

March 19, 2008
Hawthorne, NJ

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

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 19, 2007.

APPROVAL OF MINUTES

Council President Goldberg entertained a motion to approve the minutes of the Regular Meeting of March 5, 2008, and the receipt of bids for the improvements to the municipal pool and for the cleaning and sealing of the municipal building on March 11th, moved by Councilman Bennett, seconded by Councilman Bertollo. On roll call Councilpersons Bennett, Bertollo, Matthews, Sinning, Wojtecki and Goldberg voted yes, Councilperson English abstained.

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.

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

ADOPTION OF ORDINANCES

Ordinance No. 1927-08 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. 1927-08, 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. 1927-08 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. On roll call all voted yes.

Ordinance No. 1928-08 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. 1928-08, 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. 1928-08 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 Bennett. On roll call all voted yes.

Ordinance No. 1929-08 for Adoption

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 159, PROPERTY MAINTENANCE, OF THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO SET FORTH THE MAXIMUM HEIGHT FOR WEEDS

Public Hearing

Council President Goldberg opened the meeting to the public. If anyone desires to be heard regarding Ordinance No. 1929-08, 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. 1929-08 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 Councilwoman English, seconded by Councilman Sinning.

Councilman Matthews stated a resident had questioned him on the exact definition of what plant growth is versus weeds in the ordinance.

On roll call all voted yes.

Ordinance No. 1930-08 for Adoption

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 210 OF THE CODE OF THE BOROUGH OF HAWTHORNE VEHICLES AND TRAFFIC SO AS TO DESIGNATE A STOP INTERSECTION AT VICTOR PLACE AND FLORENCE AVENUE, FIRST AVENUE AND FLORENCE AND TO REVISE ARTICLE VIII, SCHEDULES, SO AS TO ADD THERETO THE SAID LOCATION.

Public Hearing

Council President Goldberg opened the meeting to the public. If anyone desires to be heard regarding Ordinance No. 1930-08, 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. 1930-08 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 Bennett, seconded by Councilwoman English. On roll call all voted yes.

Ordinance No. 1931-08 for Adoption

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 163 OF THE CODE OF THE BOROUGH OF HAWTHORNE, VEGETATIVE AND OTHER WASTE, SO AS TO SET FORTH THE AMOUNT OF THE FINE APPLICABLE TO A VIOLATION OF THE ORDINANCE FOR A FIRST OFFENSE THEREOF.

Public Hearing

Council President Goldberg opened the meeting to the public. If anyone desires to be heard regarding Ordinance No. 1931-08, 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. 1931-08 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 Matthews. On roll call all voted yes.

Ordinance No. 1932-08 for Adoption

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 194 (SWIMMING POOLS) OF THE MUNICIPAL CODE OF THE BOROUGH OF HAWTHORNE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY SO AS TO REDEFINE THE TERMS CHILD AND JUNIOR AS DEFINED THEREIN

Public Hearing

Council President Goldberg opened the meeting to the public. If anyone desires to be heard regarding Ordinance No. 1932-08, 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. 1932-08 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 Bertollo. On roll call all voted yes.

Ordinance No. 1933-08 for Adoption

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 8, DEPARTMENT OF PUBLIC WORKS, PARKS AND RECREATION, ARTICLE VI, DIVISION OF PARKS AND RECREATION, AND CHAPTER 95, FEES, OF THE CODE

OF THE BOROUGH OF HAWTHORNE SO AS TO SET FORTH A PROTOCOL FOR OPERATION OF THE SUMMER RECREATION PROGRAM INCLUDING PAYMENT OF FEES FOR ATTENDANCE

(Council President Goldberg stated the Public Hearing will be started tonight and then carried to the meeting of April 2, 2008. During this time Administration and the Council will negotiate some aspects of the Ordinance.)

Public Hearing

Council President Goldberg opened the meeting to the public. If anyone desires to be heard regarding Ordinance No. 1933-08, 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. 1933-08 be carried to the meeting of April 2, 2008, moved by Councilman Bertollo, seconded by Councilman Bennett. On roll call all voted yes.

OLD BUSINESS

There was none.

NEW BUSINESS

NB-1: Authorization to approve Used Car Lot Application for Hawthorne Auto Exchange (Wholesale Only) for an office to be used at M & P Foreign Used Cars II, Inc. 36-38 Lincoln Avenue, with his address to be now known as 36-38A Lincoln Avenue.

