August 6, 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 Attorney Pasquale, Borough Engineer Boswell, Director of 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 19, 2007.

APPROVAL OF MINUTES

Council President Goldberg entertained a motion to approve the minutes of the Regular Meeting and Closed Session of July 16, 2008, moved by Councilman Bertollo, seconded by Councilman Wojtecki. On roll call Council persons Bertollo, English, Matthews, Wojtecki & Goldberg voted yes. Councilman Bennett & Sinning 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 Bennett, seconded by Councilman Sinning. On roll call all voted yes.

ADOPTION OF ORDINANCES

Ordinance No. 1948-08 for Adoption

BOND ORDINANCE PROVIDING FOR A LOCAL IMPROVEMENT CONSISTING OF THE CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS AND DRIVEWAY APRONS ON TUXEDO AVENUE, FROM LAFAYETTE AVENUE TO MAY STREET; JEFFERSON PLACE; NORTH 11TH STREET, FROM MOHAWK AVENUE TO WESTERVELT AVENUE; LAUREL STREET; BIRCHWOOD ROAD; COOLIDGE PLACE; CORNELL AVENUE, FROM PARKER AVENUE TO REA AVENUE; ELEVENTH AVENUE, FROM UTTER AVENUE TO PARKER AVENUE; AND EKINGS AVENUE, IN AND BY THE BOROUGHY OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY APPROPRIATING $85,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME, AND DIRECTING A SPECIAL ASSESSMENT OF THE COSTS THEREOF.

Public Hearing

Council President Goldberg opened the meeting to the public.

Linda Rusciano, 43 May Street, voiced her opposition to having her sidewalks replaced.

Engineer Boswell explained the reason the sidewalk needed to be replaced.

Mrs. Rusciano is concerned about her taxes and added costs.

Council President Goldberg explained added assessments and the timeframe for payment.

Dan Castlegrant, 50 11th Avenue, expressed the same concerns. He asked what the tax rate would be on the unpaid balance.

Director of Finance Hewitt said it would be approximately 4-6%

Mr. Castlegrant questioned the gaps in between sidewalks and the fact that Parker Avenue only has sidewalk on one side.

Engineer Boswell said the gaps will be filled in but the sidewalks on one side would remain the same.

Elizabeth Castlegrant, 50 11th Avenue, asked what would happen with the assessment if they sold their home.

Council President Goldberg said it would show as either pending or approved assessment on a title search.

Attorney Pasquale said the balance of the assessment is paid at closing by the seller.

Council President Goldberg entertained a motion that the public hearing on Ordinance No. 1948-08 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 Bertollo, seconded by Councilman Matthews.

Councilman Bertollo asked if the residents were given an estimate.

Engineer Boswell said only the residents who called. He said the cost would be $55.00 per square yard for sidewalk or $24.00 a linear foot.

Councilman Matthews said the residents use to assume the cost of sidewalks, aprons & curbs. That policy has changed and now the residents are not responsible for the curb costs.

Councilman Wojtecki asked if the Shade Tree had been advised.

Engineer Boswell said a set of plans were sent to the Shade Tree Commission.

On roll call all voted yes.

Ordinance No. 1949-08 for Adoption

BOND ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION, CURBING, RESURFACING AND DRAINAGE IMPROVEMENTS ON VARIOUS STREETS AND PROPERTIES DESCRIBED HERIN OR HEREAFTER IDENTIFIED, ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY APPROPRIATING THREE HUNDRED THOUSAND ($300,000) THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME.

Public Hearing

Council President Goldberg opened the meeting to the public.

No one wished to be heard.

Council President Goldberg entertained a motion that the public hearing on Ordinance No. 1949-08 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. 1950-08 for Adoption

AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE 1888-06, COMMUTER PARKING, AS CONTAINED IN THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO CREATE CERTAIN AREAS DESIGNATED AS TWO HOUR PARKING ZONES, TO PROVIDE FOR HOME HEALTH CARE AIDES, AND NEW RESIDENTS.

Public Hearing

Council President Goldberg opened the meeting to the public.

No one wished to be heard.

Council President Goldberg entertained a motion that the public hearing on Ordinance No. 1950-08 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 Councilman Bertollo. On roll call all voted yes.

NEW BUSINESS

Council President Goldberg asked Borough Auditor Joseph Kelly to report on the Annual Audit.

Auditor Kelly reported this was the first time since he has been doing the audits for the Borough of Hawthorne that there were no recommendations or statutory violations to report.

He commended the Finance Department and Administration for doing a good job.

He reported the surplus for the year 2007 was $3,482,000 and was an increase of $450,000 over the year 2006. This is very important to maintain and increase your surplus.

The Water Utility had a surplus decrease of $50,000 from $297,000 in 2006 to $244,000 in 2007.

Our Municipal Debt decreased by $600,000 from $17.5 million to $16.9 million.

Councilman Wojtecki asked if the improved ratios would improve our bond rating.

Auditor Kelly said it would reflect well.

