

October 15, 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, Bertollo, Bennett, Matthews, Sinning, Wojtecki, and Goldberg. Also present were Borough Administrator Maurer, Borough Attorney Pasquale, Engineer Christopher Nash (representing Borough Engineer Boswell), and Borough Clerk Spohn. Councilwoman English and Director of Finance Hewitt were 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 October 1, 2008, and Closed Session Meeting of October 1, 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.

Public comment:
None

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

ADOPTION OF ORDINANCES

ORDINANCE NO. 1955-08

AN ORDINANCE TO AMEND AND REVISE CHAPTER 148 OF THE CODE OF THE BOROUGH OF HAWTHORNE BY DELETING SECTION 32 THEREOF

Public Hearing

Council President Goldberg opened the meeting to the public. If anyone desires to be heard regarding Ordinance No. 1955-08 please raise your hand to be recognized, come forward to the microphone and state your name and address.

Public Comment:
None

Council President Goldberg entertained a motion that the public hearing on Ordinance No. 1955-08 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 Matthews. On roll call all voted yes.

OLD BUSINESS

Councilman Wojtecki:

1. Sent an email to Dr. Boswell, and Eric in regards to the Sergeant manhole cover on Friday, Oct. 10th. Administrator Maurer stated it was checked recently and the gasket was still in place. Councilman Matthews stated that when he ran past on October 5th, there was still a loud noise. At the recommendation of Engineer Christopher Nash, the next step of bolting the manhole down will be taken.
2. Although residents of Tuxedo Avenue were to be notified that their aprons were going to be worked on, two residents on Tuxedo Avenue were not notified and were blocked in their driveways. Administrator Maurer stated he did not hear about this and will look into it. Council President Goldberg publicly apologized to those residents if we might have overlooked something. Councilman Wojtecki indicated he would forward the addresses to the Borough Clerk.

Councilman Matthews:

1. The Annual Halloween Parade will take place at the end of the month, and asked that both parties be respectful of this event being not political, and that we not do handouts or any kind of political campaigning during this

event. Council President Goldberg indicated they had no intention of politicking during the Mayor's Halloween Party.

NEW BUSINESS

Councilman Wojtecki:

1. Dump trucks that are not working in the town are staging in the pool parking lot. A resident stated they are leaving the trucks idling.
2. Stated he discussed the resident on Passaic Avenue with Attorney Pasquale during the Work Session and will wait to hear from Attorney Pasquale.

ADMINISTRATIVE AGENDA

Acting Mayor Goldberg:

1. Congratulation St. Anthony's on the celebration of their 100th Anniversary, and thanked Monsignor Hunt for inviting him to participate in the celebration.
2. The City Creamery celebrated their Grand Opening on October 14th. The event was a smashing success and hopes they will be a main street fixture for many years.
3. Earlier this month we advertised for the position of DPW Director, have received many qualified candidates to date, and anticipate interviewing to start next week. There is still time for qualified candidates to apply. The hope is to bring in a qualified candidate to start the 1st of the year.
4. Update on Kohler Field: sprinkler system is in, macadam is the parking lot, and the sod will go down on Monday. An ordinance will be introduced tonight amending Ordinance No. 1817 to create a little extra money, because in the process of cleaning up down there, we discovered some fencing that is inappropriate in a children's recreation area. Before anything is done, we will check with Mr. Thomas, as we are unsure of who owns the fence. Councilman Bertollo already has a phonecall in to Mr. Thomas, but we just want to make sure we do not do anything that is going to upset anyone. New fences are needed.
5. Leaf bags are now available at the Recycling Center. Normally they are distributed in November, but we were able to get them earlier. As of October 16th they will be available and residents are entitled to 15 free leaf bags.
6. Veteran's day is Tuesday, Nov. 11th. We will have a service here a Borough Hall at 11:00 AM. All are encouraged to attend and pay honor to the brave men and women who have served our country. In addition, the State of NJ is dedicating the WWII Memorial this same day at 2:30 at the State House Plaza in Trenton across from the memorial.

7. Mayor's Halloween Party is October 30th at 7:00PM at the High School. There are prizes for "Best Costume" in many age categories.

Borough Administrator Eric Maurer:

1. Leaf pick up will begin soon. The schedule is already in the Hawthorne Press and will be posted on the website by the end of the week. People are encouraged to use the free bags so that they will be able to get their leaves picked up every week, rather than every 3rd week or so.
2. We did receive the \$50,000 from Kohler to satisfy their commitment to the cost of re-doing the field, and that money is going to work at the Kohler Field.

Acting Mayor Goldberg suggested it would be nice if we could get a photo opportunity with the Grand brothers. Attorney Pasquale agreed and stated he had put a call in to their attorney today. He will see if he can arrange something.

3. In response to Councilman Wojtecki's request of 2 meetings prior, he has looked into exploring other options for inter-local health services. He has in discussion with the County and 2 other municipalities and will come report back when he has more information. Councilman Wojtecki noted he was aware that the County had the meeting today and that they will be contacting Administrator Maurer shortly.
4. Next week the vendor will be at the pool to do the teething of the drain lines and to install new drain covers before the pool is filled and covered.

