

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 7:03 p.m. in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

| | |
|--------------------------------------|------------------------|
| Mayor..... | Richard S. Goldberg |
| Council President..... | John N. Bertollo |
| Council Vice President | Frank E. Matthews |
| Councilman..... | Bruce Bennett |
| Councilman..... | John Lane |
| Councilman..... | Joseph Wojtecki |
| Councilman..... | Dominic Mele |
| 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 |

FLAG SALUTE

Council President Bertollo invited all present to join him in the Pledge of Allegiance. Council President asked that everyone remain standing for a moment of silence for long-time resident John Piepoli and for Richard McAuliffe, our Police Chief's father who passed away today.

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.

Council President reported the Council has decided to eliminate work sessions for the remainder of the year. The regular meetings will now begin at 7pm.

APPROVAL OF MINUTES:

Approval of Bid Minutes of September 8th for the Purchase of Diesel Fuel; moved by Councilman Sinning, seconded by Councilmen Lane. On roll call, all voted yes; 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 Lane. On roll call all voted yes; motion carried.

Presentation:

2016 Building Futures Municipality Award

Plaque presented to Mayor Goldberg from Jerrold Binney, President & CEO of Children's Aid & Family Services, Sarah Strauss, Head of the Developmental Staff and Valerie Barnes, House Manager.

ADOPTION OF ORDINANCES: None.

OLD BUSINESS:

Councilman Wojtecki asked for an update on Congress Textiles. He stated there are various vehicles as well as debris at the site. Administrator Maurer responded he will send code enforcement to revisit the location. Councilman also mentioned residents in the area are talking about starting a petition in regards to this property. One resident came to borough hall to file a complaint and was not happy with the response from that staff member they spoke with. Administrator Maurer replied he would speak with the employee. Councilman Wojtecki stated PSE&G removed the plate near 162 Cedar Ave but did not clean up the debris. Council President Bertollo responded PSE&G was in town today and that it may be cleaned up now. Councilman Wojtecki added Lafayette Ave has all new mark-outs where they had just completed work. A conversation followed as to the work that had already been done and what they might be doing now.

Councilman Lane stated that the International Property Maintenance Code is very strict and the items mentioned by Councilman Wojtecki fall under that code. Administrator Maurer stated they will revisit the site with code enforcement. Council Vice President Matthews asked about Pan Chemical and the ongoing condition of the building and property. Mayor Goldberg responded they are being issued summons' weekly. A conversation followed in regards to what the borough can do and possibly billing the owner. Attorney Pasquale stated notice was received that the DEP cleanup is proceeding, and minor work is being done at the site. He will speak with Administrator Maurer regarding what the previous owner is responsible for. Council President Bertollo asked what happened at court with Pan Chemical; Administrator Maurer responded he would find out and advise council.

NEW BUSINESS:

NB-1 Approval of Wholesale Used Car License at 218 Wagaraw Rd.

Council President Bertollo invited Abdelkarim Dandis to speak regarding his plans for the property. Mr. Dandis stated he will be only be selling vehicles at wholesale. Council confirmed cars would be within the fenced area and the trailer will stay as the office. Council Vice President Matthews added Mr. Dandis came before the Planning Board where stipulations were put in place in regards to how many cars are allowed on the lot. He has a retail business on Route 20 and this location is more likely for storage. There will be no retail sales and no repairs at this location. Council President Bertollo entertained a motion to approve NB-1; moved by Councilman Mele, seconded by Councilman Wojtecki. On roll call, all voted yes; motion carried.

Councilman Wojtecki stated there is a tree at Little Franklin Field covered in moss and may need to be removed. Administrator Maurer stated he would have someone look at it.

Councilman Lane stated he has received concerns from residents at 66 & 77 Elberon Ave regarding two trees that need to come down. Councilman Wojtecki stated those trees were on the list to come down when Elberon was part of the Road program for this year. Administrator Maurer added if Elberon Ave isn't going to be done for a year or two we should have those trees removed sooner.

ADMINISTRATIVE AGENDA PRESENTED BY MAYOR GOLDBERG:

Mayor Goldberg thanked the attendees of the 9/11 service, Senator Bramnick for his kind words and to all the first responders who came that evening. The Community Garden has donated its excess vegetables to the Hawthorne Food Pantry, and 3 families enjoyed fresh vegetables this year! Congratulations to the Community Garden for their community spirit and helping to feed the needy in town. Reminder Hawthorne Day is this Saturday, the 24th. Please join us for a great day of music, food, fireworks, vendors, rides for the kids, petting zoo, Rizzo's Reptiles, paintball and laser tag. Please see our website for more information. DVRT will hold its annual Candlelight Vigil next Wednesday, the 28th, at 5:15 pm in the parking lot of Borough Hall. This is a yearly event where we recognize the work of our Domestic Violence Response Team. Taste of Hawthorne will be Tuesday, October 4 at Macaulso's from 6:30 pm – 9:30 pm. Tickets are available for \$35 before the event and available at Hawthorne Day; after that tickets are \$45. Tickets can also be purchased at The Boys and Girls Club, Diamond Liquors and The Hawthorne Press.

