

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 7:15 p.m. in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

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|--------------------------------------|------------------------|
| Mayor..... | Richard S. Goldberg |
| Council President..... | John N. Bertollo |
| Council Vice President | Frank E. Matthews |
| Councilman..... | Bruce Bennett |
| Councilman..... | John Lane |
| Councilman..... | Joseph Wojtecki |
| Councilman | Garret Sinning |
| Borough Administrator | Eric Maurer |
| Borough Attorney..... | Michael J. Pasquale |
| Borough Engineer | Dr. Stephen T. Boswell |
| Borough Clerk..... | Lori DiBella |
| <u>ABSENT:</u> | |
| Director of Revenue and Finance..... | Mary Jeanne Hewitt |
| Councilman..... | Dominic Mele |

FLAGSALUTE

Council President Bertollo invited all present to join him in the Pledge of Allegiance.

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, The 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 November 19, 2015.

APPROVAL OF MINUTES:

Council President Bertollo entertained a motion to approve the Minutes of the Regular Meeting of July 6th and Bid Minutes of July 13th for Rock Road Improvements Project; moved by Councilman Bennett, seconded by Council Vice President Matthews. On roll call, all voted yes, with the exception of Councilman Wojtecki who abstained the Regular Meeting of July 6th; motion carried.

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 Bennett. On roll call all voted yes; motion carried.

ADOPTION OF ORDINANCES: None.

OLD BUSINESS:

Councilman Lane thanked Administrator Maurer for getting the tractor safety course started. Council Vice President Matthews asked when the tree on Victor Place would be removed and then stated it needed to be done within two weeks.

NEW BUSINESS:

Councilman Wojtecki asked for an update on the metal plate in front of 157 Cedar Ave. Administrator Maurer responded it was done.

ADMINISTRATIVE AGENDA PRESENTED BY MAYOR GOLDBERG:

This year the Hawthorne Police Department will be hosting its first National Night Out on Tuesday, August 2, from 7–9 pm in the municipal building parking lot. National Night Out is hosted annually on this date throughout the country to promote police and community partnerships and neighborhood camaraderie to make our neighborhoods safer and a better place to live. Tomorrow evening the Borough Bandshell will present *La Diva Tenors* – show starts at 7:30 – grounds open at 6:30pm. The movie *Toy Story* will be shown on August 7th, and Fight for Autism Night featuring Hawthorne All-Star Bands is August 14th, check our website for more

details. Tube Night at the Pool is this Friday evening. Hawthorne Day is Saturday, September 24, Vendors and Sponsors can find the forms on our website or at Borough Hall.

MAYOR'S APPOINTMENTS:

Council President Bertollo entertained a motion to appoint Benjamin Veenema as Deputy OEM Coordinator of the Hawthorne Police Department, effective July 27, 2016; moved by Councilman Bennett, seconded by Councilman Wojtecki. On roll call, all voted yes; motion carried. Mayor Goldberg administrated the Oath of Office.

Council President Bertollo entertained a motion to appoint Thomas J. Hughes as Special Police Officer Class II of the Hawthorne Police Department, effective July 27, 2016, moved by Councilman Bennett, seconded by Council Vice President Matthews. On roll call, all voted yes; motion carried. Mayor Goldberg administrated the Oath of Office.

Council President Bertollo entertained a motion to appoint James Geier as Sergeant of the Hawthorne Police Department effective July 27, 2016, moved by Councilman Lane, seconded by Councilman Wojtecki. On roll call, all voted yes; motion carried. Mayor Goldberg administrated the Oath of Office.

Council President Bertollo entertained a motion to appoint Robert King as Lieutenant of the Hawthorne Police Department effective July 27, 2016, moved by Councilman Bennett, seconded by Councilman Sinning. On roll call, all voted yes; motion carried. Mayor Goldberg administrated the Oath of Office.

ADMINISTRATIVE AGENDA PRESENTED BY MAYOR GOLDBERG:

Mayor Goldberg stated he is proud to announce the Borough Audit Report had no findings or recommendations. This is a reflection of the diligence and hard work of CFO Hewitt, her staff and Administrator Maurer. The Auditor will be in attendance at the August 17th Council meeting.

Mayor Goldberg will be meeting with Governor Christie in Fair Lawn tomorrow to discuss his school funding formula. This would bring an additional 13 million dollars to Hawthorne.

Attorney Michael Pasquale

Congratulations to the Appointees.

204 Wagaraw Rd: He has been communicating with the court appointed mediator Christine Cofone. Judge Brogan is still looking into other cases to see the outcome. The test cases are still being tried in Middlesex and Ocean Counties.

InSpa Matter: Appellant Division upheld decision with the Borough. The InSpa is closed and the owner has since moved to Florida.

Vacant Property Ordinance: The letter to accompany the vacant and abandoned property ordinance has been sent. Responses have been received as well as some fees. The purpose of the fee is to make the home owners bring their properties are up to code and put these properties back on the market.

Annual Tax Appeals: Appeals for the Borough were held in Wayne on June 22nd. Forty-nine cases were moved with nineteen being tried and we won them all. There are only a few filings left for commercial properties.

Band Shell: The grand opening of the band shell was a success with over 500 people in attendance. Rita's Ice and Gourmet Express are food vendors at all of the events. Bring your own chairs and blankets to the dedication and Frank Sinatra Tribute this Thursday. The dedication will have Freeholders, Councilmen as well as other dignitaries in attendance and will begin at 7:15pm with the concert immediately following. There is no rain date for the dedication but the concert will take place in the Boys and Girls Club should it rain.

