

November 5, 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, English Matthews, Sinning, Wojtecki, and Goldberg. Also present were Borough Administrator Maurer, Borough Attorney Pasquale, Director of Finance Hewitt, Engineer Boswell, and Borough Clerk Spohn.

FLAG SALUTE

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

Following the Flag salute, Councilman Wojtecki requested everyone remain standing for a moment of silence in honor of Dr. Goldberg.

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 15, 2008, and Special Meeting of October 24, 2008 and Closed Session Meeting of October 24, 2008 moved by Councilman Bennett, seconded by Councilman Wojtecki. On roll call Councilpersons Wojtecki, Sinning, Matthews, Bertollo and Bennett voted yes. Councilwoman English abstained on the Minutes of October 15, 2008, and voted yes on the minutes of the Special and Closed Session Meetings of October 24, 2008. Councilperson Goldberg voted yes on the Minutes of October 15, 2008 and abstained on the minutes of the Special and Closed Session Meetings of October 24, 2008.

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

ADOPTION OF ORDINANCES

ORDINANCE NO. 1956-08 FOR ADOPTION

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

Public Hearing

Council President Goldberg opened the meeting to the public. If anyone desires to be heard regarding Ordinance No. 1956-08 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. 1956-08 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.

Discussion:

Councilman Bertollo stated this was a long overdue ordinance and the people on Washington and Royal Avenue have suffered long enough, Mr. Rooney has suffered long enough and the Braen Avenue and Valley Street residents have suffered long enough, along with other locations in town.

Councilman Bertollo stated he attended a workshop meeting with Public Service on energy efficiency, where a speaker talked about the 100-year flood plain changing. In the next 2 to 3 decades that 100 year floodplain will be reduced significantly due to global warming. Our proactive steps in storm management can only help the Borough and the quality of life for many. Councilman Bertollo stated he enthusiastically supported this ordinance.

On roll call all voted yes.

ORDINANCE NO. 1957-08 FOR ADOPTION

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

Public Hearing

Council President Goldberg opened the meeting to the public. If anyone desires to be heard regarding Ordinance No. 1957-08 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. 1957-08 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.

ORDINANCE NO. 1959-08 FOR ADOPTION

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.

Public Hearing

Council President Goldberg opened the meeting to the public. If anyone desires to be heard regarding Ordinance No. 1959-08 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. 1959-08 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

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

OLD BUSINESS

The Council wished Administrator Maurer a Happy Birthday.

NEW BUSINESS

Councilman Wojtecki:

Spoke of the NJ Transit Bus Grant Application, which was discussed in the Work Session. It was agreed that this would be referred to the Finance Committee for evaluation.

Congratulated the winners of the November 4th Election, and that 48% of Hawthorne's vote went to President Elect Obama and this displays that Hawthorne has truly grown to be a bi-partisan town. Acknowledged the hard work of the HRRO, and stated their leader, Barbara Zakur is a very organized worker. Thanked the HRRO for running a positive campaign. Thanked his friends, family and the Hawthorne Dems, and time spent together at the Post Office, Bagel shop and walking door-to-door will not be forgotten. Thanked the residents of Hawthorne for their support and trust, and hoped the Passaic County Clerk will deliver an answer quickly, and looks forward to a successful 2009. Expressed condolences to Councilman Goldberg and his family over the loss of his father.

Councilman Matthews:

Spoke with Police Chief about the temporary detours that have been going through Robertson Ave. to go to Lincoln Ave, as Van Winkle has been shut down. Numerous residents have complained to Councilman Matthews that there has been no stopping at the new Stop sign at all that was installed on Lee. He asked for Police presence to enforce the Stop sign, address safety, and possibly make some dollars on commuters who just want to pass through at a quick rate.

Councilman Sinning:

Received calls from some residents this weekend. One call was concerning a gas leak that had occurred at the five corners (Goffle/Goffle Hill), which apparently was fixed. Apparently the person had called 3 times to report it, and Public Service had gone there. The resident then called

on Nov.4 because it not had yet been fixed, and spoke with the Police Dept. because the offices were closed. The Police Dept. was unable to provide the status on this and advised her to call back on Nov. 5th, when the offices would be open again. This is not something the Borough Clerk would handle, possibly the Administrator. The problem was fixed on Nov. 5th.

Administrator Maurer stated they would report something like this to PSE&G, but that PSE&G would not necessarily keep us informed on what their plans are. If they thought that someone should not be there, they would let them know.

Councilman Matthews stated this has been leaking for a long time.

Councilman Sinning stated the other call concerned the corner of Parmelee and Warren. A number of large trees were taken down there. At total of 6 trees were taken down.

