

June 18, 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, Matthews, Sinning Wojtecki, and Goldberg. Also present were Mayor Botbyl, Borough Administrator Maurer, Borough Attorney Pasquale, CFO Hewitt, Borough Engineer Boswell, and Borough Clerk Mele. Councilwoman English 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 June 4, 2008, and the Receipt of Bids for the Kohler Field Improvements on June 13, 2008, moved by Councilman Bennett, seconded by Councilman Wojtecki. 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.

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.

**ADOPTION OF ORDINANCES**

**Ordinance No. 1942-08 for Adoption**

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 137, NEWSRACKS, OF THE CODE OF THE BOROUGH OF HAWTHORNE

Public Hearing (No one wished to be heard)

I entertain a motion that the public hearing on Ordinance No. 1942-08 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 Sinning, seconded by Councilman Bertollo. On roll call all voted yes.

**Ordinance No. 1943-08 for Adoption**

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 139, NOISE, OF THE CODE OF THE BOROUGH OF HAWTHORNE

Public Hearing (No one wished to be heard)

I entertain a motion that the public hearing on Ordinance No. 1943-08 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 Wojtecki. On roll call all voted yes.

**Ordinance No. 1944-08 for Adoption**

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 FORTY THREE THROUGH ONE HUNDRED AND FORTY-EIGHT OF THE CODE OF THE BOROUGH OF HAWTHORNE

Public Hearing (No one wished to be heard)

I entertain a motion that the public hearing on Ordinance No. 1944-08 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 Sinning, seconded by Councilman. On roll call all voted yes.

**OLD BUSINESS**

**NEW BUSINESS**

**ADMINISTRATIVE AGENDA**

Mayor Botbyl appointed Terry Segro, 45 Royal Avenue, Hawthorne, as a Trustee of the Louis Bay 2<sup>nd</sup> Library.

Council President Goldberg entertained a motion to approve the appointment, moved by Councilman Sinning, seconded by Councilman Wojtecki. On roll call all voted yes.

Mayor Botbyl administered the Oath of Office to Mrs. Segro.

Mayor Botbyl presented the following resolutions for approval:

**MR-1. Resolution Introduced by Bertollo**

**HANDICAP PARKING SPACE**

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

1. The words and phrases used herein shall have the same meaning respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey.
2. Pursuant to the Authority granted under N.J.S.A. 39:4-197.6, the following location is hereby designated as a restricted parking space for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles. No other person shall be permitted to park in this space.
3. The parking space will be located on the southern side of Westervelt Avenue, beginning one hundred and fifty-seven feet (157') east of the southeast corner of North Eighth Street and extending twenty-two feet (22') to the east in front of the premises known as Block 2 Lot 15 (also known as 26 Westervelt Avenue) as shown on the Borough Tax Map.
4. The Police Department is hereby directed to have proper signs calling attention to the provisions of the resolution erected or placed upon said street.
5. This resolution shall take effect on adoption and posting of the signs required above.

Council President Goldberg entertained a motion to approve MR-1, moved by Councilman Bertollo, seconded by Councilman Sinning. On roll call all voted yes.

Mayor Botbyl presented a certificate to Lisa Salayko, teacher at Jefferson School, in recognition of her "Teacher of the Year Award" from Passaic County.

Ms. Salayko spoke and thanked everyone for her award.

Mayor Botbyl asked Sue Paletta, Director of the Hawthorne Domestic Violence Response Team and Sgt. John Carbone to introduce the winner of their contest.

Ms. Paletta announced the winner of the contest to create a logo for DVRT was Michael Ulrich, an eleven year old student at Lincoln Middle School.

Mayor Botbyl presented Michael with a Certificate of Creativity and DVRT presented him with a \$100.00 prize.

Sgt. Carbone stated that since DVRT was started in Hawthorne our domestic violence cases have dropped from 250

in 2001 to presently 125. Hawthorne's response team has been recognized as one of the top ten in the state.

Sgt. Carbone reminded everyone that they were having a 5K run on Sunday, June 22<sup>nd</sup>, at the library; and their Candle Light Vigil is on September 30<sup>th</sup> in front of the Municipal Building

They are also continuing to work with a women's shelter and working towards having a program in our school addressing grades five through twelve.

Mayor Botbyl appointed Robert Scully, 23 Horizon Drive, Hawthorne, as Police Chief for the Borough of Hawthorne.

