

February 6, 2008
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:17 p.m., in the Auditorium of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bennett, Bertollo, Goldberg, Sinning, Wojtecki, and Matthews. Councilperson English was absent. Also present were Mayor Botbyl, Borough Administrator Maurer, Borough Engineer Boswell, Borough Attorney Pasquale, Director of Revenue and Finance Hewitt, and Borough Clerk Mele.

FLAG SALUTE

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

STATEMENT

Council President Goldberg stated adequate notice of this meeting had been provided by the Annual Schedule of regular meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, mailed to the Hawthorne Press, Gazette, Record and Herald & News, and all such persons who have requested the mailing of such schedule, and a copy of said schedule has remained on file in the office of the Borough Clerk from and since December 21, 2007.

APPROVAL OF MINUTES

Council President Goldberg entertained a motion to approve the minutes of the Regular and Closed Session Meetings of January 16, 2008, and the Special Meeting of January 28, 2008, moved by Councilman Wojtecki, seconded by Councilman Matthews. On roll call all voted yes.

PUBLIC COMMENT

Council President Goldberg opened the meeting to the public. He stated if anyone desired to be heard, please raise your hand to be recognized, come forward to the microphone and state your name and address. He stipulated this was for agenda items only.

Diego Cruz, 40 New York Avenue, thanked the Mayor and Council for their efforts in helping to acquire the Kohler soccer field. Thanks were expressed to Councilman Bertollo for the many hours he spent in trying to bring this deal to fruition.

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

Council President Goldberg stated he will now turn the meeting over to Mayor Botbyl for a few special presentations.

Mayor Botbyl stated he will be presenting awards to the winners of the 2008 Calendar Poster Contest sponsored by the Passaic County Clerks Association. The following students are the winners of the certificates of excellence: Daniel Cosini, Stephanie Singh and Sara Grant. A certificate of recognition was presented to all of the students of Thomas Jefferson Elementary School for their participation. Mrs. Zagatta accepted the certificate on behalf of the students.

Mrs. Zagatta said a few words on the Contest Program and the students who have participated in it. She explained the emphasis is on learning but in a fun way as well as an academic way.

Mayor Botbyl stated he will be presenting a Proclamation in celebration of the Eightieth Anniversary of the Rotary Club. The importance of volunteer organizations in the community was discussed. Fred Roughgarden was called forward to accept the proclamation on behalf of the Rotary.

Mayor Botbyl thanked the Rotary Club for all they do for the residents of the Borough of Hawthorne.

Mr. Roughgarden said a few words about the Rotary Club and its support of the community.

Mayor Botbyl stated volunteering ones' time is a very rewarding part of our life and a necessity here in the Borough of Hawthorne. He stated we have many wonderful volunteer organizations in town. Thanks were expressed to all those who give of their time by volunteering for various causes.

Mayor Botbyl turned the meeting back to Council President Goldberg.

ADOPTION OF ORDINANCES

Ordinance No. 1922-08 for Adoption

AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY.

Public Hearing

Council President Goldberg opened the meeting to the public. If anyone desires to be heard regarding Ordinance No. 1922-08, please raise your hand to be recognized, come forward to the microphone and state your name and address.

(IF NO ONE DESIRES TO BE HEARD)

Council President Goldberg entertained a motion that the public hearing on Ordinance No. 1922-08 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law, moved by Councilman Matthews, seconded by Councilman Sinning. On roll call all voted yes.

Ordinance No. 1923-08 for Adoption

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 186 OF THE CODE OF THE BOROUGH OF HAWTHORNE, STREETS AND SIDEWALKS, ARTICLE V, SNOW AND ICE REMOVAL, SO AS TO SET FORTH THE AMOUNT OF THE FINE APPLICABLE TO FAILURE TO REMOVE SNOW AND ICE FOR A FIRST OFFENSE THEREOF SO AS TO MAKE PENALTIES THEREUNDER PAYABLE OFFENSES.

Public Hearing

Council President Goldberg opened the meeting to the public. If anyone desires to be heard regarding Ordinance

No. 1923-08, please raise your hand to be recognized, come forward to the microphone and state your name and address.

(IF NO ONE DESIRES TO BE HEARD)

Council President Goldberg entertained a motion that the public hearing on Ordinance No. 1923-08 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law, moved by Councilman Wojtecki, seconded by Councilman Bennett.

Council President Goldberg clarified this now allows people to pay their fines at the window or by mail rather than having to appear in court.

On roll call all voted yes.

OLD BUSINESS

Councilman Wojtecki stated he had been contacted by a resident of Brookside Avenue with concerns over further loss of portions of his property by the County Project to be done. Question arose if the work could be done in sections in attempts to preserve some of the homeowners property.

Engineer Boswell stated the County had contacted the residents of the area offering three different choices to which no one has responded. The County has decided they will do the work only on the property they own and not on any of the private property along the brook.

Discussion continued.