Councilman Wojtecki received the same call, and stated 4 of the 6 trees were clearly rotted.

Councilman Sinning stated our Shade Tree Commission does not take trees down arbitrarily.

Attorney Pasquale stated there was coincidentally construction going on at the house where the trees were taken down, but apparently there was not relation between the construction going on and the trees that were taken down.

Councilman Wojtecki asked that the Administration contact us ahead of time to let us know so we could be aware that there are going to be a lot of trees cut down.

Councilman Matthews stated the same thing occurred on his street, where 8 trees were cut down on Cornell.

Councilman Sinning asked Administrator if the trees that were cut down will be replaced. Administrator Maurer stated he would check with Shade Tree.

Council President Goldberg stated that he had a preliminary meeting with Shade Tree, and one of the things he was looking at was creating an "Adopt A Tree" program, where someone who wants a tree faster would have the ability to go to the Shade Tree and pay the cost of getting the tree, and the Borough would plant it. Council President has stated he has run in to many people who have stated they would be willing to pay for the tree. This may be a way to help the Shade Tree to plant the trees and get the residents the shade they want. He is working with the Shade Tree Chairman to work out some guidelines for this.

Councilman Matthews asked if there was a schedule for stump removals, as there are a lot of stumps that have not been removed.

Administrator Maurer stated that our Arborist has not done stump removal; we have other employees who do stump removal, and as we go into leaf season, this

may not be a priority. Administrator Maurer stated our stump removal had been caught up at one time at this year. Councilman Matthews disagreed. Administrator Maurer asked for a list of stumps that still needed to be cut down.

Councilwoman English:

Thanked the residents of the town for flowers, cards and attending the wake for her niece, Karen. She also extended a special thanks to the Police Dept., Chief Scully, and Officer Joe Carr with the Motorcycle Dept. for an excellent escort.

ADMINISTRATIVE AGENDA presented by Acting Mayor Goldberg:

Acting Mayor Richard S. Goldberg:

Thanks all of the residents who have sent cards, gave their condolences, and made a Shiva call to the house on the passing of his father last week. It was a tough time for the family, but the overwhelming support by the community, Borough employees, and colleagues helped ease the burden they have been going through. Everything was appreciated by Acting Mayor Goldberg and his family.

Like Councilman Wojtecki, Acting Mayor Goldberg wanted to thank the voters of Hawthorne. It was a fairly positive campaign run by both sides. It was a chance to have a Mayoral election during a Presidential election. It was a large turnout and he thanked all who came out to support him and that support will be well-placed to do the jobs that we are instructed to do.

Director of Revenue and Finance Mary Jeanne Hewitt:

Reminded everyone that it is the 4th tax quarter. To date, as of Nov. 4th approximately 6 million dollars have been collected. One of the reasons this number is so high is that some of our banks have come in early; one being almost 3 million dollars itself. Reminded everyone that taxes must be paid by November 10th; if not you will have to pay interest reverting back to the 1st.

The Tax Sale on November 12th at 10:00AM is open to the public. It is the 4th quarter of taxes, and if anyone is behind in their taxes and they can see fit to catch up can do so. Anyone who has not paid their taxes runs the risk of being on Tax Sale next year.

Director of Revenue and Finance Hewitt also stated she received the clothing allowance today from the Fire Department and wanted to apprise all that there have been some changes in Federal laws. The new Federal Law states the first \$360.00 of all clothing allowance is non-taxable. Everything beyond the \$360.00 is taxable. Except for retired firefighters who receive less than \$360.00, check will still come through payroll. There will be an official notice sent back to the Fire Department from Administrator Maurer that we have set it up with our payroll dept. that the first \$360.00 that anyone receives will not be taxed.

Councilman Wojtecki asked if this applied to DPW workers and Councilman who are fireman. Director of Revenue and Finance Hewitt confirmed that the \$360.00 would not be taxable for them. However, if a fireman did work for the Borough, not as a regular employee, and was paid for that, then that would be part of the \$360.00 aggregate. It does not apply if you are a regular employee. She also mentioned to Councilpersons Goldberg and Bertollo that the numbers she got from the Fire Department were incorrect-they took last year's numbers. This has been corrected, and hopefully the checks will be in the payroll of the 21st.

Acting Mayor at this time broke from moving forward with the Administrative Reports and addressed the reporter from the Herald News & Record and thanked them for respecting his privacy, because every time they put his picture in the paper, it is not him. It was corrected on the website this afternoon, and he thanked Heather from the Herald & Record for being pro-active on this.

Borough Attorney Michael Pasquale:

Normally he would extend his congratulations, but will withhold congratulations until the election is more certified.