Mayor Botbyl said that Captain Scully is a thirty-year veteran of the department, and he listed a number of programs he has begun since becoming Acting Chief.

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

Mayor Botbyl Administered the Oath of Office.

Randy George, Mayor of the Borough of North Haledon presented Chief Scully with a Proclamation.

Passaic County Chief Jerry Speziale offered his congratulations to Chief Scully.

At 8:31 p.m. Council President Goldberg took a ten minute recess to allow Chief Scully and his family and friends to exit the meeting room.

At 8:44 p.m. the meeting resumed with all Council members present as were present at the 8:00 p.m. start of the meeting.

Mayor Botbyl made the following announcements:

1. Reminded residents on the proper use of chimineas
2. Reported the Environmental Commission award program was a huge success.
3. Advised that all rumors circulating regarding him accepting a position with the VA or going to work in Washington or Virginia are not true.

Administrator Maurer reported on the following:

1. Replacement of hydrant at the Route 208 exit ramp has not taken place.
2. Food concession at the pool has still not opened due to lack of signed contracts and fulfillment of insurance requirements.
3. In our Water Department a number of employees are out due to illnesses. Our arborist has returned to work.
4. William Paterson environmental class will be touring our water facility tomorrow.
5. The month of June is Safety Month and our coordinator has a number of handouts on display in our lobby.

Director of Revenue and Finance reported on the following:

The Borough Budget and Audit are complete, and we still have not received approvals from the State allowing us to print and send our tax bills.

Attorney Pasquale reported on the following:

Congratulated Chief Scully on his appointment.

1. Reported the Pan Chemical brief has been received and a copy is in the Council room to be reviewed.
2. An answer to the N.J. Environmental Federation suit has been filed. Our concern is that they are not only going door-to-door but are soliciting funds. We need more information regarding the federation.
3. Judge Falcone denied Mr. Speulda's stay while appealing to the appellate court. The Borough of Hawthorne is issuing fines and looking to receive payment to Prospect Park for transcripts.

Engineer Nash reported on the following:

1. Design of the Van Winkle Avenue plans are complete and have been submitted to the DOT. The review process may take up to eight weeks because of the railroad crossing.
2. 2008 Road Improvement Program plans are about 75% complete.
3. The cleaning of the limestone at the Municipal Building is on going. An expert will be at the

site tomorrow to review the areas that are not coming clean.

4. The Goffle Brook Bank Stabilization project has been sent to the DEP. The waiting is holding up the two additional bridge projects.
5. The engineer attended the pre-construction meeting for the intersection improvement at the Lincoln/Wagaraw intersection. It will include widening and left-hand-turn lane. It will not include a leading left green arrow on the light.
6. The 2009 DOT application for Central Avenue has been submitted.

Council President Goldberg asked if there were any plans for Court Parking on Thursday with the cleaning of the building taking place.

Administrator Maurer said he would work with Chief Scully.

Council President Goldberg said he had watched the meeting with the Environmental Commission and that it came across very dark.

Mayor Botbyl said that was due to the heat and the lights being turned off.

Council President Goldberg asked for the status of the lightening detection system.

Administration Maurer said he was meeting with representatives of the Board of Recreation to discuss the project because they wanted to expand the scope and that would affect bidding and pay-to-play.

Discussion ensued regarding the Kohler parking lot, when it was being bid and when the work would be done.

Administrator Maurer said it was going to be bid as part of the Kohler Field Project and if we get good prices, we will award; if not, it will be bid as part of the 2008 Road Program.

Councilman Bertollo asked for clarification of the Wagaraw Rd/Lincoln Avenue intersection improvement project.

It was clarified the project is running east/west and will include a leading left hand turn lane but no arrow on the

light. The traffic study that was done did not see a need for the arrow on the light.

Attorney Pasquale suggested waiting to see what our traffic study shows when completed and if it differs submit it to our County Engineer.

After much discussion Councilman Bertollo said he would like to be informed of the whole scope of the project including what will be done on the Fair Lawn side of Wagaraw Road.

Councilman Bertollo led a discussion regarding Hovnanian wanting to amend their parking at Lafayette Hills. First they wanted to restripe then it lead to wanting additional spaces. The Council has also heard that Hovnanian is going to be selling spaces that were deeded community parking.