PROCLAMATION:

Presented to Police Chief McAuliffe

Prescription Opioid and Heroin Epidemic Awareness Week of September 18 – 24, 2016

WHEREAS, each year more Americans die from drug overdoses than in traffic accidents, and more than three out of five of these deaths involve an opioid; and

WHEREAS, since 1999 the number of overdose deaths involving opioids, including prescription opioid pain relievers, heroin and fentanyl, has nearly quadrupled; and

WHEREAS, many people who die from an overdoses struggle with an opioid use disorder or other substance use disorder, and due to misconceptions surrounding these disorders have contributed to harmful stigmas preventing individuals from seeking treatment; and

WHEREAS, during *Prescription Opioid and Heroin Epidemic Awareness Week* we acknowledge that addiction to prescription opioids or heroin is a disease that touches communities and strains the capacity of law enforcement agencies and the health care system; and

WHEREAS, the Borough of Hawthorne remembers all those we have lost to opioid use disorder, we stand with the courageous individuals in their recovery, and we recognize the importance of raising awareness of this epidemic.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Hawthorne recognizes September 18 through September 24, 2016 as *Prescription Opioid and Heroin Epidemic Awareness Week*.

MAYOR'S APPOINTMENTS:

Council President Bertollo entertained a motion to appoint Richard McAuliffe as Coordinator of Emergency Management-Disaster Control of the Borough of Hawthorne, effective August 16, 2016; moved by Councilman Bennett, seconded by Council Vice President Matthews. On roll call, all voted yes; motion carried. Mayor Goldberg administered the Oath of Office.

REPORTS:

Attorney Michael Pasquale

Affordable Housing – The New Jersey Supreme Court has determined to hear argument regarding a ruling from the Appellate Division that there is no discreet obligation for municipalities to create affordable housing during the “gap period.” The Court stayed the ruling until it hears argument and has decided to do soon an expedited basis in light of the far reaching implications of the decision. In the interim, he and Borough Planning Consultant Joe Burgis, took part in a telephone conference with the Special Master, Christine Cofone, last week and plan on meeting with interested parties in the coming days to attempt to resolve affordable housing concerns in Hawthorne.

Vacant and Abandoned Properties – Walter Marston and Pete Vandervelde compiled an initial list of vacant and abandoned commercial properties, which will be our next area of focus. He will work with Lori and Vanessa on creating a protocol for sending notices to these property owners similar to the very successful program created for registering residential properties. Continued good work from everyone on this issue.

Tax Appeals – On tonight’s agenda is a settlement of another group of settled tax appeals. The Missonellie property is located a block away and is home to Pleasurable Piercings and a gym. Appeals are pending for 2012-2016. The Assessor, Mr. Henderson, lowered the assessment in 2015 in light of the rental market and as such the settlement covers 2012-2014 with no change in all later years. The total refund is \$7,000. The second settlement, Meadowbrook, is a 14,000 square foot warehouse on Fifth Avenue. It is assessed for \$602,700. The settlement proposed will reduce the assessment to \$550,000, resulting in a refund of \$11,500 and a small impact on our 2017 budget. This settles another 9 pending cases and we are very near settlements with three of our largest taxpayers, Mr. Thomas, the Shotmeyer family, and the Graham family, owners of Kohler. This represents another 75 individual cases, which will reduce our caseload to very few pending matters.

Bandshell – In his capacity as bandshell chairperson, Attorney Pasquale reported that the final event of the season was yet another success. Cubanoson featuring Papo Ortega, put on a great show. The Cuban Flavor Café sold Cuban food and drink to compliment the event. Those who did not make it this year missed out on some really good events and we are very excited about next season as planning is already underway. So join us in our second season.

Engineers Report, Dr. Stephen T. Boswell

DPW Building - Additional plan sets and information have been submitted to various sub-contractors as the contractor continues to negotiate this work.

2016 Road Program -Punch list items and remaining work will be reviewed with the contractor, Smith Sondy, on Thursday. Paving and striping have been completed.

2015 Road Resurfacing Program - Our office will be meeting with the contractor, DLS, this week to discuss the corrective work on Mountain Avenue.

Braen Avenue - No change. Final closeout documents were submitted to the NJDOT. The NJDOT has fully executed Final Change Order No. 1-A, which was a net reduction of \$52,075.67.

Well Contamination - Sampling by various parties provided both positive and negative results. Remediation efforts and monitoring are to continue for Well 4.

Streetscape Project - The State is waiting for additional documentation prior to the scheduling of the pre-construction meeting.

Water System Generators - The shop drawing submittal for the Mary Street generator has been approved. A copy of the submittal has been sent to the Building Dept. for permits. A schedule from PSE&G for the gas main installation has been requested.