NEW BUSINESS

Councilman Wojtecki congratulated Councilman Bertollo for all his time and effort in bringing about the agreement for the Kohler soccer field. Thanks were also expressed to Mayor Botbyl for his efforts.

Councilman Bertollo announced he and his wife are the proud grandparents of their first grandchild, Mason, who was born on January 18th. Mason weighed in at nine pounds and was twenty inches long. Proud parents are Danielle and Travis.

Councilman Wojtecki stated he was informed that some of the parents from Washington School had decided to keep their children home from school on Election Day feeling it was unsafe for them to be in school with residents coming in and out. Question arose as to what could be done to insure the safety of the students.

Borough Clerk Mele explained the Borough is very limited as to the buildings that can be utilized for voting purposes. It was explained there are Special Police Officers in the schools to direct voters straight to the room for voting. If anyone wished to enter the school they were directed to leave the building and enter from the front by going to the office to sign in and announce the reason for their visit.

Discussion continued.

Council President Goldberg stated the issue of schools being closed on Election Days is a decision needed to be made by the Board of Education. The next meeting of the Board of Education is next Tuesday.

Further discussion ensued.

ADMINISTRATIVE AGENDA

Mayor Botbyl stated at the last meeting a direction was announced to be taken with regard to Thomas Row. He stated how uncomfortable it was to have to ask for the action to be taken.

Mayor Botbyl expressed his thanks to Councilman Bertollo and to Mr. Thomas' representation in bringing about a resolve to the issue. Council consideration for the approval of the Ordinance covering the easement of Thomas Row is asked for tonight.

Mayor Botbyl reported discussions have taken place with both the homeowners on Brockhuizen and the Highview at Hawthorne Association with regard to the safety issues on Brockhuizen Lane. Meetings will continue in an effort to bring this to resolve. An agreement on a direction to go

will hopefully be reached this month and presented shortly thereafter.

Mayor Botbyl reminded everyone to take pride in their community and spoke about Quality of Life issues. He stated people carelessly litter, throw cigarettes into the streets or on sidewalks creating an untidy appearance to the town.

He stated Administration has had letters sent to the businesses in town encouraging them to clean up after their patrons if they have outdoor smoking areas or garbage receptacles. Residents were urged to realize their responsibility in not creating the litter to start. The police will be stepping up enforcement of litter violations as part of the effort to clean up our town.

Mayor Botbyl called upon Administrator Maurer for his report.

Administrator Maurer reported on the following:

The State DOT have installed the lights on the footbridge over Route 208.

The Van Winkle Avenue bridge paving has been acknowledged by the State Dot as needed. They are awaiting a cost estimate for review. After the review is completed it will go out for bid.

The DPW crew has installed a locking manhole cover on the manhole in front of Mr. Sargeant's home on Goffle Road.

An agreement has been reached to move forward on the Kohler soccer field. The subject will be discussed at the next Public Works Committee Meeting. Plans for the design will be provided shortly by Boswell.

Concern over drainage issues coming down off of North 12th Street have been forwarded to the Borough Engineer to look into.

Drainage issues on Brockhuizen Lane were addressed when a delivery truck knocked over a fire hydrant while attempting to make a delivery. Attempts to locate the truck are underway in hopes of recovering some of the repair costs.

Summonses are being issued to businesses in violation of the stepped up litter enforcement.

Discussions have taken place with the White Collar Union in attempts to settle their contract. They have a possible ratification vote set which should bring about a settlement.

Compliance Officer Jack Fannin is retiring as of March 31st. His last work day was January 31st. The position was advertised for and interviews were conducted. Jennifer Scully has been hired to fill the position.

That concludes Administrator Maurer's report.

Mayor Botbyl then called on CFO Hewitt for her report.

CFO Hewitt reported she is in the process of completing her reports for the budget.

She reported the books are closed.

The audit is in the process of being conducted.

The Treasury is in the middle of the tax quarter. Residents have until February 11th to pay their taxes. After that interest reverts back to the first of the year.

That concludes CFO Hewitt's report.

Mayor Botbyl then called on Borough Attorney Pasquale for his report.

Attorney Pasquale reported on the following:

Thanks were extended to Mayor Botbyl and Councilman Bertollo for their dedication in bringing to a resolve the Thomas ROW agreement. Thanks were expressed to Mr. Thomas for personally delivering the documents to the office.

Tax appeals continue to move along.

An updated report on 55 Westervelt Avenue was given. A plan for re-zoning will be presented at the next Council Meeting's Work Session by Joe Burgis. Further explanation continued. Residents of the area were encouraged to come to the presentation to see the proposed plans.

Mr. Burgis is compiling some information regarding the COAH obligations for the borough. Discussion continued on the subject of COAH requirements.

That concludes Attorney Pasquale's report.

Mayor Botbyl then called on Borough Engineer Boswell for his report.

Engineer Boswell reported on the following:

The 2007 Road Program has been completed and closed out at a cost of \$3,000 less than the contract amount.