Councilman Wojtecki questioned if 3 of the 12 drains were still not working. Administrator Maurer stated 3 are not yet working and that this is part of the process of teething so we can determine what has to be done to fix the drains.

Councilman Matthews asked if the joints had been repainted. Engineer Nash stated they were not quite finished, but would be done Friday or Saturday.

5. Departmental Budget requests were due this week. A little over half were received, and it is hopeful the rest will be in this week. We are moving ahead with the 2009 budget.
6. At the last meeting Mr. O'Connell had been here regarding damage he experienced due to a back up in the sewer line. Our Joint Insurance Fund representatives have been contact with him and are awaiting information from Mr. O'Connell and confirmed this in a letter to him yesterday or today. The ball is now in Mr. O'Connell's court.
7. At the last meeting Administrator Maurer indicated there was a problem with the Sicomac Pump Station. A water line burst, filled up the station and damaged electrical equipment. Just late this afternoon (Oct. 15th) we

received a quote of \$95,000 from a vendor to fix the problem. We have submitted an insurance claim. Because it was damage to equipment, rather than a failure of equipment, there is a good chance we could have it covered by insurance, and we will pursue that. Administrator Maurer still needs to review with Engineering, Finance and our Attorney on he would proceed to get it fixed. Until the claim has been processed, we will not have a final answer.

Engineer Chris Nash (from Boswell)

1. At the last meeting he indicated the Kohler Field would be done by Thanksgiving, but that does not mean the sod would be done by then. It will be finished up by Monday or Tuesday. It is a 2 day job, or perhaps it may be done sooner.
2. The pool cover was delivered today to the contractor.
3. Road Program is running smoothly. The contractor is on schedule and feels he will be done in the early part of November.
4. The same contractor will be working on Van Winkle and will probably start before he finishes the Road Program job.

Borough Attorney Pasquale:

1. Wished Frank E. Matthews a Happy 43rd Birthday, making him the second youngest member of the Council member.
2. Attorney Pasquale has spoken with Matt Rogers, Municipal Attorney in Ridgewood, to find out what was going on with the Ridgewood water sale. After the DEP threatened Ridgewood with fines unless they found another source of water. Ridgewood sent all their paperwork to DEP indicating where they might have a chance to get water, and the DEP stated they would take as many months to review their application. Nothing is happening.
3. Kohler Field: Attorney Pasquale has spoken with Mr. Huntingdon, the attorney for the Grand brothers and will try to arrange an opportunity for some publicity. The Grand brothers certainly deserve some recognition for what they did in stepping up, and this is really in honor of their father.
4. With regard to pending litigation matters:
 - Paterson tax matter, all communities have filed and Attorney Pasquale anticipates the Court will schedule a case management conference. At that point, the attorneys will meet to try to divide up the work so there is not much duplication of effort.
 - Tax appeals that are pending, another couple were settled and our goal is to push the matter forward and not give away too much in terms of refunds. We strongly recommend these settlements. We

will continue to approach the problems as they come up. Our ratio dropped only 1 percentage point this year from the year before. Values have declined in the residential market.

5. Attorney Pasquale will be attending an Environmental Federation Conference in Newark with the Judge on that case and where it is going.
6. Attorney Pasquale is in preliminary discussions with the attorney representing the applicant trying to put signs up that overhang onto Route 208. Attorney Pasquale stated the only way to settle this is not to put the signs up.

Questions for the Administration:

Councilman Bertollo:

1. Regarding the Paterson Tax Appeal, requested that the amount of hours and dollars spent on this case be tracked by the Administration, Administrator Maurer, and Attorney Pasquale. This is a separate line item when Attorney Pasquale submits a bill, and will remain as such.

Councilman Bennett:

1. Questioned why it took so long for the state to honor our Veterans.
2. Questioned Mr. Nash on the Change Order for Kohler Field and why Boswell did not find this fence when they did the plans. Mr. Nash replied that once all the other improvements were done, they realized this needed to be cleaned up. It was not something they did not see or know about. This was something that once everything else was cleared out, the fencing stuck out. Councilman Bennett stated having Change Orders come up is not helping the problem, and it would have been better to have this included in the price.

Councilman Wojtecki also went down to Kohler Field. He stated this was barbed/razor, and agreed that the fence needs to go.

Acting Mayor Goldberg stated one of the novel things we are trying to implement with this project is having the Council approve the Change Order before we do something. If we are going to do this, we want Council approval before it gets done. We need to make the process work the way it is intended.

Councilman Sinning:

1. Questioned when the Flu Shots were going to be done in Hawthorne and if registration was required. Acting Mayor indicated they would be done Nov. 6th, and there is a sign posted on the door of the Municipal Building. Administrator Maurer indicated if this information was not already on the website, it would be by the end of the week, and he would issue a Press Release to the Hawthorne Press. Acting Mayor Goldberg suggested it also be placed on Channel 77.

Councilman Wojtecki:

1. Addressed Attorney Pasquale stating the contract with Ridgewood has been in discussion since last year. The Finance Committee discussed adjustment in rates and Councilman Wojtecki indicated he wanted it to be a more aggressive rate. Perhaps if Ridgewood sees that we are acting more aggressively, they will be more eager to settle down. This process began when we were setting up our budgets for 2008, and here we are now setting up budgets for 2009 and we still do not have this done.