Wagaraw Road Pump Station - There appears to be no interest from the five (5) contractors originally notified. Additional requests for quotes for the proposed improvements were submitted.

Passaic Avenue Sewer Lining - A schedule for the actual lining procedure has not been provided.

Rock Road Improvements - No award - No Transportation Trust Fund (TTF). We have a good price for it and it is ok to hold the price for more than 90 Days.

Water Storage Tank Painting - We have requested copies of the inspection reports associated with the Goffle Hill and Mary Street water storage tank videos, which have not been received.

89 Arlington - A Public Works Committee was held this evening and we are waiting for direction from the Borough. We suggested removing the existing tree roots from the road, first.

Boys and Girls Club - The curbs, sidewalks and handicap ramps were installed by the Boys and Girls Club at no cost to us.

Drinking Water – In reference to the report posted on the Borough website. Total chrome is a combination of both Trivalent and Hexavalent Chrome. Trivalent Chrome is necessary and Hexavalent Chrome is the one we want to avoid. Both are naturally occurring. The State of New Jersey has a standard which is 70 parts per billion. The current regulation by the EPA is 100 parts per billion as the limit you can have in drinking water. Our wells were tested and our range from .2-.7 parts per billion. A conversation followed.

Administrator Maurer –

The rating conference with Moody's for the upcoming bond sale was held Monday. He should have the results by tomorrow and the Bond Sale is scheduled for September 28th. We are one step away from the highest available rating. Regarding the Street Scape Program, the contractor has supplied the final item needed for the Department of Transportation which we forwarded to them this afternoon. On tonight's agenda is a resolution approving the employee handbook. Our Labor Attorney found some minor language changes that needed to be made. One of which is we will now prohibit supervisors from dating their employees. The demolitions for the buyout properties have been completed. This grant should be closed by October. Negotiations are still being made with Ridgewood in supplying them water. Revisions have been made which should be beneficial to both sides. We are rebidding our diesel fuel contract since we had no bidders. Today we received the best practices inventory questionnaire from the State. We file this every year and the score determines how much state aid we can receive. This year there are 30 questions instead of 50 and 22 must be correct to have the state funding not reduced. At 89 Arlington, we are going to see how we can get the water to flow without putting in a new storm drain. We are currently compiling a list of streets for the 2017 Road Program. At the request of the public works committee, Elberon Ave will be one of the streets we are looking at for this program. The list should be viewed as being completed over the next two to three road programs. He will review the list with council this week and then with Public Works department and before the winter.

Mayor Goldberg thanked Administrator Maurer and CFO Hewitt for all their work on the Moody's conference and bond sale.

Questions for the Administration

Councilman Sinning asked when Public Service will be finished with Warburton Ave. Mayor Goldberg responded he received a call from Public Service today thanking us for our patience on this project, and knows the residents have been inconvenienced by this but we are doing the project as a community service to them.

Council Vice President Matthews asked Administrator Maurer if he has an update on the Board of Adjustment approval of the public service project and the dates. Administrator Maurer responded there was discussion in the testimony but there was nothing in the resolution in terms of limitations. Our noise ordinance does limit certain activities on Sundays. It does not say you cannot work. The issue is they are not allowed to shut down the substation during high demand time so they have to do the work during the weekend. Council Vice President Matthews is concerned that the residents will not have a day of quiet without the continual noise this work makes.

Councilman Bennett asked the councilmen to review the list for the 2017 Road Program and advise if there are streets that need more immediate attention than others.

Councilman Lane asked for clarification on resolution R-190. Administrator Maurer responded the resolution states dating any subordinate employees is prohibited. He added the Mayor would like the ordinance committee to look at any nepotism policy to review with administration at a later date. Councilman Wojtecki asked how this affects personnel in volunteer organizations. Mayor Goldberg responded the Police Chief, Fire Chief and Ambulance Corps Chief will be included in the dating policy. Councilman Lane suggested Clerk DiBella contact other towns to see what their policies are.

Council President Bertollo asked if Well 4 is up and running. Engineer Boswell responded that it is and they will continue to monitor it.

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 Sinning, seconded by Councilman Bennett. On roll call, all voted yes, motion carried.

INTRODUCTION OF ORDINANCES: None

RESOLUTIONS...