The 2007 Local Aid Project on Brookside Avenue has been closed out at an increase of \$12,000, to be funded by the DOT.

A change order has been submitted for the repairs at the pool.

Preliminary plans have been submitted to Administrator Maurer for the swimming pool deck extension.

Letters were sent to the residents on Brookside Avenue regarding the Goffle Brook stabilization plan by the County.

Proposals for various levels of rehabilitation to Brockhuizen Lane have been submitted to Administration.

Reports of the smell of natural gas were investigated and unfounded at the manhole in front of Mr. Sargeant's house.

The proper way to clean and seal the municipal building are still being looked into. Plans and specs will be available in the next two weeks.

A site meeting was held today regarding the additional fencing at Lafayette Hills. It will be installed within the next two weeks.

The stop sign at the intersection of Goffle Road and the ramp from Route 208 has been replaced.

A proposal has been submitted for soil sampling and testing at the Kohler site if the Mayor and Council wish to assure themselves there are no issues with the soil.

Discussion continued on the soil placed on the site by Marbell.

A temporary solution has been reviewed for the drainage issues coming from North 12th Street. Explanation of the requirements for a permanent solution were discussed.

The NJ DOT has agreed to pay for the funding to repave the Van Winkle Avenue bridge. Thanks were expressed to Administrator Maurer for initiating contact with the DOT.

Proposals have been received from our supplier for the pumping stations. The numbers are being reviewed and will be ready for the Public Works Committee Meeting on Monday. Explanation of the proposals was given.

That concludes Engineer Boswell's report.

Council President Goldberg asked if there were any questions for Administration.

Councilman Matthews asked if there have been any discussions with Wyckoff regarding removing storm drainage off Hawthorne's culvert.

Administrator Maurer replied there have been no discussions as yet. Dates convenient for all involved are being checked into.

Councilman Wojtecki asked for an update concerning the company who had trimmed the trees near the municipal pool.

Attorney Pasquale stated the Shade Tree Commission issued summonses to the trimmer of those trees. Numerous meetings were held to reach a decision on how it would all be remediated. Some of the process cannot be done until warmer weather is here.

Discussion continued on the resolving of all these issues.

Councilman Wojtecki asked if the fee for cleaning up firing ranges was known? He stated he will be voting no on R-5 for shared health services with the City of Paterson. He

expressed his displeasure with the City of Paterson utilizing services from the Borough at no charge, while they charge other towns for everything.

Engineer Boswell stated the cost could vary greatly depending on the level of contamination on the range.

Discussion continued on lead contamination.

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

ORDINANCES AND RESOLUTIONS

Ordinance No. 1924-08 for Introduction

AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY

BE IT RESOLVED, that Ordinance No. 1924-08 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Governing Body in the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, on March 5, 2008, at 8:00 p.m., and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Hawthorne Press once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage, moved by Councilperson Matthews, seconded by Councilperson Bennett.

Council President Goldberg asked if there were any questions?

There were none.

On roll call all voted yes.

Ordinance No. 1925-08 for Introduction

AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY

BE IT RESOLVED, that Ordinance No. 1925-08 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Governing Body in the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, on March 5, 2008, at 8:00 p.m., and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Hawthorne Press once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage, moved by Councilperson Bennett, seconded by Councilperson Bertollo.

Council President Goldberg asked if there were any questions?

On roll call all voted yes.

Ordinance No. 1926-08 for Introduction

AN ORDINANCE ACCEPTING AN EASEMENT OVER AND UPON PRIVATE LANDS KNOWN AS THOMAS R.O.W. SOUTH

BE IT RESOLVED, that Ordinance No. 1926-08 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Governing Body in the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, on March 5, 2008, at 8:00 p.m., and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Hawthorne Press once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage, moved by Councilperson Bertollo, seconded by Councilperson Bennett.

Council President Goldberg explained the finalization of the agreement reached. Expressions of gratitude were voiced to all those involved in making the agreement happen.

Councilman Bertollo stated Mr. Thomas has been painted as the "bad guy" throughout the negotiations. It was clarified Mr. Thomas' concerns have always been the safety of the children.

Council President Goldberg asked if there were any questions?

There was nothing additional.

On roll call all voted yes.

R-1. Resolution, Introduced by Councilman Matthews

To ratify the actions of the Municipal Council of the borough of Hawthorne payroll dated January 18, 2008.

	Check #	
CURRENT ACCOUNT	51236	\$ 232,924.23
WATER ACCOUNT	14294	37,592.56
OTHER TRUST II/OFF DUTY	6397	16,897.74
TOTAL PAYROLL		\$ 287,414.53
CURRENT TO PAYROLL/FICA	51237	\$ 13,286.55
TOTAL FICA		\$ 13,286.55

To ratify the actions of the Municipal Council of the borough of Hawthorne payroll dated February 1, 2008.