Council President Goldberg entertained a motion to approve the application, made by Councilman Wojtecki, seconded by Councilwoman English. On roll call all voted yes.

ADMINISTRATIVE AGENDA

Mayor Botbyl stated he has an MR-1:

MR-1: SUPPORTING THE CLICK IT OR TICKET MOBILIZATION AND AUTHORIZING THE FILING OF AN APPLICATION FOR A REIMBURSEMENT GRANT FROM THE NJ DIVISION OF HIGHWAY TRAFFIC SAFETY FOR THE "CLICK IT OR TICKET" PROGRAM

WHEREAS, the Borough of Hawthorne Police Department will apply for an Enforcement Grant from the Division of Highway Traffic Safety for the "Click It or Ticket" Seat Belt Campaign; and

WHEREAS, the State will award reimbursement grants in the amount of \$4000 to be utilized during the nationwide Click It or Ticket safety belt mobilization from May 19 to June 1, 2008, in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

WHEREAS, the grant will pay for police officers to work 80 (eighty) hours of overtime to enforce laws effecting the safety and welfare of the streets of the Borough of Hawthorne.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby declare support for the Click It or Ticket mobilization both locally and nationally from May 19 - June 1, 2008 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute a grant application, agreement and any other documents with the New Jersey Division of Highway Traffic Safety that may be required to accept and implement this grant.

Council President Goldberg entertained a motion to record MR-1:, made by Councilman Wojtecki, seconded by Councilwoman English. On roll call all voted yes.

Mayor Botbyl provided a report on a fundraiser scheduled for April 26th, sponsored by the local gym R.E.P.S. to raise funds to help Shane Ugliano with his rehabilitation costs from injuries sustained while in Iraq. It will be a bench press contest. The event will take place at the Hawthorne Boys and Girls Club along with a bake sale and a patriotic display.

Further information on this event will be posted on the Borough's website and on Channel 77.

Mayor Botbyl thanked Captain Vander Pyl and Lieutenant Carmen as they approach their retirement effective April 1,

2008, for their many years of service to the Borough of Hawthorne.

As a result of the recent retirements tonight a series of promotions will be made to fill the required structure in the Police Department.

Mayor Botbyl stated the required twenty day notice to Council had been given.

Council President Goldberg entertained a motion to record the promotion appointments, made by Councilman Bennett, seconded by Councilman Sinning. On roll call all voted yes.

Ptl. John Terry
114 Emeline Drive
Hawthorne, New Jersey
to Sergeant

Mayor Botbyl then administered the Oath of Office to Sgt. Terry.

Ptl. Mark Michalski
32 Minerva Avenue
Hawthorne, New Jersey
to Sergeant

Mayor Botbyl then administered the Oath of Office to Sgt. Michalski.

Sgt. William Feola
140 Emeline Drive
Hawthorne, New Jersey
to Lieutenant

Mayor Botbyl then administered the Oath of Office to Lt. Feola.

Sgt. Richard McAuliffe
14 Watchung Drive
Hawthorne, New Jersey
to Lieutenant

Mayor Botbyl then administered the Oath of Office to Lt. McAuliffe.

Lt. Gary Nelson
10 Annette Avenue
Hawthorne, New Jersey
to Captain

Mayor Botbyl then administered the Oath of Office to Captain Nelson.

(Council took a break from 8:28 p.m. - 8:38 p.m.)

Mayor Botbyl called upon Administrator Maurer for his report.

Administrator Maurer reported on the following:

A report was given on the March 9th storm and the number of downed trees throughout the Borough.

An update on how Little Falls handles flood mitigation was provided as requested by Council.

A meeting has been scheduled for April 3rd at 2:30 P.M. with Senator Girgenti to discuss the budget cuts imposed by the State and the impact on the municipality.

A meeting will be scheduled shortly with Wyckoff's Mayor to discuss flooding issues and the water tower issue.

A meeting is scheduled for next week with the NY Susquehanna Railroad, the Police Department and the County to discuss the Diamond Bridge Avenue railroad crossing.

Supervisory training is underway. The first session took place last evening and the second is scheduled for next week. This training is a requirement under the JIF.

Work is progressing on the employee personnel rules which will be brought to Council Committee for review shortly. It is hoped these rules will be adopted at the second meeting in April.

That concludes Administrator Maurer's report.

Mayor Botbyl stated the Director of Revenue and Finance is not in attendance tonight. He asked Administrator Maurer if there were any updates on the budget?