Attorney Pasquale strongly recommended the soil ordinance, Ordinance No. 1960-08, which follows the North Haledon model that he has so comfortably worked with for a long time. He stated he thinks it is important to make major changes to the soil movement ordinance, which was described in the Work Session.

Attorney Pasquale has a conference Thursday morning, Nov. 6th, in Newark, on the New Jersey Environmental Federation case.

Attorney Pasquale received a call from a fellow attorney regarding the Paterson case about putting together a first meeting of a joint defense, which should be happening in next few weeks. However, the League of Municipalities Convention may interfere with this meeting. But they are working together to pool resources to the extent that they can.

There was a conference last week on the Enterprise advertising, which was covered by Chuck Collins and the matter is being handled.

Attorney Pasquale passed on his condolences to Acting Mayor Goldberg on the passing of his father.

Borough Engineer Stephen Boswell:

Engineer Boswell discussed the pool cover, stating that the cover is so heavy that in order to install, the pool must be completely filled up. Joe Scarmazzo has plugged the drains. It will be installed next week. They drill some holes in the concrete to hold it down. The claim is that the cover is strong enough to drive a car over.

Regarding the Road Program: Tuxedo Avenue, Coolidge Place and North 11th Street were all paved and completed. Jefferson Place, Thomas Road right-of-way south, Cornell Avenue and Birchwood Roads will be completed by the middle of next week. Asked that Council approve R-2, which is authorization to Boswell to design and inspect that work.

The concrete work has begun on the Van Winkle Avenue project and will take 2-3 weeks to complete, and the road will be paved before Thanksgiving.

The new building is in place on Kohler Field, and the grass looks great. However, there is a problem with the debris being left by the geese. Engineer Boswell suggested looking into a dog service to be put in place. The fencing should go in by the end of this week.

Public Service has told Engineer Boswell and the Borough that they want almost \$6,000.00 to remove one of their power polls. Councilman Bertollo has volunteered to handle this negotiation and get down as close to 0 as possible.

There was problem with the high-pressure reduction valve installed and still owned at this time by K. Hovnanian, which was supposed to keep the maximum pressure at about 80 – 85 PSI, whereas the system is 150 PSI. Internal household plumbing is not equipped to hand 150 PSI, which is why we have a pressure-reducing valve. The valve failed. Hovnanian has now had it fixed and will be responsible for any repairs, and advised any residents who have had damage a result of this to get your claims in to Administrator Eric Maurer, who will make sure those get followed up on.

Councilman Matthews asked Engineer Boswell to give examples of what such damage could be. Engineer Boswell stated biggest difference you would see is the automatic pressure release valve on your hot water heater will release water into your basement, but it will not necessarily damage your hot water heater. The flush valve on your toilet would also not be able to handle 150 PSI. Most of the damage will be that toilets break and the hot water heater overflows and floods the basement.

Acting Mayor stated we only want claims from the affected areas, and asked Engineer Boswell to indicate those areas. Engineer Boswell stated it would be people up near the Wyckoff border and the North Haledon border, and those in the higher pressure zone. If people know they are in the higher pressure zone, they could be affected.

Councilman Matthews asked how many claims we have already had, and Engineer Boswell did not know of any yet. Engineer Boswell suggested they contact the Borough, and Boswell will handle the claims when they come in. He also suggested residents call the water department to determine if they are in a high pressure area.

Administrator Maurer stated the date of this was last Thursday, Oct. 30th, so anything that happened before that is not due to this. And anything that happened today, is not due to this-it would have happened Friday, Oct. 31st.

Engineer Boswell stated that we are at some point going to accept and take over this system. Boswell Engineering had prepared 9-10 months ago a 14-page punch list, and are now going out to check against those items on that punch list.

Engineer Boswell stated he mentioned to Administrator Maurer that we have never done this, but we could look at as a back-up putting 2 pressure-reducing valves in case one fails. These valves are so reliable they rarely ever do this. This may be something we look at doing before we release any bonds. No bonds will be released until one of our residents is satisfied with the response.

As part of our JIF inspection, it was noticed that we need to map a couple of outfalls. Boswell Engineering gave Administrator Maurer a proposal for that today, as well as a proposal for the oil-water separator.

Borough Administrator Eric Maurer:

Regarding the last 2 matters discussed by Engineer Boswell, the storm water management laws of the state are causing us that have costs, and in some cases, inconveniences. It is a major impact on municipalities and a lot of the components of those laws are causing us to spend money. We have to deal with the cost, and our residents have to deal with the impact of how we operate.

Bids for use of our cell towers are due on November 25th. We are hoping to have significant additional revenue.