	Check #	
CURRENT ACCOUNT	51239	\$ 233,777.86
WATER ACCOUNT	14295	40,431.89
OTHER TRUST II/OFF DUTY	6398	2,616.74
TOTAL PAYROLL		\$ 276,826.49
CURRENT TO PAYROLL/FICA	51237	\$ 13,567.52
TOTAL FICA		\$ 13,567.52

R-2. Resolution, Introduced by Councilman Matthews

WHEREAS: an Added Assessment was placed on Block 115 Lot 12 in the amount of \$53.38 in error, and

WHEREAS: a County Appeal Judgment has been received to remove the said assessment completely for the 4th quarter 2007 and the 1st and 2nd quarters of 2008,

NOW, THEREFORE, BE IT RESOLVED: by the Municipal Council of the Borough of Hawthorne that the Tax Collector be authorized to remove the 4th quarter 2007 in the amount of \$53.38, 1st quarter of 2008 in the amount of \$26.69 and 2nd quarter 2008 in the amount of \$26.69.

R-3. Resolution, Introduced by Councilman Matthews

WHEREAS, the Borough Attorney, Tax Assessor and Appraiser retained by the Borough of Hawthorne have recommended the settlement of a real estate tax appeal case now pending in the Tax Court of New Jersey, by adjustment of the assessment for the tax years in dispute, 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 settlement of cases pending in the Tax Court of New Jersey, as set forth on the schedule annexed hereto, 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.

R-4. Resolution, Introduced by Councilman Matthews

WHEREAS, an appeal was filed with the New Jersey State Tax Court for a reduction of the assessed value of property, and

WHEREAS, settlement was agreed upon for said reduction,

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 2007 in accordance with the state judgment as follows:

<u>Block/Lot</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
2007 15/2	\$1,050,000.	\$ 850,000.	\$200,000.	\$8,540.00
Michael A. Vespasian, Attorney Trust Account For Jacob Van Der Eems et al			337 Wagaraw Rd.	

R-5. Resolution, Introduced by Councilman Matthews

WHEREAS, the Borough of Hawthorne desires to enter into a contract with the City of Paterson for the furnishing of certain health services for July 2007 through June 2008, pursuant to N.J.S.A. 26:3A2-1 et seq. and N.J.S.A. 40:8A-1 et seq.; and

WHEREAS, such services have been satisfactorily provided by the City of Paterson in previous years.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Hawthorne shall enter into a contract for the provision of certain public health services, all as set forth in a contract for the same, which is on file with the Borough Clerk, the terms and provisions of which are hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk shall be and hereby are authorized and directed to execute said contract for and on behalf of the Borough of Hawthorne.

R-6 Resolution, Introduced by Councilman Matthews

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>Original Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
2006				
281/21	\$ 780,000.	\$ 650,000.	\$130,000.	\$2,317.00
Daniel G. Keough as Trustee for John Englehardt 102 Braen Avenue				
2007				
281/21	\$ 780,000.	\$ 650,000.	\$193,500.	\$3,265.45
Daniel G. Keough as Trustee for John Englehardt 102 Braen Avenue				

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 2006 and 2007 in accordance with the state judgment.

R-7 Resolution, Introduced by Councilman Matthews

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, and

WHEREAS, overpayment, if any, to which taxpayer is entitled will not be refunded but will be credited against future taxes to the extent of the refund exceeds \$3,000.00 for 2006 and \$5,000.00 for 2007 as follows:

<u>Block/Lot</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
2006				
281/21 102 Braen Avenue	\$ 780,000.	\$ 650,000.	\$130,000.	\$ 3,000.00
281/21 102 Braen Avenue	\$ 780,000.	\$ 586,500.	\$193,100.	\$ 5,000.00

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Tax Collector be authorized to apply the overpayment of taxes for 2006 and 2007 in the amount of \$8,000.00 in accordance with the State Judgment to the open taxes for 2nd quarter 2008 for account listed above.

R-8 Resolution, Introduced by Councilman Matthews

WHEREAS, a Plenary Retail Consumption License was issued to AMG Hawthorne, LLC t/a Alexis Steakhouse, 80 Wagaraw Road, Hawthorne, New Jersey, for the year ending June 30, 2008, by resolution passed by the Municipal Council June 20, 2007; and

WHEREAS, on January 4, 2008, Pesca, Inc. t/a Bottagra Restaurant, filed application for the transfer of said license, which application was complete in all respects and set forth the same matters and things with reference to themselves as are required to be set forth in an original application for license, all together with a fee of \$250.00 (10% of the annual license fee for person to person transfer), and arranged for notice of intention to apply for said transfer to be published; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that Plenary Retail Consumption License No. 1604-33-007-007 is transferred from AMG Hawthorne, LLC, to Pesca Inc. effective February 6, 2008

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to endorse upon the original license the above described transfer of the same, and to deliver said original license with endorsement to the transferee, upon receipt therefore being signed on a copy of said license by the licensee or their accredited agent; providing, however, the licensee shall demonstrate by receipt of other evidence of payment of the \$200.00 State License Fee.