Attorney Pasquale said they can do nothing to amend their parking without going before the planning board and at this point they will not consider any restripping or additional parking or receive any additional CO's until they take care of Mr. Rooney's problems.

Councilman Bertollo asked if the limestone on the Municipal Building was going to be sealed when completed.

Mayor Botbyl said no sealant would be applied because they have been advised it would not allow the limestone to breath and fungus could grow behind the stone.

Councilman Sinning said he had been told that Hovnanian had received additional CO's.

Attorney Pasquale said he had a discussion with Mr. Pallotta and it was decided that no additional CO's would be issued.

Councilman Wojtecki reported that the No Further Action was received for the Merck property and that the traffic study was started.

Council President Goldberg said the Ordinance Committee will be reviewing the rezoning ordinance and will bring it to full Council at one or two work sessions.

Council President Goldberg asked if anyone from Administration will be going to the COAH sessions regarding the third round changes.

Attorney Pasquale said Mr. Burgis has been attending these sessions.

Discussion continued on the possible elimination of Regional Contribution Agreements.

Councilman Wojtecki asked that someone from Administration attend the next Shade Tree meeting 7/8/08.

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

#### **ORDINANCES AND RESOLUTIONS**

##### **Ordinance No. 1945-08 for Introduction**

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 165, ROOMING HOUSES, BOROUGH OF HAWTHORNE

BE IT RESOLVED, that Ordinance No. 1945-08 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 the 16<sup>th</sup> day of July, 2008, 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 Councilman Bennett, seconded by Councilman Wojtecki. On roll call all voted yes

##### **Ordinance No. 1946-08 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 FIFTY FIVE AND ONE  
HUNDRED FIFTY-NINE OF THE CODE OF THE BOROUGH OF HAWTHORNE

BE IT RESOLVED, that Ordinance No. 1946-08 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 the 16<sup>th</sup> day of July, 2008, 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 Councilman Sinning, seconded by Councilman Bertollo. On roll call all voted yes.

**Ordinance No. 1947-08 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. 1947-08 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 the 16<sup>th</sup> day of July, 2008, 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 Councilman Sinning, seconded by Councilman Bertollo.

Council President Goldberg said the Council was introducing this ordinance tonight, but they were waiting for additional information from Administration that will be received before adoption.

On roll call Councilmen Bennett, Bertollo, Goldberg, Sinning and Wojtecki voted yes. Councilman Matthews voted no.

**CONSENT AGENDA - R-1 - R-9**

**R-1. Resolution, Introduced by Councilman Wojtecki**

**RESOLVED:** To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated June 6, 2008.

CURRENT ACCOUNT	#51957	\$244,734.73
WATER ACCOUNT	#14455	\$ 35,984.40
OTHER TRUST II	#6442	\$ 435.13
TOTAL PAYROLL		\$281,154.26
CURRENT TO PAYROLL/FICA	#51958	\$ 12,700.00
WATER FUND TO PAYROLL/FICA	#14456	\$ 1,148.07
TOTAL FICA		\$ 13,848.07

**R-2. Resolution, Introduced by Councilman Wojtecki**

**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 2008 in the sum of \$4,000.00 which item is now available as revenue for the Speed Enforcement Grant Program.

<b>SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS</b>	
<b>Speed Enforcement Grant</b>	<b>\$4,000.00</b>

pursuant to the provision of the statute; and

## **SECTION 2**

**BE IT FURTHER RESOLVED**, that a like sum of \$4,000.00 be and is hereby appropriated under the caption of:

<b>OPERATIONS EXCLUDED FROM "CAPS"</b>	
<b>PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUE</b>	
Speed Enforcement Grant	<b>\$4,000.00</b>

## **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 2008 budget and are now available by law.

### **R-3. Resolution, Introduced by Councilman Wojtecki**

**WHEREAS**, the semi-annual payment to the 2004 NJEIT Trust Loan in the amount of \$49,526.85 and the semi-annual payment to the 2004 NJEIT Fund Loan in the amount of \$35,885.01 has become due and payable as of August 1, 2008, and,

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to wire funds in the amount of \$86,784.36 in payment of the 2004 NJEIT Trust and Fund Loans.

**BE IT ALSO RESOLVED**, by the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to wire funds in the amount of \$1,372.50 to U.S. Bank in payment of the New Jersey Environmental Infrastructure Trust semi-annual Administration Fee.