Council President Goldberg commended the Finance Department, Administration and the Finance Committee for the perfect audit.

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year *2007* has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

> R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Municipal Council of the Borough of Hawthorne, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Council President Goldberg entertained a motion to approve NB-1 Governing Body Certification of the Annual Audit, moved by Councilman Wojtecki, seconded by Councilman Matthews. On roll call all voted yes.

OLD BUSINESS

Councilman Sinning asked when the crosswalks at Lafayette and Vreeland were going to be painted.

Councilman Wojtecki said he would not be approving a payment on tonight's bill list for Alpine Painting due to the fact the paint is peeling in the pool.

Discussion ensued.

Councilman Matthews concurred on holding the payment to Alpine Painting.

Councilman Matthews asked for a status reports regarding Mr. Rooney's property and Hovnanian.

Attorney Pasquale said there was nothing to report.

ADMINISTRATIVE AGENDA

Mayor Botbyl asked Administrator Maurer to introduce our new sanitarian.

Administrator Maurer introduced and said Ms. Jean Mugulusi has been working with the Borough since June.

Council President Goldberg welcomed Ms. Mugulusi and congratulated her on her strong resume.

Mr. Maurer said Ms. Mugulusi was hired because of her belief in permoting health through compliance and education.

MR-1 - 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 north side of Prescott Avenue, beginning ninety-eight feet (98') west of the northwest corner of North Eighth Street and extending twenty-two feet (22') to the west in front of the premises known as 55 Prescott Avenue, shown as Block 3 Lot 2 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 Wojtecki, seconded by Councilwoman English. On roll call all voted yes.

Mayor Botbyl announced that it is his intention to retire and he has made the appropriate notifications. He had intended to continue as Mayor; but his wife has decided to retire from her teaching position and they are planning to travel and relocate.

He has an opportunity to work for the VFW but at present the position is not there. The national organization is meeting and may approve a position. He felt if he was not able to be here to run things the way he wanted to, he felt it was time to retire.

The goals that have been attained are financial stability, reworking of operations and reduction of the debt. He hopes thing will continue to move forward. He thanked everyone for their cooperation and continued support and would like to be remembered as a Mayor who brought integrity to his position.

Mayor Botbyl asked for the following reports:

Director of Finance Hewitt reported the following

1. Thanked her staff & Administrator for all their cooperation and hard work in preparation for the audit report.

2. Tax bill have been mailed. An extention was put in place until August 25th for the payment to be received. Reminded residents this is an extension and not an abatement and if paid late, the interest goes back to August 1st.
3. Thanked the Tax Collector for her hard work getting the bills out earlier than expected.

Attorney Pasquale reported on the following:

1. Reported a motion to consolidate has been received for the lawsuit regarding New Jersey Environmental Federation. We are in favor of the consolidation.
2. Actively opposing the lawsuit filed by Enterprise Outdoor Advertising to put up two sixty foot towers on Hawthorne properties that can bee seen from Route 208. This is not free speech but commercial speech.
3. Addressed free speech issue regarding the settlement of lawsuit Gause vs Borough of Hawthorne. The settlement does not involve any money. It just acknowledges the fact this is a free speech issue, our sign ordinance will be amended or repealed within the next 90 days and no enforcement of the sign ordinance section that deals with political signs.

Attorney Pasquale read the following statement.

The Borough has agreed to amend or repeal Ordinance 225-89-M which limits the display of political signs because we do recognize legitimate concerns regarding the First Amendment. Earlier this year we did seek to enforce the ordinance but we did abandon the prosecution in light of those concerns. In the meantime, I stated publicly on the record that we will not be enforcing that section of the political sign ordinance whether the council approves the settlement or not. The Administration will not be enforcing that ordinance, and we have so stated and continue to do so, but I do ask for your concurrence and hopefully we do all move forward and put this chapter behind us.

On a final note, Attorney Pasquale wanted to take the opportunity to thank Mayor Botbyl. We really did not know each other particularly well, but he put his trust in me and that trust never wavered no matter what we've been

through. We've been through some particularly good times, some particularly not-so-good times and Attorney Pasquale always felt he had the confidence, the support, and backing of the Mayor and he stood behind me at all times through thick and thin and that really is the mark of a leader in many ways. I think when people are able to stand back with some real perspective they'll see a great deal of positive that occurred in the last two and a half years which I only hope we will all build on as we go forward. I know that no matter how you view Pat's tenure as a person, as a man, he proudly served his country, and he proudly served his community. Attorney Pasquale wished the Mayor and his wife all the best and thanked him for the opportunity to serve.

Engineer Boswell reported on the following:

1.) Paving of the roads under the County Paving Program will commence on Goffle Hill Road and Grandview Avenue to the Bergen County line. The contractor, Smith Sunday, intends to begin milling August 26th, restore heads on the manholes August 27th, pave August 29th and finally stripe on September 2nd and 3rd. This project has nothing to do with the Borough, however it will affect Hawthorne residents.
2.) The 2008 Road Program will be addressed tonight with the Ordinances that will allow it to proceed.
3.) The 2008 Local Aid Project. DOT's 8 week time frame ended today August 6th. They were called and reported that they almost have comments. The bids for both the 2008 Road Program and 2008 Local Aid Project will be ready in a week or so.