R-9 Resolution, Introduced by Councilman Matthews

WHEREAS, the Borough of Hawthorne has entered into a long-term lease agreement whereby it was granted the right and opportunity to develop a recreation facility at the site known as Kohler Distributors on Wagaraw Road; and

WHEREAS, the Borough of Hawthorne previously approved a bond ordinance so as to allow for the construction of the recreational facility at the site, said ordinance being nevertheless contingent upon the ability to access the site through lands owned by PRT Realty and referred to as Thomas Road South; and

WHEREAS, through negotiation with the owner of the said private road, the Administration reached agreement granting the Borough a perpetual easement over, upon and through such private road for ingress purposes only, the Borough having previously reached agreement with the owner of the Kohler site in terms of egress from the site; and

WHEREAS, the Administration recommends the acceptance of the easement rather than continue with a taking of the road by way of eminent domain as the easement serves the purpose of the Borough, represents a negotiated compromise, while eminent domain does not, and is a far more efficient utilization of municipal resources;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Mayor and Clerk be authorized to execute the easement agreement in question.

Council President Goldberg entertained a motion to approve Resolutions R-1 - R-9, moved by Councilman Matthews, seconded by Councilman Bertollo.

Clarification was made to refer to the name as Thomas R.O.W. and not Thomas Road.

Councilman Bennett stated he agrees with the lack of reciprocation on shared services with the City of Paterson that Councilman Wojtecki has expressed. However, he states he will support R-5 on tonight's agenda as there is a need for the services that probably can't be funded in any other manner.

On roll call Councilpersons Bennett, Bertollo, Matthews, Sinning and Goldberg voted yes, Councilman Wojtecki voted no on R-5, but yes on all others.

REPORTS OF SPECIAL COUNCIL COMMITTEES:

Council President Goldberg stated the Ordinance Committee and the Fire Department had been unable to coordinate a meeting. A meeting will take place on Saturday, February 16th at 10:00 a.m. The information will then be brought to the Ordinance Committee for review. The meeting to be held will be a Public Safety Meeting.

Councilman Bertollo reported the Finance Committee had met this past Monday and will continue to meet each week until the budget is adopted. The budget books will be ready by next week for Council. The meetings with the boards/department heads will be scheduled shortly. The budget will be introduced in March.

The Commuter Parking Committee met recently to do some final tweaking of the ordinance. The amendment to the ordinance will be introduced shortly.

Councilman Bennett reported the Board of Health had met on January 17th. Dog licensing was continuing through the month. There was a fee increase this year. Anyone who has not yet registered their dog will face a \$15.00 penalty fee as well as the registration fee.

The new owners of the restaurant formerly known as the Alexis Steakhouse are renovating the building. The liquor license was approved on tonight's consent agenda. The next Board of Health Meeting is scheduled for March 20, 2008.

There will be a Public Works Committee Meeting on Monday following the Finance Committee Meeting.

Councilman Matthews reported the Ordinance Committee met to review the property design and redevelopment zone for 55 Westervelt Avenue.

The Planning Board will meet on February 19th for the conclusion of the major subdivision on Mazur Place. The redevelopment of the Wagaraw Road - Thomas R.O.W. will be coming to a conclusion as well.

The Chamber of Commerce extends thanks to all those who made their annual company of the year dinner such a success.

Councilman Sinning reported there will be a couple of new ordinances prepared for the next meeting. These will cover minor adjustments to existing ordinances.

Councilman Wojtecki reported the Shade Tree Commission had met last night.

The Environmental Commission will meet tomorrow night.

Councilman Wojtecki reported Mary Help of Christian will be hosting an evening of tasting at area restaurants in Hawthorne, Haledon and North Haledon. The date is February 23rd.

CORRESPONDENCE:

There was none.

MISCELLANEOUS:

There were none.

BILLS:

The following bills were presented for payment:

<u>Bill list</u>	<u>Current Fund</u>			
<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
01/17/08	PAYROLL ACCOUNT	51236	232924.23	DRUNK DRIVE ENFORCE A
01/17/08	PAYROLL ACCOUNT	51237	13286.55	SOCIAL SECURITY
Total Bill List:			246210.78	

<u>BILL LIST</u>	<u>Current</u>			
<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
01/28/08	PASSAIC VALLEY SEWER COM	51238	244044.36	PASSAIC VALLEY SEWER
Total Bill List:			244044.36	

<u>BILL LIST</u>	<u>Current</u>			
<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
01/31/08	PAYROLL ACCOUNT	51239	233777.86	CLEAN COMMUNITIES
01/31/08	PAYROLL ACCOUNT	51240	13567.52	SOCIAL SECURITY
Total Bill List:			247345.38	