### **R-4. Resolution, Introduced by Councilman Wojtecki**

**WHEREAS**, the semi-annual payment to the 2003 NJEIT Trust Loan in the amount of \$80,178.47 and the semi-annual payment to the 2003 NJEIT Fund Loan in the amount of \$51,250.93 has become due and payable as of August 1, 2008, and,

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to wire funds in the amount of \$133,566.90 in payment of the 2003 NJEIT Trust and Fund Loans.

**BE IT ALSO RESOLVED**, by the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to wire funds in the amount of \$2,137.50 to TD Bank, NA in payment of the New Jersey Environmental Infrastructure Trust semi-annual Administration Fee.

**R-5. Resolution, Introduced by Councilman Wojtecki**

**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>
<b>2007</b>				
292.01/19	\$372,500.	\$352,500.	\$ 20,000.	\$818.00
Reale Realty LLC	88 Highview Terr., Hawthorne			

**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-6, Resolution, Introduced by Councilman Wojtecki**

WHEREAS, the New Jersey Department of Transportation has solicited applications from municipalities for the 2009 Municipal Aid Program which provides grants for roadway preservation; and

WHEREAS, the Administration and the Council public works committee of the Borough of Hawthorne have identified Central Avenue from Lincoln Avenue to Lafayette Avenue as a local street in need of repaving that qualifies for the state's Municipal Aid Program;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Hawthorne formally approves the grant application for the above-stated project: and

BE IT FURTHER RESOLVED, that the Mayor and Council are hereby authorized to submit an electronic grant application identified as MA-2009-Hawthorne Borough-0006 to the New Jersey Department of Transportation on behalf of the Borough of Hawthorne.; and

BE IT FURTHER RESOLVED that that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Hawthorne and that the signature below of the Council President and the Clerk acknowledges acceptance of the terms and conditions of the grant agreement on the part of the Borough Council and the Council's approval of the execution of the grant agreement by the Mayor and Clerk.

**R-7, Resolution, Introduced by Councilman Wojtecki**

**WHEREAS:** There was an overpayment made by the owner of 166 Mountain Avenue for Water Account #00342820 in the amount of \$139.40, 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 \$139.40 to reimburse Richard Johnson for overpayment of water for 2007.

**R-8, Resolution Introduced by Councilman Wojtecki**

The Clerk is submitting the following Plenary Retail Consumption License Renewal Applications for renewal approval:

PRC APPLICATION with State License Number

1604-33-002-005	Evad Been, Inc. t/a Jiggles 105 Mohawk Avenue
1604-33-003-003	Di Cosmo Assoc. inc., t/a The Front Porch 217 Wagaraw Road
1604-32-004-004	Diamond Liquors LLC t/a Diamond Liquors 203 Diamond Bridge Ave
1604-33-006-003	San Giuseppe Santa Croce Camerina Society 131 Wagaraw Road
1604-33-007-008	Pesca Inc. t/a Bottagra Restaurant 80 Wagaraw Road
1604-33-008-003	Phiefer Company LLC t/a Kirker's Inn 237 Diamond Bridge Avenue
1604-33-009-007	Zira Inc. t/a Ossy's Café 158-160 Lincoln Avenue
1604-33-010-002	Mattar 98A Inc. t/a Macaluso's 161 Rea Avenue
1604-32-011-013	Nicola Enterprise Inc. t/a Nicola's Restaurant 142 Goffle Road
1604-33-013-007	Puzo's Pizza International, Inc t/a Puzo's Pizza Intern., Inc. 4 Garfield Avenue
1604-33-015-004	Latin Bistro OFD t/a Sabor Latin Bistro 1068 Goffle Road
1604-33-016-004	Shortway's Barn, Inc. t/a Shortway's Barn 991 Goffle Road
1604-33-017-007	67 Goffle Road Corporation 67 Goffle Road
1604-32-018-004	Holst & Lehman Corp. t/a Hawthorne Liquors/Rumors 610 Lafayette Avenue
1604-33-019-008	Rurff Inc. t/a R.D. Benders 587 Lafayette Avenue

Club Application with State License Number

1604-31-020-001	Hawthorne Legion Post #199 – American Legion 1 Legion Place
1604-31-026-001	Riverside Veterans Inc. 123 Royal Avenue

NOW, THEREFORE, BE IT RESOLVED, that the Hawthorne Municipal Council, of the Borough of Hawthorne, has no objection to the renewal of these licenses and is not aware of any circumstances that would prohibit the renewal of said licenses.