Administrator Maurer stated Councilman Bertollo will provide a report from the Finance Committee on the budget.

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

Attorney Pasquale reported on the following:

Congratulations were extended to all the police officers who were promoted tonight.

The PBA lawsuit continues. We are still awaiting a date from the Appellate Division for a hearing.

The brief for Pan Chemical has been completed. Discussion continued on contaminated property owners, cleanup efforts and possible tax relief.

Explanation was provided on research into possible violation of a persons' first rights amendment with regard to posting of political signs. It has been determined that no violation through the State statutes or through the United States Supreme Court decisions are occurring.

That concludes Attorney Pasquale's report.

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

Engineer Boswell reported on the following:

The area in Goffle Brook Park where the slip lining was done will be addressed before Cele-Earth-Bratton.

The County has agreed to fix the sinkhole on Goffle Road.

We are awaiting a letter from the County Engineer about the safety of the Warburton Avenue bridge.

An update was provided on the stabilization of the banks of the Goffle Brook.

Discussion ensued on the rehabilitation of the Warburton Avenue and the Rea Avenue bridges.

The sinkhole on Braen Avenue will be repaired by the DPW shortly.

The schedule will be met by the low bidder for the pool deck work.

The pool rehab work will commence next week. This work will be completed before May 15th.

The fencing on Ravine Drive at the K. Hovnanian project has been installed.

Pricing is being compiled for the weir work on the manhole cover for Brookside Avenue. Some of the pricing seems to be on the high side so far.

The 2007 Road Program has been completed. The end of Tuxedo Avenue has been cleaned up.

Recommendation has been made to reject all the bids received for the cleaning of the municipal building. None of the bidders were deemed qualified. The bid will be renamed when it goes back out. It will be called Limestone Rehabilitation.

Prices are being compiled for the roof repair work to be done. Explanation of the work required was given.

Discussion ensued on the way the roof had been constructed originally.

A report on problems with the "Muffin Monsters" at the Wagaraw Road pump station was given. It was explained the repair work being done by Rapid Pump should be sufficient to handle the borough's needs. Discussion continued on the pricing of the essential parts that should be kept on hand for any emergencies.

The plans and specs for the HVAC system at the municipal building will be advertised on March 24th, with a bid opening date of April 10th.

The drainage issues in the area of North 11th and North 12th Streets are still being looked into for the proper way to handle them at a reasonable cost.

An explanation was given on R-8 with regard to the EPA standards for monitoring of ground water and the disinfecting of by products along with the requirements the borough has to follow.

Discussion continued.

That concludes Engineer Boswell's report.

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

Councilman Bertollo stated there are a lot of trees that had come down from the storm at the entrance to the Eight Acre Woods. He questioned cleanup of these before Cele-Earth-Bration.

Administrator Maurer stated he will check the time frame but believes the work will be completed in time.

Councilman Bertollo thanked Administration for their responses on concerns with Ulma Products on Fifth Avenue.

Discussion continued on concerns with this property.

Councilman Bennett asked if the Engineer had experience with the contractor who will be doing the improvements to the municipal pool?

Engineer Boswell stated he did not have experience with them, but their references were okay. As the lowest responsible bidder Engineer Boswell felt comfortable recommending them.

Council President Goldberg asked with Little League practices starting and fields two and three closed at Wagaraw Road, how things would be progressing?

Administrator Maurer stated he is waiting to see how fast the fields dry out.

Council President Goldberg asked if the signed agreement with the Graham Family has been received?

Attorney Pasquale stated he is waiting for the signed copies from the attorney's office. He expects to have them within the week.

Discussion continued.

Councilman Matthews asked if the costs included in R-8 are just for the creation of a plan?

Engineer Boswell replied yes, the costs are for the creation of the plan. There are no other costs involved besides those for the actual testing required.

Councilman Matthews asked when the striping on the North side of Grand Avenue will be done?

Engineer Boswell stated it will be put on a schedule to be done.

Councilman Matthews stated the Van Winkle Avenue bridge was milled yesterday. He asked when paving will be done?

Engineer Boswell stated the DOT had promised to have all the work completed by the end of the winter. No set dates were given.

Councilman Sinning asked if the sinkhole on Goffle Road is undermining the roadway at all?

Engineer Boswell stated there is no undermining of the roadway.