CONSENT AGENDA: R 181-16 through R 190-16:

R 181-16 Introduced by Councilman Bennett

Borough of Hawthorne payroll dated September 16, 2016.

| | | | |
|---|------------|----|---------------|
| CURRENT FUND | WT 888889 | \$ | 297,069.31 |
| WATER OPERATING FUND | WT 888889 | \$ | 39,984.61 |
| OTHER TRUST II FUND | WT 888889 | \$ | 14,377.84 |
| GENERAL CAPITAL FUND | WT 888889 | \$ | - |
| DOG DEDICATED FUND | WT 888889 | \$ | - |
| | | | \$ 351,431.76 |
| TOTAL PAYROLL | | | |
| CURRENT FUND TO PAYROLL/FICA | WT 888889 | \$ | - |
| WATER OPERATING FUND TO PAYROLL/FICA | WT 888889 | \$ | 15,504.88 |
| | | | \$ 15,504.88 |
| | TOTAL FICA | \$ | |

R 182-16 Introduced by Councilman Bennett

WHEREAS, Hawthorne Day in the Borough of Hawthorne will take place this year on Saturday, September 24, 2016, and vendors that will be performing/participating in the event require payment immediately following.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to draw checks against the Other Trust II-Public Events Fund in the amounts, and for the vendors, listed below, and that these checks be distributed after their services have been performed, provided a federal W-9 form has been received.

| | |
|--------------------------------------|----------|
| Big Convention | 1,200.00 |
| William M. Mueller | 2,250.00 |
| Bergen County Firefighters Pipe Band | 1,500.00 |
| RTD Productions | 1,600.00 |

R 183-16 Introduced by Councilman Bennett

WHEREAS, the Borough of Hawthorne distributes school taxes to the Hawthorne Board of Education on a monthly basis; and

WHEREAS, the Hawthorne Board of Education has requested that these funds be transferred directly to their bank account in Columbia Bank, ABA# 221271935.

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 \$2,994,383.00 from the Current Fund and charged to School Taxes Payable for September 2016.

R 184-16 Introduced by Councilman Bennett

RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159), P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Borough of Hawthorne hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$5,000.00 which item is now available as revenue for the Emergency Management Grant Program.

SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS
Emergency Management Grant Program \$5,000.00
pursuant to the provision of the statute; and

SECTION 2

BE IT FURTHER RESOLVED, that a like sum of \$5,000.00 be and is hereby appropriated under the caption of:

OPERATIONS EXCLUDED FROM "CAPS"
PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUES
Emergency Management Grant Program \$5,000.00

SECTION 3

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Hawthorne from the State of New Jersey that were not available at the time of the adoption of the 2016 Budget and are now available by law.

R 185-16 Introduced by Councilman Bennett

RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159), P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount.

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Borough of Hawthorne hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$2,500.00 which item is now available as revenue for the Literacy Collection Development Grant Program.

SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS
Literacy Collection Development Grant Program - Library \$2,500.00
pursuant to the provision of the statute; and

SECTION 2

BE IT FURTHER RESOLVED, that a like sum of \$2,500.00 be and is hereby appropriated under the caption of:

OPERATIONS EXCLUDED FROM "CAPS"
PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUE
Literacy Collection Development Grant Program - Library \$2,500.00

SECTION 3

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Hawthorne from the State of New Jersey that were not available at the time of the adoption of the 2016 budget and are now available by law.

R 186-16 Introduced by Councilman Bennett

RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, Hawthorne Borough is a member of the Morris County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2016 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. Hawthorne Borough agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Governing Body shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

R 187-16 Introduced by Councilman Bennett

WHEREAS, the Borough of Hawthorne maintains and operates a sanitary sewer system with two grinders located at the main station known as Muffin Monsters, identified as MM1 and MM2, both installed in or about 1999; and

WHEREAS, both have experienced problems since installation requiring repair, replacement of major parts and rebuilding; and

WHEREAS, MM2 has now failed, leaving the main station with only one grinder which has been unreliable in operation and thereby represents a threat to the health and welfare of the citizens of the Borough or Hawthorne as two grinders are needed in times of high flow rate and one is needed at all times, all requiring emergency action; and

WHEREAS, the Borough, through its DPW, has identified an alternative to Muffin Monster, a Franklin Miller Taskmaster TM series, and has received a quotation from R & R Pump and Control Services, LLC, for purchase and installation on a 4 to 6 week turnaround; and

WHEREAS, the amount of the quotation is \$41,450, a sum slightly in excess of the bid threshold set forth in the Local Public Contracts Law of \$40,000, and in excess of the \$17,500 threshold set forth in the Pay to Play Law in effect in the State of New Jersey; and

WHEREAS, the said contractor, R & R Pump, has performed work on behalf of the Borough for its Water and Sewer Departments, is familiar with the operation of the system, and has a very good history of being responsive and professional in meeting needs of the Borough in times of similar emergency; and

WHEREAS, the Department of Public Works Director has advised that an emergency situation exists and the replacement of MM2 needs to be done on an urgent basis in order to preserve health, safety, welfare and property of residents of the Borough; and

WHEREAS, the Administration has found that the price quoted is fair and reasonable, that the contractor is fully capable of performing the work and that as the contractor can perform the work on an emergency basis; and

WHEREAS, the Administration has determined that the contractor has not made contributions in excess of the amount provided for in the Pay to Play Law and the Municipal Clerk has received from the contractor written verification pertaining to the same; and

