

March 21, 2012
Hawthorne, NJ

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 Bertollo, Council Vice President Bennett, Councilpersons Lane, Mele, Matthews, Sinning and Wojtecki. Also present were Mayor Goldberg, Borough Administrator Maurer, Director of Revenue and Finance Hewitt, Borough Attorney Pasquale, Borough Engineer Boswell, and Borough Clerk Witkowski.

FLAG SALUTE

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

STATEMENT

Adequate notice of this meeting has been provided by the Annual Schedule of regular meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, emailed to the 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.

APPROVAL OF MINUTES

Council President Bertollo entertained a motion to approve the minutes for the Regular Meeting of March 7, 2012; RFP Summary from March 1, 2012 for Police Department Renovations; RFP Summary from March 1, 2012 for Litter & Recycling Containers; RFP Summary from March 9, 2012 for Custodial Services; and RFP Summary from March 9, 2012 for Landscaping Services, moved by Councilman Wojtecki, seconded by Councilman Matthews. 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 Wojtecki, seconded by Councilman Sinning. On roll call, all voted yes.

ADOPTION OF ORDINANCES

None.

ORDINANCE NO. 2060-12

2012 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A: 4-45.14

BE IT RESOLVED, that Ordinance No. 2060-12 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 April 18, 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. 2060-12, moved by Council Vice President Bennett, Councilman Wojtecki. On roll call, all voted yes.

Council President Bertollo called upon Mayor Goldberg for his 2012 Budget Presentation.



After Governor Christie passed all reforms on 2% cap in municipalities and employees paying for their health benefits and increased pensions, he described municipal government as “Living with the New Normal”.

The New Normal

- Salary increases capped at 2%
- Larger employee contributions for pensions and medical benefits
- 2% tax levy cap
- Limited opportunity for new/expanded programs
- Fiscal discipline

We need extreme fiscal discipline when putting together the budget.



With these limitations, we have to try to maintain services to our residents such as fire, police, OEM, Library, Public Works, picking up leaves and picking up garbage. All these are required within the 2% cap.

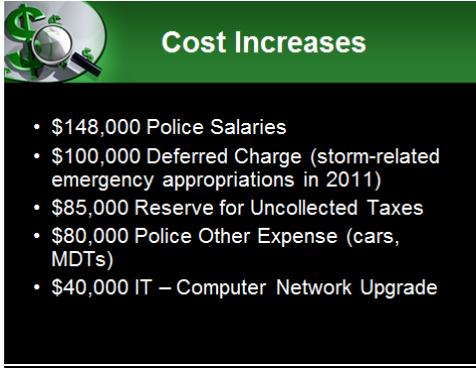
Revenues

Non-tax revenues are essentially flat

- Interest Income - Down \$50,000
- Cable TV Franchise Fees - Up \$57,000

No loss in State Aid

Non tax revenues this year are flat and interest income down is \$50,000. Cable TV franchise fees were up \$57,000 and state aid remained at the same level it has been for the last 2 years.



Cost Increases

- \$148,000 Police Salaries
- \$100,000 Deferred Charge (storm-related emergency appropriations in 2011)
- \$85,000 Reserve for Uncollected Taxes
- \$80,000 Police Other Expense (cars, MDTs)
- \$40,000 IT – Computer Network Upgrade

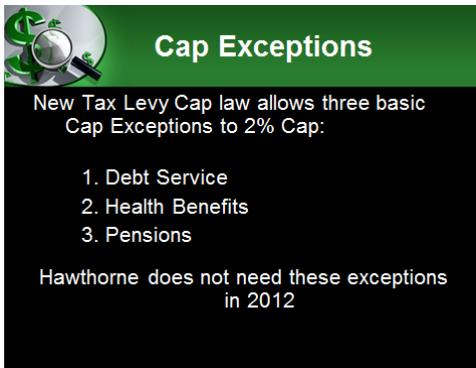
Increases in this year’s budget include \$148,000 for police salaries which is contractual, \$100,000 deferred charge for the storm-related emergency appropriations in 2011 which was the Halloween storm where we suffered severe tree damage. We spent \$100,000 picking up trees and cleaning up the roads without money in the budget for this. It has to be put into the budget for this year and we hope to recover some from FEMA. Increased the reserve for unpaid taxes by \$85,000 as some are having trouble paying their taxes. This year’s budget will buy three new police cars and MDT’s (mobile data terminal). The vehicles in the force are older and we are short cars, to ensure public safety it is required we spend for this. A \$40,000 IT upgrade is anticipated and necessary, we will replace servers and software.



Union Contracts

- PBA contract settled for 2012-2014; average of 2% per year
- Blue Collar & White Collar contracts expired 12/31/2011. Expect to stay within 2%/year
- All employees will contribute more each year for medical benefits over 4 years.

The PBA contract was settled for 2012 thru 2014 at an average 2% per year if not for the new “normal” as now a cap on binding arbitration awards. Thanks to PBA for negotiating in good faith, we worked hard together to get fair contracts for the borough and the officers. Blue and white collars started negotiations today and is expected to stay within the 2% cap as well. All employees will contribute more each year for medical benefits over the next 4 years.



Cap Exceptions

New Tax Levy Cap law allows three basic Cap Exceptions to 2% Cap:

1. Debt Service
2. Health Benefits
3. Pensions

Hawthorne does not need these exceptions in 2012

Governor Christie has insisted state workers and municipal workers pay more for their health insurance to be more in line with the private sector. There are three basic exceptions to the 2% cap, debt service, health benefits and pension. Hawthorne will not be using any of these exceptions in 2012, we are under the cap and do not have the need to raise over 2% for any of these three items.



Surplus

- 2011
 - \$1,225,000 used in the budget; \$1,578,000 regenerated
- 2012
 - \$1,441,300 used in the budget

Hawthorne consciously budgets to regenerate the amount of surplus we use

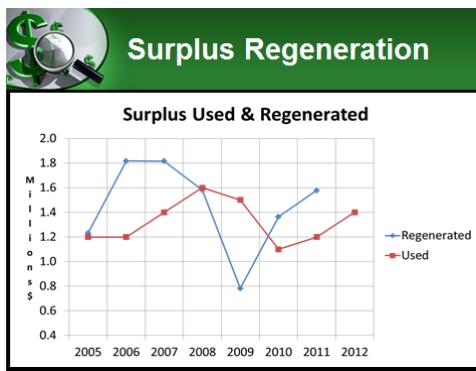
In 2011 we had unanticipated revenues or were able to save money in some of our expenses. We strive to not put in more than we can re-generate in order to keep a surplus. In 2012 we hope again to regenerate the amount of surplus we put in the budget.



Benefit of Healthy Surplus

A healthy fund balance allows a municipality to:

- Maintain a good bond rating
- Have adequate cash-flow during the year
- Fund one-time costs without raising taxes
- Survive economic down-turns



The red on the graph illustrates surplus used, the blue is how much was regenerated. In 2009 we were hit hard and didn't regenerate nearly what was put in the budget. The last few years we have been regenerating a little more than what's putting in budget and steadily increasing the amount of surplus and for every dollar in surplus means one dollars less in taxing the residents



Bottom Line

- Budget up \$544,000, or 2.9%
- Tax Levy up \$187,000, or 1.4%
 - \$231,000 below the limit set by Tax Levy Cap
- Tax Rate up 2 cents per \$100 Assessed Valuation, or 1.85%

Tax rate up at higher percentage than levy due to reduction in the ratable base as a result of appeals. Some major tax payers have appealed their assessment most are on industrial and commercial properties and has reduced the size of our tax base.



Stability

- Multiple-year projections
- Conservative anticipation of revenues
- Conscious decisions on regeneration of surplus
- Elimination of reliance on one-time revenues

Result: Stable financial position, even during recent economic downturn

We don't just look at current or next year we look 3-4 years. Money one year put in budget, next year have to make it up and fund it again...not a good practice.