Engineers Report, Dr. Stephen T. Boswell

1. DPW Building We received one quote today and are awaiting a final quote next week.
2. 2016 Road Program All work should have been completed by today.
3. 2015 Road Resurfacing Program Will be closed out on August 6th with the completion of the remedial work on Mountain Avenue and the top soil and seeding.
4. Braen Avenue The lifted concrete sidewalk slabs were replaced on Saturday, July 23rd. Punch list items to be addressed no later than August 6th.
5. I/I Study No change.
6. Streetscape Project Gannett Fleming has scheduled the pre-construction meeting.

7. Water System Generators The work associated with Mary Street has not been completed. Post & Kelly has the automatic transfer switch and would prefer installing this equipment in conjunction with the emergency generator, once received. The Mary Street generator should be advertised on Monday, Aug. 1st, with bids received on either Thursday, Aug. 11th or Friday Aug. 12th at 11:00 am. PSE&G will be submitting to the Borough a Deposit Agreement for the gas main improvements.
8. Library HVAC Final closeout remains. Reiner will have to return in the fall for the heating system start up and acknowledged this in a letter. Reiner was also questioned about the delivery of the O&M Manuals.
9. Prescott Avenue Rehabilitation The application has been submitted to the NJDOT.
10. Diamond Bridge and Washington Ave ADA Ramp The cracked handicap ramp at Diamond Bridge Ave. and Washington Ave. was replaced along with an additional sidewalk slab at 148 Washington Ave.
11. Wagaraw Road Pump Station We are requesting quotes from several contractors to address this work.
12. SCADA Upgrades The SCADA equipment bid was awarded to Emerson. Pre-construction meeting is tomorrow.
13. Passaic Avenue Sewer Lining The pre-construction meeting is scheduled for Thursday, July 28th at 10:00am at Borough Hall.
14. Library Sidewalk (as part of the 2016 Road Program) The Library sidewalk was addressed on Saturday, July 23rd.
15. Rock Road Although bids have been accepted this cannot be awarded until the Transportation Trust Fund is revised and finalized.
16. Band Shell Change orders requested by the contractor. Discussing with Administrator Maurer availability of funds for this.

Administrator Maurer –

We have received and are reviewing one bid for antenna space at Longview Tank. This bid should be awarded at the August 17th or September 7th meeting. We have had issues with two of the three effluent pumps at the south station water utility. A resolution for a modified shared service agreement for supplying water to Ridgewood is on the agenda with an explanatory memo attached to the packet. 2015 Audit was completed with no issues which deserve recognition and acknowledgement to CFO Hewitt. He and CFO Hewitt are working with the Auditor to prepare this year's bond sale. The completion of the back log of tax appeals, the positive audit and our good financial position will help us obtain a competitive rate when we sell those bonds. Resolution 147-16 extends the grace period for the third quarter tax bills until August 15th. If the bills are not paid by that date, the interest will date back to the statutory date of August 1st.

Questions for the Administration

Councilman Lane asked for an update of the load bank test of the generator. Administrator Maurer responded the load bearing test went well and took place either today or yesterday. He will forward the report upon receipt. Additional training will be given once the generator is connected to the station.

Councilman Bennett asked Attorney Pasquale if Judge Wolfson has a documented history of representing one side of the fight, how he can be considered a fair and impartial Judge? Attorney Pasquale answered this Judge has a back ground as a developers attorney. His ruling is a lower court opinion and is not binding on other Judges in the state.

Council Vice President Matthews asked Engineer Boswell why there is a change order for the contractor of the handicap ramp and railing at the Bandshell as there were no changes to elevation or the drawings of the original plan. Engineer Boswell responded the drawings were not site specific. The length of the ramp is much longer than originally anticipated. Also the advanced rigging for the lighting was added at a later date. He then added they are negotiating with the contractor.

Councilman Wojtecki asked if there was a total of lost interest from not mailing the tax bills on time. Administrator Maurer responded it would be a very small amount since most people pay them upon receipt of the bill. He then reiterated his feeling of Congress Textiles, he stated the building and property still looks terrible. He is concerned with Artisan Restaurant now offering outdoor dining that that is the view customers will see. He stated he would like a harder stance taken on Congress Textiles. Administrator Maurer stated they take action when they observe an issue and do an inspection. Councilman Wojtecki also asked for the status on

the telephone pole on Lafayette Ave. The telephone pole is blocking the side walk. Administrator Maurer responded Verizon has been notified and are working to resolve the situation.

Councilman Lane added to Councilman Wojtecki's comments on Congress Textiles stating he would like to know how many cars they are allowed to have stored at the neighboring business.

Council President Bertollo asked if there were any other questions for the Administration. Seeing none, Council President Bertollo entertained a motion to record the Administrative Agenda, moved by Councilman Lane, seconded by Councilman Sinning. On roll call, all voted yes, motion carried.

INTRODUCTION OF ORDINANCES: None.

RESOLUTIONS...

CONSENT AGENDA: R 138-16 through R 154-16:

R 138-16 Introduced by Councilman Bennett

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated July 22, 2016.

CURRENT FUND	WT 888889	\$	322,100.97
WATER OPERATING FUND	WT 888889	\$	42,239.61
OTHER TRUST II FUND	WT 888889	\$	35,544.36
GENERAL CAPITAL FUND	WT 888889	\$	-
DOG DEDICATED FUND	WT 888889	\$	-
TOTAL PAYROLL		\$	<u>399,884.94</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	12,709.42
WATER OPERATING FUND TO PAYROLL/FICA	WT 888889	\$	5,000.00
TOTAL FICA		\$	<u>17,709.42</u>

R 139-16 Introduced by Councilman Bennett

WHEREAS: Tax Sale Certificate #2011-09 was sold on October 25, 2011 in the amount of \$5,761.52 on Block 290.03 Lot 10 then assessed to Cupo, Anthony & Jill said lien was originally purchased by Robert Rothman 411 Grand Ave., Englewood, NJ 07631, and

WHEREAS: said lien was redeemed on July 12, 2016 in the amount of \$158,346.14, said lienholder is entitled to a refund including the amount of the lien \$5,761.52, penalty of \$230.46, search and recording fee of \$55.00, subsequent taxes \$105,608.80 and interest on subsequent taxes of \$46,690.36 for a total of \$158,346.14 and

NOW, THEREFORE, BE IT RESOLVED: that the Collector of Taxes recommends that a check be issued by the Treasurer from the Other Trust II/Trustee Account to Robert Rothman in the amount of \$158,346.14 to reimburse the lienholder for the lien, penalty, subsequent taxes and interest and a check from the Other Trust I account for \$37,000.00 for Premium paid.