BE IT FURTHER RESOLVED, the Municipal Council reserves the right to take action with regards to License No. 1604-32-004-004, Diamond Liquors LLC t/a Diamond Liquors, pursuant to the charges that have been filed for selling an alcoholic beverage to a minor.

**R-9, Resolution Introduced by Councilman Wojtecki**

WHEREAS, the Borough of Hawthorne has received and reviewed bids for the construction of a soccer field and related facilities on property leased by the Borough of Hawthorne, owned by Graham Partners, trading as Kohler Distributors, and located on Wagaraw Road; 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, the Borough of Hawthorne, in anticipation of such construction, adopted an ordinance so as to provide funding for the cost of construction; and

WHEREAS, the two lowest bids received for the project were deemed to be non-conforming bids precluding acceptance by the Borough; and

WHEREAS, the next lowest bid, responsive to the bid request, was at a cost exceeding the amount budgeted for completion of the project thus not allowing for completion of all of the work anticipated by the bid package; and

WHEREAS, as a result of the failure to obtain a compliant bid within the budget for completion of the project, the Public Works Committee and the Administration, in consultation with the Borough Engineer and Borough Attorney, have decided that the bids received should be rejected so that the needs of the youth can be met in an efficient manner; and

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 R-1 - R-9, moved by Councilman Wojtecki, seconded by Councilman Bennett.

Council President Goldberg asked if there was any discussion?

On roll call all voted yes.

**REPORTS OF SPECIAL COUNCIL COMMITTEES:**

Councilman Wojtecki reported he attended the last Shade Tree Commission meeting and he faced challenges. He will not be able to attend their next meeting on 7/8/08. Councilman Bertollo will represent the Council and Borough Attorney Pasquale will represent the Administration.

Councilman Wojtecki also attended the Environmental Commissions Annual Meeting. It was very well attended.

Councilman Sinning reported a new Library Trustee was sworn in at the last meeting of the board. They are almost up to a full slate.

He also reported the Ordinance Committee will be reviewing the new rezoning ordinance shortly.

Councilman Matthews reported the Hawthorne Chamber of Commerce will be having their annual Fire Works display on Friday, July 4<sup>th</sup>. The rain date is July 6<sup>th</sup>.

Council President Goldberg reported that the Personnel Committee has met and has started advertising to find the replacement for the Borough Clerk who is retiring October 1<sup>st</sup>.

Councilman Bertollo reported the Commuter Parking Amendment will be on the agenda for next meeting.

Councilman Bertollo also reported that he spoke to a Washington School 2<sup>nd</sup> grade class on local government.

Councilman Sinning asked if tapes could be made available to the students who participated in Youth in Government Night.

Councilman Matthews asked for the status of meeting to address the North 4<sup>th</sup> and North Ethel Avenue commuter parking problems.

Councilman Bertollo thought they were waiting until later in the summer. They will coordinate a meeting.

Councilman Bertollo asked for another 5-day study of the area.

**CORRESPONDENCE:**

C-1. Received from the Hawthorne Board of Fire Commissioners removing Amit Chris Krishnan & Timothy Shipman from the Department roster.

C-2. Received from Girl Scout Troop 528 asking for concurrence of their putting together a community book for new residents in Hawthorne.

Council President Goldberg entertained a motion to receive and file, moved by Councilman Bennett, seconded by Councilman Matthews. On roll call all voted yes.

**MISCELLANEOUS:**

Bng-1 The Boys & Girls Club of Hawthorne and the Friends of the Hawthorne Boys & Girls Club have amended their yearly Bingo licenses to include Saturday dates between July and December 2008. Both of these licenses were previously approved by Council and they are at their limit of six occasions per month, moved by Councilman Bennett, seconded by Councilman Sinning. On roll call Council persons Bennett, English, Matthews, Sinning, & Goldberg voted yes. Councilmen Bertollo and Wojtecki abstained.