Looking Ahead

- Expected bump in tax rate in 2013 due to out-of-cap increases for pensions (\$100K+, and debt service \$300K+)
- No Apparent Cap problem for 2013
- By 2015 or 2016, Cap could be an issue
- Multi-year budgeting allows opportunity to address problems before they arrive

2013 those issues are outside of the cap and are allowed to exceed the 2%.



Water Utility

Spending Up \$87,000

- Insurance
- Closure of unused wells
- Equipment overhaul

Water revenues cover all expenditures

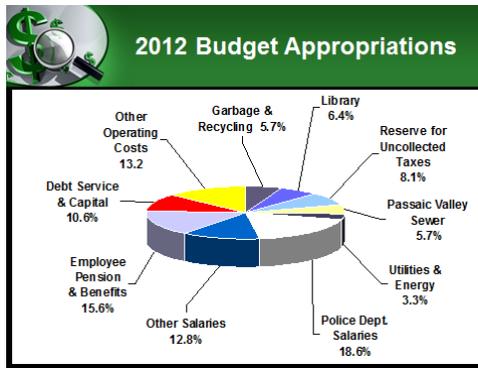
We sell to Hawthorne residents and eight to nine hundred out of town customers.



Capital Budget

- \$600,000 Road Improvements
- \$340,000 Public Safety Communications
- \$200,000 Acquisition of DPW Equipment
- \$150,000 Wag 4 Lights (half from CDBG grant)
- Grants for repaving of Dixie Avenue & Forest Avenue

Public Safety Communications ordinance is in place and work has begun.



The pie chart shows where your tax dollars get distributed.

Municipal Tax Impact

\$ Increase for the Average Home
Assessed at \$182,000
= \$37
or 1.85%

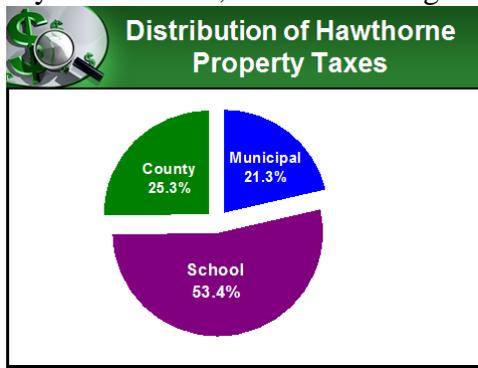
\$ Increase per each \$100,000 of
Assessed Value
= \$20

Many people ask how much their tax bill will increase.

Breakdown of Average 2012 Tax Bill (Estimated)

School (Estimated)	\$5,098
County (Estimated)	\$2,419
Municipal (incl Library)	\$2,027
Total	\$9,544

Estimates only, using only our numbers, based on average value of \$180,000 home.



Services Funded From Municipal Taxes

- Police
- Library
- Garbage, Recycling, Leaf Pick-up
- Sewer Service
- Road Maintenance
 - Cleaning/Snow Plowing/Traffic Lights/Street Lights
- Fire and Ambulance Service
 - Budget Supports Volunteer Services
- Recreation
- Shade Tree
- Code Enforcement
- Court

Municipal Tax Bill for the Average Home Assessed at \$182,000
Per Year: \$2,027 Per Month: \$169



Four-Year Budget Projection

	2012 Introduced	2013	2014	2015
Total Budget	19,106,913	19,772,997	20,269,855	20,765,105
Tax Levy	13,694,681	14,494,022	14,969,580	15,887,471
Tax Rate	1.114	1.179	1.209	1.236
Increase	1.85%	5.83%	2.52%	2.23%



This is work in progress, as we are always looking for ways to keep the budget healthy and as close as possible to maintain all the services mentioned above.

Mayor Goldberg thanked the Finance Committee, Administrator Maurer and CFO Hewitt, without their help we would not have gotten the budget done. This is a budget which all has input and all involved in the process, not a republican or democratic budget, it is our budget. Thank you to the council members who worked so hard to help keep us under the cap.

Council President Bertollo called upon Auditor Robert Swisher of Suplee, Clooney, and Company.

Mr. Swisher reported the borough is \$231,000 under the levy cap which is extraordinary and commendable as many towns struggle to get under that levy cap. This is a bank that is carried over for the next three years and could use it if need be. Currently the borough is \$930,000 under the appropriation cap, will bank again for next year, could spend if need be. The fiscal responsibility and use of surplus is a very conservative approach. The bond rating agency commented they were so impressed with the responses back from the borough as to how they handled their finance and this means lower interest rates in selling bonds. The introduction of this budget is based on the existing debt service. The borough is in the process of re-financing old bonds, interest rates have dropped lower, when able to re-finance the pay back is less money thus a savings for the borough. The refunding bond has not come down as yet, and is expected within the next two weeks. If the refunding goes through, principal payments will be higher and interest rates lower. There are two options, 1) introduce budget at current debt standings, refunding with amendment at time of adoption, advertise, prolong the budget process OR 2) introduce at expected numbers of refunding, adopt budget, process is done. If refunding does not go through, the budget can amend at that time. His suggestion would be introduce the budget with the refunding numbers included, the Bond Counsel has indicated the chances are very slim it will NOT go through. Administrator Maurer and Director of Revenue and Finance Hewitt agree to introduce the budget with the refunding numbers included, a higher principal number and lower interest number. Mr. Swisher asked if there were any questions. Councilman Wojtecki asked to reiterate amount in surplus, and that our bond rating remain at this. Mr. Swisher stated with the tax levy cap, surplus is shrinking in other towns as they are using more than they should to get budget under levy cap, but surplus went up in Hawthorne. The rating agency indicated bond rating will not drop down and the better rating, the lower interest rates. Councilman Matthews commented Hawthorne has the highest bond rating in Passaic County, AA2. Administrator Maurer thanked the Council, Finance Committee, Director of Revenue and Finance Hewitt and all who worked together as a team.

BUDGET RESOLUTIONS

R 62-12 Resolution Introduced by Councilman Matthews

RESOLUTION FOR CONDUCTING ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Hawthorne has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2012 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Borough of Hawthorne that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Council President Bertollo entertained a motion to approve Resolution R62-12 moved by Councilman Matthews, seconded by Councilman Lane. Council President Bertollo asked for discussion. There was none. On roll call, all voted yes.

R 60-12 Resolution Introduced by Councilman Matthews

MUNICIPAL BUDGET OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC FOR THE FISCAL YEAR 2012

BE IT RESOLVED, that the following statements of revenue and appropriations shall constitute the Municipal Budget for the year 2012;

BE IT FURTHER RESOLVED, that said Budget be published in the Hawthorne Press in the issue of March 29, 2012 ;

The Governing Body of the Borough of Hawthorne does hereby approve the following as the Budget for the year 2012:

RECORDED VOTE:

{ Bennett	{	ABSTAINED {
{ Bertollo	{	
{ Lane	{	
{ Matthews	NAYS {	
{ Mele	{	ABSENT {
{ Sinning	{	
{ Wojtecki	{	

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Hawthorne, County of Passaic, on March 21, 2012. A Hearing on the Budget and Tax Resolution for the year 2012 will be held at the Municipal Building, on April 18, 2012 at 8:00 o'clock (p.m.) at which time and place any objections to said Budget and Tax Resolution for the year 2012 may be presented by taxpayers or other interested persons.

Council President Bertollo entertained a motion to approve Resolution R60-12 moved by Councilman Matthews, seconded by Councilman Wojtecki. Council President Bertollo asked for discussion. Councilman Matthews thanked the Committee for working with the Administration; we have some challenges for next year based on our scheduled payments for our debt service increase. Department heads were given the tools they needed at the same time being respectful of the tax payers, we struck a good balance. Meetings on Monday will be on as needed basis, forward questions and concerns. Councilman Wojtecki thanked Director of Revenue and Finance Hewitt, Mayor Goldberg, Administrator Maurer, and Robert Swisher for cooperation in working together, this year we were well informed. On roll call, all voted yes.