R 140-16 Introduced by Councilman Bennett

WHEREAS, an appeal was filed with the New Jersey State Tax Court for a reduction of the assessed value of property and a settlement was agreed upon as follows:

<u>Block/Lot</u>	<u>Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
2012				
146/3	\$8,500,000.00	\$8,100,000.00	\$ 400,000.00	\$ 20,708.00

Van Dyks Senior R of Hawthorne LLC c/o John Lloyd, Esq. 140 Goffle Road
 2013
 146/3 \$8,500,000.00 \$8,000,000.00 \$ 500,000.00 \$ 26,420.00
 Van Dyks Senior R of Hawthorne LLC c/o John Lloyd, Esq. 140 Goffle Road
 2014
 146/3 \$8,500,000.00 \$7,950,000.00 \$ 550,000.00 \$ 29,557.00
 Van Dyks Senior R of Hawthorne LLC c/o John Lloyd, Esq. 140 Goffle Road
 2015
 146/3 \$7,750,000.00 \$7,500,000.00 \$ 250,000.00 \$ 14,010.00
 Van Dyks Senior R of Hawthorne LLC c/o John Lloyd, Esq. 140 Goffle Road

TOTAL: \$90,695.00

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be authorized to issue a refund for the overpayment of taxes for 2012 - 2015 in accordance with the state judgment.

R 141-16 Introduced by Councilman Bennett

WHEREAS, the semi-annual payment to the NJEIT Refunding Loan 2010 in the amount of \$18,348.21 has become due and payable as of August 1, 2016 and,

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer is hereby authorized to wire funds in the amount of \$18,348.21 in payment of the 2010 NJEIT Trust Fund 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 \$262.50 to U.S. Bank in the payment of the New Jersey Environmental Infrastructure Trust semi-annual Administration Fee.

R 142-16 Introduced by Councilman Bennett

WHEREAS, the semi-annual payment to the 2004 NJEIT Fund Trust-Loan in the amount of \$40,728.74 and Refunding Loan 2004 in the amount of \$ has become due and payable as of August 1, 2016 and,

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 \$40,728.74 in payment of the 2004 NJEIT Trust and Fund 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 \$1,372.50 to U.S. Bank in payment of the New Jersey Environmental Infrastructure Trust semi-annual Administration Fee.

R 143-16 Introduced by Councilman Bennett

WHEREAS, the semi-annual payment to the 2003A NJEIT Fund Trust-Loan in the amount of \$136,844.88 and the semi-annual payment to the 2010A NJEIT Refunding Loan in the amount of \$ has become due and payable as of August 1, 2016 and,

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 \$136,844.88 from Water Operating in payment of the 2003 NJEIT Fund Loan and the 2010A NJEIT Refunding Loan.

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 \$2,137.50 to TD Bank in payment of the New Jersey Environmental Infrastructure Trust semi-annual Administration Fee.

R 144-16 Introduced by Councilman Bennett

WHEREAS, the 2016 Local Municipal Budget was adopted at the Regular Council Meeting of May 4, 2016 and certain items contained therein require account transfers between the various Borough funds in order to effectuate these budgetary items.

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

<u>PAY FROM</u>	<u>PAY TO</u>	<u>AMOUNT</u>	<u>FOR</u>
Current	General Capital	100,000.00	Capital Improvement Fund
Current	Water Operating	89,100.00	Fire Hydrant Service
Current	PATF I	1,000.00	Public Assistance Fund

Current	Unemployment	5,000.00	Unemployment Fund
Current	OTII-Relocation	5,000.00	Relocation Fund
General Capital	Current	282,000.00	Reserve for Payment of Debt
Water Operating	Current	110,000.00	Water Utility Surplus
Water Operating	Water Capital	20,000.00	Capital Improvement Fund

R 145-16 Introduced by Councilman Bennett

WHEREAS, 2015 Treasury records as stated in the Municipal Audit reflect certain interfund account balances as of the close of the prior fiscal year that require account transfers in order that these interfunds be liquidated in the current 2016 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>	
Current	Dog Dedicated	9,500.00	2015 Audit Adjustment
Current	Water Operating	3,931.00	2015 Audit Adjustment
Assess Trust	Current	2,967.98	2015 Audit Adjustment
General Capital	Builders Escrow	200.00	2015 Audit Adjustment
OT I – Surety	Current	50.00	2015 Audit Adjustment
Builders Escrow	Current	6.25	2015 Audit Adjustment
Water Operating	Water Capital	500,000.00	2015 Audit Adjustment

R 146-16 Introduced by Councilman Bennett

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with Alpine Painting and Blasting Contractors, for interior painting of Aeration Tower #1 in the Borough of Hawthorne authorized by the 2016 Water Utility budget, and,

WHEREAS, and the administration recommends the following change order for this project:

Change Order No. 1	
Sandblast New Floor	\$3,000.00

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No.1 increasing the amount of the payment required under said contract by the sum of \$3,000.00, shall be and hereby is approved, and the Mayor and Borough Clerk are hereby authorized and directed to execute the same for and on behalf of the Borough of Hawthorne.