WHEREAS, the Borough Attorney has rendered an opinion that given the sensitive nature of the work entailed and potential for significant consequence if not immediately addressed, there is a resultant public safety and health concern with time being a critical element in the undertaking and completion of the work in question, all warranting a deviation from the Local Public Contracts Law and the Pay to Play laws of the State of New Jersey and that the Borough may, as a result, enter into a contract with R & R Pump for performance of such work; and

WHEREAS, the Municipal Council, based upon the reports of the Administration and the Borough Attorney agrees that an emergency exists warranting an award of contract on an urgent basis; and

WHEREAS, the Chief Financial Officer has determined that funds sufficient to pay for the required work are available through the 2016 Municipal Budget of the Borough of Hawthorne;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that an emergency situation does exist and does therefore authorize the emergency award of purchase order or contract to:

R & R Pump & Control, LLC
P.O. Box 533
Franklin Lakes, NJ 07417

All in accordance with the quotation provided to the Borough dated September 13, 2016, and does authorize the Mayor and Clerk to execute and deliver such contract as and for the act of the Borough of Hawthorne.

R 188-16 Introduced by Councilman Bennett

WHEREAS, the Tax Assessor has recommended the settlement of real estate tax appeal cases now pending in the Tax Court of New Jersey, by adjustment of the assessment for the tax years in dispute for the properties listed below and the same appears to be fair and reasonable;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that the following settlement of cases pending in the Tax Court of New Jersey be, and hereby is, approved, and the Borough Attorney is hereby authorized and directed to execute a Stipulation of Settlement, and any other document necessary or appropriate to effectuate the same, in accordance with the memo submitted herewith and made a part hereof.

| <u>Property Owner</u> | <u>Property Address</u> | <u>Block and Lot</u> |
|-----------------------|-------------------------|----------------------|
| Missonellie | 417 Lafayette Avenue | Block 134, Lot 1 |
| Meadowbrook | 126 Fifth Avenue Rear | Block 174, Lot 28 |

R 189-16 Introduced by Councilman Bennett

WHEREAS, the Borough of Hawthorne has solicited bids for the installation of telecommunications equipment, specifically the erection of antennas and related equipment, by way of lease agreement, at the Longview Water Tank owned by the Borough of Hawthorne; and

WHEREAS, the bid solicitation followed an initial invitation to bidders that resulted in the execution of leases with Anova Technologies, Inc., Tatora, LLC, Apsara Networks, Inc., Verizon Wireless, and AAA North Jersey, all currently being tenants at the Longview Water Tank; and

WHEREAS, the current solicitation invited bidders to bid on remaining space located on the Longview Water Tank, again divided by sectors as depicted in the bid documents, for installation of antennas on the water tank as well as ground space on the premises and in an equipment shed with the bidder offering to pay the highest lease rate being afforded first opportunity to select the sector or sectors it desired to occupy, the bidder offering the second highest lease rate afforded second opportunity and so forth; and

WHEREAS, bids were received on July 27, 2016 with only one bid being received, that being a bid from Scientel Wireless, LLC; and

WHEREAS, the bid solicitation specifically afforded existing tenants an opportunity to file with the Borough objections to any bid submitted to the Borough within 10 days of the date bids were opened; and

WHEREAS, objections were received from two tenants, Anova and Apsara and Scientel thereafter responded to such objections; and

WHEREAS, the Administration, following review of the bid documents, objections of Anova and Apsara, and response of Scientel, by the Administrator and Attorney, has recommended the acceptance of the bid of Scientel Wireless and execution of a lease agreement for lease of the requested space;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it accepts the bid of the following vendor for location of antennas and related equipment on the Longview WaterTank:

Scientel Wireless, LLC
948 Springer Drive
Lombard, IL 60148

AND IT IS FURTHER RESOLVED, that the Council does authorize the Mayor and Clerk to execute and deliver a lease agreement consistent with the solicitation and subject to final approval by the Borough Attorney.

R 190-16 Introduced by Councilman Bennett

RESOLUTION ADOPTING PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, it is the policy of the Borough of Hawthorne to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council of the Borough of Hawthorne have determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hawthorne that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED, that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council of the Borough of Hawthorne.

BE IT FURTHER RESOLVED, that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED, that James Prusinowski of the firm Trimboli & Prusinowski LLC is hereby appointed as Employment Attorney to advise the borough in personnel matters.

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Borough Clerk and the Borough Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

Council President Bertollo entertained a motion to approve consent agenda resolutions R181-16 through R190-16 moved by Councilman Bennett, seconded by Councilman Mele. Mayor Goldberg added R182-16 for Hawthorne Day is being paid out of donations. Councilman Lane asked for clarification on an email that Administrator Maurer send regarding R190-16. Administrator Maurer responded they are changing the policy to state that it is at the discretion of Administration if the employee being discussed can sit in on the closed session. Attorney Pasquale added the point of closed session is to discuss a situation which may include other personnel. The RICE notice states you have the option to determine if your situation is discussed in public or behind closed doors. On roll call all voted yes; motion carried.