Administrator Maurer reported on the following:

1.) The County Road Project and all updates regarding the Project is on the Municipal Website.
2.) The Municipal Swimming Pool:
    a. painting of seams will be addressed.
    b. Assistant Manager Sarah Sexton scored a one hundred on her Certified Pool Operator's Certificate.
    c. The tennis courts at the Municipal Pool

experienced slight problems as the hand scanner used in previous years was still connected. Although the gates had been opened the scanner sealed the gates magnetically. To resolve the issue, power to the hand scanner has been permanently disconnected. Also, as a response to a request from residents, the tennis courts will be open either 5 or 6 AM.

3.) The leadership camp, weather permitting, will receive a visit from a National Guard Helicopter on the first Monday that the camp opens.
4.) The dry chlorine system for the water utility included in the budget received quotes that fell within the expected amount. They are below the bid threshold and will be awarded administratively. Dry chlorine versus liquid chlorine will cut down on corrosion in the systems.
5.) Line painting for the Borough is moving forward. An outsource for line painting will be addressed, and Thermoplastic will be discussed as it lasts 3-5 years rather than the usual 1 year.
6.) The Borough's phone service will be revised as to save five or six thousand dollars for next year.
7.) Parties seeking to lease power on town cell towers will re-bid resulting in additional money for the Borough.
8.) The town will be bonding outstanding notes.
9.) A Community Development Block Grant application has been submitted to the county. This includes two projects, including Mohawk Avenue and handicap ramps at certain locations.

Council President Goldberg thanked Mayor Botbyl, assuring everyone that once the transition to Mayor has been made, he will continue on the path laid forth by Pat Botbyl. Council President Goldberg then opened council to questions and comments.

Councilman Wojtecki questioned the estimated time of the road project, and whether or not appropriate detours would be designated. His concerns were met by Administrator Maurer, who suggested Councilman Wojtecki visit the town website and that the road updates were listed there. Administrator Maurer also stated that the project was to last an estimated four to six months. Engineer Boswell

added that the county intended on maintaining traffic rather than appropriate detours.

Councilman Wojtecki on behalf of the Shade Tree Commission discussed concerns regarding the evergreen tree in question. He stated that he had visited the area and implored that other options were explored rather than removing the tree.

Council thanked Mayor Botbyl for his time spent in office and for the opportunities he shared with them.

Questions and suggestions rose regarding the road project and the pool contractor. It was stated that it be suggested to the county that the road project be moved up a day or two so that it does not interfere with the opening of school. Also it was questioned whether or not the town owed the pool contractor money. Engineer Boswell stated that an estimated $1000 was still owed to the contractor after the seams were repaired.

Mayor Botbyl thanked all the volunteers including the Fire Departments, the Ambulance Corps, and town organizations. He also thanked the Police Department, Borough Employees, Charlene Elvin, Jean Mele, and his wife and family.

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

ORDINANCES AND RESOLUTIONS

Ordinance No. 1951-08 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. 1951-08 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 3rd day of September, 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 time and place, when and where said ordinance would be considered for final passage.

Motioned by Councilman Sinning and seconded by Councilman Matthews. On roll call all voted yes.

Ordinance No. 1952-08 for Introduction

AN ORDINANCE TO AMEND ORDINANCE 1817-04, HERETOFORE ADOPTED BY THE BOROUGH OF HAWTHORNE, PROVIDING FOR THE CREATION OF A RECREATIONAL FACILITY AT WAGARAW ROAD, AND ORDINANCE 1934-08, AMENDING SAID ORDINANCE, ALL AS DESCRIBED SPECIFICALLY THEREIN, INCREASING THE COSTS PERMITTED BY N.J.S.A 40A:2-20 FROM $50,000 TO $56,000

BE IT RESOLVED, that Ordinance No. 1952-08 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 3rd day of September, 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 time and place, when and where said ordinance would be considered for final passage.

Motioned by Councilwoman English and seconded by Councilman Bertollo. On roll call all voted yes.

CONSENT AGENDA - R-1 - R-8

R-1. Resolution, Introduced by Councilman Bennett

RESOLVED: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated July 18, 2008.