An item that Councilman Wojtecki had brought up a number of months ago regarding a leaking valve at Goffle and North 8th, was a private valve, but we had no way to isolate it. We had to install our own new valve, which was problematic because the normal way to do things we would have to shut down that whole section of town. We went to an outside vendor using a different process which allows us to do it without that shutdown. There were other problems in that the pipes were deeper than we expected, and we had deeper trenching. This ended up being a lot more of a complicated project, but it is now done. The private valve was put in by us at the owner's cost. The rest of the work was something we had to pay for because it was the water system.

All but one or two of our departmental budget requests are in. We will begin putting that together, having departmental meetings and start working with the Finance Committee on next year's budget.

Our Joint Insurance Fund is processing our claim for damage to the Sicomac Pump Station. We should be getting a substantial portion of the cost from the JIF. It will not include the additional cost we are spending to reconfigure how we have that system set. We are re-designing it to make it less-susceptible to

damage. Therefore, the Ordinance that we are introducing, we will not need that full amount of money.

As requested by the Council, we are also proceeding with the SCADA system.

Our Police Dept. will have technological help with stolen cars. We are getting the LOJACK system installed in 2 of our cars which will enable us to track stolen cars and have GPS systems. There will be some training on this system Nov. 6th.

Administrator Maurer will need to meet with the Council's Personnel Committee to discuss some Clerk's Office issues and will be setting that sometime soon.

Acting Mayor Goldberg stated he has removed himself from the Personnel Committee and has appointed Councilman Bertollo as the new Chairperson. Chairperson Bertollo will contact Councilpersons English and Sinning, who are also Personnel Committee members to set a date.

Questions for the Administration:

Councilman Wojtecki:

1. Re-addressed the Sergeant manhole cover that was discussed with Chris Nash (Boswell) at the last Council Meeting and stated it continues to make noise.

Engineer Boswell stated the DPW has ordered and will install a bolt-down manhole. If this does not work, there is not much else they can do. They have already re-set the rim, put the gasket in, and tried everything with fitting it. The bolt-down has been ordered, but he did not know the status of the order.

Councilman Wojtecki asked Administrator Maurer to have someone from the DPW stop by and talk to Mr. & Mrs. Sergeant.

2. The reveal on Tuxedo seems to be that they may have added too much asphalt. It looks like it is going to come over the curb in some areas.

Engineer Boswell stated they may have had to do it for bird baths, and that he would take a look at it. They always curb mill it.

3. Asked the Administration that we cease allowing Paterson Police to use our Firing Range for free as there seems to be a lawsuit against the Borough of Hawthorne by City of Paterson. (He stated he knew it was not the Police Dept.)

Acting Mayor Goldberg stated he would discuss this with the Police Chief and get his input on this.

Councilman Matthews:

1. Questioned Engineer Boswell whether the valve that was replaced was supposed to have a remote signal device hooked up into our system.

Engineer Boswell stated it has been done, but not hooked up into our system yet. Now the capability is there, and it can be hooked up into our system.

Councilman Matthews confirmed that it would be our coordination, but their job to do the hook-up, and Engineer Boswell confirmed.

2. Questioned Attorney Pasquale if there have been new communications with K.Hovnanian regarding claims for new damages (Attorney Pasquale confirmed) and asked if these new conversations with K. Hovnanian have sparked any conversations regarding old damages.

Attorney Pasquale stated he has had no conversations, and has left half dozen messages for the Attorney for Hovnanian, who is handling this matter and has not returned phonecalls.

Councilman Matthews requested Attorney Pasquale draft a sharply-written letter that none of the bonds will be released unless the old claims, as well as any new claims, are taken care of.

Attorney Pasquale agreed and let the attorney know there will not even be a discussion about the release of the bond unless and until because we consider the issues that have been experienced by those homeowners are directly related to work that was covered by the bond. The bonds will not be released or reduced until they fix the problems or court orders that they be released, which would have to be at an Appellate Divisions court, because we will not let it go any other way.

Attorney Pasquale stated we have some other issues that we are working on Administratively in terms of other issues regarding water, water use.

Councilman Bennett :

1. Questioned if the drains at the pool were televised .

Administrator Maurer stated he did not think we had the report back yet.

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

ORDINANCES AND RESOLUTIONS :

ORDINANCES FOR INTRODUCTION :

ORDINANCE No. 1960-08 FOR INTRODUCTION

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 179, SOIL MOVEMENT, OF CODE OF THE BOROUGH OF HAWTHORNE

BE IT RESOLVED, that Ordinance No. 1960 -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 December, 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 Councilwoman English. On a roll call, all voted yes.