REPORTS OF SPECIAL COUNCIL COMMITTEES:

Councilman Wojtecki- The next Board of Education meeting is October 18th at 7pm. Homecoming game is October 14th at 7pm.

Council Vice President Matthews- Chamber of Commerce had their annual fishing derby on Saturday. Over 160 fish were caught and prizes were given for multiple categories. Thank you to Scully's Ice, The Boys and Girls Club and Mr. Cupcakes. Restaurant Week takes place Wednesday October 8-15 and kicks off Tuesday October 4 with A Taste of Hawthorne. Business card exchange is September 28 at Columbia Bank on Lafayette Ave from 5:30-7:30 pm. At the Planning Board's meeting resolutions were adopted and the Board recommended a letter be sent to the Council to change the height restriction and to codify the no parking stipulations in the downtown business area.

Councilman Bennett – Public Works Committee met on Monday all topics discussed have been stated already.

Councilman Mele – The new Welcome to Hawthorne signs should be installed in November.

Councilman Lane – Diagnostic Blood Health Fair is scheduled for 9/23 at Borough Hall from 7am-9am. Flu Shot clinic will also be on 9/23 at Borough Hall from 10am -12pm. He asked Administration if first responders may also receive flu shots that day.

CORRESPONDENCE: None.

BILLS:

| VENDOR | CHECK# | TOTAL | DESCRIPTION |
|--------------------------------|---------------|--------------|---------------------------|
| CURRENT FUND | | | |
| ACTION DATA SERVICES | 21219 | 458.70 | PAYROLL#18 9/2/16 |
| ALL HANDS FIRE EQUIPMENT | 21220 | 1,563.88 | EQUIPMENT - ENG 1 & 3 |
| AQUARIUS IRRIGATION SUPPLY,INC | 21221 | 221.55 | WATER TESTING POOL |
| BELMAR SPRING WATER COMPANY | 21222 | 31.52 | WATER RECY CENTER |
| BERNADETTE FLOWERS | 21223 | 30.00 | 3RD QTR TELEPHONE |
| BOSWELL ENGINEERING, INC | 21224 | 2,487.00 | ENGINEERING SVCS |
| BRAEN STONE INDUSTRIES, INC | 21225 | 114.40 | ROAD SUPPLIES |
| BRIAN WARNER | 21226 | 30.00 | 3RD QTR TELEPHONE |
| BURGIS ASSOCIATES, INC | 21227 | 2,963.75 | HOUSING/MASTER PLAN |
| CABLEVISION STRATFORD | 21228 | 628.35 | CABLE SERVICES |
| CAESARS ATLANTIC CITY | 21229 | 1,256.00 | 16 LEAGUE OF MUNICIPAL |
| CANON SOLUTIONS AMERICA INC | 21230 | 12.15 | MAINTENANCE COPIER |
| CARL MOTTOLA | 21231 | 44.55 | 8/16 MILEAGE |
| CHRIS DI BELLA | 21232 | 30.00 | 3RD QTR TELEPHONE |
| CMRS-FP | 21233 | 6,408.00 | POSTAGE METER |
| DANIEL TEDESCHI | 21234 | 10.00 | REIMB EYE GLASSES |
| DAVID MAHER | 21235 | 30.00 | 3RD QTR TELEPHONE |
| D & M TOURS, INC | 21236 | 9,433.00 | REC TRANS JUNE/JULY |
| EBF ENTERPRISES LLC | 21237 | 77.61 | SAFETY VESTS |
| ELEMENT FINANCIAL CORP | 21238 | 400.00 | COPIER MAINT OCT |
| ELLIOTT LEWIS CORP | 21239 | 2,342.75 | MAINT AGRMT 2016-2017 |
| FIBER INTERACTIVE LLC | 21240 | 293.75 | MEETINGS/911 EVENT |
| FIRE SAFETY SERVICES | 21241 | 2,268.62 | ENGINE 1 REPAIRS |
| FIRST MOUNTAIN ARBORICULT | 21242 | 650.00 | TREE INSPECTIONS |
| GAETA RECYCLING CO, INC. | 21243 | 8,250.00 | YARD WASTE/APRIL-OCT |
| GEIGER | 21244 | 406.00 | WATER BOTTLES |
| GODWIN TOOL & HARDWARE | 21245 | 35.95 | PARTS & SUPPLIES |
| HAWTHORNE AUTO LAB | 21246 | 493.11 | VEHICLE MAINT. |
| HENRY'S PLUMBING & HEATING INC | 21247 | 38.92 | MISC. SUPPLIES |
| HFD #1 | 21248 | 1,745.00 | 3RD QTR RENTAL CO #1 |
| HFD #2 | 21249 | 1,745.00 | 3RD QTR RENTAL CO #2 |
| HFD #3 | 21250 | 1,745.00 | 3RD QTR RENTAL CO #3 |
| HFD #4 | 21251 | 1,745.00 | 3RD QTR RENTAL CO #4 |
| HFD #5 RESCUE | 21252 | 45.00 | 3RD QTR PHONE REIMB |
| HOME SUPPLY & LUMBER CO., INC. | 21253 | 10.17 | PARTS & SUPPLIES |
| IMPAC FLEET INC. | 21254 | 5,308.42 | GASOLINE |
| JERSEY ELEVATOR INC | 21255 | 100.00 | ELEVATOR BRAILLE TAGS |
| JOSEPH LONGO | 21256 | 30.00 | 3RD QTR PHONE REIMB |
| JOSEPH SPERANZA | 21257 | 30.00 | 3RD QTR PHONE REIMB |
| LORCO PETROLEUM SERVICES | 21258 | 105.00 | USED OIL DISPOSAL |
| MAIN POOL & CHEMICAL CO, INC | 21259 | 959.10 | POOL CHEMICALS /BI-WKL |
| MICHAEL J. PASQUALE, ESQ | 21260 | 7,082.50 | LEGAL SERVICES |
| NJLCA | 21261 | 185.00 | NJLCA ANNUAL DUES GEIER |
| NJLM EDUCATIONAL FOUNDATION | 21262 | 1,265.00 | BADGES LEAGUE CONVENT |
| NJ SPORTS & EXPOSITION AUTH | 21263 | 1,672.45 | 2016 DUMPING FEES |
| NORTH JERSEY MEDIA GROUP INC | 21264 | 83.16 | PUBLIC NOTICES |
| PAUL RAINEY | 21265 | 4.47 | REIMB EYE GLASSES |
| PENGUIN MANAGEMENT, INC | 21266 | 828.00 | EDISPATCH - JUNE/DEC 2016 |
| PETER VAN DER VELDE | 21267 | 30.00 | 3RD QTR PHONE REIMB |
| PETE TERRIZZI | 21268 | 200.00 | CUT GRASS/DEBRIS 242 REA |
| PINNACLE | 21269 | 6,658.00 | DIPOLE ANTENNAS |