Bill list

Current

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
02/06/08	A T & T	51241	41.93	TELEPHONE CHARGES
02/06/08	A-VAN ELECTRICAL	51242	244.77	PUB WORKS ADMIN O/E
02/06/08	AAA EMERGENCY SUPPLY CO	51243	217.50	FIRE DEPT O/E
02/06/08	AGL WELDING SUPPLY CO,	51244	248.30	STREETS & ROADS O/E
02/06/08	AMERICAN TEST CENTER	51245	1175.00	VEHICLE MAINT FIRE DEPT
02/06/08	ANJR	51246	120.00	RECYCLING PRO
02/06/08	BPMIA	51247	300.00	CONST CODE O/E
02/06/08	BRAEN STONE INDUSTRIES,	51248	111.80	STREETS & ROADS O/E
02/06/08	C & C TIRE CO, INC	51249	227.00	VEHICLE MAINT ROAD
02/06/08	CABLEVISION	51250	192.03	PUB WORKS ADMIN O/E
02/06/08	CARL MOTTOLA	51251	107.52	UNIFORM FIRE SAFETY O/E
02/06/08	CHIEF SUPPLY CORP.	51252	493.99	FIRE DEPT O/E
02/06/08	CINTAS CORP	51253	92.53	PUB WORKS ADMIN O/E
02/06/08	COLLEGIATE PACIFIC	51254	2608.84	LITTLE FRANK FLD
02/06/08	COUNTY OF PASSAIC	51255	87993.82	COUNTY TAX
02/06/08	COUNTY OF PASSAIC-OPEN	51256	1882.50	OPEN SPACE TAX
02/06/08	COUNTY WIDE UNIFORMS	51257	4039.90	POLICE DEPT O/E
02/06/08	DALLAS MIDWEST	51258	367.95	PUBLIC EVENTS O/E
02/06/08	DANIEL G KEOUGH AS	51259	5582.45	OPERATIONS
02/06/08	DELL COMPUTER CO	51260	2634.00	CONSTRUCTION CODE
02/06/08	DELL GARDEN CENTER	51261	1500.00	RECYCLING PRO
02/06/08	DELUXE INTERN'L TRUCKS,	51262	31.42	VEHICLE MAINT ROAD
02/06/08	DON'S AUTO REPAIR	51263	74.00	VEHICLE MAINT POLICE
02/06/08	DOWNES TREE SERVICE,	51264	2065.00	STREETS & ROADS O/E
02/06/08	DSP PRODUCTS, INC.	51265	132.89	STREETS & ROADS O/E
02/06/08	FIRST PRIORITY EMERGENCY	51266	1694.31	VEHICLE MAINT FIRE DEPT
02/06/08	GALLS, INC	51267	537.87	MUNICIPAL ALLIANCE
02/06/08	GENERAL PARTS GROUP, LLC	51268	189.32	VEHICLE MAINT ROAD
02/06/08	GILBEY'S EMBROIDERY CO	51269	100.00	POLICE DEPT O/E
02/06/08	GOFFCO INDUSTRIES, INC	51270	267.50	MUNI COURT
02/06/08	HAWTHORNE FIRE DEPT	51271	239.62	FIRE DEPT O/E
02/06/08	HAWTHORNE HARDWARE, INC	51272	172.66	STREETS & ROADS O/E
02/06/08	HAWTHORNE PRESS INC	51273	348.66	ACCOUNTS PAYABLE
02/06/08	HENRY'S PLUMBING &	51274	220.82	LITTLE FRANK FLD
02/06/08	HFD #2	51275	1400.00	FIRE DEPT O/E
02/06/08	HFD #3	51276	1400.00	FIRE DEPT O/E
02/06/08	HFD #4	51277	1400.00	FIRE DEPT O/E
02/06/08	HFD #5 RESCUE	51278	450.00	FIRE DEPT O/E
02/06/08	HOME SUPPLY & LUMBER	51279	14.23	STREETS & ROADS O/E