Acting Mayor Goldberg stated he believed Ridgewood is a "Bulk Purchaser" and may not be negotiable. Attorney Pasquale stated we have a "Bulk Rate" with Ridgewood that is different from everyone else, and indicated they may be at 2006 rate. Councilman Wojtecki stated it is cheaper for Ridgewood to buy from us at the 2006 rate than to pay their 2009 labor rate. Attorney Pasquale agreed that we should increase the rate, but that it would probably not help the process along, as the application is sitting with the DEP.

Acting Mayor Goldberg stated we looked at United Water so we could be competitive with them and stated we need to compare the rates so that we are a little bit less so that we are attractive, but not substantially lower.

Administrator Maurer indicated that if they get the water cheaper, it may still cost them more to pump to a higher elevation.

Attorney Pasquale stated he did not know if United Water was much higher than our rate to our personal customers. We will look at what how much above we charge an in-town user, and that will be part of the equation. There is no question that there should be annual increases.

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

ORDINANCES AND RESOLUTIONS :

ORDINANCES FOR INTRODUCTION :

ORDINANCE NO. 1956-08 FOR INTRODUCTION

**BOND ORDINANCE PROVIDING FOR THE
INSTALLATION OF DRAINAGE AND
STORMWATER IMPROVEMENTS AT VARIOUS
LOCATIONS IDENTIFIED HEREIN IN AND BY THE
BOROUGH OF HAWTHORNE IN THE COUNTY OF
PASSAIC, NEW JERSEY, APPROPRIATING
\$1,010,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF BONDS OR NOTES OF THE
BOROUGH FOR FINANCING THE SAME.**

BE IT RESOLVED, that Ordinance No. 1956-08 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 5th day of November, 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 Bertollo

Discussion:

Council President Goldberg: stated this Ordinance was amended during the Work Session.

Councilman Bertollo: thanked Administrator Maurer and Engineer Boswell for the hard work that went into this. The capital projects and budgets that Administrator Maurer have put together has made us fiscally sound, to enable us to go out and do something like this at this juncture. We should not have done this years ago without just borrowing. Now that there is a plan, and we are paying down our debt, this is something that needs to be done. We affect an awful lot people by fixing this problem, and it shows our responsibility toward bettering the quality of life to many people in these flooded areas.

Councilman Bennett: the Public Works Committee has been working with Administrator Maurer on this problem for well over one year. This is a problem that should have been fixed many years ago, and he is glad we are moving ahead with it. The affected people, particularly down on Royal Avenue are very please to see we are moving forward.

Councilman Wojtecki: did not think the papers have published this enough to give the kudos to where they belong. After heavy rains, this a flooding situation, and people cannot get though the town. As discussed, Grand Ave. at Llewellyn and Sunrise Ave. will also be addressed. As we continue to develop, people are stuck in low lying areas because there is nowhere for the water to go. You cannot get down Washington Avenue after a heavy rain. This will address all those issues and Councilman Wojtecki supports it wholeheartedly.

On a roll call all voted yes.

ORDINANCE NO. 1957-08 FOR INTRODUCTION

AN ORDINANCE TO AUTHORIZE REPAIRS AND RENOVATIONS TO THE PUMP HOUSE FACILITY LOCATED ON GOFFLE ROAD IN AND BY THE BOROUGH OF HAWTHORNE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AND TO APPROPRIATE THE SUM OF \$70,000 FROM THE WATER CAPITAL FUND FOR SUCH PURPOSE

BE IT RESOLVED, that Ordinance No. 1957-08 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 5th day of November, 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 Sinning. On a roll call, all voted yes.

ORDINANCE NO. 1958-08 FOR INTRODUCTION

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 225, ZONING, SECTION 74.1, CONDITIONALLY PERMITTED USES IN THE I-1 INDUSTRIAL ZONE, SO AS TO CREATE AN ADDITIONAL SCHEDULE FOR ALTERNATIVE CONDITIONALLY PERMITTED USES IN THE I-1 INDUSTRIAL ZONE IN THE BOROUGH OF HAWTHORNE

BE IT RESOLVED, that Ordinance No. 1958-08 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 17th day of November, 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 Matthews, seconded by Councilman Bertollo.

Discussion:

Councilman Wojtecki: stated hours beginning at 6:00AM would be OK. Council President stated the Ordinance would be re-amended to the original starting time back to 6:00 AM from 7:00AM. Attorney Pasquale stated that the Planning Board can always impose a different condition if the situation warrants it. Start time of 6:00AM does make sense because you don't specifically what is going into the spot. There may be a variety of uses that may be open here beyond the time frame.

Council President Goldberg: stated this is the first step at putting more commercial ratables on our tax roll and expressed this belief that is important we try be pro-active in bringing in commercial ratables. Council President thanked Councilman Wojtecki for working with him and the property owner to discuss the plans in a non-partisan way and doing what is best for the Borough of Hawthorne.

Attorney Pasquale: commented that one the thing we were trying to do with this Ordinance was to create and additional fund, so that we can do some area -wide improvements. If someone wants to build one of the uses permitted under this zone, we are going to impose a fee of 1/10 of 1% of the actual property value to go into this fund, which would allow us to do specific improvements in this corridor, such as curbing, tree planting, and benches to improve the overall area. We like to improve the whole area.