OLD BUSINESS

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

Councilman Wojtecki asked Administrator Maurer the status of the parking issue on lower Franklin Field. Administrator Maurer indicated he has met with the Public Works Committee and Board of Recreation where options were discussed, final decision forthcoming. Garbage in Eight Acres Woods continues to be an issue. Administrator Maurer will see it is picked up more regularly. Councilman Wojtecki addressed Engineer Boswell and indicated the silt fence at 124 Highview Terrace is knocked down and not serving any purpose, has taken pictures and forwarded them to Administrator Maurer. Engineer Boswell replied it cannot be removed as yet because the slope is not stabilized and will have it inspected tomorrow.

Councilman Lane thanked Council President Bertollo for the resolution opposing the Freeholders proposal for hiring aides. The seniors are very happy and excited to be using the Ambulance Corps Building for their nutrition program, attendance has increased.

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

NEW BUSINESS

Council President Bertollo asked if there was any new business to discuss.

Councilman Wojtecki asked if the Ordinance Committee reviewed the litter ordinance he forwarded to Administrator Maurer and Councilman Sinning. A resident on Lafayette and McKinley Avenue's has had litter thrown onto his private property. Council President Bertollo indicated it was not reviewed at the last meeting. Attorney Pasquale asked the ordinance be forwarded to him for review.

NB-1 Approval of Used Car License Renewals for O'Brien Imports for years 2011 and 2012

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

ADMINISTRATIVE AGENDA PRESENTED BY THE MAYOR

Mayor Goldberg reported April is Autism Awareness Month. On April 2nd we will recognize Blue World Autism Day and light the municipal building blue, to remain through the month, and at April 4th council meeting a proclamation will be introduced.

The 20th Anniversary of Cel-Earth-Bratton will take place on Saturday April 21st along with Shred Day. Repairs are taking place on all back stops at the Wagaraw Fields and should be completed by opening day. The fields are in good shape, softball and baseball practice has begun. Applications for this summer's Leadership Camp at Lincoln Middle School for the incoming 6th graders can be found on the website at www.hawthornenj.org. On April 28th from 10am-2pm, the Borough and Police Department will host "Operation Take Back New Jersey" where you can dispose of expired or unused prescription drugs. Two new shade tree commissioners have been sworn in, Tom Dwyer and Paul Giordano. Senior Citizens art will be displayed at the County Building in Totowa from June 1st - June 22nd. Seniors interested in having their art displayed should submit between May 29 and May 31st. The annual children's art show will take place on March 28th at the library; this display includes children from all of Passaic County.

Mayor Goldberg called upon Director of Revenue and Finance Hewitt for her report.

Director of Revenue and Finance Hewitt reported on the following:

As reported in the budget, reimbursements received from FEMA to date total \$64,000 which helps offset the storm expenditures. The Finance Department is in the confirmation process for special assessments; every property has to be researched individually. Thank you to Administrator Maurer, Mayor Goldberg and the Finance Committee for the great process that took place this year, it entails a lot of hard work with tough decisions and the process was seamless. Grateful as a resident and tax payer, that the tax payer is always thought of first.

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:

A volume of work goes into the budget process. Keeping a tax rate at 1.85% given the rising costs of fuel, salaries, health care and pension costs, is remarkable particularly when ratable increases have been flat and tax appeals increasing. Late Tuesday an email copy was received of a 12-count complaint filed, not served, by an objector to the project at 204 Wagaraw Road. The suit is against the developer, Planning Board, and Borough challenging both the approvals granted by the board and the process by which it went forward. We are now in litigation in regards to all the approvals granted for this site. The Borough Attorney will meet with Planning Board Attorney Monaghan to review and determine response. This suit is a very well drafted document by a good law firm who is challenging the application. Under the circumstances, where a law suit is affecting the property, everything is on hold, no building permits can be

issued nor applicants to start construction and all issues will be sorted out in Superior Court. Hawthorne does not have jurisdiction over the site, it under the State of New Jersey. The Mayor and Council are advised, anyone can speak pro and con of the project, but they are unable to respond to any comments due to the litigation and appointed officials should follow as well. This will likely take a six month to one year process.

This concluded Attorney Pasquale's report.

Mayor Goldberg called upon Engineer Boswell for his report.

Engineer Boswell reported on the following:

Mohawk Avenue - The contractor will return this week or next to address condition of the pavement at no charge.

Muffin Monster / Southfield Pumping Station - The unit should be back my next week and back into operation by month's end.

2012 Road Resurfacing Program - Estimates for the list of roads has been prepared. Ordinances being introduced tonight include 2062-12 appropriating \$710,000 for road improvements and 2063-12 for sidewalks and driveway aprons.

Municipal Pool - Inspection took place yesterday. Information was provided to the Department of Public Works. We are ready to assist them in any repairs.

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

Christian Health Care Center – The next Special Meeting is scheduled for April 30th, 2012 and is expected to continue with planning testimony.

Lafayette Hills/Wetlands Blow Out – The property manager from the Wilkin Management Group has indicated they have not selected a contractor, they feel K. Hovnanian should be responsible for the installation and cost.

Warburton, Rea and Goffle Brook - The Warburton Avenue project is expected to go out to bid in April and the Rea Avenue and Goffle Brook projects in May.

Royal Ave Drainage Improvements - A revised design is being considered as recommended by Council President Bertollo which leaves out some of the piping. The revised design is expected to be complete by Friday, March 23rd.

124 Highview Terrace - Approximately 40 feet of silt fence remains and will be removed once slope is stabilized. Another inspection takes place tomorrow.

Keith Court - The issue with the property owner has been addressed. Check has been received for them.

Drainage Improvement Project - A late penalty of \$15,300 has been settled with Stacey Contracting. Original contract amount was \$697,000, final contract amount \$595,000 representing a 22% reduction which included unused items and the liquidated damages. A \$100,000 savings overall, change order for approval will be presented at next meeting.

Checks have been received from Stacey Contracting for property owners at 124 Highview Terrace and 22 Keith Court, they will first be reviewed by Attorney Pasquale.

This concluded Engineer Boswell's report.

Mayor Goldberg called upon Administrator Maurer for his report.

Administrator Maurer reported on the following:

We have been experiencing technical problems with the web site after software updates. Receiving bids for IT services next Tuesday, March 27th, contract to be awarded by May 2012. Receiving bids on April 10th for the tree services contract. A pre-construction meeting was held on March 12th with Daskall LLC, contractor for the police renovations who indicate they should start next week. Working with the fire department and ambulance corps on resolution for the next meeting for communication radio. Two sessions of collective bargaining have been held with Mayor Goldberg and blue and white collars workers, the next session is April 3rd. A draft of biannual update to employee handbook is being reviewed by labor attorney, should have back this week for council review with resolution for approval on April 4 or April 18 agenda. The CDBG approved grant applications have been submitted to County. The Police Department has also submitted a Click-it or Ticket grant application. Received informal word from Governor's office we will be awarded our DOT local aid for Forest Avenue, the sidewalks for railroad crossing, official award letters should be available by next meeting, and then the project goes out to bid. Discussion with Public Works Committee for options 2012 County Open Space Grants. One Washington Holdings was found guilty on nine charges, sentencing on April 10th. An additional six notices of code violations have been issued and recent enforcement action has been taken on Congress Mills.

This concluded Administrator Maurer's report.

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

Councilman Wojtecki informed Engineer Boswell that shoving continues on Mohawk Avenue between Goffle and No. Eighth. Engineer Boswell has talked to the quarry and asked for remedial action with no response. Councilman Wojtecki proposes an ordinance to ban trucks on that street. Prospect Park has such ordinance thereby forcing them onto Hawthorne streets. Mayor Goldberg commented if we force them to go down Eighth they may go onto Diamond Bridge and go through the center of town which we do not want, he will look into this issue again. Councilman Lane asked that we contact the State. Attorney Pasquale interjected he would look at all options and matters of compliance. Engineer Boswell commented changing to concrete may be a solution and will explore.

Councilman Sinning asked Administrator Maurer if he has gotten an answer Board of Recreation Director Jayne TenKate and had a head umpire had been hired as yet. Administrator Maurer responded yes, he has spoken with her and will discuss further after the meeting. Mayor Goldberg replied Mike Sabatello has been hired as the head umpire and will be a borough official, all other umpires are employed by the Hawthorne Softball Baseball Association.