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
02/06/08	INTERNATIONAL	51280	120.00	POLICE DEPT O/E
02/06/08	INTERNATIONAL SALT CO	51281	17823.95	STREETS & ROADS O/E
02/06/08	K & K AUTO BODY COLL &	51282	200.00	VEHICLE MAINT ROAD
02/06/08	LANIGAN ASSOCIATES, INC.	51283	1434.00	BODY ARMOR A
02/06/08	LEGENDARY ENTERTAINMENT	51284	495.00	FIRE DEPT O/E
02/06/08	LERCH VINCI & HIGGINS	51285	600.00	FINANCIAL ADMIN O/E
02/06/08	LORRAINE POWELL	51286	364.22	MUNICIPAL ALLIANCE
02/06/08	LOUISE SIANO	51287	180.00	GROUP INSURANCE O/E
02/06/08	LUK OIL	51288	7108.05	BULK PURCHASE GASOLINE
02/06/08	LUSCHER'S AUTO INC	51289	8358.61	VEHICLE MAINT ROAD
02/06/08	M J HEWITT	51290	59.99	REVENUE COLLECTION O/E
02/06/08	MEMPHIS NET & TWINE CO	51291	3600.00	LITTLE FRANK FLD
02/06/08	METLIFE	51292	348.53	GROUP INSURANCE O/E
02/06/08	MIAMI SYSTEMS CORP	51293	58.30	MUNI COURT
02/06/08	MICHAEL A VESPASIAN	51294	8540.00	OPERATIONS
02/06/08	MOORE WALLACE NORTH	51295	133.16	BOARD OF HEALTH O/E
02/06/08	MR QUICK SIGNS	51296	255.00	PUB WORKS ADMIN O/E
02/06/08	MUNICIPAL CLERKS ASSOC	51297	100.00	MUNICIPAL CLERK O/E
02/06/08	NEW CONCEPT OFFICE	51298	437.46	MUNICIPAL CLERK O/E
02/06/08	NFPA	51299	198.20	CONST CODE O/E
02/06/08	NJ ASSOC OF CHIEFS OF	51300	200.00	POLICE DEPT O/E
02/06/08	NJ STATE LEAGUE	51301	1216.00	MUNICIPAL CLERK O/E
02/06/08	NJAES OFFICE CONTINUING	51302	1125.00	BOARD OF REC
02/06/08	NO JERSEY COURT ADMIN	51303	60.00	MUNI COURT
02/06/08	NO JERSEY MUNI EMPL BNFT	51304	157415.00	GROUP INSURANCE O/E
02/06/08	PASSAIC CNTY PROS OFFICE	51305	500.00	POLICE DEPT O/E
02/06/08	PASSAIC CTY POLICE	51306	100.00	POLICE DEPT O/E
02/06/08	PUBLIC SERV ELEC & GAS	51307	33064.48	ELECTRIC CHARGES
02/06/08	PUBLIC WORKS ASSOCIATION	51308	40.00	RECYCLING PRO O/E
02/06/08	R & J CONTROL, INC.	51309	432.25	PUB WORKS ADMIN O/E
02/06/08	REINER OVERHEAD DOORS	51310	300.00	STREETS & ROADS O/E
02/06/08	RICOH BUSINESS SYSTEMS,	51311	85.60	CONST CODE OFFICIAL O/E
02/06/08	RIDGEWOOD PRESS	51312	151.00	POLICE DEPT O/E
02/06/08	RIDGEWOOD TYPEWRITER	51313	2197.95	STREETS & ROADS O/E
02/06/08	RUTGERS - CENTER FOR	51314	360.50	FINANCIAL ADMIN O/E
02/06/08	SPORTS FIELD MAN ASSN OF	51315	50.00	MAINTEN OF PARKS
02/06/08	TCTA MEMBERSHIP SERVICES	51316	300.00	REVENUE COLLECTION O/E
02/06/08	TREASURER, STATE OF NJ	51317	85.00	BOARD OF HEALTH O/E
02/06/08	TWIN CTY JR WRESTING	51318	300.00	BOARD OF REC
02/06/08	VALLEY HEALTH MEDICAL	51319	110.00	STREETS & ROADS O/E
02/06/08	VAN DINE'S INC	51320	966.89	STREETS & ROADS O/E
02/06/08	VERIZON	51321	3833.65	TELEPHONE CHARGES

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
02/06/08	VERIZON WIRELESS (N)	51322	571.87	EMERGENCY MGMT O/E
02/06/08	VITAL COMMUNICATIONS,	51323	836.38	TAX ASSESSMENT O/E
02/06/08	WEIGHTS & MEASURES FUND	51324	50.00	BOARD OF HEALTH O/E
02/06/08	WORK'N GEAR, INC	51325	712.91	SEWER SYSTEM O/E
Total Bill List:			376399.08	

Bill List Water Operating Fund

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
01/17/08	PAYROLL ACCOUNT	14294	37592.56	WATER UTILITY S/W
Total Bill List:			37592.56	

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
01/31/08	PAYROLL ACCOUNT	14295	40431.89	WATER UTILITY S/W
Total Bill List:			40431.89	