Councilman Wojtecki expressed his displeasure with the County Freeholders charging for the fields the borough uses and pays to maintain. He thanked the Mayor, Administration and Council President Goldberg for the letter they sent to the Freeholders voicing our displeasure with their charging for use of the fields.

Thanks were also expressed to Councilman Bertollo for attending the Freeholder Meeting.

Councilman Wojtecki suggested the Borough of Hawthorne start charging the County for services we constantly provide to them at no cost currently.

Councilman Bertollo stated the Board of Education has been asked to compile a list of their costs for maintenance and upkeep of fields. The Borough is doing the same with regard to emergency services. Once the costs have been gathered they will be shown to the County in hope of eliminating their fees for use of the fields.

Councilman Matthews asked if grants could be applied for with regard to shared services if they were documented?

Administrator Maurer stated there is not a clear picture at this time as to what is required to receive money. He will continue to monitor updates from the State and report information as it is received.

Discussion continued.

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

ORDINANCES AND RESOLUTIONS

Ordinance No. 1936-08 for Introduction

AN ORDINANCE TO AMEND AND REVISE VARIOUS SECTIONS OF THE MUNICIPAL CODE OF THE BOROUGH OF HAWTHORNE AND SPECIFICALLY A PORTION OF THE GENERAL LEGISLATIVE SECTION THEREOF AS CONTAINED IN CHAPTERS ONE HUNDRED FIFTEEN THROUGH ONE HUNDRED THIRTY-FOUR OF THE CODE OF THE BOROUGH OF HAWTHORNE

BE IT RESOLVED, that Ordinance No. 1936-08 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 April 16, 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 Sinning, seconded by Councilperson Bertollo.

Council President Goldberg asked if there were any questions?

There were none.

On roll call all voted yes.

R-1. Resolution, Introduced by Councilman Bennett

To ratify the actions of the Municipal Council of the borough of Hawthorne payroll dated March 14, 2008.

	Check #	
CURRENT ACCOUNT	51481	\$ 257,904.14
WATER ACCOUNT	14347	44,634.08
OTHER TRUST II	6411	10,442.34
TOTAL PAYROLL		\$ 312,980.56
CURRENT TO PAYROLL/FICA	51482	\$ 15,793.69
TOTAL FICA		\$ 15,793.69

R-2. Resolution, 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>Original Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
2007				
16/7	\$400,000.	\$369,400.	\$ 30,600.	\$1,306.62
Michael A. Vespasian, Attorney Trust Account For 40 Schoon Ave Prtshp LLC			40 Schoon Street	

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.

R-3. Resolution, Introduced by Councilman Bennett

WHEREAS: There was an overpayment made by the owner of 15 Maitland Avenue for Water Account #00241290 in the amount of \$167.24, and

WHEREAS: The owner has sold the property, the Collector of Tax/Utilities recommends the refund of said overpayment,

NOW, THEREFORE, BE IT RESOLVED: that the Collector of Tax/Utilities hereby recommends that the Treasurer be authorized by the Municipal Council of the Borough of Hawthorne to issue a check from the Water Operating Account in the amount of \$167.24 to reimburse Mary Curry for overpayment of water for 2007.

R-4. Resolution, Introduced by Councilman Bennett

WHEREAS, the semi-annual payment of \$110,876.04 of the Wastewater Trust loan and the semi-annual payment of \$71,924.25 for the Wastewater Fund loan has become due and payable as of April 1, 2008.

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 \$182,800.29 from the Current Fund in payment of the Wastewater Trust and Wastewater 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 \$2,452.50 from the Current Fund to The Bank of New York in payment of the New Jersey Wastewater Treatment Trust semi-annual Administration Fee.

R-5. Resolution, Introduced by Councilman Bennett

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-7 Resolution, Introduced by Councilman Bennett

WHEREAS, on March 11, 2008, the Borough of Hawthorne received bids for improvements to the Municipal Pool in the Borough of Hawthorne authorized by Ordinance #1908-07; and

WHEREAS, the bids have been received and reviewed by Boswell Engineering, and they have recommended the low, responsive bid of:

Covino & Sons Construction
2-06 37th Street
Fair Lawn, New Jersey 07410

In the amount of \$55,501.25.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the above-cited lowest responsible bidder subject to the certification of availability of funds from the Chief Financial Officer, and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a contract between the Borough of Hawthorne and Covino & Sons Construction in a form approved by the Borough Attorney when these conditions have been met.