CURRENT ACCOUNT	**#52205**	**$258,353.47**
WATER ACCOUNT	**#14503**	**$ 34,755.08**
OTHER TRUST II	**#6452**	**$ 13,375.36**

TOTAL PAYROLL		$306,483.91
CURRENT TO PAYROLL/FICA	#52206	$ 15,385.20
TOTAL FICA		$ 15,385.20

And also for the payroll dated 8/1/08

CURRENT ACCOUNT	#52208	$261,035.71
WATER ACCOUNT	#14504	$ 36,431.73
OTHER TRUST II	#6453	$ 7,697.92
TOTAL PAYROLL		$305,165.36
CURRENT TO PAYROLL/FICA	#52209	$ 3,978.34
WATER OPERATING TO PAYROLL/FICA	#14505	$ 11,636.45
TOTAL FICA		$ 15,614.79

R-2. Resolution, Introduced by Councilman Bennett

WHEREAS, there exists a need for engineering services for the resident engineering and construction inspection at a total cost of $21,000.00 for Improvements to Kohler Field 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 $21,000.00, 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-3. Resolution, Introduced by Councilman Bennett

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

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

WHEREAS, the Borough of Hawthorne was unable to mail its 2008/2009 property tax bills on or before June 14th as required by N.J.S.A. 54:4-66 due to the failure on the part of the Sate of New Jersey to certify state aid funding for inclusion on the tax bills in a timely manner; and

WHEREAS, this delay will result in the late mailing of the 2008/2009 tax bills to Borough property owners.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, County of Passaic, State of New Jersey, that the interest rate for the nonpayment of 3rd quarter 2008 property taxes shall be fixed at zero (0%) until August 25, 2008.

BE IT FURTHER RESOLVED, that if payment of the 3rd quarter 2008 property tax is not made on or before August 25, 2008 the time period set forth above, then the interest rate for nonpayment of the 3rd quarter 2008 property tax shall revert back to the original interest rate established by resolution on January 4, 1995 and charged from the statutory payment date for 3rd quarter property taxes of August 1.

R-4. Resolution, Introduced by Councilman Bennett

WHEREAS, the annual principal payment and the semi-annual interest payment for the General Serial Bonds of 2005 becomes due and payable on August 15, 2008.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer is hereby authorized to wire funds in the amount of $315,000.00 in payment of principal and $45,938.00 in payment of interest from the Current Fund to Chase Bank NY Account #066027306.

R-5. Resolution, Introduced by Councilman Bennett

WHEREAS, the 2008 Local Municipal Budget was adopted at the Regular Council Meeting of May 7, 2008 and certain items contained therein require account transfers between the various Borough funds in order to effectuate these budgetary items.

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

PAY FROM	PAY TO	AMOUNT	FOR
Current	General Capital	100,000.00	Capital Improvement Fund
Current	Water Operating	89,100.00	Fire Hydrant Service
Water Operating	Current	145,000.00	Utility Fund Balance
Water Operating	Water Capital	10,000.00	Capital Improvement Fund
Water Capital	Water Operating	55,000.00	Reserve for Payment of Debt
Assess Trust	Current	4,800.00	Assessment Fund Balance

General Capital	Current	125,000.00	Reserve for Payment of Debt
General Capital	Current	79,398.00	Interfund 2007

R-6. Resolution, Introduced by Councilman Bennett

WHEREAS, 2007 Treasury records as stated in the Municipal Audit reflect certain interfund account balances as of the close of the prior fiscal year that require account transfers in order that these interfunds be liquidated in the current 2008 fiscal year.

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

PAY FROM	PAY TO	AMOUNT	
Current	Assessment Trust	78,958.00	2007 Interfund
Current	Dog Dedicated	14.00	2007 Interfund
Current	Other Trust	15,571.00	2007 Interfund
Water Operating	Water Capital	61.00	2007 Interfund

R-7. Resolution, Introduced by Councilman Bennett

WHEREAS: Tax Sale Certificate #2006-06 was sold on June 13, 2006 in the amount of $6,051.37 on Block 195 Lot 15 then assessed to Jerilyn Driesse and said lien was originally purchased by Robert Del Vecchio Pension Trust, P.O. Box 561, Hawthorne, N.J. 07507-0561, and

WHEREAS: said lien was redeemed on July 30, 2008 in the amount of $18,771.53, said lienholder is entitled to a refund including the amount of the lien $6,051.37, search and recording fee of $52.00, penalty of $242.05, subsequent Taxes of $9,276.25 and interest of $3,149.86 for a total of $18,771.53, and

NOW, THEREFORE, BE IT RESOLVED: that the Collector of Taxes recommends that a check be issued by the Treasurer from the Other Trust II/Trustee Account to Robert Del Vecchio Pension Trust in the amount of $18,771.53 to reimburse the lienholder for the lien, fees penalty, subsequent and interest.

R-8. Resolution, Introduced by Councilman Bennett

WHEREAS, a lawsuit has been filed against the Borough of Hawthorne and certain specifically named individuals by Andrew Gause in the Federal District Court of the District of New Jersey under Docket Number 2:08-cv-3201; and

WHEREAS, a settlement of the lawsuit has been negotiated by the Borough Attorney, the terms being deemed acceptable to the attorney and the Administration; and

WHEREAS, as part of the proposed settlement, the Municipal Council is called upon to take certain action regarding the Municipal Code of the Borough of Hawthorne, as detailed therein and made a part hereof; and

WHEREAS, the Borough Attorney, with concurrence of the Administration, has recommended the settlement to the governing body and seeks approval of a resolution granting the same;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne does approve of the settlement as proposed and annexed hereto and does authorize the Mayor and Clerk to execute and deliver the agreement as and for the act of the governing body.