On a roll call, all voted yes.

ORDINANCE NO. 1959-08 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, AS WELL AS ORDINANCES 1934-08 AND 1952-08, BOTH AMENDING SAID ORDINANCE, ALL AS DESCRIBED SPECIFICALLY THEREIN, INCREASING THE AMOUNT TO BE FINANCED BY BONDS AND NOTES RELATED TO THE PROJECT FROM \$320,000 TO \$335,000 AND INCREASING COSTS PERMITTED BY N.J.S.A. 40A:2-20 FROM \$60,000 TO \$96,000.

BE IT RESOLVED, that Ordinance No. 1959-08 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 5th day of November, 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 Matthews, seconded by Councilman Bertollo. On a roll call, all voted yes.

CONSENT AGENDA: R-1 – R-12

R-1. Resolution, Introduced by Councilman Bertollo

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated September 26, 2008

	Check #	
CURRENT FUND	52522	\$242,635.42
WATER OPERATING FUND	14572	\$36,475.33
OTHER TRUST II FUND	6467	\$7,548.77
TOTAL PAYROLL		\$ 286,659.52
CURRENT FUND TO PAYROLL/FICA	52523	\$9,124.42
WATER OPERATING FUND TO PAYROLL/FICA	14573	\$5,000.00
TOTAL FICA		\$ 14,124.42

R-2. Resolution, Introduced by Councilman Bertollo

WHEREAS, an interfund in the amount of \$19,541.04 was created by a posting error between the Current Fund Account and the Water Operating Account.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to liquidate said interfund by transferring \$19,541.04 from the Water Operating Account to the Current Fund Account.

R-3. Resolution, Introduced by Councilman Bertollo

WHEREAS, checks drawn against the Bail Account-Municipal Court of the Borough of Hawthorne having an issuance date of at least six months which have not been presented for payment prior to this time are no longer honored by Commerce Bank and must be cancelled as per the New Jersey requirements of audit.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the following checks which have an issuance date of greater than six months be canceled and voided and that all such funds be returned to the Current Fund as appropriate:

<u>CHECK #</u>	<u>AMOUNT</u>
3625	\$ 30.00
3658	\$ 250.00

R-4. Resolution, Introduced by Councilman Bertollo

WHEREAS, an appeal was filed with the New Jersey State Tax Court for a reduction of the assessed value of property and a settlement was agreed upon as follows:

<u>Block/Lot</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
2006				
137/23	\$680,400.	\$600,000.	\$ 80,400.	\$3,288.36
484 Lafayette Ave LLC	482 Lafayette Ave., Hawthorne			
2007				
137/23	\$680,400.	\$550,000.	\$130,400.	\$5,568.08
484 Lafayette Ave LLC	482 Lafayette Ave., 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 2006 and 2007 in the amount of \$8,856.44 in accordance with the state judgment.

R-5. Resolution, Introduced by Councilman Bertollo

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12 and the Borough of Hawthorne wishes to purchase a Toshiba CIX670 Digital System upgrade and equipment under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, Extel Communications, Inc., 830 Belmont Avenue, North Haledon, New Jersey has been awarded New Jersey State Contract No. A42291 for this purpose; and

WHEREAS, the administration recommends the utilization of this contract and the actual cost for the purchase of the telephone system upgrade and equipment is not expected to exceed \$23,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the above-cited state contract lease-purchase 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 Extel Communications, Inc. in a form approved by the Borough Attorney when these conditions have been met.

R-6. Resolution, Introduced by Councilman Bertollo

WHEREAS, as part of its Housing Element and Fair Share Plan, the Borough of Hawthorne concluded that it had an obligation to provide funding for the rehabilitation of 19 units of residential housing; and

WHEREAS, as part of the obligation to provide such funding, the Borough has designated Community Grants and Planning as its administrator, responsible for oversight of the program and screening of applicants for assistance through the Housing Fund; and

WHEREAS, the Borough has received an application for the rehabilitation of a residence through utilization of funds from the Housing Fund which has been reviewed and approved by Community Grants and Planning for compliance with the program protocol;

NOW THEREFORE BE IT RESOLVED, that the Hawthorne Municipal Council does approve of the application, a copy being annexed hereto, and does authorize the Mayor and Clerk to execute such documents as may be required in connection with the same.

R-7. Resolution, Introduced by Councilman Bertollo

WHEREAS, the Borough of Hawthorne has received a request from Victoria Properties seeking release of the bond previously posted in connection with development of four homes and related infrastructure improvements located in the Borough of Hawthorne; and

WHEREAS, the Municipal Engineer has had opportunity to review the request for reduction and in connection therewith issued a report indicating that as all work anticipated by the bond has been completed, he would recommend release of the performance bond in question and posting of a required maintenance bond; and

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does hereby agree to the release of the bond in question in accordance with the recommendation of the Municipal Engineer, subject to the posting by the applicant of the required maintenance bond as set forth in the developer's agreement for the development

R-8. Resolution, Introduced by Councilman Bertollo

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-8A. Resolution, Introduced by Councilman Bertollo

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-9. Resolution, Introduced by Councilman Bertollo

WHEREAS, the annual principal payment and the semi-annual interest payment for the General Serial Bonds of 2000 becomes due and payable on October 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 \$215,000.00 in payment of principal and \$50,304.00 in payment of interest from the Current Fund, made payable to CEDE & Co. Chase NYC, Account #066026776.