R-8 Resolution, Introduced by Councilman Bennett

WHEREAS, there exists a need for engineering services for a IDSE Standard Monitoring Plan at a cost of \$6,000.00 and a Stage 2 DBPR Compliance Monitoring Plan at a cost of \$4,000.00 for the water supply system in the Borough of Hawthorne.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that Boswell Engineering be awarded a contract in the amount not to exceed \$10,000.00 for the aforementioned purposes, and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a contract, in a form approved by the Borough Attorney subject to certification by the Chief Financial Officer.

R-9 Resolution, Introduced by Councilman Bennett

WHEREAS, the Borough of Hawthorne has received and reviewed bids for the cleaning of the exterior portions of the municipal building; and

WHEREAS, as part of the bid packet and specifications the Borough of Hawthorne reserved unto itself the right to accept or reject the lowest responsible bid in its discretion; and

WHEREAS, in anticipation of the bid process, the Borough Engineer prepared an estimate as to the cost of the restorative work to be undertaken and developed a protocol for doing the work, as set forth in the request for bids; and

WHEREAS, upon opening of the bids, it became readily apparent that the same were not responsive to the bid request, varied in process and cost to such a degree that it was certain that the bids could not be uniformly or fairly compared one to the other, and that the process did not result in the receipt of bids allowing for an award to the lowest responsible bidder; and

WHEREAS, if further appears that some of the bidders were not qualified to perform the work in the manner anticipated by the bid request leading to the conclusion that there is also need for greater clarity in the bid documents themselves so as to give greater specificity to the bidders; and

WHEREAS, the Administration, in consultation with the Borough Attorney and Municipal Engineer, has recommended to the Council that the bids received should be rejected in their entirety;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does hereby reject all bids received in connection with the project in question and does authorize the Administrator and the Clerk to take all appropriate action to so notify all persons who submitted bids in connection therewith.

Council President Goldberg entertained a motion to approve Resolutions R-1 - R-5 and R-7 - R-9, moved by Councilman Bennett, seconded by Councilwoman English.

On roll call all voted yes.

R-6 Resolution, Introduced by Councilman Matthews

WHEREAS, an emergency has arisen with respect to the amounts allocated in the 2008 Temporary Operating Budget and/or the 2008 Temporary Water Operating Budget other expenses due to the permanent budget not yet being adopted, and the 2008 temporary appropriations are inadequate to provide for these expenses for the aforesaid reason, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provision of N.J.S.A. 40A:4-20 including this resolution total \$1,249,522.00.

NOW, THEREFORE, BE IT RESOLVED, by Municipal Council of the Borough of Hawthorne (not less than two-thirds of the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20, emergency temporary appropriations are hereby made for the following line items in the listed amount:

Statutory Expenses	
PFRS	\$687,922.00
Sewer System O/E	10,000.00
Free Public Library O/E	50,000.00

Council President Goldberg entertained a motion to approve Resolution R-6 as amended, moved by Councilman Matthews, seconded by Councilman Bertollo.

On roll call all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES:

Councilman Wojtecki announced April 12th is Cele- Earth- Bration Day.

The Shade Tree Commission will meet on April 1, 2008.

The Environmental Commission will meet on April 10, 2008.

Finance Committee Meetings continue every Monday and on some scheduled Thursdays.

Councilman Sinning reported the Ordinance Committee had met yesterday with the Chairman of the Shade Tree Commission. Several recommendations were made which will be sent to Administration for their input.

Councilman Matthews reported the Chamber of Commerce held their quarterly dinner meeting attended by thirty-five members.

The Planning Board met last evening and reviewed the application for 55 Westervelt Avenue. In concept the Board agreed with the proposed plan.

The two applications for development on Mazur Place were also approved last night. There will now be two applications for soil movement coming before Council for approval.

Council President Goldberg asked now that Jack Fannin has retired, what is the status of the Insurance Committee?

Councilman Matthews stated he has spoken with Jennifer Scully. He has asked her to familiarize herself with the files regarding re-bidding of insurances. Meetings will continue to take place as previously scheduled.

Councilman Bennett reported the Public Works Committee had met earlier this week. The main topic of discussion was the Kohler Field so as to be able to prepare the bid packages.

The improvements at the municipal pool were also discussed. The deck extension will be underway shortly. Repairs to the pool are proceeding and will be complete by May 15th.

Discussion took place on the remediation project of Washington Avenue and Royal Avenue.