Council President Goldberg entertained a motion to approve R-1 through R-8, moved by Councilman Bennett, seconded by Councilwoman English .

Council President Goldberg asked if there was any discussion.

On roll call all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES:

Councilman Bertollo discussed the following:

1.) Richard Thomas was contacted by Downes Tree Services and was informed that work would begin. The Grant brothers were also contacted and informed that work would begin. All agreements were forwarded to Mr.Faasse to secure the work process.

2.) Councilman Bertollo agreed with the Scudero recommendation by Engineer Boswell. He stated that the contractor was receptive, worked hard, and was not happy with the manufacturer's standards.

Councilman Wojtecki raised concern that with all steps completed to fix the pool, how those steps would affect the Borough financially.

Councilwoman English discussed the following:

1.) On Saturday the Mark Sasso Fund will be hosting a softball game at Wag Field. The teams would compromise of Mark's friends and the ESPN team. The game would begin at 3:00 PM, and activities would follow at Shortway's at 5:00 PM. Details are included on the ESPN website, and all donations can be made to St. Anthony's Playground Fund.

Councilman Bennett discussed the following:

1.) The Public Works Commission met with Administrator Maurer to address the pool renovation project. 3 of the 10 drains are still clogged closer to the deep end of the pool. The pool filter is guessed to date back to approximately 1970.

Council President Goldberg discussed the following:

2.) The Personnel Committee is scheduled to meet at 4:00 on Friday to discuss the Clerk's position. Should a decision be reached then a special Council meeting will be scheduled after Friday.

Councilman Matthews discussed the following:

1.) The Planning Board met August 5th, and concerns regarding 255 Westervelt surfaced. It was a work session therefore testimony was not needed. However, modifications were to be made regarding parking. Three on site parking spaces were available yet the three off site spaces were not available. 255 Westervelt is obligated to create three more spaces.
2.) The Chamber of Commerce is holding its Fishing Derby September 13th 2008 from 8:30 to 11:00 AM at the duck pond.
3.) Follow up on the sign ordinance was previously discussed.
4.) Address certification of rental apartments at a later date.

Councilman Wojtecki discussed the following:

1.) The Shade Tree Commission met last night August 5th.
2.) Finance should send out a letter preparing for the preliminary budget.

CORRESPONDENCE:

C-1. Resignation latter from Mayor Botbyl was received 7/29/08 with regret.

Council President Goldberg entertained a motion to receive and file Mayor Botbyl's resignation, moved by Councilman Bennett, seconded by Councilwoman English. On roll call all voted yes.

MISCELLANEOUS:

Rfl-1 & 2 - The Hawthorne High School PTO has requested permission to hold two on-premise raffles, gift baskets and 50/50 on Saturday October 18, 2008, between 6 & 11 p.m.

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

Sol-1. The Hawthorne High School Band Parents have requested permission to solicit on public streets on Saturday, September 13, 2008, from 8:00 a.m. until 3:00 p.m.

Sol-2 & 3. The Hawthorne High School Project Graduation has requested permission to solicit on public streets on Saturday, May 2, 2009 and Saturday, October 4, 2008, from 9 am until 12:00 noon.

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

BILLS:

The following bills were presented for payment:

CURRENT FUND

CURRENT

Date	Vendor	Check #	Amount	Appropriation
07/16/08	ESI EQUIPMENT, INC	52204	605.95	VEHICLE MAINT FIRE DEPT

Total Bill List: 605.95

Date	Vendor	Check #	Amount	Appropriation
07/17/08	PAYROLL ACCOUNT	52205	258353.47	BOARD OF REC S&W
07/17/08	PAYROLL ACCOUNT	52206	15385.20	FREE PUBLIC LIBRARY O/E

Total Bill List: 273738.67

Date	Vendor	Check #	Amount	Appropriation
07/18/08	SCUFFY CARTING LLC	52207	31892.58	GARBAGE & TRASH O/E

Total Bill List: 31892.58

Date	Vendor	Check #	Amount	Appropriation
07/31/08	PAYROLL ACCOUNT	52208	261035.71	BOARD OF HEALTH S&W
07/31/08	PAYROLL ACCOUNT	52209	3978.34	FREE PUBLIC LIBRARY O/E