**BILLS:**

The following bills were presented for payment:

**CURRENT FUND**

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
06/05/08	PAYROLL ACCOUNT	51957	244734.73	PUBLIC DEFENDER
06/05/08	PAYROLL ACCOUNT	51958	12700.00	CONST CODE OFFICIAL O/E
<b>Total Bill List:</b>			257434.73	

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
06/06/08	HFD #5 RESCUE	51959	495.00	OPERATIONS
06/06/08	JOSEPH SPERANZA	51960	30.00	OPERATIONS
06/06/08	PRINTMASTERS	51961	115.00	OPERATIONS
<b>Total Bill List:</b>			640.00	

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
06/06/08	PUZO'S RESTAURANT	51962	910.57	PUBLIC EVENTS O/E
<b>Total Bill List:</b>			910.57	

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
06/18/08	AAA EMERGENCY SUPPLY CO	51963	1532.70	FIRE DEPT O/E
06/18/08	ACORN TERMITE & PEST	51964	180.00	PUB WORKS ADMIN O/E
06/18/08	ALBERT J ERDMAN	51965	2226.00	GROUP INSURANCE O/E
06/18/08	AM/PM SERVICES	51966	99.00	POLICE DEPT O/E
06/18/08	BILL FOX CO, LLC	51967	981.80	FIRE DEPT O/E
06/18/08	BOB'S STORES	51968	815.69	STREETS & ROADS O/E
06/18/08	BOSWELL ENGINEERING, INC	51969	1721.46	MUNI BUILDING ROOF
06/18/08	BRIAN VANDERHOOK	51970	30.00	TELEPHONE CHARGES
06/18/08	CABLEVISION	51971	192.28	PUB WORKS ADMIN O/E
06/18/08	CARL MOTTOLA	51972	41.00	UNIFORM FIRE SAFETY O/E
06/18/08	CAROL CHAMBERLIN	51973	30.00	BOARD OF HEALTH O/E
06/18/08	CDW-G COMPUTER CENTER	51974	223.03	PEOSHA O/E
06/18/08	CHIEF FIRE EQUIP CO	51975	117.00	POLICE DEPT O/E
06/18/08	CHIEF SUPPLY CORP.	51976	272.99	RECYCLING PRO O/E
06/18/08	CITY WIDE MAINTENANCE	51977	1350.00	PUB WORKS ADMIN O/E
06/18/08	DON'S AUTO REPAIR	51978	312.00	VEHICLE MAINT POLICE
06/18/08	DRAEGER SAFETY	51979	142.00	POLICE DEPT O/E
06/18/08	DUNKIN DONUTS	51980	78.93	MUNICIPAL CLERK O/E
06/18/08	FIRST PRIORITY EMERGENCY	51981	1417.03	VEHICLE MAINT FIRE DEPT
06/18/08	GET A CAN	51982	23000.00	RECYCLING PRO O/E
06/18/08	GILL ASSOCIATES	51983	1358.75	SWIMMING POOL O/E
06/18/08	GOFFCO INDUSTRIES, INC	51984	310.00	MUNI COURT
06/18/08	HAWTHORNE AUTO BODY, INC	51985	135.00	VEHICLE MAINT POLICE
06/18/08	HAWTHORNE FIRE DEPT	51986	162.55	VEHICLE MAINT FIRE DEPT
06/18/08	HAWTHORNE PRESS INC	51987	206.46	PLANNING BOARD O/E
06/18/08	HFD #1	51988	1595.00	TELEPHONE CHARGES
06/18/08	HFD #2	51989	1595.00	TELEPHONE CHARGES
06/18/08	HFD #3	51990	1595.00	TELEPHONE CHARGES
06/18/08	HFD #4	51991	1595.00	TELEPHONE CHARGES
06/18/08	HFD #5 RESCUE	51992	495.00	TELEPHONE CHARGES
06/18/08	HOME SUPPLY & LUMBER	51993	47.76	FIRE DEPT O/E
06/18/08	INNOCORP, LTD	51994	1053.47	MUNICIPAL ALLIANCE
06/18/08	JAMES GEIER	51995	30.00	TELEPHONE CHARGES
06/18/08	JARED VAN EK	51996	30.00	TELEPHONE CHARGES
06/18/08	JERSEY CHEMICALS, INC	51997	1427.68	SWIMMING POOL O/E
06/18/08	JERSEY ELEVATOR INC	51998	271.14	PUB WORKS ADMIN O/E
06/18/08	JET-VAC INC	51999	154.02	VEHICLE MAINT SEWER
06/18/08	JOHN GURRIELL	52000	30.00	TELEPHONE CHARGES
06/18/08	JOHN LEWIS, LLC	52001	250.00	FIRE DEPT O/E