Councilwoman English reported the Board of Health Meeting scheduled for tomorrow has been rescheduled to next Thursday, March 27, 2008.

Councilman Bertollo reported the Finance Committee continues to meet weekly. Thanks were extended to all Department Heads who responded quickly to Administrator Maurer's memo regarding additional proposed budgetary cuts.

The Capital Budget Plan and a presentation on the budget will be given at the next Council Meeting of April 2, 2008.

CORRESPONDENCE:

There was none.

MISCELLANEOUS:

Sol(s)-1. Council President Goldberg stated the Hawthorne High School Project Graduation has requested permission to solicit on public streets on Saturday, May 3, 2008 from 9:00 a.m. to 12:00 p.m.

Council President Goldberg entertained a motion to approve this solicitation application, moved by Councilperson Bennett, seconded by Councilperson Matthews. On roll call all voted yes.

BILLS:

The following bills were presented for payment:

Bill list Current Fund

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
03/05/08	FORD MOTOR CREDIT C	51480	8144.93	POLICE DEPT O/E
Total Bill List:			8144.93	

Bill list Current

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
03/13/08	PAYROLL ACCOUNT	51481	257904.14	PUBLIC DEFENDER
03/13/08	PAYROLL ACCOUNT	51482	15793.69	SOCIAL SECURITY
Total Bill List:			273697.83	

Bill list

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
03/19/08	ACORN TERMITE & PEST	51483	180.00	PUB WORKS ADMIN O/E
03/19/08	ALBERT J ERDMAN	51484	2401.00	GROUP INSURANCE O/E
03/19/08	ARIES ENVIRONMENTAL SERV	51485	150.00	RECYCLING PRO O/E
03/19/08	BARBARA MILLIGAN	51486	100.00	GROUP INSURANCE O/E
03/19/08	BRAEN STONE INDUSTRIES,	51487	1500.00	STREETS & ROADS O/E
03/19/08	CABLEVISION	51488	192.28	PUB WORKS ADMIN O/E
03/19/08	CARL MOTTOLA	51489	29.50	UNIFORM FIRE SAFETY O/E
03/19/08	CAROL CHAMBERLIN	51490	13.00	BOARD OF HEALTH O/E
03/19/08	CDW-G COMPUTER CENTER	51491	369.62	UNIFORM FIRE SAFETY O/E
03/19/08	CINTAS CORP	51492	248.16	PUB WORKS ADMIN O/E
03/19/08	CITY WIDE MAINTENANCE	51493	1350.00	PUB WORKS ADMIN O/E
03/19/08	CONCORDE ELECTRONICS	51494	113.94	POLICE DEPT O/E
03/19/08	CONSOLIDATED POLICE &	51495	42.60	FINANCIAL ADMIN O/E
03/19/08	COUNTY WIDE UNIFORMS	51496	1494.00	POLICE DEPT O/E
03/19/08	DANIEL A SCHOPPERTH	51497	50.00	GROUP INSURANCE O/E
03/19/08	DANIEL TEDESCHI	51498	100.00	GROUP INSURANCE O/E
03/19/08	DEPTCOR	51499	395.00	POLICE DEPT O/E
03/19/08	DON'S AUTO REPAIR	51500	53.00	VEHICLE MAINT POLICE
03/19/08	DOUGLAS MORGAN	51501	64.00	RECYCLING PRO O/E
03/19/08	E-Z PASS	51502	242.00	STREETS & ROADS O/E
03/19/08	ENVIORNMENTAL RENEWAL,	51503	200.00	RECYCLING PRO O/E
03/19/08	GENERAL PARTS GROUP, LLC	51504	203.11	STREETS & ROADS O/E
03/19/08	GET A CAN	51505	13900.00	RECYCLING PRO O/E
03/19/08	GIANT TIRE SERVICE INC	51506	88.50	SCRAP TIRE GRANT A
03/19/08	GILL ASSOCIATES	51507	58.50	POLICE DEPT O/E
03/19/08	GREENDISK, INC.	51508	459.95	RECYCLING PRO
03/19/08	HAWTHORNE BOARD OF	51509	2302500.00	SCHOOL TAX
03/19/08	HAWTHORNE CAR WASH, INC	51510	150.00	VEHICLE MAINT POLICE
03/19/08	HAWTHORNE PRESS INC	51511	10.00	BOARD OF REC
03/19/08	HENRY BROS ELECTRONICS,	51512	464.20	PUB WORKS ADMIN O/E
03/19/08	HEWLETT-PACKARD CORP	51513	858.00	IT SERVICES
03/19/08	INTERNATIONAL SALT CO	51514	10574.31	STREETS & ROADS O/E
03/19/08	JAMES T. PETERSON	51515	297.00	GROUP INSURANCE O/E
03/19/08	JERSEY ELEVATOR INC	51516	135.57	PUB WORKS ADMIN O/E
03/19/08	JESCO INC	51517	137.00	VEHICLE MAINT ROAD
03/19/08	JOHN PALLOTTA	51518	105.00	GROUP INSURANCE O/E
03/19/08	JOHNNY ON THE SPOT, INC	51519	245.11	BOARD OF REC
03/19/08	JUNGLE LASERS LLC	51520	7290.00	FEES PAYABLE JUNGLE
03/19/08	LAUFER, KNAPP, TORZEWSKI	51521	1646.50	LEGAL SERV& COSTS O/E