Councilman Mele asked Engineer Boswell if he knew the cost of the pool repairs. Engineer Boswell replied it depends on which option is chosen.

Councilman Lane asked Administrator Maurer for a copy of last year's final pool report and were residents on Forest Avenue notified of upcoming road work. Administrator Maurer indicated the pool plan would be completed soon and yes, the Forest Ave residents will be notified.

Council President Bertollo inquired if the Diamond Bridge railroad crossings would be bid with the road improvement project. Administrator Maurer explained there are two projects: the projected intersection is Warburton Ave and a grant for sidewalks at the crossings and Diamond Bridge may be bid with the other DOT projects. Council President Bertollo asked if the railroad is involved and aware of grant as we should not miss this opportunity to improve the Diamond Bridge crossings. Mayor Goldberg responded they are not aware as yet but he did give head's up to the Governor's office in regard to repair this crossing.

Council President Bertollo stated to Engineer Boswell he would like to follow-up tomorrow on the Keith Court resident concerns and what the payment received was for. Council President Bertollo inquired whether the Stacey Contracting settlement was acceptable. Attorney Pasquale responded yes and although the contractors delay did not create actual damage, this sends a message to contractors. Their quality of work was good. Engineer Boswell indicated the

performance bond was done and just received the maintenance bond. In addition, it is very difficult to collect “punitive liquidated damage “, therefore this is a very good settlement and without having to spend money on litigation.

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

INTRODUCTION OF ORDINANCES

ORDINANCE NO. 2061-12

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE TO REVISE AND REPLACE CHAPTER 95, FEES, SECTION 220, WATER

BE IT RESOLVED, that Ordinance No. 2061-12 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 April 18, 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.

Motion was moved by Councilman Sinning, second by Councilman Mele. Council President Bertollo asked if there was any discussion. There was none. On roll call, all voted yes.

ORDINANCE NO. 2062-12

BOND ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION, CURBING, RESURFACING AND DRAINAGE IMPROVEMENTS ON VARIOUS STREETS AND PROPERTIES DESCRIBED HEREIN OR HEREAFTER IDENTIFIED, ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING SEVEN HUNDRED AND TEN THOUSAND (\$710,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME

BE IT RESOLVED, that Ordinance No. 2062-12 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 April 18, 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.

Motion was moved by Council Vice President Bennett, second by Councilman Matthews. Council President Bertollo asked if there was any discussion. There was none. On roll call, all voted yes.

ORDINANCE NO. 2063-12

BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OR REPLACEMENT OF SIDEWALKS AND DRIVEWAY APRONS ON DIXIE AVENUE, EAST PROSPECT STREET, GLEN COURT, HORIZON TERRACE, SUMMER STREET, UNION STREET, UTTER AVENUE, FOREST AVENUE AND NINTH AVENUE AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING ONE HUNDRED TEN THOUSAND (\$110,000) DOLLARS THEREFOR, AUTHORIZING THE ISSUANCE OF BONDS OR NOTES FOR FINANCING PART OF

THE COST THEREOF AND DIRECTING SPECIAL ASSESSMENT OF THE COST THEREOF.

BE IT RESOLVED, that Ordinance No. 2063-12 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 April 18, 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.

Motion was moved by Council Vice President Bennett, second by Councilman Matthews. Council President Bertollo asked if there was any discussion. There was none. On roll call, all voted yes.

CONSENT AGENDA: MR 29-12; R 53-12 through R 55-12; R 57-12 through R 59-12; R 61-12; R 63-12 through R 68-12

MR 29-12 Resolution, introduced by Councilman Wojtecki

REMOVAL OF HANDICAP PARKING SPACE

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

1. The words and phrases used herein shall have the same meaning respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey.
2. Pursuant to the Authority granted under N.J.S.A. 39:4-197.6, the following location was previously designated as a restricted parking space for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles.
3. The parking space is located on the westerly side of Second Avenue, beginning at the Southwest corner of the driveway entrance of 52 Second Avenue and extending twenty-two feet (22') to the south in front of the premises known as Block 150 Lot 25.01 (also known as 52 Second Avenue) as shown on the Borough Tax Map is no longer needed

Street Address	Original Resolution Date
52 Second Avenue	6/07/2006

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

R 53-12 Resolution, introduced by Councilman Wojtecki

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated March 9, 2012.

CURRENT FUND	WT 888889	\$	242,996.96
WATER OPERATING FUND	WT 888889	\$	39,828.59
OTHER TRUST II FUND	WT 888889	\$	15,008.82
TOTAL PAYROLL		\$	297,834.37

CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	-
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	13,437.69
TOTAL FICA			<hr/>
		\$	13,437.69
<hr/>			
CURRENT FUND TO PAYROLL/EMPLOYER PENSION LIABILITY	WT888889	\$	1,095,461.00
WATER OPERATING FUND TO PAYROLL/EMPLOYER PENSION LIABILITY	WT888889	\$	57,000.00
TOTAL ANNUAL EMPLOYER PENSION LIABILITY			<hr/>
		\$	1,152,461.00
<hr/>			

R 54-12 Resolution, introduced by Councilman Wojtecki

WHEREAS, the semi-annual payment of \$130,128.21 of the Wastewater Trust loan has become due and payable as of April 1, 2012

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to wire funds in the amount of \$130,128.21 from the Current Fund in payment of the Wastewater Trust loans.

BE IT ALSO RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to wire funds in the amount of \$2,452.50 from the Current Fund to The Bank of New York in payment of the New Jersey Wastewater Treatment Trust semi-annual Administration Fee.

R 55-12 Resolution, introduced by Councilman Wojtecki

WHEREAS, there was an immediate need to have postage placed in the postage machine of the Borough of Hawthorne; and a check could not be processed until the regular Council Meeting of March 21, 2012, and

WHEREAS, a wire transfer in the amount of \$5,000.00 to CMRS-FP has to be made in order for postage to be placed in the postage machine.

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to make such payment by wire transfer from the Current Fund and charged to General Administration - Postage. This is to ratify the action taken on March 12, 2012.

R 57-12 Resolution, introduced by Councilman Wojtecki

WHEREAS, checks drawn against the MAGISTRATES Account-Municipal Court of the Borough of Hawthorne having an issuance date of at least six months which have not been presented for payment prior to this time are no longer honored by Columbia Bank and must be cancelled as per the New Jersey requirements of audit.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Court of the Borough of Hawthorne that he following check which has an issuance date of greater than six months be cancelled and voided and that such funds be returned to the Current Fund as appropriate:

CHECK#	AMOUNT
1224	\$ 10.00

R 58-12 Resolution, introduced by Councilman Wojtecki

APPROVE THE TONNAGE GRANT REPORT AND APPLICATION FOR YEAR 2011

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

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

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

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

WHEREAS, a resolution authorizing the municipality to apply for such Recycling Tonnage Grant for calendar year 2011 will memorialize the commitment of the municipality to recycling and to indicate the assent of the Hawthorne Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

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

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

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

R 59-12 Resolution, introduced by Councilman Wojtecki

WHEREAS, the Municipal Council of the Borough of Hawthorne has heretofore adopted ordinances regarding the 2011 Road Improvement Program, including curbing, sidewalks and driveway aprons, which ordinances provided for the Assessment of the costs of said improvements on property specially benefited thereby in accordance with the provisions of N.J.S.A. 40:56-21 et seq.; and

WHEREAS, in accordance with such statute, the Mayor has appointed an Assessment Commission to conduct required hearings and create an assessment regarding the benefit conferred; and

WHEREAS, the following persons have been named Assessment Commissioners:

Patrice Cornett, 81 Horizon Terrace
Ryan Marshall, 81 Watchung Drive
Ellen Schroter, 103 Sylvester Avenue; and

WHEREAS, the compensation for the Commissioners has been fixed at \$130 per Commissioner, based upon the nature and scope of the appointment;

NOW THEREFORE, BE IT RESOLVED, that the Municipal Council does approve of the appointment and expenditure as set forth above in accordance with applicable statute pertaining to the same.