R-10. Resolution, Introduced by Councilman Bertollo

WHEREAS, Sprint/Nextel has erected a monopole for telecommunications on property owned by the Borough of Hawthorne at its DPW/Pump House facility located on Goffle Road; and

WHEREAS, the Borough of Hawthorne is also the owner of a telecommunications tower on property owned by the Borough located at the municipal building complex; and

WHEREAS, the Borough of Hawthorne is also the owner of a water tower located at Longview Court upon which are located telecommunication equipment; and

WHEREAS, the Borough has determined that each facility is able to accommodate additional antennas thereon however additional ground space, in some instances, also has to be provided for equipment cabinets; and

WHEREAS, the Administrator, working with the Municipal Engineer, has determined appropriate locations for equipment in connection with the installation of antennas at the relevant sites; and

WHEREAS, it is anticipated that bids for the installation of antennas and equipment will exceed the bid threshold set forth in Local Public Contracts Law, thereby requiring that bids be solicited through a bid process; and

WHEREAS, the administrator has further determined, considering rates typical for such use and desirability of each location, appropriate minimum bids to be established for each installation proposed and has recommended such to the Municipal Council;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does authorize the preparation of a bid packet relative to the installation of additional telecommunications facilities at each of the three locations and further does indicate that the minimum bid relative to each such location be established, based upon recommendation of the Administrator, in accordance with the schedule attached hereto.

R-11. Resolution, Introduced by Councilman Bertollo

WHEREAS, there exists a need for engineering services for the preparation of plans for replacement of the chiller unit and for the replacement of the Air Handling Units for the HVAC in the Municipal Building in the Borough of Hawthorne at a cost not to exceed \$32,445.00.

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 \$32,445.00, 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-12. Resolution, Introduced by Councilman Bertollo

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with Downes Tree Service, Inc. for Kohler Field in the Borough of Hawthorne authorized by Ordinance #1817-04, and,

WHEREAS, and Boswell Engineering has recommended approval of the following change order:

Change Order No. 1

Additional Work due to Field Changes	\$16,845.00
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NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No. 1 increasing the amount of the payment required under said contract by the sum of \$16,845.00, shall be and hereby is approved, and the Mayor and Borough Clerk are hereby authorized and directed to execute the same for and on behalf of the Borough of Hawthorne.

Discussion on R-1- R-12:

Councilman Bertollo: our new contract with Extel providing our local services is about a \$5,000 per year savings.

Administrator Maurer stated we are buying the equipment from Extel and are contracting with a "One Communications" for the actual services. Working together we will save about \$5,000 per year, and will be improving our services, at least marginally, in some areas.

Council President Goldberg entertained a motion to approve Resolutions R-1 – R-12, moved by Councilman Bertollo, seconded by Councilman Bennett.

On a roll call Councilpersons Wojtecki, Sinning, Bertollo, Bennett, and Goldberg voted yes. Councilman Matthews abstained on R-10, and voted yes other resolutions.

REPORTS OF SPECIAL COUNCIL COMMITTEES:

Councilman Wojtecki reported the following:

1. Shade Tree Commission Meeting will be November 11th as opposed to November 4th due to the General Election.
2. Environmental Commission has not scheduled their meeting for November as of yet.

Councilman Sinning reported:

1. The Library Board met and did set a lower rate for the Condo owners to use the library for meetings and set a lower, universal rate for all Condo owners to use the library for meetings.

Council President Goldberg congratulated Councilman Sinning on being his Alternate at the meeting and having the opportunity to vote.

Councilman Matthews reported:

1. Chamber of Commerce meeting was this evening, and he was not able to attend. He will report on what was discussed at the next Council meeting.
2. The Planning Board is meeting Tuesday, October 21st. There is a subdivision coming up which will be discussed. Another 2-Family is being proposed on a 1-Family lot, and obviously there are variances that will be required. The Ordinance Committee needs to look at changing the ability to over-develop our properties. There are many options with 2-Families that have been discussed.

Council President Goldberg stated it is time to pick one option and go with it.

Councilman Matthew said the Planning Board concerns, such as drainage, are being discussed, and there seems to be a consensus on that.

Acting Mayor Goldberg:

1. Expressed condolences to Councilwoman English and her family on their loss.
2. Acting Mayor Goldberg gave Councilwoman English's report in her absence on Hawthorne Day Committee has begun meeting and also met with North Haledon to discuss what they do for North Haledon Day. The Committee has decided to move the celebration away from the summer, due to concern about graduation parties and summer vacation. The tentative scheduled day is September 19, 2009. (rain date would be September 20th .) As more developments happen, we will be informed.

Councilman Bennett:

1. Reported the Public Works Committee has finished up most of it's big projects: the road program, the pool, the bonding for the drainage program. As soon as they tackle the next set of projects, he will post of when the meetings will be.