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
03/19/08	L L IS BAY 2nd LIBRARY	51522	50000.00	FREE PUBLIC LIBRARY O/E
03/19/08	LOUISE SIANO	51523	100.00	GROUP INSURANCE O/E
03/19/08	LUK OIL	51524	6053.35	BULK PURCHASE GASOLINE
03/19/08	LUSCHER'S AUTO INC	51525	4827.04	VEHICLE MAINT ST
03/19/08	MICHAEL A. VESPASIAN	51526	1306.62	OPERATIONS
03/19/08	MICROSYSTEMS-NJ.COM, LLC	51527	1300.00	TAX ASSESSMENT O/E
03/19/08	NEW CONCEPT OFFICE	51528	207.75	MUNICIPAL CLERK O/E
03/19/08	NJ MEADOWLANDS	51529	820.26	RECYCLING PRO O/E
03/19/08	NJ POOL MANAGERS	51530	450.00	SWIMMING POOL O/E
03/19/08	NJRA	51531	145.00	BOARD OF HEALTH O/E
03/19/08	NORTH JERSEY MEDIA GROUP	51532	186.80	MUNICIPAL CLERK O/E
03/19/08	PABCO INDUSTRIES	51533	432.00	RECYCLING PRO
03/19/08	PASSAIC CNTY MUNI CLERKS	51534	100.00	MUNICIPAL CLERK O/E
03/19/08	PAYROLL ACCOUNT	51535	893093.20	PFRS
03/19/08	PENSION ADJUSTMENT FUND	51536	13559.16	PENSION ADJ
03/19/08	PIETER SLUMP	51537	39.00	SHADE TREE COMMISSION O/E
03/19/08	PROCOPY INC	51538	434.75	GENERAL ADMIN O/E
03/19/08	RDJ SPECIALTIES, INC	51539	364.00	MUNICIPAL ALLIANCE
03/19/08	REGISTRAR'S ASSOCIATION	51540	50.00	BOARD OF HEALTH O/E
03/19/08	RIDGEWOOD TYPEWRITER	51541	2032.01	MUNI COURT
03/19/08	RUTGERS - CENTER FOR	51542	687.00	RECYCLING PRO
03/19/08	RUTGERS UNIVERSITY	51543	476.00	FINANCIAL ADMIN O/E
03/19/08	SAFETY LIGHTS STRIPES &	51544	7699.23	POLICE DEPT O/E
03/19/08	SCUFFY CARTING LLC	51545	31892.58	GARBAGE & TRASH O/E
03/19/08	SHOTMEYER BROS FUEL CO	51546	6863.75	BULK PURCHASE GASOLINE
03/19/08	SIGNAL CONTROL PRODUCTS	51547	202.50	STREETS & ROADS O/E
03/19/08	TOTOWA AUDIO	51548	1500.00	STREETS & ROADS O/E
03/19/08	TRIANGLE TROPHY	51549	465.00	POLICE DEPT O/E
03/19/08	UNITED COMPUTER	51550	443.00	IT SERVICES
03/19/08	VEOLIA ENVIRONMENTAL	51551	40171.54	TRANSFER STATION
03/19/08	VERIZON	51552	3507.17	TELEPHONE CHARGES
03/19/08	VERIZON WIRELESS (N)	51553	981.40	TELEPHONE CHARGES
03/19/08	VITAL COMMUNICATIONS,	51554	575.00	CONST CODE O/E
03/19/08	VOZZA AGENCY, INC	51555	500.00	MUNICIPAL INSURANCE O/E
03/19/08	WASHINGTON SCHOOL PTO	51556	300.00	CLEAN COMMUNITIES
03/19/08	WAYSIDE FENCE CO	51557	875.00	RECYCLING PRO
03/19/08	WESTMARK INC	51558	50.00	PUB WORKS ADMIN O/E