R 147-16 Introduced by Councilman Bennett

WHEREAS, N.J.S.A. 54-4-67 permits the Mayor and Council of each municipality to fix the rate of interest to be charged for the nonpayment of taxes on or before the date when they would become delinquent; and

WHEREAS, the Municipal Council of the Borough of Hawthorne set forth said interest rate by resolution at the regular Council Meeting of January 4, 1995; and

WHEREAS, the Borough of Hawthorne was unable to mail its 2016/2017 property tax bills on or before June 14th as required by N.J.S.A. 54:4-66 due to the failure on the part of the State of New Jersey to certify state aid funding for inclusion on the tax bills in a timely manner; and

WHEREAS, this delay will result in the late mailing of the 2016/2017 tax bills to Borough property owners.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, County of Passaic, State of New Jersey that the interest rate for the nonpayment of 3rd quarter 2016 property taxes shall be fixed at zero (0%) until August 15, 2016.

BE IT FURTHER RESOLVED, that if payment of the 3rd quarter 2016 property tax is not made on or before August 15, 2016 the time period set forth above, then the interest rate for nonpayment of the 3rd quarter 2016 property tax shall revert back to the original interest rate established by resolution on January 4, 1995 and charged from the statutory payment date for 3rd quarter property taxes of August 1.

R 148-16 Introduced by Councilman Bennett

WHEREAS, a concert at the Band Shell in the Borough of Hawthorne will take place on Thursday, July 28, 2016, which will be performed by La Diva Tenors, c/o Anthony Bounauro, who will require payment immediately following the concert.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to draw a check against Other Trust II – Public Events in the amount of \$3,000.00, to be distributed after the services has been performed

R 149-16 Introduced by Councilman Bennett

WHEREAS, the Municipal Council of the Borough of Hawthorne previously adopted Resolution R-148-15 on July 8, 2015, wherein it agreed to join what was then estimated to be between 50 and 100 municipalities that formed a consortium to retain the services of Rutgers Professor Dr. Robert Burchell as a professional consultant in connection with its application to the Superior Court of the State of New Jersey, seeking approval of its Housing Element and Fair Share Plan; and

WHEREAS, in connection with that resolution, the Borough, through its Municipal Attorney as agent, entered into a Municipal Services Agreement with other communities, now totaling over 300 in number, and committed to an expenditure not to exceed \$2,000 for consulting and other services; and

WHEREAS, the Municipal Council subsequently adopted Resolution R-189-15 on September 16, 2015, agreeing to an amendment to the Municipal Services Agreement so as to recognize that due to a significant health issue experienced by Dr. Burchell, the consortium of municipalities had identified Econsult Solutions as substitute expert consultant, again restating that any increase in the initial authorized expenditure of funds would require approval of the Municipal Council; and

WHEREAS, the consortium has expended all of the funds that were collected from the over 300 municipal entities, predominantly on various drafts, redrafts, analyses and reports of Econsult, and expects to expend significant additional funds as the status of affordable housing in the State of New Jersey is being decided on multiple fronts simultaneously; and

WHEREAS, the consortium, through its designated lead agent requested that each member of the consortium wishing to continue participation in the consortium commit an additional \$2,000 to the fund, again to predominantly provide litigation support to the member municipalities; and

WHEREAS, the Municipal Council, by Resolution R-81-16, adopted on April 20, 2016, committed an additional \$2,000 payment to the consortium, which in turn has continued to expend funds in furtherance of the common goal of establishing a fair and reasonable methodology for determining the affordable housing obligation of all municipalities throughout the State; and

WHEREAS, the consortium has actively engaged in litigation on behalf of the common interest and engaged experts again expending the major portion of the funds collected from the over 300 participating communities; and

WHEREAS, the consortium has requested payment of another \$2,000 to fund the efforts of the consortium; and

WHEREAS, the Borough Attorney has been closely following the work of the consortium, has participated in email, telephone and in person meetings, and has strongly urged continued participation in the consortium as a means of sharing cost applicable to each member municipality;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does authorize the expenditure of an additional \$2,000, made payable to Jeffrey R. Surenian, Esq., as lead agent for the consortium, with any additional expenditure to only be made with the approval of the Council.

R 150-16 Pulled

R 151-16 Introduced by Councilman Bennett

WHEREAS, the Borough of Hawthorne has utilized the services of Action Data Services (ADS) for payroll processing on behalf of employees of the Borough of Hawthorne pursuant to a contract that has been in place and has renewed for successive terms for over 15 years; and

WHEREAS, the current contract with ADS expired on June 30, 2016 and a proposal to renew and extend the contract for two years plus a one year option was presented under cover of letter dated May 24, 2016, the same being incorporated herein by reference; and

WHEREAS, the proposal to renew as well as an addendum to the existing contract in place between the parties was reviewed by the Borough Attorney and found to be acceptable as written; and

WHEREAS, the cost of the payroll services proposed is less than the threshold established by the Local Public Contracts Law, permitting the Borough to seek proposals without a formal bidding process; and

WHEREAS, the value of the contract is in excess of the maximum value set forth in the Pay to Play law of the State of New Jersey; and

WHEREAS, the Borough has determined to award a contract extension through a non-fair and open process, it being determined that to create a bidding process would be impractical given the services to be provided; and

WHEREAS, the Municipal Clerk has requested documentation from the vendor that no reportable contributions as set forth in the Pay to Play statute have been made; and

WHEREAS, the Administration recommends the extension of the existing contract with ADS as there has been no issues with the service provided and the price quoted in the submission is deemed fair and reasonable;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does hereby award a contract extending payroll processing services to:

Action Data Systems
17 Sherwood Lane
Fairfield, New Jersey 07004

in accordance with the proposal of said vendor under cover of letter dated May 24, 2016; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and empowered to execute the contract extension and addendum as and for the act of the Borough of Hawthorne, subject to certification of funds by the Chief Financial Officer.