Total Bill List: 265014.05

Date	Vendor	Check #	Amount	Appropriation
08/06/08	A T & T	52210	48.28	TELEPHONE CHARGES
08/06/08	A-VAN ELECTRICAL	52211	323.38	RECYCLING PRO
08/06/08	AAA EMERGENCY SUPPLY CO	52212	1314.50	FIRE DEPT O/E
08/06/08	ACE REPROGRAPHIC SERV,	52213	330.00	RECYCLING PRO
08/06/08	ADWEAR GRAPHICS	52214	145.00	RECYCLING PRO O/E
08/06/08	AERIAL LIFT, INC	52215	572.50	STREETS & ROADS O/E
08/06/08	AMERICAN HOSE CO INC	52216	85.00	VEHICLE MAINT RECYCLE
08/06/08	BOB RAYOT TIRE SERVICE,	52217	195.95	VEHICLE MAINT RECYCLE
08/06/08	BOSWELL ENGINEERING, INC	52218	8319.75	ENGINEERING SERVICES O/E
08/06/08	BRAEN STONE INDUSTRIES,	52219	471.64	STREETS & ROADS O/E
08/06/08	BROADHURST SHEET METAL	52220	25.00	SWIMMING POOL O/E
08/06/08	CABLEVISION	52221	543.25	PUB WORKS ADMIN O/E
08/06/08	CAMPBELL FOUNDRY CORP	52222	960.00	SEWER SYSTEM O/E
08/06/08	CARL MOTTOLA	52223	258.30	UNIFORM FIRE SAFETY O/E
08/06/08	CAROL CHAMBERLIN	52224	37.12	BOARD OF HEALTH O/E
08/06/08	CHARLES C. COLLINS, JR,	52225	125.86	ZONING BD OF ADJ
08/06/08	CMRS-FP	52226	6000.00	GENERAL ADMIN O/E
08/06/08	COUNTY OF PASSAIC	52227	3668591.60	COUNTY TAX
08/06/08	COUNTY OF PASSAIC-OPEN	52228	73304.60	OPEN SPACE TAX
08/06/08	D FANTUZZI UPHOLSTERY	52229	150.00	VEHICLE MAINT POLICE
08/06/08	DEFENDER INDUSTRIES INC	52230	6436.54	FIRE RESCUE BOAT
08/06/08	DELTA MECHANICAL SYSTEMS	52231	2988.82	PUB WORKS ADMIN O/E
08/06/08	DOM & NINAS NEW ENGLAND	52232	70.00	RECYCLING PRO O/E
08/06/08	DOUGLAS MORGAN	52233	139.92	GROUP INSURANCE O/E
08/06/08	E MAHONEY & SON	52234	150.00	CLEAN COMMUNITY A
08/06/08	EMILIO GUERRIERO	52235	279.00	GROUP INSURANCE O/E
08/06/08	FIFTH AVENUE LANDSCAPING	52236	365.00	CLEAN COMMUNITY A
08/06/08	FRANCOTYP-POSTALIA, INC	52237	304.98	PUB WORKS ADMIN O/E
08/06/08	GRAINGER, INC	52238	212.75	RECYCLING PRO
08/06/08	GRAMCO BUSINESS COMMUN	52239	149.00	MUNICIPAL CLERK O/E
08/06/08	HARRY GORDON	52240	500.00	RECYCLING PRO
08/06/08	HAWTHORNE	52241	870.00	BOARD OF REC
08/06/08	HAWTHORNE INDUSTRIAL	52242	229.10	VEHICLE MAINT RECYCLE
08/06/08	HAWTHORNE PAINT CO INC	52243	33.50	STREETS & ROADS O/E
08/06/08	HAWTHORNE PRESS INC	52244	563.16	ZONING BD OF ADJ
08/06/08	HAWTHORNE'S BEST PIZZA	52245	824.00	BOARD OF REC
08/06/08	HENRY'S PLUMBING &	52246	36.86	MAINTEN OF PARKS
08/06/08	HOME SUPPLY & LUMBER	52247	49.44	STREETS & ROADS O/E
08/06/08	IPPOLITO BROS INC	52248	300.00	PUB WORKS ADMIN O/E