Total Bill List: 3421100.96

Bill list Water Operating Fund

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
03/13/08	PAYROLL ACCOUNT	14347	44634.08	WATER UTILITY S/W
Total Bill List:			44634.08	

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
03/19/08	BOB'S STORES	14348	65.75	WATER UTILITY O/E
03/19/08	BOBCAT OF NORTH JERSEY	14349	231.00	WATER UTILITY O/E
03/19/08	BRAEN STONE INDUSTRIES,	14350	726.12	WATER UTILITY O/E
03/19/08	CABLEVISION	14351	49.95	WATER UTILITY O/E
03/19/08	LUK OIL	14352	2016.45	WATER UTILITY O/E
03/19/08	LUSCHER'S AUTO INC	14353	1900.36	WATER UTILITY O/E
03/19/08	MARY CURRY	14354	167.24	RENT OVERPAYMENTS
03/19/08	NORTH JERSEY WATER	14355	225.00	WATER UTILITY O/E
03/19/08	ONE CALL SYSTEMS, INC.	14356	27.07	WATER UTILITY O/E
03/19/08	PAYROLL ACCOUNT	14357	32000.00	STATUTORY EXPENSES
03/19/08	PROCOPY INC	14358	47.25	WATER UTILITY O/E
03/19/08	RIDGEWOOD TYPEWRITER	14359	201.55	WATER UTILITY O/E
03/19/08	RUTGERS UNIVERSITY	14360	204.00	WATER UTILITY O/E
03/19/08	SHOTMEYER BROS FUEL CO	14361	301.28	WATER UTILITY O/E
03/19/08	TOTOWA AUDIO	14362	750.00	WATER UTILITY O/E
03/19/08	VERIZON	14363	1099.34	WATER UTILITY O/E
03/19/08	VERIZON WIRELESS (N)	14364	286.55	WATER UTILITY O/E
03/19/08	WORK'N GEAR, INC	14365	109.97	WATER UTILITY O/E
Total Bill List:			40408.88	

General Capital Fund

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
03/05/08	ENGLISH PAVING COMPANY	2450	9714.93	2006 ROAD PROGRAM
Total Bill List:			9714.93	

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
03/19/08	BOSWELL ENGINEERING, INC	2451	639.00	CREATION OF BALLFIELD
03/19/08	EN-TECH	2452	96692.19	SEWER SLIP LINE
03/19/08	NORTH JERSEY MEDIA GROUP	2453	182.39	RENOVATION OF POOL
Total Bill List:			97513.58	

Builders Escrow

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
03/19/08	BOSWELL ENGINEERING, INC	1974	858.00	JFVHOME 82/10&11
03/19/08	BOSWELL ENGINEERING, INC	1975	604.00	SIKKEMA 249/13&14
03/19/08	BOSWELL ENGINEERING, INC	1976	624.00	
Total Bill List:			2086.00	

Other Trust II

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
03/13/08	PAYROLL ACCOUNT	6411	10442.34	OFF-DUTY POLICE
Total Bill List:			10442.34	

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
03/19/08	KONICA/MINOLTA	6412	5336.00	RECYCLING TRUST
03/19/08	TOTOWA AUDIO	6413	2250.00	RECYCLING TRUST
Total Bill List:			7586.00	

Dog Dedicated Fund

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
03/19/08	NJ DEPARTMENT OF HEALTH	6392	260.40	STATE OF NEW JERSEY
03/19/08	TYCO ANIMAL CONTROL	6393	2100.00	DOG POUND
Total Bill List:			2360.40	

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

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.

Bernard Bombolevich, 107 Mountain Avenue, questioned property maintenance issues on a neighboring property. He stated work had started approximately three years ago and has never been completed. He stated it basically is an abandoned piece of property in complete disarray.

Council President Goldberg stated the Property Maintenance Officer and Building Inspector will look into it tomorrow. He also stated if the taxes are past due a lien will be put on the property.

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

ADJOURNMENT:

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

Richard Goldberg
Council President

Jean Mele
Borough Clerk