R 152-16 Introduced by Councilman Bennett

WHEREAS, the Borough of Hawthorne distributes taxes to the County of Passaic on a quarterly basis; and

WHEREAS, the County of Passaic has requested that these funds be sent to them via ACH wire transfer to their bank account in Wells Fargo Bank, ABA#121000248

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 above referenced transfer in the amount of \$4,198,185.97 for County Taxes and \$57,716.58 for Open Space Taxes for a total of \$4,255,902.55 for 3rd Quarter 2016 from the Current Fund and charged to County and Open Space Taxes Payable.

R 153-16 Introduced by Councilman Bennett

WHEREAS, Silk City Restaurant Group, LLC, is the owner of plenary retail consumption liquor license 1604-32-011-16 which it utilizes in connection with a licensed premises operating under the name Artisan Restaurant;

WHEREAS, Silk City Restaurant Group, LLC, has submitted an application for an expansion of the licensed premises so as to include an approximate 20 x 30 foot outdoor dining area, capable of allowing for four dining tables, in the existing parking lot that is part of the property, to the Division of Alcoholic Beverage Control (ABC), said application being subject to municipal review and approval by the governing body of the Borough of Hawthorne; and

WHEREAS, the applicant has submitted, in support of its application, all required documentation so as to support the expansion of the premises, said documentation having been reviewed and approved as to form and content by the Municipal Clerk in consultation with the Borough Attorney; and

WHEREAS, the applicant appeared for review before the Planning Board of the Borough of Hawthorne which found such expansion to be in accordance with the Zoning Ordinance of the Borough of Hawthorne; and

WHEREAS, the applicant caused to be published and served notice of a hearing wherein the said expansion was to be considered by the Municipal Council of the Borough of Hawthorne, the same being satisfactory in the opinion of the Borough Attorney; and

WHEREAS, no persons filed objection to the application for expansion with the Municipal Clerk prior to the July 27, 2016 meeting of the Municipal Council; and

WHEREAS, the Municipal Council finds, based upon the review of the Municipal Clerk and opinion of the Borough Attorney that it may approve the expansion of the licensed premises subject to the terms of this resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that it does hereby approve the application of Silk City Restaurant Group, LLC for an expansion of licensed premises so as to include outdoor dining in accordance with the sketch submitted by the applicant in connection with its application, effective July 31, 2016; and

BE IT FURTHER RESOLVED, that such approval and consent is subject to any required review and approval by the ABC and compliance with all rules and regulations established by the State of New Jersey and Borough of Hawthorne pertaining to such license.

R 154-16 Introduced by Councilman Bennett

WHEREAS, Ordinance 2168-16 was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne on July 6, 2016, the intent of said Ordinance being to amend the Salary Ordinance of the Borough of Hawthorne; and,

WHEREAS, a public hearing was scheduled for July 27, 2016 at which time members of the public were invited to speak as to the adoption of the Ordinance; and

WHEREAS, prior to publication of the said Ordinance and such hearing date, the Municipal Council determined to amend Ordinance 2168-16 so as to add an additional increase in a salary line as noted in the amended Ordinance;

NOW, THEREFORE, BE IT RESOLVED that the proposed amendment of Ordinance 2168-16 so as to add an additional increase in a salary line shall be and hereby is approved in the format set forth in the amended Ordinance, on file with the Borough Clerk; and

BE IT FURTHER RESOLVED, that said Ordinance, as amended, will be further considered for final passage after public hearing thereon at a meeting to be held August 17, 2016, and the Clerk is hereby directed to publish said Ordinance as amended, together with a Notice of the Introduction, the time and place, when and where a copy of the amended Ordinance can be obtained without any cost by any member of the general public who desires a copy, and the time and place when and where the amended Ordinance will be further considered for final passage, all as required by law.

Council President Bertollo entertained a motion to approve consent agenda resolutions R138-16 through R149 and R151-16 through R154-16 moved by Councilman Bennett, seconded by Councilman Lane. On roll call all voted yes with the exception of Council Vice President Matthews who voted No on R152-16; motion carried.

Councilman Wojtecki commented in reference to R150-16, does not feel comfortable approving this resolution without know how much Ridgewood charges their customers. He feels we have a commodity they need and he would like to sell it for more money. Mayor Goldberg responded we are competing with Sioux water and trying to be competitive with that price. A conversation followed and it was agreed that the price Sioux Water is charging Ridgewood should be known. If they are charging the same as us we will not need to make any changes but if they are charging a lot more we should also make an adjustment. Council President Bertollo pulled R150-16 from tonight's agenda and stated it would be on the next meetings Consent Agenda. Borough Administrator Maurer stated he would get the necessary information.

Councilman Sinning asked how many parking spaces will be lost for the outdoor dining at Artisan Restaurant. The Handicap spot will need to be relocated.

REPORTS OF SPECIAL COUNCIL COMMITTEES:

Councilman Mele – Thanked Attorney Pasquale and the band shell committee for doing an excellent job. He responded that the band shell has raised over \$18,000 in which it has offset all expenses. Tomorrow night the Hawthorne Republican Club is sponsoring the event in its entirety.

Council Vice President Matthews – Chamber of Commerce Farmers Market is going well. There is a second farmer and four more vendors this year. They hosted a successful arts and crafts show on July 17th. Residents have been searching for the Bee in the “Find the Bee in Hawthorne” campaign. There are twenty-three local businesses participating. The grand prize drawing is July 31st at the Farmers Market at noon. Completed passports are to be turned in to Mr. Cupcakes, The Chocolate Box, or Sprinkles by Saturday July 30th. This Saturday the Bee Movie will be shown at the Hawthorne Theater, seats are only \$3.00. The Classic Car Show will take place August 21st at the Farmers Market. Registration begins at 8:30am and the show is from 9am-12noon. Saturday September 17th is the fishing derby. September 18th is the Green Fair at the Farmers Market.