| | | | |
|------------------------------|-------|-------------------|---------------------------|
| PRINTMASTERS | 21270 | 690.00 | WARN TAGS |
| PSE&G | 21271 | 26,307.61 | JULY SERVICES |
| RESORTS CASINO HOTEL | 21272 | 158.00 | NJSLOM WOJTECKI BKG 43625 |
| RICOH AMERICAS CORPORATION | 21273 | 14.86 | B&W & COLOR COPIES |
| ROBERT POLITO LANDSCAPING | 21274 | 150.00 | CLEAN PROP 20 TAYLOR AVE |
| ROOSEVELT SCHOOL PTO | 21275 | 180.00 | REFUND RAFFLE LIC 1167 |
| SHOTMEYER BROS FUEL CO | 21276 | 2,378.67 | BOROUGH DIESEL FUEL |
| STAPLES | 21277 | 638.56 | POOL OFFICE PRINTER INK |
| SUPLEE, CLOONEY & COMPANY | 21278 | 27,800.00 | AUDIT, AFS & ADS SERVICE |
| THOMAS ZACONIE | 21279 | 85.25 | AUGUST 2016 MILEAGE |
| TIRE MANAGEMENT, LLC | 21280 | 225.00 | TIRE RECYCLING |
| TROPICANA CASINO HOTEL | 21281 | 729.00 | NJSLM HOTEL ROOMS |
| TYCO ANIMAL CONTROL SERVICES | 21282 | 4,960.00 | JULY 2016 & EMERG'S |
| US MUNICIPAL SUPPLY, INC. | 21283 | 60.26 | R-11 PARTS |
| VALIC | 21284 | 4,556.16 | REIM FUNDS LOSAP |
| VERIZON WIRELESS (N) | 21285 | 995.28 | WATER/DPW 9/3-10/2/16 |
| VERIZON | 21286 | 173.50 | 8-9/16 LONG DISTANCE |
| VITAL COMMUNICATIONS, INC. | 21287 | 585.00 | 9/16 ONLINE MAINT |
| WAGNER TOURS, INC | 21288 | 775.00 | SENIORS FREEHOLD |
| WASTE MANAGEMENT OF NJ | 21289 | 37,997.17 | AUG 2016 GARBAGE TRFSR |
| Total Current | | 182,045.15 | |

DOG DEDICATED

| | | | |
|-------------------------|------|-------|--------------------|
| NJ DEPARTMENT OF HEALTH | 6160 | 51.60 | LICENSES 1270-1286 |
|-------------------------|------|-------|--------------------|

Total Dog Dedicated 51.60

GENERAL CAPITAL

| | | | |
|--------------------------|------|-----------|------------------------|
| BOSWELL ENGINEERING, INC | 3512 | 26,001.62 | 2016 ROAD PROGRAM |
| REDA LUSCOMBE | 3513 | 605.59 | RELOC 3-11 PASSAIC AVE |