R 61-12 Resolution, introduced by Councilman Wojtecki

RESOLUTION ACCEPTING A COMMUNITY DEVELOPMENT BLOCK GRANT OF \$110,000 FROM THE COUNTY OF PASSAIC FOR THE REPAVING OF DIXIE AVENUE AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT

WHEREAS, the Borough of Hawthorne submitted a request to the County of Passaic for a grant for the repaving of Dixie Avenue, including the construction of curbs and handicapped ramps, as part of the County's Community Development Block Grant; and

WHEREAS, pursuant to the above-mentioned request, the County of Passaic has offered to the Borough of Hawthorne a grant in the amount of \$110,000 for the aforementioned purpose; and

WHEREAS, it is in the best interest of the Borough of Hawthorne to accept these grant funds;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne that the Mayor and Borough Clerk are hereby authorized to execute a grant agreement accepting \$110,000 in Community Development Block Grant funds from the County of Passaic for to be used for the repaving of Dixie Avenue.

R 63-12 Resolution, introduced by Councilman Wojtecki

WHEREAS, the Senate State Government Committee has considered S-1451 and S-1452 which would, respectively, make major changes to the New Jersey Open Public Meetings Act,(OPMA), and the New Jersey Open Public Records Act, (OPRA); and

WHEREAS, the changes to each body of law will represent additional cost by way of unfunded mandate, make the business of government more cumbersome, more unable to meet the demands of the electronic world and more unable to act in a responsive manner as form is elevated above substance; and

WHEREAS, the proposed changes to OPMA include a restrictive and cumbersome process for adding a matter to a printed agenda, while no similar limitation is imposed upon State government; greatly inhibits or even prohibits the ability of the governing body to act upon matters brought up by members of the public if not on a pre-printed agenda; and requires enlarged openness in government without taking into account the legitimate privacy interests of individuals; and

WHEREAS, the proposed changes to OPRA would require the posting on the website of the municipality all materials recently acted upon within 30 days and all old materials, an undefined term, posted on the website within 60 days, a provision with potentially significant cost without concomitant benefit; permits the requestor of information to choose the medium for communication of requested information even when the same is readily available on the municipal website; and fails to provide funding to the municipalities for these unfunded mandates; and

WHEREAS, the Borough of Hawthorne and its elected officials support the notion of open government but recognize the need to balance the same against the privacy rights of individuals working in and with government, the practical reality encountered in everyday life that sometimes requires departure from strict and inflexible rules and the need to balance access to public records with the potentially onerous costs placed upon government agencies, particularly in terms of manpower;

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Hawthorne hereby opposes the changes to legislation proposed in these two bills in their current form and asks the Senate to reconsider the same in light of the comments thereto made by the New Jersey League of Municipalities and the New Jersey Clerk's Association which reflect the feelings of the people "in the trenches" who are called upon every day to meet the requirements imposed by such rules and regulations.

BE IT FURTHER RESOLVED that a true copy of this Resolution be forwarded to the Senate of the State of New Jersey and Senators Robert Gordon and Loretta Weinberg, the chief sponsor of the legislation, as well as the Governing Bodies of all Passaic County and contiguous municipalities.

R 64-12 Resolution, introduced by Councilman Wojtecki

WHEREAS, the Municipal Council of the Borough of Hawthorne previously adopted a meeting schedule setting forth the time and date of all Work Sessions and Regular Meetings of the Municipal Council for the year 2012; and

WHEREAS, the said meeting schedule set all Work Session Meetings to take place at 7:00 p.m. and all Regular Meetings to take place at 8:00 p.m.; and

WHEREAS, there is frequently a significant gap between the end of the Work Session, which may last no more than ten to fifteen minutes, and the Regular Meeting, leaving elected and appointed officials, persons attending the meetings and viewers watching the meetings at home via telecast of the same with a considerable, unproductive gap;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Hawthorne, that it does revise its meeting schedule for the remainder of the calendar year, 2012, commencing with the first Work Session and Regular Meeting in April of 2012, that the Work Session meeting of the Council will take place at 7:00 p.m. and the Regular Meeting of the Council will take place upon conclusion of the Work Session Meeting.

R 65-12 Resolution, introduced by Councilman Wojtecki

WHEREAS, the Borough Council of the Borough of Hawthorne has designated Joseph Burgis of Burgis Associates to serve as planning consultant to the Borough by way of professional services contract awarded pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the contract between Mr. Burgis and the Borough establishes terms of conditions of the services to be provided, including the hourly rate associated therewith, said contract and its terms being incorporated herein by reference; and

WHEREAS, the Borough Council of the Borough of Hawthorne has previously retained the services of Mr. Burgis to prepare a Housing Element and Fair Share Plan in satisfaction of Hawthorne's obligation under the Fair Housing Act and he has prepared a plan that addresses the Borough's third round housing obligation under the Fair Housing Act and COAH rule and regulation and adopt ordinances consistent therewith; and

WHEREAS, as part of its obligation to meet the requirement imposed by the Fair Housing Act and COAH rule and regulation, the Borough requires the preparation of forms and other documents implementing its compliance plan; and

WHEREAS, Mr. Burgis has submitted a proposal to perform such services at his usual hourly rate, as established by contract, with the price for the same not to exceed \$2,0000;

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne, County of Passaic, State of New Jersey, that it does authorize Mr. Burgis to prepare the aforesaid documents on an hourly basis, not to exceed \$2,000, subject to certification by the Chief Financial Officer of availability of funds.

R 66-12 Resolution, introduced by Councilman Wojtecki

WHEREAS, the Passaic County Board of Chosen Freeholders has proposed the hiring of aides to the members of the Board at a cost that would exceed \$20,000 per year, per Freeholder; and

WHEREAS, the Board of Chosen Freeholders established no job description for such individuals, no qualification for individuals applying for such positions and no compelling reason for the creation of these jobs in these austere economic times; and

WHEREAS, the absence of job descriptions and at least minimal qualifications can lead to favoritism, nepotism and even cronyism in the hiring process; and

WHEREAS, there is great chance that the duties of such individuals will include legitimate purpose, such as legislative assistance, and improper purpose, such as campaign coordination, again leading to possible misuse of office and public funds; and

WHEREAS, the Governing Body of the Borough of Hawthorne finds there are enough red flags and enough potential for abuse that the Freeholder Board should reject this proposal, absent a clearly demonstrated and articulated need, proper job descriptions delineating in detail the terms and conditions of employment and a hiring protocol that will ensure fairness to applicants;

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Hawthorne hereby opposes the hiring of aides by the Freeholder Board absent the ability to address the concerns raised in the body of this resolution.

R 67-12 Resolution, introduced by Councilman Wojtecki

WHEREAS, the Borough of Hawthorne has solicited bids through a Fair and Open Process, with written Request for Proposal, for provision of certain landscape services, all as set forth in the proposal documents; and

WHEREAS, the Borough received 14 proposals in response to the Request for Proposals, the lowest being submitted by Boltzer Landscaping, Inc., of Pompton Lakes, New Jersey; and

WHEREAS, the Administration, through its Department of Public Works, is satisfied that the said vendor is qualified and capable of performing the work in question and that his bid, at \$13,566 for all services designated in the RFP as Section A – J and \$45 per hour for all services outside of the scope of those sections, is fair and reasonable and within the expectation of the solicitation; and

WHEREAS, the amount of the bid is less than the bid threshold established by the Local Public Contracts Law but, as the contract permits a renewal of the contract by the Borough for a second year, the total contract value may exceed the limitation of the so-called Pay to Play Law of the State of New Jersey; and

WHEREAS, the Borough Attorney has indicated that in his opinion a contract may be awarded as the same was the result of a Fair and Open Process with the award being made to the lowest bidder of 14 taking part in the solicitation;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does authorize an award of contract for performance of landscape services to Boltzer Landscaping, Inc., P.O. Box 34, Pompton Lakes, New Jersey 07442, at a contract price of \$13,566 with an hourly rate \$45 per hour for work outside of the scope of services set forth in the Request for Proposal and subject to renewal of the contract, at the option of the Borough for a second year, subject to certification of availability of funds by the Chief Financial Officer and approval of a formal contract by the Municipal Attorney.