Councilman Bertollo reported:

1. Commuter Parking: He, Council President Goldberg, and Administrator Maurer had the opportunity to meet with NJ Transit on October 14th and discussed not only the Pan Chemical property, but also the Passaic-Bergen light rail line. We want to remain optimistic that NJ Transit has a plan, we are not convinced it will bet done at our level. It has been made very clear to NJ Transit, that Hawthorne is not happy being their stepchild. The rider ship is over 500 commuters a day through the Hawthorne station, with 18 parking spaces. NJ Transit was speechless when this was brought to their attention. When NJ Transit said it would cost more than anticipated to purchase and upgrade the Pan Chemical site, we relayed to the article to them were they are going to spend 10 million dollars in Ridgewood. We did agree that we do want to work with them, and we wan the station in Hawthorne. We don't want to loose the station and we are prepared to meet with Senator Girgenti, who was briefed on the meeting. We are going to ensure that whatever NJ Transit decides will be in the best interest of Hawthorne.

CORRESPONDENCE:

MISCELLANEOUS:

- SOL-1** The Hawthorne High School Softball Team has requested permission to solicit on public streets on November 8, 2008 from 9:00AM-3:00PM.
- SOL-2** The Hawthorne Lions Club has requested permission to solicit on public streets on October 25, 2008 from 10:00AM-2:00PM.

Council President Goldberg entertained a motion to approve Sol 1 and SOL-2, moved by Councilman Bennett, seconded by Councilman Sinning. On roll call

Councilpersons Wojtecki, Sinning, Matthews, Bennett and Goldberg voted yes.
 Councilman Bertollo voted yes to SOL-1 and abstained on SOL-2.

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>
10/09/08	PAYROLL ACCOUNT	52588	234948.36	PUBLIC DEFENDER
10/09/08	PAYROLL ACCOUNT	52589	8861.04	SOCIAL SECURITY
Total Bill List:				
			243809.40	

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/15/08	484 LAFAYETTE AVE LLC	52590	8856.44	OPERATIONS
10/15/08	A-VAN ELECTRICAL	52591	719.52	MAINTEN OF PARKS
10/15/08	AAA EMERGENCY SUPPLY CO	52592	700.12	VEHICLE MAINT FIRE DEPT
10/15/08	ACORN TERMITE & PEST	52593	100.00	PUB WORKS ADMIN O/E
10/15/08	B & C COMMUNICATIONS, BAUDVILLE	52594	1894.75	FIRE DEPT O/E
10/15/08	BOB RAYOT TIRE SERVICE,	52595	695.60	FIRE DEPT O/E
10/15/08	BOSWELL ENGINEERING, INC	52596	58.90	VEHICLE MAINT RECYCLE
10/15/08	BRAEN STONE INDUSTRIES,	52597	5145.00	ENGINEERING SERVICES O/E
10/15/08	BROADHURST SHEET METAL	52598	600.21	STREETS & ROADS O/E
10/15/08	BROADLINE ID SOLUTIONS	52599	295.00	VEHICLE MAINT ROAD
10/15/08	BRUNSWICK FAIRLAWN LANES	52600	114.40	PEOSHA O/E
10/15/08	BURGIS ASSOCIATES, INC	52601	119.60	BOARD OF REC
10/15/08	CABLEVISION	52602	1595.00	MUN LAND USE LAW
10/15/08	CARL MOTTOLA	52603	217.23	PUB WORKS ADMIN O/E
10/15/08	CITY WIDE MAINTENANCE	52604	54.52	UNIFORM FIRE SAFETY O/E
10/15/08	CMRS-FP	52605	1350.00	PUB WORKS ADMIN O/E
10/15/08	CROWN PLAZA PHILADELPHIA	52606	6000.00	GENERAL ADMIN O/E
10/15/08	DON'S AUTO REPAIR	52607	99.00	SHADE TREE COMMISSION O/E
10/15/08	ENFORSYS POLICE SYSTEMS,	52608	182.97	VEHICLE MAINT POLICE
10/15/08	ERC WIPING PRODUCTS, INC	52609	10000.00	POLICE DEPT O/E
10/15/08	EXTEL COMMUNICATIONS,	52610	228.00	STREETS & ROADS O/E
10/15/08	FAIRVIEW LAKE YMCA CAMP	52611	159.28	POLICE DEPT O/E
10/15/08	GOFFCO INDUSTRIES, INC	52612	902.00	MUNICIPAL ALLIANCE
10/15/08	HAWTHORNE BOARD OF	52613	307.90	MUNI COURT
10/15/08	HAWTHORNE CAR WASH, INC	52614	2410905.00	SCHOOL TAX
10/15/08	HAWTHORNE PRESS INC	52615	192.00	VEHICLE MAINT POLICE
10/15/08	HEWLETT-PACKARD CORP	52616	191.10	PLANNING BOARD O/E
10/15/08	JANET REENSTRA	52617	510.00	REVENUE COLLECTION
10/15/08	JERSEY ELEVATOR INC	52618	100.00	GROUP INSURANCE O/E
10/15/08	JOHN PALLOTTA	52619	135.57	PUB WORKS ADMIN O/E
10/15/08	JOHNNY ON THE SPOT, INC	52620	150.00	CONST CODE O/E
10/15/08	JOSEPH SCARMAZZO	52621	128.76	BOARD OF REC
10/15/08	JP HOME ARAMA, INC	52622	50.00	STREETS & ROADS O/E
10/15/08	JUNGLE LASERS LLC	52623	13.99	VEHICLE MAINT FIRE DEPT
10/15/08	KEN'S AUTO ELECTRIC, LLC	52624	2600.00	FEES PAYABLE JUNGLE
10/15/08	LORRAINE POWELL	52625	2780.82	VEHICLE MAINT FIRE DEPT
10/15/08	LOUIS BAY 2nd LIBRARY	52626	310.80	MUNICIPAL ALLIANCE
10/15/08	LUK OIL	52627	18474.00	RES LIBR STATE AID
		52628	10354.78	BULK PURCHASE GASOLINE