Councilman Sinning– Complimented the sound and construction of the band shell.

Councilman Bennett- The Board of Recreation met and the Summer Rec Program is going well. There were 239 registered children at the Middle School and 184 at Roosevelt School. August 6th will be the annual Mark Sasso softball game with ESPN which raises money for scholarships for the children of Hawthorne. Don La Greca from ESPN will be broadcasting the games live from 2-4. Contact Anna Marie Sasso at Re/Max for more information. The Public Works Committee met and items discussed were covered by Engineer Boswell or Administrator Maurer. Well Number 6 repairs are complete and we are now pumping double what we were pumping before the repairs and also are now using 25- 30% less energy. The stripping tower’s new steel floor has been welded in place.

CORRESPONDENCE: None.

BILLS:

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
AAA EMERGENCY SUPPLY CO INC	20941	87.18	REPAIRS STREAMLIGHTS
ACCLAIM INVENTORY LLC	20942	2,600.00	BOROUGH INVENTORY
ACORN TERMITE & PEST CONTROL	20943	100.00	PEST CONTROL MONTHLY
ACTION RUBBER & INDUST SUP INC	20944	61.05	PARTS FOR WASH HOSE
ACTION DATA SERVICES	20945	614.32	PAYROLL #14 7/8/16
AERIAL RISE LLC	20946	1,710.00	SAFETY BUCKET TRK INSPE
AIR PURIFIERS INC	20947	296.00	SERVICE TO ENGINE 3
AQUARIUS IRRIGATION SUPPLY,INC	20948	183.54	VARIOUS DEPTS.
A-VAN ELECTRICAL	20949	99.88	ELECTRICAL SUPPLIES
BADGE & WALLET	20950	977.65	BADGES
B AND B DISPOSAL, LLC	20951	53,191.66	JULY GARBAGE & RECYCLING
BCB JANITORIAL SUPPLY CO INC	20952	115.86	JANITORIAL SUPPLIES
BELMAR SPRING WATER COMPANY	20953	22.02	WATER FOR REC. CENTER
BOB'S TIRES & WHEELS INC	20954	1,980.00	2016 VEHICLE TIRE PURCHASES
BOSWELL ENGINEERING, INC	20955	8,024.00	PRO ENGINEERING SVC
CABLEVISION STRATFORD	20956	522.76	CABLE SERVICES
CANON SOLUTIONS AMERICA INC	20957	12.15	MAINTENANCE COPIER
CANON FINANCIAL SVCS INC	20958	43.00	DPW LEASE COPIER
CARL MOTTOLA	20959	58.30	MILEAGE REIMB JUNE 2016
CAROL J TURNER	20960	143.22	REIMB OF MULTIPLE FEES
CARPET CYCLE, LLC	20961	400.00	CARPET RECYCLING
CHIEF FIRE EQUIP CO	20962	125.25	FIRE EXT REFILLS
CINTAS FIRST AID AND SAFETY	20963	106.76	CINTAS FIRST AID FOR POOL
CINTAS CORP	20964	565.20	WKLY RUG SVS IN BORO HALL
CMRS-FP	20965	10,000.00	REIMBURSE POSTAGE METER
DARLEY	20966	1,340.47	PLAYPIPE NOZZLE - ENGINE 3
DC ELECTRIC	20967	2,500.00	INSTALL LIGHTING FIXTURES
DELL GARDEN CENTER	20968	863.23	REPAIRS TO FIELD MOWER
DIESEL TRUCK SERVICE, INC	20969	1,894.00	R-10 REPAIRS
DOWNES TREE SERVICE, INC.	20970	1,650.00	EMERGENCY TREE REMOVAL
ELLIOTT LEWIS CORP	20971	2,037.00	MAINTENANCE CONTRACT
ENVIRONMENTAL RENEWAL, LLC	20972	150.00	PALLET RECYCLING
EREVIVAL LLC	20973	2,250.00	ELECTRONIC RECYC
FASTENAL COMPANY	20974	63.05	LOAD CARGO BAR
FASTSIGNS	20975	144.00	BANNER FOR BANDSHL SPON
FIRE SAFETY EDUCATION	20976	350.00	RED CHILDRENS FIRE HATS
FIRST MOUNTAIN ARBORICULTURE L	20977	780.00	TREE INSPECTIONS
FOLEY POWER SYSTEMS INC	20978	6,338.04	GENERATOR CONTRACT
FREMGEN POWER EQUIPMENT INC	20979	532.00	REPAIRS TO VENT SAWS CO# 2
GAETA RECYCLING CO, INC.	20980	8,250.00	YARD WASTE/APRIL-OCT
GOLD TYPE BUSINESS MACHINES,	20981	247.00	E TICKET 2016 ACCOUNT
GOOHEI SEA	20982	80.00	BD REC REFUND 2ND SESSION
GO ORGANIC LAWN CARE	20983	200.00	BANDSHELL-SPRAY FIELD
HAWTHORNE AUTO LAB	20984	1,343.58	2016 VEHICLE MAINT