R 68-12 Resolution, introduced by Councilman Wojtecki

WHEREAS, the Borough of Hawthorne has solicited bids through a Fair and Open Process, with written Request for Proposal, for provision of municipal building custodial services, all as set forth in the proposal documents; and

WHEREAS, the Borough received 3 proposals in response to the Request for Proposals, the lowest being submitted by Planned Building Services, Inc., of Parsippany, New Jersey; and

WHEREAS, the Administration, through its Department of Public Works, is satisfied that the said vendor is qualified and capable of performing the work in question and that its bid, at \$17,160 for all services designated in the RFP is fair and reasonable and within the expectation of the solicitation; and

WHEREAS, the amount of the bid is less than the bid threshold established by the Local Public Contracts Law but, as the contract permits a renewal of the contract by the Borough for a second

year, the total contract value may exceed the limitation of the so-called Pay to Play Law of the State of New Jersey; and

WHEREAS, the Borough Attorney has indicated that in his opinion a contract may be awarded as the same was the result of a Fair and Open Process with the award being made to the lowest bidder of 3 taking part in the solicitation;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does authorize an award of contract for performance of municipal building custodial services to Planned Building Services, Inc., 150 Smith Road, Parsippany New Jersey 07054, at a contract price of \$17,160 for the year commencing on April 1, 2012 and ending on March 31, 2013, the scope of services set forth in the Request for Proposal and subject to renewal of the contract, at the option of the Borough for a second year, subject to certification of availability of funds by the Chief Financial Officer and approval of a formal contract by the Municipal Attorney.

Council President Bertollo entertained a motion to approve Resolutions MR 29-12; R 53-12 through R 55-12; R 57-12 through R 59-12; R 61-12; R 63-12 through R 68-12, moved by Councilman Wojtecki, seconded by Councilman Sinning. Councilman Wojtecki asked if the custodians were able to start earlier than April 1st. Council President Bertollo explained R 64-12 would allow the regular council meeting to begin immediately after completion of the work session to eliminate the wait time in between. On roll call, all voted yes.

OFF CONSENT AGENDA: R 56-12

R 56-12 Resolution, introduced by Councilman Matthews

WHEREAS, various appropriations in the 2011 Appropriation Reserves may be over expended and others under expended.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to make the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Sewer System O/E	Shade Tree O/E	\$11,100.00

Council President Bertollo entertained a motion to approve Resolution R56-12, moved by Councilman Matthews, seconded by Councilman Wojtecki. Council President Bertollo asked for discussion. There was none, on roll call, all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Lane

The Ambulance Corps for January and February 2012 answered 278 calls, covered 10,184 road miles and 613 man hours. Chamber of Commerce is working on their budget and remodeling their web page.

Councilman Mele

Board of Education budget hearing is next Wednesday, March 28th and will be televised.

Council Vice President Bennett

Board of Recreation budget is in place and under review by the Finance Committee. Two umpires were interviewed for the head umpire position, Mike Sabatello was hired. Administrator Maurer is obtaining quotes for replacing two backstops at the Wagaraw Field Complex. Coaches certification class takes place at Roosevelt School on March 29th at 6:30 p.m. The next Public Works committee meeting is April 2nd.

Councilman Matthews

Finance Committee meeting will meet on Monday, forward any questions. Planning Board approved two certificates of compliance occupancy applications. Thank you to Councilman Lane for filling in at the Chamber of Commerce meeting.

Councilman Sinning

The Ordinance Committee met with representatives from the Police Department on traffic issues. Attorney Pasquale will prepare an ordinance to encompass Warburton and Hawthorne Avenues, where a 4-way intersection is proposed pending approval from the County, traffic and parking spaces for the high school and traffic issues at Washington School. A new ordinance for parking on Lafayette Avenue from Wagaraw Road to Rea Avenue or Goffle Road and an ordinance to legalize the special auxiliary police will be forthcoming, as well as installing two stops signs on May Street at Elberon and Tuxedo Avenue’s rather than Franklin Avenue.

Councilman Wojtecki

The Shade Tree Commission will tour Eight Acres Woods tomorrow with Administrator Maurer, CTE Steve Schuckman and the commission’s Chairman to identify any pruning in preparation of Cel-Earth-Bration.

Council President Bertollo

Administrator Maurer and he met with Verizon in regards to the utility work being done in town and surrounding towns by public service. New poles are being installed and the old poles remain causing a hazard and unattractive sight. Verizon indicated they will remove 200+ poles over the next six to twelve months and receive reimbursements from PSE&G. We will be pursuing the same, upgrade costs should be paid by them, not the resident/tax payers. We will inquire if the fire signal lines will be transferred as well to the new poles.

CORRESPONDENCE

None.

MISCELLANEOUS

None recorded.

BILLS

Council President Bertollo entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion moved by Councilman Lane, seconded by Council Vice President Bennett. Council President Bertollo asked if there was any discussion. On roll call, all voted yes. Council President Bertollo abstained from check #13319. Councilman Lane and Councilman Wojtecki abstained from checks #13322, and 13359.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
A-VAN ELECTRICAL	13305	19.48	PUB WORKS ADMIN O/E
ACORN TERMITE & PEST CONTROL	13306	100.00	PUB WORKS ADMIN O/E
AMERICAN HOSE CO INC	13307	270.05	VEHICLE MAINT ROAD
AMSTERDAM PRINTING	13308	182.55	GENERAL ADMIN O/E ENVIRONMENTAL
ANJEC	13309	280.00	COMMITTEE O/E
BCB JANITORIAL SUPPLY CO INC	13310	224.90	PUB WORKS ADMIN O/E
BERGEN/PASSAIC REGISTRAR ASSN	13311	30.00	BOARD OF HEALTH O/E
BILL DEERING	13312	500.00	MUNICIPAL ALLIANCE
BOB'S TIRES & WHEELS INC	13313	1,326.00	VARIOUS
BOSWELL ENGINEERING, INC	13314	5,733.75	VARIOUS
BRIAN BERTOLLO	13315	135.00	GROUP INSURANCE O/E
CABLEVISION	13316	177.53	VARIOUS
CARROLL NET, INC.	13317	51.00	POLICE DEPT O/E
DIESEL TRUCK SERVICE, INC	13318	782.00	VEHICLE MAINT ROAD
DOWNES TREE SERVICE, INC.	13319	4,325.00	VARIOUS
DRAEGER SAFETY DIAGNOSTICS, IN	13320	142.00	POLICE DEPT O/E
EARTHLINK BUSINESS	13321	1,632.23	TELEPHONE CHARGES