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/15/08	LUSCHER'S AUTO INC	52629	5443.23	VEHICLE MAINT ROAD
10/15/08	MARIE SPOHN	52630	394.00	MUNICIPAL CLERK O/E
10/15/08	NJ MEADOWLANDS	52631	1285.90	TRANSFER STATION
10/15/08	NJ SHADE TREE FEDERATION	52632	400.00	SHADE TREE COMMISSION O/E
10/15/08	NJ STATE LEAGUE	52633	18.00	GENERAL ADMIN O/E
10/15/08	NJ STATE LEAGUE	52634	160.00	GENERAL ADMINISTRATION
10/15/08	NJWEA - CEDAR GROVE	52635	59.00	STREETS & ROADS O/E
10/15/08	NORTHEASTERN ASSOCIATES	52636	1733.11	SHADE TREE COMMISSION O/E
10/15/08	PASSAIC VALLEY SEWER COM	52637	244044.36	PASSAIC VALLEY SEWER
10/15/08	R & J CONTROL, INC.	52638	1630.00	PUB WORKS ADMIN O/E
10/15/08	R & R RADAR INC	52639	195.90	POLICE DEPT O/E
10/15/08	RICHIES SERVICE CTR INC	52640	570.65	VEHICLE MAINT POLICE
10/15/08	RIDGEWOOD TYPEWRITER	52641	143.80	FIRE DEPT O/E
10/15/08	ROBERT M GLASSON	52642	797.00	LEGAL SERV& COSTS O/E
10/15/08	SCUFFY CARTING LLC	52643	31892.58	GARBAGE & TRASH O/E
10/15/08	SEELEY EQUIP & SUPPLY	52644	81.04	STREETS & ROADS O/E
10/15/08	SETON IDENTIFICATION	52645	95.65	POLICE DEPT O/E
10/15/08	SHERWIN WILLIAMS CO.	52646	1861.03	BOARD OF REC O/E
10/15/08	SHOTMEYER BROS FUEL CO	52647	6810.24	BULK PURCHASE GASOLINE
10/15/08	SIMPLEX GRINNELL LP	52648	2654.50	PUB WORKS ADMIN O/E
10/15/08	SOUNDS TRUE CATALOG	52649	171.95	MUNICIPAL ALLIANCE
10/15/08	SPRINT-WIRELESS	52650	349.93	POLICE DEPT O/E
10/15/08	STATE LINE FIRE & SAFETY	52651	64.00	VEHICLE MAINT FIRE DEPT
10/15/08	SUPERIOR DISTRIBUTORS	52652	249.32	STREETS & ROADS O/E
10/15/08	THE FIRESTORE.COM	52653	121.49	FIRE DEPT O/E
10/15/08	TILCON NEW YORK, INC	52654	320.00	RECYCLING PRO O/E
10/15/08	TREASURER, STATE OF NEW	52655	1000.00	FEES PAY MARRIAGE
10/15/08	TREASURER, STATE OF NEW	52656	80.00	MAINTEN OF PARKS
10/15/08	TREASURER, STATE OF NJ	52657	1610.00	FEES PAY UCC
10/15/08	TREASURER, STATE OF NJ	52658	30.00	FEES PAYABLE BURIAL
10/15/08	TRIANGLE TROPHY	52659	889.95	EMERGENCY MGMT O/E
10/15/08	TRILEX CLEANERS	52660	101.65	FIRE DEPT O/E
10/15/08	UNITED COMPUTER	52661	2014.25	IT SERVICES
10/15/08	UNIVERSAL SUPPLY GROUP	52662	90.06	PUB WORKS ADMIN O/E
10/15/08	VEOLIA ENVIRONMENTAL	52663	48876.85	TRANSFER STATION
10/15/08	VERIZON	52664	517.26	TELEPHONE CHARGES
10/15/08	VERIZON WIRELESS (N)	52665	1214.35	TELEPHONE CHARGES
10/15/08	VITAL COMMUNICATIONS,	52666	1025.00	CONST CODE O/E
10/15/08	W. E. TIMMERMAN INC	52667	670.34	VEHICLE MAINT ROAD
10/15/08	WESTMARK INC	52668	50.00	PUB WORKS ADMIN O/E
10/15/08	WORK'N GEAR, INC	52669	520.30	RECYCLING PRO O/E