HAWTHORNE B.O.E.	20985	4,377.00	REFS VB & BB
HAWTHORNE FIRE DEPT	20986	179.40	SUPPLIES
HAWTHORNE PRESS INC	20987	117.22	LEGAL NOTICES
HENRY'S PLUMBING & HEATING INC	20988	158.48	MISC. SUPPLIES
HOME SUPPLY & LUMBER CO., INC.	20989	53.50	PARTS & SUPPLIES
IF IT'S WATER, INC	20990	3,114.00	POOL START-UP COSTS
IMPAC FLEET INC.	20991	6,424.14	GASOLINE BORO VEHCL
JAMES SODER	20992	169.00	EYE GLASSES REIB SPOUSE
JAYNE TEN KATE	20993	249.89	REC SUPPLIES
JEFFREY R. SURENIAN AND ASSOC	20994	2,000.00	HOUSING ELEMENT
JODY MULKEY	20995	80.00	SUMMER REC REFUND
SITEONE LANDSCAPE SUPPLY, LLC.	20996	739.96	FIELD MAINTENANCE SUPPL
LANGUAGE LINE SERVICES	20997	76.77	LANG LINE SVC JUNE 2016
LAURIE FOLEY	20998	30.00	NOTARY 8/16-8/17
MAIN POOL & CHEMICAL CO, INC	20999	3,513.75	POOL CHEMICALS /BI-WKL
M & B SEPTIC SERVICE, LLC	21000	84.00	PORTA-POTTY SERVICE
METLIFE	21001	325.30	METLIFE AUGUST 2016
MICHAEL J. PASQUALE, ESQ	21002	9,689.50	JUNE 2016 PROFESSIONAL SVC
MORRIS COUNTY MUNI JT INS FUND	21003	167,764.04	2ND 2016 MUNI INSURANCE
NEWTEK TECHNOLOGY SERVICES	21004	95.85	JULY-OCT 2016 WEBSITE HOST
NJ DIV-ALCOHOLIC BEV CONTROL	21005	54.00	LIQUOR LICENSE 16-17
NORTH JERSEY MEDIA GROUP INC	21006	118.13	PUBLIC NOTICES
OFFICE BUSINESS SYSTEMS, INC	21007	1,564.00	MAINT 7/19/16-7/19/17
PAETEC	21008	1,345.17	SVC TO 7/10/16 ACT 5494017
PASCACK DATA SERVICES	21009	7,006.00	JULY 16 IT SERVICE
PASSAIC VALLEY SEWER COM	21010	302,890.21	3RD QTR USER CHARGES 2016
PROCOPY INC	21011	1,197.80	TONER FOR OFFICE COPIER
PUBLIC SERV ELEC & GAS	21012	23,252.01	ELEC&GAS SVC MAY 2016
RECREATION SUPPLY COMPANY	21013	247.70	POOL SUPPLIES
RIDGEWOOD PRESS	21014	690.00	BANDSHELL - SIGNAGE
ROBERT POLITO LANDSCAPING	21015	150.00	7/15/16 CUT AND CLEAN
ROBIN REICHER	21016	80.00	REC SUMMER REFUND
R & R PUMP & CONTROL	21017	475.60	MAIN SEWER PUMP#2 JAM
RUTGERS - CENTER FOR GOV'T SER	21018	1,300.50	MUN CURRNT FUND ACT 1 & 2
SHOTMEYER BROS FUEL CO	21019	4,254.09	BOROUGH DIESEL FUEL
STAPLES	21020	703.78	OFF ICE SUPPLIES
TANIS HARDWARE	21021	551.71	MISC. SUPPLIES
TEE-FX SCREEN PRINTING, LLC	21022	5,484.00	TEE SHIRTS BD OF REC
THOMAS ZACONIE	21023	62.15	JUNE 2016 MILEAGE
TIFCO INDUSTRIES INC	21024	1,275.00	SAFETY CHEM STORAGE CABNT
TIRE MANAGEMENT, LLC	21025	155.00	ENCUMBERED TIRE RECYCLING
T-N-T TOOLS INC.	21026	302.70	MULTIPURP TOOL ENGINE 3
TRANSUNION RISK & ALTERNATIVE	21027	150.00	2016 CHECKS - DRAWDOWN
TREASURER, STATE OF NEW JERSEY	21028	850.00	MARRGE & CIV UNION LICENSE
TREASURER, STATE OF NJ	21029	4,265.00	2ND QTR 16 STATE TRAIN FEES
TREASURER, STATE OF NJ	21030	1,015.00	7/15-6/16 COMPOST
TRIANGLE TROPHY	21031	520.50	INSTALL DINNER SRV AWARDS
UNIVERSAL SPORTING GOODS, INC	21032	2,250.00	SOCCER EQUIPMENT
US MUNICIPAL SUPPLY, INC.	21033	2,815.98	R-11 SWEEPER REPAIRS
VAN DYKS SENIOR HAWTHORNE LLC	21034	90,695.00	NJ STATE TAX COURT REDUCT
VERIZON WIRELESS (N)	21035	1,370.17	MAY PHONE SERVICE...838
VERIZON	21036	1,607.48	JUNE 2016 POOL TELEPHONE
VIEVU	21037	28,936.40	BODY WORN VIDEO CAMERAS
VITAL COMMUNICATIONS, INC.	21038	585.00	JULY 2016 MOD IV SRVCE
WAGNER TOURS, INC	21039	775.00	HAWTHORNE SENIORS
WALDWICK PRINTING COMPANY	21040	114.00	BUSINESS CARDS
WASTE MANAGEMENT OF NJ	21041	40,766.75	JUNE 2016 GARBAGE TRFR STA
ZABDY MANZO	21042	80.00	BD REC 2ND SESSION REFUND
HORIZON BLUE CROSS BLUE SHIELD	21043	112,718.99	AUGUST HEALTH BENEFITS

Total Current **954,968.79**

DOG DEDICATED

NJ DEPARTMENT OF HEALTH	6158	139.20	COVER LICENSE 1186-1269
TYCO ANIMAL CONTROL SERVICES	6159	2,630.00	JUNE 2016 ANIMAL CONTROL
Total Dog Dedicated		2,769.20	