FIRE SERV SAFETY TESTING, INC	13322	1,041.04	FIRE DEPT O/E
FUTURE SANITATION INC	13323	39,375.00	VARIOUS
GARY TAMBURRO	13324	100.00	GROUP INSURANCE O/E
GEMPLERS INC	13325	500.25	STREETS & ROADS O/E
GENERAL CODE PUBLISHERS, INC	13326	1,195.00	MUNICIPAL CLERK O/E GENERAL ADMINISTRATION O/E
HARBOUR LIGHT STRATEGIC MARKET	13327	1,740.00	
HAWTHORNE B.O.E.	13328	500.00	BOARD OF REC
HAWTHORNE BOARD OF EDUCATION	13329	2,695,531.00	SCHOOL TAX
HAWTHORNE CAR WASH, INC	13330	207.00	VEHICLE MAINT POLICE
HAWTHORNE HITCH AND TRAILER	13331	236.34	STREETS & ROADS O/E
HAWTHORNE PRESS INC	13332	119.34	VARIOUS
HAYLEY ENCARNACION	13333	195.00	MUNI COURT
HOME DEPOT SUPPLY	13334	202.25	VARIOUS
HOME SUPPLY & LUMBER CO., INC.	13335	26.29	VARIOUS
ID CHECKING GUIDE	13336	118.70	POLICE DEPT O/E
JERSEY ELEVATOR INC	13337	150.66	PUB WORKS ADMIN O/E
JORDAN TRANSPORTATION, INC	13338	315.00	BOARD OF REC O/E FEES PAYABLE JUNGLE LASERS
JUNGLE LASERS LLC	13339	1,310.00	
KNAPP, TRIMBOLI & PRUSINOWSKI	13340	360.00	LEGAL SERV& COSTS O/E
LUK OIL	13341	11,076.43	BULK PURCHASE GASOLINE
M & B SEPTIC SERVICE, LLC	13342	84.00	BOARD OF REC
MONSEN ENGINEERING CO	13343	224.00	PUB WORKS ADMIN O/E
NEWTEL PAYPHONE OPERATIONS	13344	50.00	PUB WORKS ADMIN O/E
NJ SHADE TREE FEDERATION	13345	145.00	SHADE TREE COMMISSION
OFFICE BUSINESS SYSTEMS, INC	13346	18.00	MUNI COURT
OFFICE CONCEPTS GROUP INC	13347	231.26	VARIOUS
PASS COUNTY TRAFFIC OFF ASSOC	13348	35.00	POLICE DEPT O/E
PASSAIC CNTY MUNI CLERKS ASSOC	13349	100.00	MUNICIPAL CLERK O/E
PHILIP SAVOIE	13350	33.90	VARIOUS
PRINTMASTERS	13351	65.00	TAX ASSESSMENT O/E
PROCOPY INC	13352	235.00	FINANCIAL ADMIN O/E
PUBLIC SERV ELEC & GAS	13353	20,093.43	VARIOUS
R & R PUMP & CONTROL	13354	2,291.50	VARIOUS CLEAN AIR-COOL CITIES GRANT
RAYNA LAIOSA	13355	241.00	
RONALD TATHAM	13356	5,046.50	VARIOUS
RT OFFICE PRODUCTS	13357	33.15	MUNI COURT
RUTGERS UNIVERSITY	13358	1,186.00	STREETS & ROADS O/E
SAFE T	13359	300.00	FIRE DEPT O/E
SHERWIN WILLIAMS CO.	13360	661.45	MAINTEN OF PARKS
SHOTMEYER BROS FUEL CO	13361	7,201.91	BULK PURCHASE GASOLINE
SPRINT-WIRELESS	13362	319.92	POLICE DEPT O/E
STAPLES	13363	1,149.16	VARIOUS
SUPERIOR DISTRIBUTORS	13364	224.09	STREETS & ROADS O/E
TANIS HARDWARE	13365	174.06	VARIOUS
TREASURER - STATE OF NJ	13366	4,050.00	STORMWATER MANDATE
TURNOUT UNIFORMS	13367	541.39	UNIFORM FIRE SAFETY O/E
TYCO ANIMAL CONTROL SERVICES	13368	2,160.00	ANIMAL CONTROL O/E
UNITED COMPUTER	13369	1,650.00	IT SERVICES
VERIZON	13370	1,648.49	VARIOUS
VERIZON WIRELESS (N)	13371	<u>750.53</u>	TELEPHONE CHARGES
TOTAL CURRENT		\$ 2,821,154.53	
GENERAL CAPITAL			
BOSWELL ENGINEERING, INC	3152	<u>4,271.75</u>	VARIOUS
TOTAL GENERAL CAPITAL		\$ 4,271.75	

WATER OPERATING

A-VAN ELECTRICAL	8851	72.38	WATER UTILITY O/E
AGRA ENVIRONMENTAL SVC	8852	1,681.25	VARIOUS
BOB'S TIRES & WHEELS INC	8853	255.00	WATER UTILITY O/E
CABLEVISION	8854	82.63	WATER UTILITY O/E
CAPITOL SUPPLY CONSTR PRODS IN	8855	7,767.74	WATER UTILITY O/E
CR INDUSTRIAL SERVICES INC	8856	1,879.87	WATER UTILITY O/E
EARTHLINK BUSINESS	8857	525.00	WATER UTILITY O/E
HOME DEPOT SUPPLY	8858	154.64	WATER UTILITY O/E
HOME SUPPLY & LUMBER CO., INC.	8859	33.64	WATER UTILITY O/E
LUK OIL	8860	1,084.72	WATER UTILITY O/E
PASSAIC CO ROAD DEPT	8861	350.00	VARIOUS
PREFERRED BUSINESS SYSTEMS	8862	1,036.00	WATER UTILITY O/E
PUBLIC SERV ELEC & GAS	8863	11,274.24	WATER UTILITY O/E
SHOTMEYER BROS FUEL CO	8864	447.16	WATER UTILITY O/E
TANIS HARDWARE	8865	94.62	WATER UTILITY O/E
TAYLOR RENTAL CTR	8866	97.20	WATER UTILITY O/E
VERIZON	8867	1,479.72	WATER UTILITY O/E
VERIZON WIRELESS (N)	8868	<u>204.32</u>	WATER UTILITY O/E
TOTAL WATER OPERATING		\$ 28,520.13	

OTHER TRUST II

ANJR	4368	65.00	RECYCLING
DAVE STERN INC	4369	67.80	RECYCLING
DELUXE INTERN'L TRUCKS, INC	4370	254.55	RECYCLING
GIANT TIRE SERVICE INC	4371	268.00	RECYCLING
THOMAS ZACONIE	4372	55.59	UCC PENALTIES
VERIZON WIRELESS (N)	4373	<u>70.78</u>	UCC PENALTIES
TOTAL OTHER TRUST II		\$ 781.72	

DOG DEDICATED

NJ DEPARTMENT OF HEALTH	6055	<u>231.00</u>	STATE OF NEW JERSEY
TOTAL DOG DEDICATED		\$ 231.00	

TOTAL BILL LIST **\$ 2,854,959.13****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, state your name and sign the sheet for the record. Council President Bertollo asked if anyone wished to be heard.

Ted Vaiman, 13 DeBrulye Court

Sits on the Board of Directors in Lafayette Hills and believes a supermarket on Wagaraw Road would be win-win for Hawthorne as jobs will be created and revenue brought in. Unemployment exists in Hawthorne. Thirty-five years since we've had a supermarket, should go forward with any supermarket. Walmart would bring competition for surrounding towns. More traffic here will help business in town, too many empty stores. Wagaraw Road has ugly, empty properties and should be developed and cleaned-up, others may follow. Thank you to Mayor, Council and Planning Board for going forward, facing challenges and those with concerns, everything is negotiable, perhaps the 24/7 can be. There is a silent majority who want a supermarket here. Mr. Vaiman thanked the Council.

Bob Genuario, 144 May Street

Congratulated Mayor Goldberg on a fantastic budget. First time to hear a pro Walmart resident. Thank you for opening doors of communications. Opposition is growing, concerned about the

town. Councilman Wojtecki explained the planning board process and impact of the 24/7. Will be security issue for residents and public safety. Asking Bedrin Associates to exclude 24/7. He has been given power with 24/7 to come to town, why would he back down? Council needs to act on public interest. Government interferes with free market, why defending Bedrin. Government's job is not to help sell or lease property, need to get back to smaller government. Why would a Councilman defend the Walmart brand? Not your job, should be mutual and not involved. Ordinances we had in place would have kept them out, government should have stayed out, a 24/7 supermarket endangers public safety. Disappointed the town is implicated in a lawsuit, should be a neutral party. Mr. Genuario thanked the Council.