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
06/18/08	JOHN TRIPICCHIO	52002	30.00	TELEPHONE CHARGES
06/18/08	JOHNNY ON THE SPOT, INC	52003	252.46	BOARD OF REC
06/18/08	JOSEPH SPERANZA	52004	30.00	TELEPHONE CHARGES
06/18/08	JP HOME ARAMA, INC	52005	136.58	FIRE DEPT O/E
06/18/08	KEN'S AUTO ELECTRIC, LLC	52006	1094.38	EMERGENCY MGT GRANT
06/18/08	LAUFER, KNAPP, TORZEWSKI	52007	489.00	LEGAL SERV& COSTS O/E
06/18/08	LESCO SC 493	52008	487.10	MAINTEN OF PARKS
06/18/08	LOUIS BAY 2nd LIBRARY	52009	116837.00	FREE PUBLIC LIBRARY O/E
06/18/08	MARK SMITH	52010	30.00	TELEPHONE CHARGES
06/18/08	MC NERNEY & ASSO	52011	400.00	TAX ASSESSMENT O/E
06/18/08	NEW CONCEPT OFFICE	52012	316.72	MUNICIPAL CLERK O/E
06/18/08	NJ DIV-ALCOHOLIC BEV	52013	54.00	MUNICIPAL CLERK O/E
06/18/08	NJ MEADOWLANDS	52014	3421.52	TRANSFER STATION
06/18/08	P. JEAN MELE	52015	141.75	GROUP INSURANCE O/E
06/18/08	PAC TOOL MOUNTS	52016	605.95	VEHICLE MAINT FIRE DEPT
06/18/08	PATERSON PAPERS	52017	208.85	FINANCIAL ADMIN O/E
06/18/08	PRINTMASTERS	52018	245.00	RECYCLING PRO
06/18/08	REALE REALTY LLC	52019	818.00	OPERATIONS
06/18/08	RIDGEWOOD TYPEWRITER	52020	238.96	POLICE DEPT O/E
06/18/08	SARAH FISHER	52021	565.16	SWIMMING POOL O/E
06/18/08	SCUFFY CARTING LLC	52022	31892.58	GARBAGE & TRASH O/E
06/18/08	SHOTMEYER BROS FUEL CO	52023	18089.39	BULK PURCHASE GASOLINE
06/18/08	THE LIFEGUARD STORE,	52024	1070.75	SWIMMING POOL O/E
06/18/08	THOMAS ZACONIE	52025	56.50	CONST CODE OFFICIAL O/E
06/18/08	THOMSON WEST INC	52026	54.00	BOARD OF HEALTH O/E
06/18/08	TILCON NEW YORK, INC	52027	1280.00	RECYCLING PRO O/E
06/18/08	TRIANGLE TROPHY	52028	275.00	FIRE DEPT O/E
06/18/08	ULINE	52029	534.16	FIRE DEPT O/E
06/18/08	UNITED COMPUTER	52030	1738.00	IT SERVICES
06/18/08	VEOLIA ENVIRONMENTAL	52031	129623.81	TRANSFER STATION
06/18/08	VERIZON	52032	69.14	TELEPHONE CHARGES
06/18/08	VERIZON WIRELESS (N)	52033	1007.95	TELEPHONE CHARGES
06/18/08	VITAL COMMUNICATIONS,	52034	575.00	CONST CODE O/E
06/18/08	WAYSIDE FENCE CO	52035	7006.00	LITTLE FRANK FLD
06/18/08	WESTMARK INC	52036	50.00	PUB WORKS ADMIN O/E
06/18/08	WM B MAWHINNEY AMBULANCE	52037	50.00	MUNICIPAL CLERK O/E

Total Bill List: 366879.45

### WATER OPERATING

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
06/05/08	PAYROLL ACCOUNT	14455	35984.40	WATER UTILITY S/W
06/05/08	PAYROLL ACCOUNT	14456	1148.07	SOCIAL SECURITY