Total Bill List: 2847528.95

WATER OPERATING FUND

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/09/08	PAYROLL ACCOUNT	14594	39121.48	WATER UTILITY S/W
10/09/08	PAYROLL ACCOUNT	14595	5000.00	SOCIAL SECURITY

Total Bill List: 44121.48

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/15/08	AGRA ENVIRONMENTAL SVC	14596	2415.00	LAB TESTING WATER
10/15/08	BOB'S TIRES & WHEELS INC	14597	130.00	WATER UTILITY O/E
10/15/08	CABLEVISION	14598	56.46	WATER UTILITY O/E
10/15/08	CMRS-FP	14599	4000.00	WATER UTILITY O/E
10/15/08	ERC WIPING PRODUCTS, INC	14600	115.50	WATER UTILITY O/E
10/15/08	GOOD YEAR AUTO SERVICE	14601	915.81	WATER UTILITY O/E
10/15/08	LUK OIL	14602	1092.15	WATER UTILITY O/E
10/15/08	LUSCHER'S AUTO INC	14603	1377.23	WATER UTILITY O/E
10/15/08	ONE CALL SYSTEMS, INC.	14604	82.22	WATER UTILITY O/E
10/15/08	PASSAIC CO ROAD DEPT	14605	200.00	WATER UTILITY O/E
10/15/08	RIDGEWOOD TYPEWRITER	14606	26.28	WATER UTILITY O/E
10/15/08	SHOTMEYER BROS FUEL CO	14607	403.04	WATER UTILITY O/E
10/15/08	STATE OF NJ - PWT	14508	2396.76	WATER UTILITY O/E
10/15/08	VERIZON WIRELESS (N)	14609	271.23	WATER UTILITY O/E
10/15/08	WORK'N GEAR, INC	14610	260.00	WATER UTILITY O/E

Total Bill List: 13741.68

GENERAL CAPITAL FUND

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/06/08	TREASURER, ST OF NEW	2498	300.00	CREATION OF BALLFIELD
Total Bill List:			300.00	

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/15/08	BOSWELL ENGINEERING, INC	2499	25545.00	VAN WINKLE - PH 1
10/15/08	HAWTHORNE PRESS INC	2500	536.64	RES FOR BOND SALE
10/15/08	MC ELWEE & QUINN LLC	2501	1200.00	RES FOR BOND SALE
10/15/08	SOURCE MEDIA, INC	2502	1404.00	RES FOR BOND SALE
Total Bill List:			28685.64	

BUILDERS ESCROW

<u>Date</u>	<u>Vendor</u> <i>Builders Escrow</i>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/15/08	MICHAEL J. PASQUALE,	2033	187.50	BEDRIN ORG 12/8
10/15/08	BOSWELL ENGINEERING, INC	2034	117.00	PASSANO 281/8
10/15/08	BOSWELL ENGINEERING, INC	2035	234.00	WESTERVELT-MILLVIEW 7/1
10/15/08	BOSWELL ENGINEERING, INC	2036	440.00	KASPER 87.02/8
10/15/08	BOSWELL ENGINEERING, INC	2037	78.00	ORITZ - 86/9
10/15/08	BOSWELL ENGINEERING, INC	2038	1482.00	LUDDY 82/4
Total Bill List:			2538.50	

<u>Date</u>	<u>Vendor</u> <i>(Builders Escrow)</i>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/15/08	BOSWELL ENGINEERING, INC	2039	3942.13	VIC PROP LLC 82/12
Total Bill List:			3942.13	

HOUSING TRUST

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/15/08	EM GENERAL CONTRACTOR	80031	3430.00	HOUSING REHAB PROGRAM
Total Bill List:			3430.00	

OTHER TRUST II

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/09/08	PAYROLL ACCOUNT	6468	7037.42	OFF-DUTY POLICE
Total Bill List: 7037.42				
10/15/08	WOODS RESTORATION	6469	533.96	POLICE CONFISCATED MONIES
10/15/08	MARY ELLEN LYONS	6470	504.94	RECYCLING TRUST
Total Bill List: 1038.90				

DOG DEDICATED

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/15/08	NJ DEPARTMENT OF HEALTH	6409	17.40	STATE OF NEW JERSEY
10/15/08	TYCO ANIMAL CONTROL	6410	2350.00	DOG POUND
Total Bill List: 2367.40				

Council President Goldberg entertained a motion to approve the bills, and refer them to the Treasurer for payment, remembering that check #2499, originally for \$ 25,545.00 is now \$13,743.50, moved by Councilman Bennett, seconded by Councilman Bertollo. On roll call all voted yes.

PUBLIC COMMENT:

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

1. Joe Rooney, 84 Braen Avenue thanked the Council for the ordinance taking care of some of the flooding conditions in town. It is well-needed and everybody will benefit by it.

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

ADJOURNMENT

Council President Goldberg entertained a motion to adjourn at 8:53 PM, stating to the public that they will be able to watch the Debate, and not miss anything here. The next Council Meeting will be Wednesday, Nov. 5th, 2008: Work Session at beginning at 7:00 PM and Regular Session beginning at 8:00PM Motion moved by Councilman Matthews, seconded by Councilman Bertollo. On roll call all voted yes.

Richard Goldberg
Council President


Marie Spohn
Borough Clerk