Total General Capital 26,607.21

OTHER TRUST I

| | | | |
|--------------------------|------|--------|---------------------|
| BOSWELL ENGINEERING, INC | 7078 | 190.00 | ENGINR ANTEN/APSARA |
|--------------------------|------|--------|---------------------|

Total Other Trust I 190.00

OTHER TRUST II

| | | | |
|----------------------------|------|----------|--------------------|
| BERGEN COUNTY FIREFIGHTERS | 5225 | 0 | HAWTHORNE DAY VOID |
| BIG CONVENTION | 5226 | 1,200.00 | HAWTHORNE DAY ENT |
| PACE GLASS, INC | 5227 | 919.45 | GLASS RECYCLING |
| RTD PRODUCTIONS | 5228 | 1,600.00 | HAWTHORNE DAY ENT |
| TONY PANIERINO | 5229 | 1,000.00 | HAWTHORNE DAY ENT |
| WILLIAM M MUELLER | 5230 | 2,250.00 | HAWTHORNE DAY ENT |
| BERGEN COUNTY FIREFIGHTERS | 5231 | 1,500.00 | HAWTHORNE DAY ENT |

Total Other Trust II 8,469.45

WATER CAPITAL

| | | | |
|------------------------------|------|--------|----------------|
| NORTH JERSEY MEDIA GROUP INC | 1103 | 111.51 | PUBLIC NOTICES |
|------------------------------|------|--------|----------------|

Total Water Capital 111.51

WATER OPERATING

| | | | |
|--------------------------------|-------|----------|----------------------|
| ACTION DATA SERVICES | 10721 | 114.67 | PAYROLL#18 9/2/16 |
| AGRA ENVIRONMENTAL SVC | 10722 | 635.00 | MONTHLY LICENSED FEE |
| AQUARIUS IRRIGATION SUPPLY,INC | 10723 | 101.70 | WATER SUPPLIES |
| BOSWELL ENGINEERING, INC | 10724 | 1,912.50 | ENGINEERING SVCS |
| CABLEVISION STRATFORD | 10725 | 89.90 | CABLE SERVICES |
| CANON SOLUTIONS AMERICA INC | 10726 | 12.16 | MAINTENANCE COPIER |
| CMRS-FP | 10727 | 3,592.00 | POSTAGE METER |
| DAVID MAHER | 10728 | 100.00 | LIC W-1 SEWER C-2 |
| DELL GARDEN CENTER | 10729 | 100.00 | POOL SHOCK HYPOCHLOR |
| EBF ENTERPRISES LLC | 10730 | 51.27 | SAFETY VESTS |
| GODWIN TOOL & HARDWARE | 10731 | 9.17 | PARTS & SUPPLIES |

| | | | |
|--------------------------------|-------|------------------|--------------------------|
| HAWTHORNE AUTO LAB | 10732 | 444.52 | VEHICLE MAINT. |
| HENRY'S PLUMBING & HEATING INC | 10733 | 71.52 | MISC. SUPPLIES |
| IMPAC FLEET INC. | 10734 | 976.51 | GASOLINE |
| JAMES SODER | 10735 | 120.00 | LIC T-1 TEST T-1 |
| ONE CALL CONCEPTS, INC. | 10736 | 133.75 | MARKOUTS 2016 |
| P & A AUTO PARTS, INC | 10737 | 335.28 | BATTERIES GENER |
| PASSAIC CO ROAD DEPT | 10738 | 400.00 | RD OPEN594 LINCOLN AVE |
| PSE&G | 10739 | 47,838.61 | JULY 16 |
| RONNIE GONZALEZ | 10740 | 100.00 | LIC T-2 , WATER LIC W-2 |
| SHOTMEYER BROS FUEL CO | 10741 | 181.80 | BOROUGH DIESEL FUEL |
| STAPLES | 10742 | 78.82 | OFFICE SUPPLIES FOR DPW |
| SUPLEE, CLOONEY & COMPANY | 10743 | 3,600.00 | AUDIT, AFS & ADS SERVICE |
| TREASURER, STATE OF NJ | 10744 | 1,267.00 | RENEW FEE 1/7/17-1/6/22 |
| VERIZON WIRELESS (N) | 10745 | 285.81 | WATER/DPW 9/3-10/2/16 |
| Total Water Operating | | 62,551.99 | |

Total Bill List **280,026.91**

Council President Bertollo entertained a motion to approve the bill list as amended and forward them to the Treasurer for payment, moved by Councilman Mele, seconded by Councilman Bennett. 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.

Michael Starcev, 32 Mountain Ave

Resident would like to be able to hunt on his property and he asked that the Council amend the ordinance that is currently prohibiting him to do so. Council President Bertollo responded he will recommend that the Public Safety Committee review the ordinance with the Council and Administration.

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 Councilman Lane, seconded by Councilman Sinning. On roll call all voted yes, motion carried.

ADJOURNMENT

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

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL IS SCHEDULED FOR

WEDNESDAY, OCTOBER 5, 2016

THE REGULAR MEETING WILL BEGIN AT 7:00 PM

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