Total Bill List: 37132.47

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
06/18/08	AGRA ENVIRONMENTAL SVC	14457	3335.00	LAB TESTING WATER
06/18/08	CABLEVISION	14458	49.95	WATER UTILITY O/E
06/18/08	HAWTHORNE PRESS INC	14459	71.00	WATER UTILITY O/E
06/18/08	ONE CALL SYSTEMS, INC.	14460	162.95	WATER UTILITY O/E
06/18/08	POSTMASTER-PATERSON	14461	1500.00	WATER UTILITY O/E
06/18/08	RICHARD JOHNSON	14462	139.40	RENT OVERPAYMENTS
06/18/08	RINBRAND WELL DRILL CO,	14463	1975.00	WATER UTILITY O/E
06/18/08	RIO SUPPLY, INC	14464	3150.00	WATER UTILITY O/E
06/18/08	SHOTMEYER BROS FUEL CO	14465	590.73	WATER UTILITY O/E
06/18/08	VERIZON WIRELESS (N)	14466	295.41	WATER UTILITY O/E

Total Bill List: 11269.44

**GENERAL CAPITAL FUND**

<u>Date</u>	<u>Vendor</u> <i>General Capital</i>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
06/18/08	BOBBY VAN PLUMBING, INC	2471	6900.00	RENOVATION OF POOL
06/18/08	BOSWELL ENGINEERING, INC	2472	7834.75	CREATION OF BALLFIELD
06/18/08	HAWTHORNE PRESS INC	2473	488.28	SEWER SLIP LINE
06/18/08	NORTH JERSEY MEDIA GROUP	2474	466.79	CREATION OF BALLFIELD
06/18/08	PARK N POOL CORP	2475	11440.45	RENOVATION OF POOL
<b>Total Bill List:</b>		27130.27		

**BUILDER'S ESCROW**

<u>Date</u>	<u>Vendor</u> <i>(Builder's Escrow)</i>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
06/18/08	BOSWELL ENGINEERING, INC	2005	312.00	M&P USED CARS
06/18/08	BOSWELL ENGINEERING, INC	2006	624.00	
06/18/08	MICHAEL J. PASQUALE,	2007	75.00	LAFAYETTE REALTY
<b>Total Bill List:</b>		1011.00		

**OTHER TRUST II**

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
06/05/08	PAYROLL ACCOUNT	6442	435.13	RECYCLING TRUST
<b>Total Bill List:</b>		435.13		

<u>Date</u>	<u>Vendor</u> <i>(O.T. II)</i>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
06/18/08	ACE REPROGRAPHIC SERV,	6443	240.00	RECYCLING TRUST
06/18/08	WILFORD MAC DONALD, INC	6444	768.99	RECYCLING TRUST
06/18/08	HAWTHORNE PRESS INC	6445	385.00	RECYCLING TRUST
<b>Total Bill List:</b>		1393.99		

**DOG DEDICATED FUND**

<u>Date</u>	<u>Vendor</u> <i>(Dog Dedicated)</i>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
06/18/08	TYCO ANIMAL CONTROL	6402	2400.00	DOG POUND
<b>Total Bill List:</b>		2400.00		

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 Sinning.

Council President Goldberg asked if there were any questions.

On roll call all voted yes.

**PUBLIC COMMENT:**

Bob Kurdock, 15 Rhodes Court, confirmed the rumors regarding the Hovnanian Board, the issuance of Certificates of Occupancy and lottery parking. They still have not started to collect recycling in the complex. He is asking the Council for help with receiving the agendas, minutes, and financial reports regarding the association.

Attorney Pasquale asked for a contact person and a copy of the flyer being distributed regarding the lottery.

Joseph Rooney, 84 Braen Avenue, asked if we were still holding the bond for Lafayette Hill because he heard one of the students report that the County was holding the bond.

It was explained that we are holding the bond on the building of the complex and the County is retaining the bond regarding the water project that was done on Goffle Road.

Jennifer Scully, Insurance Compliance and Education Coordinator for the Borough of Hawthorne, 23 Horizon Terrace, announced that June is National Safety Month. A display has been sent up in the lobby and she encouraged everyone to visit the display.

Since no one else desired to be heard, Council President Goldberg entertained a motion to close the public portion, moved by Councilman Bertollo, seconded by Councilman Matthews. On roll call all voted yes.

**ADJOURNMENT**

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

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Richard Goldberg  
Council President

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Jean Mele  
Borough Clerk