O/E
STAPLES PRINT SOLUTIONS	12882	217.40	MUNI COURT
STATE LINE FIRE & SAFETY INC	12883	679.20	VARIOUS
STEWART'S DELI	12884	120.00	PUBLIC EVENTS O/E
SUPERIOR DISTRIBUTORS	12885	28.18	STREETS & ROADS O/E
SUSAN WITKOWSKI	12886	747.92	VARIOUS
TANIS HARDWARE	12887	125.00	STREETS & ROADS O/E
TIMOTHY O'BRIEN	12888	153.00	AMBULANCE CORPS O/E
TRI-STATE TECH SERV, INC	12889	600.00	POLICE DEPT O/E
UNITED COMPUTER	12890	187.50	VARIOUS
US SECURENET PUBLIC SAFETY DIV	12891	25.20	POLICE DEPT O/E
VERIZON	12892	1,159.25	VARIOUS
VERIZON WIRELESS (N)	12893	132.91	FIRE DEPT O/E
WASTE MANAGEMENT OF NJ	12894	36,808.33	TRANSFER STATION
WILLIAM POST	12895	15.00	CONTRA REVENUE
WTH	12896	2,100.00	POLICE DEPT O/E
ZOLL	12897	427.69	FIRE DEPT O/E
MURAD MESHANNI	12898	153.00	AMBULANCE CORPS O/E
ROMAN OBLONSKY	12899	153.00	AMBULANCE CORPS O/E
TOTAL CURRENT		\$ 304,566.56	
GENERAL CAPITAL			
BOSWELL ENGINEERING, INC	3137	14,559.00	VARIOUS
KEY TECH INC	3138	1,415.00	2011 NJDOT MOHAWK AVE
PAINO ROOFING COMPANY INC	3139	<u>50,960.25</u>	ROOF REPLACEMENT LIBRARY
TOTAL GENERAL CAPITAL		\$ 66,934.25	
WATER OPERATING			
A-VAN ELECTRICAL	8741	175.45	VARIOUS

AC SCHULTES INC	8742	400.00	WATER UTILITY O/E
AGRA ENVIRONMENTAL SVC	8743	1,300.00	VARIOUS
ATLANTIC DETROIT DIESEL ALLISO	8744	1,993.78	WATER UTILITY O/E
CINTAS FIRST AID AND SAFETY	8745	57.29	WATER UTILITY O/E
CMRS-FP	8746	2,300.00	WATER UTILITY O/E
CURRENT ACCOUNT	8747	61.00	DUE T/F CURRENT
DELL GARDEN CENTER	8748	81.99	WATER UTILITY O/E
EARTHLINK BUSINESS	8749	525.00	WATER UTILITY O/E
FREMGEN POWER EQUIPMENT INC	8750	456.00	WATER UTILITY O/E
HACH CO	8751	2,088.00	WATER UTILITY O/E
HENRY'S PLUMBING & HEATING INC	8752	378.45	WATER UTILITY O/E
HESS CORPORATION	8753	23,105.12	WATER UTILITY O/E
HOME DEPOT SUPPLY	8754	12.94	WATER UTILITY O/E
JESCO INC	8755	355.07	WATER UTILITY O/E
OFFICE CONCEPTS GROUP INC	8756	74.98	WATER UTILITY O/E
ONE CALL CONCEPTS, INC.	8757	160.16	WATER UTILITY O/E
PUBLIC SERV ELEC & GAS	8758	10,554.90	WATER UTILITY O/E
RUGGED OUTFITTERS	8759	505.00	WATER UTILITY O/E
RUTGERS UNIVERSITY	8760	266.70	WATER UTILITY O/E
VERIZON	8761	<u>2,307.68</u>	WATER UTILITY O/E
TOTAL WATER OPERATING		\$ 47,159.51	

OTHER TRUST II

STATE OF NJ - DEPT OF LABOR	4317	9,035.51	TRUSTEE
BOB RAYOT TIRE SERVICE, LLC	4318	345.00	RECYCLING
CARL MOTTOLA	4319	63.75	UCC PENALTIES
DAVE STERN INC	4320	295.00	RECYCLING
MARY JEANNE HEWITT	4321	4.48	RECYCLING
MIDLAND AUTO PARTS	4322	33.32	RECYCLING
THOMAS ZACONIE	4323	111.18	UCC PENALTIES
TONY SANCHEZ LTD	4324	<u>328.00</u>	RECYCLING
TOTAL OTHER TRUST II		\$ 10,216.24	

TOTAL BILL LIST **\$ 428,876.56**

PUBLIC COMMENT

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

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

ADJOURNMENT

Council President Matthews entertained a motion to adjourn the meeting at 9: 28 p.m., moved by Councilman Lane, seconded by Council Vice President Bertollo. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE ON DECEMBER 21, 2011. THE WORK SESSION WILL BEGIN AT 7:00 P.M., AND THE REGULAR MEETING WILL BEGIN AT 8:00 P.M. PERSON WITH DISABILITIES WHICH

REQUIRE 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.

Frank E. Matthews
Council President

Susan Witkowski
Borough Clerk