Date	Vendor	Check #	Amount	Appropriation
08/06/08	JAMES GEIER	52249	80.00	POLICE DEPT O/E
08/06/08	JAMES SODER	52250	180.00	GROUP INSURANCE O/E
08/06/08	JERSEY CHEMICALS, INC	52251	248.85	SWIMMING POOL O/E
08/06/08	JP HOME ARAMA, INC	52252	122.57	EMERGENCY MGMGT O/E
08/06/08	JUNGLE LASERS LLC	52253	3040.00	FEES PAYABLE JUNGLE
08/06/08	LAWMEN SUPPLY CO OF NJ,	52254	248.00	POLICE DEPT O/E
08/06/08	LESCO SC 493	52255	845.40	MAINTEN OF PARKS
08/06/08	LUK OIL	52256	10252.68	BULK PURCHASE GASOLINE
08/06/08	MARY JEANNE HEWITT	52257	107.59	BOARD OF REC O/E
08/06/08	MERCEDES MARTINEZ	52258	40.00	CONTRA REVENUE
08/06/08	METLIFE	52259	334.96	GROUP INSURANCE O/E
08/06/08	NEUTRON INDUSTRIES, INC	52260	216.57	PUB WORKS ADMIN O/E
08/06/08	NO JERSEY MUNI EMPL BNFT	52261	111429.00	FREE PUBLIC LIBRARY O/E
08/06/08	OPTIMUM ENERGY PRODUCTS	52262	567.00	PEOSHA O/E
08/06/08	P. JEAN MELE	52263	300.00	GROUP INSURANCE O/E
08/06/08	PATRICK J BOTBYL	52264	18.06	TELEPHONE CHARGES
08/06/08	PUBLIC SERV ELEC & GAS	52265	36179.77	ELECTRIC CHARGES
08/06/08	RIDGEWOOD TYPEWRITER	52266	739.99	SHADE TREE COMMISSION O/E
08/06/08	RUTGERS - CENTER FOR	52267	1108.80	FINANCIAL ADMIN O/E
08/06/08	SIR SPEEDY, INC	52268	28.55	MUNICIPAL CLERK O/E
08/06/08	ST JOSEPH'S REG MED	52269	64.00	BOARD OF REC
08/06/08	STRATTON BINDING CORP	52270	160.00	MUNICIPAL CLERK O/E
08/06/08	THOMSON WEST INC	52271	276.00	MUNICIPAL CLERK O/E
08/06/08	TREASURER, STATE OF NJ	52272	2355.00	FEES PAY UCC
08/06/08	TRI-STATE TECHNICAL	52273	300.00	FINANCIAL ADMIN O/E
08/06/08	TYR COMPUTER CONSULTING	52274	170.00	POLICE DEPT O/E
08/06/08	UNITED COMPUTER	52275	1742.50	SEWER SYSTEM O/E
08/06/08	VERIZON	52276	3982.60	TELEPHONE CHARGES
08/06/08	VERIZON WIRELESS (N)	52277	189.88	TELEPHONE CHARGES
08/06/08	VITAL COMMUNICATIONS,	52278	100.00	REVENUE COLLECTION O/E
08/06/08	WAGNER TOURS, INC	52279	650.00	BOARD OF REC O/E
08/06/08	WARD'S ICE CREAM CO, INC	52280	554.66	SWIMMING POOL O/E
08/06/08	WORK'N GEAR, INC	52281	78.00	STREETS & ROADS O/E

Total Bill List: 3953014.23

WATER OPERATING

Date	Vendor	Check #	Amount	Appropriation
07/17/08	PAYROLL ACCOUNT	14503	34755.08	WATER UTILITY S/W

Total Bill List: 34755.08

Date	Vendor	Check #	Amount	Appropriation
07/31/08	PAYROLL ACCOUNT	14504	36431.73	WATER UTILITY S/W
07/31/08	PAYROLL ACCOUNT	14505	11636.45	SOCIAL SECURITY

Total Bill List: 48068.18

Date	Vendor	Check #	Amount	Appropriation
08/06/08	A-VAN ELECTRICAL	14506	145.53	WATER UTILITY O/E
08/06/08	AGRA ENVIRONMENTAL SVC	14507	1050.00	LAB TESTING WATER
08/06/08	BOSWELL ENGINEERING, INC	14508	2978.50	WATER UTILITY O/E
08/06/08	CABLEVISION	14509	57.33	WATER UTILITY O/E
08/06/08	CMRS-FP	14510	2000.00	WATER UTILITY O/E
08/06/08	COMMERCIAL BUSINESS	14511	442.00	WATER UTILITY O/E
08/06/08	E S C ENTERPRISES, INC	14512	360.00	WATER UTILITY O/E
08/06/08	HAWTHORNE PAINT CO INC	14513	48.50	WATER UTILITY O/E
08/06/08	HENRY'S PLUMBING &	14514	42.00	WATER UTILITY O/E
08/06/08	IPPOLITO BROS INC	14515	100.00	WATER UTILITY O/E
08/06/08	JPSC, INC	14516	179.75	WATER UTILITY O/E
08/06/08	LUK OIL	14517	1870.89	WATER UTILITY O/E

WATER OPERATING CONTINUED

08/06/08	LUSCHER'S AUTO INC	14518	1292.61	WATER UTILITY O/E
08/06/08	MIRACLE CHEMICAL, INC	14519	137.25	WATER UTILITY O/E
08/06/08	NO JERSEY MUNI EMPL BNFT	14520	40000.00	GROUP INSURANCE EMP.
08/06/08	PASSAIC CO ROAD DEPT	14521	65.00	WATER UTILITY O/E
08/06/08	PUBLIC SERV ELEC & GAS	14522	55803.38	WATER UTILITY O/E
08/06/08	RIDGEWOOD TYPEWRITER	14523	54.88	WATER UTILITY O/E
08/06/08	RIO SUPPLY, INC	14524	660.50	WATER UTILITY O/E
08/06/08	RUTGERS - CENTER FOR	14525	475.20	WATER UTILITY O/E
08/06/08	TREASURER, STATE OF NEW	14526	1580.00	WATER UTILITY O/E
08/06/08	VERIZON	14527	1122.23	WATER UTILITY O/E