GENERAL CAPITAL

BOSWELL ENGINEERING, INC	3500	4,576.53	2016 ROAD PROGRAM
FF1 PROFESSIONAL SAFETY SERVIC	3501	19,995.25	TURNOUT GEAR
HAWTHORNE PRESS INC	3502	53.04	LEGAL NOTICES
NORTH JERSEY MEDIA GROUP INC	3503	166.32	PUBLIC NOTICES
PHILLIPS PREISS GRYGIEL LLC	3504	325.00	RELOCATION CDBG DR BU
SMITH-SONDY ASPHALT CONST CO I	3505	43,752.94	2016 ROAD PROGRAM

Total General Capital 68,869.08

OTHER TRUST I

ROBERT ROTHMAN	7077	37,000.00	PREMIUM TAX SALE CERT
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Total Other Trust I 37,000.00

OTHER TRUST II

BALDI & MAROTTA ESQ	5210	300.00	JULY PUBLIC DEFENDER
HAWTHORNE PROJECT GRADUATION C	5211	1,000.00	PROJECT GRADUATION
MUNICIPAL RECORD SERVICE	5212	345.00	TRAFFIC TICKETS
ROBERT ROTHMAN	5213	158,346.14	REDEEM TAX SALE CERT
ANTHONY BUONAURO	5214	3,000.00	BAND SHELL CONCERT 7.28.16

Total Other Trust II 162,991.14

WATER CAPITAL

HAWTHORNE PRESS INC	1100	26.52	LEGAL NOTICES
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Total Water Capital 26.52

WATER OPERATING

ACTION DATA SERVICES	10647	153.58	PAYROLL PR#14 7/8/16
AGRA ENVIRONMENTAL SVC	10648	2,812.50	MONTHLY LICENSED FEE
ALPINE PAINTING & SANDBLASTING	10649	26,950.00	PAINT AERATION TOWER #1
AP CERTIFIED TEST	10650	821.00	WATER DEPT SUPPLIES
AQUARIUS IRRIGATION SUPPLY,INC	10651	10.61	ENCUMBER - VARIOUS DEPTS.
A-VAN ELECTRICAL	10652	47.85	MISC.PARTS&SUPPLIES
CABLEVISION STRATFORD	10653	89.90	BLANKET - CABLE SERVICES
CANON SOLUTIONS AMERICA INC	10654	12.16	MAINTENANCE COPIER
CANON FINANCIAL SVCS INC	10655	43.00	DPW LEASE COPIER
DELL GARDEN CENTER	10656	8,374.46	48" WRIGHT STANDER SVRC
FOLEY POWER SYSTEMS INC	10657	2,783.72	GENERATOR SUPPORT
HAWTHORNE AUTO LAB	10658	134.50	VEHICLE MAINT.
HENRY'S PLUMBING & HEATING INC	10659	276.49	MISC. SUPPLIES
IMPAC FLEET INC.	10660	1,097.50	GASOLINE BORO VEHCL
MJP WELDING AND FABRICATION	10661	11,940.00	REPL FLOOR AERATION TOWER
MONTONE REMOD & CONS CO, INC	10662	400.00	LINCOLN & REA CONCR SLABS
MORRIS COUNTY MUNI JT INS FUND	10663	104,800.00	2ND 2016 MUNICIAPAL INS
ONE CALL CONCEPTS, INC.	10664	191.25	ENCUMBER - MARKOUTS 2016
PAETEC	10665	448.39	SVC TO 7/10/16 ACT 5494017
PASCACK DATA SERVICES	10666	608.00	JULY 16 IT SERVICE
PRECISION ELECTRIC MOTOR WORKS	10667	23,890.00	EMERG REPL PUMP WELL #6
PROCOPY INC	10668	114.50	MAINT 8/12/16-8/11/17
PUBLIC SERV ELEC & GAS	10669	37,849.59	ELEC&GAS SVC MAY 2016
RUTGERS - CENTER FOR GOV'T SER	10670	433.50	MUN CURRNT FUND ACT 1 & 2
SHOTMEYER BROS FUEL CO	10671	434.75	DIESEL FUEL
TANIS HARDWARE	10672	139.70	MISC. SUPPLIES
TREASURER, STATE OF NJ	10673	1,580.00	2016 NJ SAFE DRINKING WATER
VERIZON WIRELESS (N)	10674	285.79	MAY PHONE SERVICE...838
VERIZON	10675	617.22	BOROUGH SVC 7/1-7/31/16
HORIZON BLUE CROSS BLUE SHIELD	10676	50,000.00	AUGUST HEALTH BENEFITS

Total Water Operating 277,339.96

Council President Bertollo entertained a motion to approve the bill list as amended and forward them to the Treasurer for payment, moved by Council Vice President Matthews, seconded by Councilman Sinning. On roll call, all voted yes, with the exception of Councilman Lane who abstained from bills pertaining to the Ambulance Corps and Fire Department, Councilman Wojtecki who abstained from the fire department and Council President Bertollo who abstained from Downes Tree Service. Motion carried.

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 address.

Ella Snyder 16 Valley Street.

She would like to know when the street sweeping sign will be installed on her street. If possible she would like it in front of her house. She also asked when the yellow curbs will be painted on Braen Ave especially the corners at Valley Street. Engineer Boswell responded that is on the punch list for Braen Ave.

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

ADJOURNMENT

At 8:18p.m. Council President Bertollo entertained a motion to adjourn the regular meeting, moved by Council Vice President Matthews, seconded by Councilman Wojtecki. On roll call all voted yes, motion carried.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL IS SCHEDULED FOR
WEDNESDAY, AUGUST 17, 2016

THE WORK SESSION WILL BEGIN AT 7:00 PM, WITH
THE REGULAR MEETING IMMEDIATELY FOLLOWING

Persons with disabilities which require aides such as: sign language interpreter, telecommunications, braille, tapes or large print, should notify the Borough Clerk's office ten days prior to attendance at a meeting so accommodations may be made. Thank you.

John N. Bertollo, Council President

Lori DiBella, RMC, Borough Clerk