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
02/06/08	A-VAN ELECTRICAL	14295	104.88	WATER UTILITY O/E
02/06/08	ACCURATE ANALYTICAL LABS	14297	1843.00	LAB TESTING WATER
02/06/08	BRAEN STONE INDUSTRIES,	14298	50.96	WATER UTILITY O/E
02/06/08	CABLEVISION	14299	49.95	WATER UTILITY O/E
02/06/08	EMERSON PROCESS	14300	6878.20	WATER UTILITY O/E
02/06/08	HAWTHORNE HARDWARE, INC	14301	100.65	WATER UTILITY O/E
02/06/08	HENRY'S PLUMBING &	14302	227.17	WATER UTILITY O/E
02/06/08	LOC PUMP & EQUIPMENT,	14303	440.00	WATER UTILITY O/E
02/06/08	LUK OIL	14304	1657.21	WATER UTILITY O/E
02/06/08	LUSCHER'S AUTO INC	14305	1858.72	WATER UTILITY O/E
02/06/08	ONE CALL SYSTEMS, INC.	14306	36.27	WATER UTILITY O/E
02/06/08	P & A AUTO PARTS, INC	14307	79.31	WATER UTILITY O/E
02/06/08	POST & KELLY ELECTRIC	14308	1415.00	WATER UTILITY O/E
02/06/08	PRINCETON NASSAU/CONOVER	14309	18119.00	WATER UTILITY O/E
02/06/08	PUBLIC SERV ELEC & GAS	14310	31696.11	WATER UTILITY O/E
02/06/08	PUBLIC WORKS ASSOCIATION	14311	50.00	WATER UTILITY O/E
02/06/08	RIDGEWOOD TYPEWRITER	14312	235.26	WATER UTILITY O/E
02/06/08	RUTGERS - CENTER FOR	14313	154.50	WATER UTILITY O/E
02/06/08	STATE OF NJ - PWT	14314	1644.81	WATER UTILITY O/E
02/06/08	USA BLUE BOOK INC	14315	85.95	WATER UTILITY O/E
02/06/08	VALLEY HEALTH MEDICAL	14316	165.00	WATER UTILITY O/E
02/06/08	VERIZON	14317	1109.60	WATER UTILITY O/E
Total Bill List:			68001.55	

Bill List General Capital Fund

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
02/06/08	BOSWELL ENGINEERING, INC	2445	15242.00	SEWER SLIP LINE
02/06/08	JOEL TANIS & SONS	2446	443.00	IMPROVEMENTS TO POO
Total Bill List:			15685.00	

Council President Goldberg entertained a motion to approve the bills, and refer them to the Treasurer for payment, moved by Councilman Bennett, seconded by Councilman Bertollo.

Council President Goldberg asked if there were any questions?

There were none.

On roll call all voted yes.

PUBLIC COMMENT:

Council President Goldberg opened the meeting to the public. If anyone desires to be heard, please raise your hand to be recognized, come forward to the microphone and state your name and address.

Miranda Jones, 309 Hawthorne Avenue, questioned why Hawthorne allows only eight hours to clear snow after a storm. She stated neighboring towns allow more time. Consideration by Council for a possible change was asked.

Ms. Jones commented on the dog licensing fees doubling. She asked if the increase means the town will now clean up the dog run area to make it a pleasant place to take your dog, rather than the mud pit it currently is.

Council President Goldberg clarified the dog run is run by the County. The Borough has no responsibility for the upkeep of it. The fees the Borough charges for its dog and cat licenses goes to pay the animal control officer. The State sets the maximum fee and the Borough is in line with those fees.

Administrator Maurer stated he would contact the County regarding the dog run.

Phil Speulda, 363 Diamond Bridge Avenue, asked for an update on the Pan Chemical property.

Attorney Pasquale stated NJ Transit is currently in negotiations with the owners of the Pan Chemical property. They are looking to create a park and ride facility. Further explanation on the removal of the buildings ensued.

Mr. Speulda asked if the Borough is paying insurance costs to cover the Thomas R.O.W. property. He voiced concerns over safety for children in the area. Question arose as to insurance coverage for the Kohler property as well.

Council President Goldberg stated the Borough will present a certificate of insurance to Mr. Thomas showing the borough has coverage in case something were to happen there. The same coverage would pertain to the Kohler parking lot and field. There are no additional costs involved.

Mr. Speulda asked if the Borough is compensated by Downes Tree Service for the use of property at the Recycling Center.

Administrator Maurer stated Downes Tree Service manages the Borough's leaf composting site as compensation for use of the site. Discussion continued.

James Dusenberry, 81 Roosevelt Avenue, commented on the Mayor's plan to clean up the borough. He asked if there was any way to include the clean up of the "sandwich" signs around town. He asked why some ordinances are enforced and others are not.

Council President Goldberg stated the questions are good valid ones that will be reviewed.

Mr. Dusenberry stated he hopes an answer is decided on soon.

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

CLOSED SESSION STATEMENT

Pursuant to N.J.S.A. 10:4-13 and Attorney General's Formal Opinion 29-1976, I move that the public be excluded from this portion of the meeting in order that the Council may discuss items of personnel and negotiation. Items to be discussed in the Closed Session can be disclosed to the public when a course of action is determined, or a decision has been reached.

Council President Goldberg entertained a motion to go into Closed Session, made by Councilperson Sinning, seconded by Councilperson Bertollo. On roll call all voted yes.

Council President Goldberg entertained a motion to go back into Open Session was made by Councilperson Wojtecki, seconded by Councilperson Matthews. On roll call all voted yes.

ADJOURNMENT:

Council President Goldberg entertained a motion to adjourn, moved by Councilman Bennett, seconded by Councilman Sinning. On roll call all voted yes.

Richard Goldberg
Council President

Jean Mele
Borough Clerk