Total Bill List: 110465.55

GENERAL CAPITAL FUND

Date	Vendor	Check #	Amount	Appropriation
07/18/08	ENERGY & UTILITY	2484	88500.00	REPAIRS TO HVAC

Total Bill List: 88500.00

GENERAL CAPITAL

Date	Vendor	Check #	Amount	Appropriation
08/06/08	BARCIA BROS FENCE CO INC	2485	2940.00	RENOVATION OF POOL
08/06/08	BOSWELL ENGINEERING, INC	2486	9229.56	2008 ROAD PROGRAM
08/06/08	SCATURRO BROS INC	2487	2390.00	RENOVATION OF POOL

Total Bill List: 14559.56

BUILDERS ESCROW

(Builders Escrow)

Date	Vendor	Check #	Amount	Appropriation
08/06/08	MICHAEL J. PASQUALE,	2011	450.00	BEDRIN ORG 12/8
08/06/08	BOSWELL ENGINEERING, INC	2012	376.50	PASSANO 281/8
08/06/08	BOSWELL ENGINEERING, INC	2013	936.00	OLIVER 84/2.03
08/06/08	BOSWELL ENGINEERING, INC	2014	312.00	M&P USED CARS
08/06/08	BOSWELL ENGINEERING, INC	2015	273.00	
08/06/08	BOSWELL ENGINEERING, INC	2016	39.00	
08/06/08	BOSWELL ENGINEERING, INC	2017	440.00	
08/06/08	BOSWELL ENGINEERING, INC	2018	234.00	LAFAYETTE REALTY

Total Bill List: 3060.50

OTHER TRUST II

Date	Vendor	Check #	Amount	Appropriation
07/17/08	PAYROLL ACCOUNT	6452	13375.36	OFF-DUTY POLICE

Total Bill List: 13375.36

Date	Vendor	Check #	Amount	Appropriation
07/31/08	PAYROLL ACCOUNT	6453	7697.92	OFF-DUTY POLICE

Total Bill List: 7697.92

O.T. II

Date	Vendor	Check #	Amount	Appropriation
08/06/08	CLIFFSIDE BODY	6454	1383.00	RECYCLING TRUST

Total Bill List: 1383.00

O.T. II

Date	Vendor	Check #	Amount	Appropriation
08/06/08	ROBERT DEL	6455	18771.53	TRUSTEE

Total Bill List: 18771.53

DOG DEDICATED

(DOG DEDICATED)

Date	Vendor	Check #	Amount	Appropriation
08/06/08	TYCO ANIMAL CONTROL	6405	2300.00	DOG POUND

Total Bill List: 2300.00

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

BILLS:

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

Council President Goldberg asked if there were any questions.

On roll call all voted yes.

PUBLIC COMMENT:

I will now open 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.

Charlene Elvin of 17 Royal Avenue directed her comments to the Mayor, thanking him for a wonderful work experience, and wishing him the best of luck.

Bob Kurdock of 15 Rhodes Court commented on the overall appearance of the Municipal Pool. He stated that he had been there for his grandchild's swim meet, and regardless of mechanical problems he was pleased with the exterior appearance. He pointed out that officials were not present to hand out medals to the children; however the children did not seem to mind. Mr. Kurdock then questioned the status of the Hawthorne to Hackensack light rail.Mr. Kurdock was informed that no discussion had taken place recently regarding the rail. Mr. Kurdock then questioned the status of the Pan Chemical Building. He was informed that Steven Braun was still negotiating with New Jersey Transit, and that Boswell had not heard anything. On a final note, Mr. Kurdock wished the Mayor well in his retirement.

Joe Rooney of 84 Braen Avenue thanked the Mayor for his support and wished him the best.

Phil Speulda of 363 Diamond Bridge Avenue raised concerns regarding rumors that he had been hearing involving pornography on the municipal website. Council President Goldberg and Administrator Maurer stated that Mr.Speulda's concern was the first they had heard of the rumor and that as to date there had not been such material on the website. Mr.Speulda then questioned whether or not Council Chambers was a part of the Municipal Building and funded by taxpayers. Council President Goldberg stated that it is not a public room; it is a private room within town hall. Mr. Speulda stated that he had been attacked with a barrage of insults from Councilman Bennett. Again Mr. Speulda was informed that the room in question is a private room not available to the public hence the reason it is under lock and key. Mr.Speulda next brought up the issue of Andrew Gause and began to restate Borough Attorney Pasquale's initial stance. President Goldberg stated that Council was

not interested in matters of the past. Borough Attorney Pasquale added that Mr. Speulda was trying to change the tone of the meeting to a negative aura rather than wish the mayor well. Mr.Speulda continued to question the reasoning behind waiting 90 days to eradicate the Ordinance. He was informed by Council that it takes an entire legal process to remove an Ordinance, yet he was again informed that the Ordinance would not be enforced for the time being. Mr. Speulda concluded his concerns and wished the Mayor luck.

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

ADJOURNMENT

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

Richard Goldberg	Jean Mele
Council President	Borough Clerk