Joe Osborne, 112 Cedar Avenue

Thank you for good budget and communications with email, even if not agreed with answers. Thank you Councilman Wojtecki for meeting last week. Not happy town is being sued. Created webpage "Hawthorne Deserves Better". 741 signatures on petition, continues to grow. Ask for resolution to discourage Walmart coming here. They are largest retailer in country. Presented Council with study on Walmart ethics. Last meeting clarified it was supermarket only. Walmart Realty is attached, comes in to assist towns in their expansion. They are very powerful. Confidentiality clauses about Walmart name because they are controversial. Should be red flag, they and developer should be proud to bring their business. Easy to figure out via internet who was coming. Lots of baggage attached to Walmart. Bedrin ad in paper only mentions food, no pharmacy, and no threat to other businesses. No right to tell developer who he can lease to, understand rights to lobby developer and Walmart and Council. This is not unconstitutional. Been accused of behavior and many names, individuals have their own opinions. Do all peaceful and legally to stop this project. New web page "Hawthorne Deserves a Supermarket Too". Mr. Osborne thanked the Council.

Eugene Barbieri 70 Rea Avenue

Visited other supermarkets in the area to see what products they were selling. Found many non-grocery items, i.e., pharmaceutical, clothing, garden, appliances, patio items, electronics, and TV's at gift-giving season. Expect Walmart would sell the same items. How to limit or curtail non-grocery items from coming in to the store? Asking Council to repeal R 2054-11, support any alternative supermarket. Mr. Barbieri thanked the Council.

Teresa Vojack, 84 Metro Vista

Thanked Councilman Wojtecki for meeting last week. Exchanged emails with Council Vice President Bennett. May have misunderstood her. Requested Ordinance 2054-11 to be placed on agenda tonight for repeal and support in asking Mr. Bedrin to consider a change to the terms of the lease. Council Vice President Bennett responded he was hopeful the builder would consider terms limiting 24/7 and he was in support of repealing Ordinance 2054-11. Her email reply stated "while I would be happy that would be the right direction to go by limiting the hours of operation, I do not feel the Walmart brand is synonymous with quality, fair labor practices or nicer towns. Mr. Bennett responded "not synonymous with quality, good labor practices and the nicer towns, huh? Kinda makes me wonder how it became the largest, most successful retailer in the free world". She responded with statistics supporting the wage and labor issues associated Walmart and stated "the success of a brand does not necessarily establish it as a quality product." Mr. Bennett responded "as long as they comply with the law, the courts will protect their rights to do business in any community." She described Mr. Bennett's response as unfortunate, as her emails may have not been effective in conveying her concerns. His response spoke of discrimination, the courts view, and that our founding fathers believed in "equality and stuff like that". Walmart poses business security issues in our community and poor business practices. Being proactive. Trusting you will represent the people who have elected you. Ms. Vojack thanked the Council.

Susan Barbieri, 70 Rea Avenue

Moved to Hawthorne eleven years ago. Strong opposition of 24/7 Walmart supermarket in town. They are poor role model, small businesses cannot compete, will depress values of homes, have negative impact and quality of life in town. 24/7 will encourage drugs and crime, pedestrians hit by more traffic and larger trucks. Pool across the street, children close to all issues. Asking to reconsider 24/7. Recent event at donut shop at 2:00 a.m., driver tried to kill police officers by ramming car into them. Resents Hawthorne Press editors page, discriminates against newcomers and "transplants", shortened husbands comments from last meeting to paint negative slant on

these issues. Insulted by comments, Hawthorne is my hometown, will speak up to crowd even if uncomfortable. Thank you, please reconsider these decisions.

Gus Penacina, 98 6th Avenue

Walmart is one-stop shop, anything they can sell, they will sell, money orders, money grams, socks, T-shirts, tablecloths, appliances, toasters, catering, cakes, delivery service. Affects Hawthorne businesses. Unwritten motto of Walmart is not to compete but eliminate the competition. Push for 24/7, want to be only game in town. Only employ 3 full-time jobs at management level, 97 part-time. Minimum wage security patrolling parking lot. Others do not want Walmart because they know motto, negative affect on community. Walmart means more traffic and crime during holiday season and back to school, will use side streets. Using supermarket to get around bringing in their superstore, do not follow fair practices, cancel out competition, will expand and continue until superstore. Mr. Penacina thanked the Council.

John Baars, 130 Cedar Avenue

Why Walmart pharmacy, have three pharmacies in town. Newspaper called him a protester. Has developer considered adult housing 55+ on this property. Attorney Pasquale replied no, it is zoned for a supermarket. How to address traffic? Lives on a corner, no room to widen May Street. Council President Bertollo commented a traffic study was done with application.

Cassandra Fetchik, 33 Westervelt Avenue

Not backing down, listen to the residents and what they are asking for/fighting for. Do all in your power to make a positive difference and have your people proud of what you're doing. Won't stop standing up for what we believe in. Ms. Fetchik thanked the Council.

Burt Alkes, 38 Hillcrest Avenue

In apparel industry, did some business with Walmart. You are partners with them. Cancelled large order with him, had no concern for him. Stores close up when Walmart moves in, they have to "profit or close", can leave you as well.

Kathy Eurpoa, 234 Hamilton Avenue. Hasbrouck Heights

Born and raised in Hawthorne. Why allow another 24/7 operation on Wagaraw Road where drug busts occur every week at 7-11 market.

Heidi Ehman, 112 Cedar Avenue

Gazette reports over past few months, an average of three heroine or crack incidents every week. Nothing good happens at 2:30 a.m. Were Council and Mayor under the confidentiality agreement? Attorney Pasquale indicated the confidentiality agreement was before the Planning Board, they did not know/have name "Walmart", the agreement was between owner and Walmart, not others. Council responsibility to let us know who it was since not bound by confidentiality agreement. Concern of other applications could be of 24/7 in nature under the same ordinance. Wants guarantee that no one else will come in for 24/7 application. Hope to reverse 24/7 on Wagaraw Road corridor. Ms. Ehman thanked the Council.

Paula Scott, 58 Buena Vista Avenue

Comments on email exchanges with Council Vice President Bennett and Ms. Vojack. Worked at Walmart, has master's degree, they pursued her with promise of lucrative job. Observed violation of rights, attitude of company, people not treated as people, promised jobs, no active hiring or promoting. Witnessed injuries and assaults, no active security, people in store all the time, vandalism occurred in parking lot, quality of food is below standard. This would reflect badly on community and pose danger. Store pays fine to stay open when not allowed to. Wrong to assume they will make things better here, will be make worse, attract wrong elements, town is safe now, not with a Walmart here. Ms. Scott thanked the Council.

Glen McCall 18 Henry Avenue

Disappointed in Mayor and Council in allowing Walmart to come to our community. Real estate agent, property values will go down 20%, no one will want to live near Walmart. Traffic and clientele coming into community will jeopardize property values, crime rate will go through the roof. Their unethical business practices will leave black stain on community, surprised some did not know about this. Council President Bertollo responded much goes into the process, need to

Speak fairly, we cannot respond under litigation. Mr. McCall opposes Walmart and 24/7, too close to Paterson, asking every effort be taken to change it. Thanked Council.

George Alvarez, 118 Cedar Avenue

Notification process went out to the residents within 100 foot radius; more people should be notified for property of 8.5 acres. Attorney Pasquale explained Municipal Land Use Law requires notice to those within 200 feet of property, state law, we cannot dictate. If residents received notice of the 24/7 major issue, could have addressed it at Planning Board stage. Hawthorne Press did not do good job in bringing it to light. Thanked the Council.

Johanna Berg, 310 Hawthorne Avenue

Thanked Mayor Goldberg for Proclamation recognizing Autism Month and lighting up municipal building blue for Autism Awareness on April 2nd. Team Captain of Team Hawthorne United, been walking for seven years. Proud to be part of this community which is involved in special needs children and autism. Thank you on behalf of Autism Speaks and families in Hawthorne living with autism.

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

ADJOURNMENT

Council President Bertollo entertained a motion to adjourn the meeting at 10:48 p.m., moved by Councilman Wojtecki, seconded by Councilman Matthews. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE ON **APRIL 4, 2012**. THE WORK SESSION WILL BEGIN AT 7:00 PM AND THE REGULAR MEETING WILL BEGIN IMMEDIATELY FOLLOWING. 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.

John Bertollo
Council President

Susan Witkowski
Borough Clerk