ORDINANCE NO.1961-08 FOR INTRODUCTION

BOND ORDINANCE PROVIDING FOR REPAIRS TO THE SICOMAC AVENUE PUMP STATION INCLUDING, BUT NOT LIMITED TO, REPLACEMENT OF PUMPS, COMMINUTOR AND CONTROLS, INCLUDING ELECTRICAL INSTALLATION AND RELATED WORK IN AND BY THE BOROUGH 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

BE IT RESOLVED, that Ordinance No. 1961-08 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 December, 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.

Discussion:

Councilman Wojtecki questioned Administrator Maurer on where we were with the SCADA System. Administrator Maurer that it is running parallel with the repairs.

Councilman Matthews requested that the maker of this Ordinance amend it to read "up to \$85,000.00. Administrator Maurer and Director of Revenue and Finance stated the Ordinance has to be for a specific amount. Engineer Boswell stated by definition it is "up to \$85,000.00" but you don't say.

On a roll call, all voted yes.

CONSENT AGENDA: R-1 – R-6

R-1. Resolution, Introduced by Councilman Bertollo

To ratify the actions of the Municipal Council of the Borough of Hawthorne Payroll dated October 24, 2008.

Resolution, Introduced by Council Person _____

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated October 24, 2008

	Check #	
CURRENT FUND	52588	\$240,628.35
WATER OPERATING FUND	14594	\$38,479.91
OTHER TRUST II FUND	6468	\$20,710.13
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TOTAL PAYROLL		\$ 299,818.39
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CURRENT FUND TO PAYROLL/FICA	52589	\$9,159.22
WATER OPERATING FUND TO PAYROLL/FICA	14595	\$5,000.00
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TOTAL FICA		\$ 14,159.22
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R-2. Resolution, Introduced by Councilman Bertollo

WHEREAS, there exists a need for engineering services for the design and construction phases of the 2008 Road Improvement Program in the Borough of Hawthorne at a cost not to exceed \$51,000.00.

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 \$51,000.00, 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 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>
2007				
104/19	\$1,165,000.	\$1,050,000.	\$115,000.	\$4,910.50
Michael I. Schneck, Trustee for S.B.G. Realty			290 Lafayette Ave., Hawthorne	
2008				
104/19	\$1,165,000.	\$1,000,000.	\$165,000.	\$7,403.55
Michael I. Schneck, Trustee for S.B.G. Realty			290 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 2007 and 2008 in the amount of \$12,314.05 in accordance with the state judgment.

R-4. Resolution, Introduced by Councilman Bertollo

RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159), P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount.

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Borough of Hawthorne hereby requests the Director of the Division of Local

Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$5,000.00 which item is now available as revenue for the Municipal Alliance Grant Program in the Borough of Hawthorne.

SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS
Municipal Alliance Grant Program **\$5,000.00**

pursuant to the provision of the statute; and

SECTION 2

BE IT FURTHER RESOLVED, that a like sum of \$5,000.00 be and is hereby appropriated under the caption of:

OPERATIONS EXCLUDED FROM "CAPS"
PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUE
Municipal Alliance Grant Program **\$5,000.00**

SECTION 3

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Hawthorne from the State of New Jersey that were not available at the time of the adoption of the 2008 budget and are now available by law.

R-5. Resolution, Introduced by Councilman Bertollo

WHEREAS, an interfund in the amount of \$13,599.86 was created by an interest transfer error between the Current Fund Account and the Housing Trust Fund 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 \$13,599.86 from the Current Fund Account to the Housing Trust Fund Account.

R-6. Resolution, Introduced by Councilman Bertollo

WHEREAS, the Borough of Hawthorne has previously awarded a contract for recycling collection and maintains a recycling collection operation within the Borough of Hawthorne; and

WHEREAS, the Borough of Hawthorne, as collector of recyclable materials, both through its contracted collector and through its own collection program, is in need of a facility to receive recyclable materials so collected; and

WHEREAS, the Green Sky Industries, Inc., with place of business located in the City of Clifton, has submitted a proposal to Hawthorne to receive recyclable materials collected in the Borough, the terms of the same being as set forth in the proposed contract annexed hereto; and

WHEREAS, the proposal from Green Sky Industries is exempt from the Local Public Contracts Law as it is the marketing of recyclable materials recovered through a recycling program, as defined by NJSA 40A: 11-5 (1) (s)

WHEREAS, the Administration, through its Recycling Coordinator and Administrator, has recommended the award of a contract for a period of 25 months, running from December 1, 2008 though December 31, 2010, all in accordance with the proposal annexed hereto;

NOW THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne does award a contract for the receiving of materials collected through its recycling program to:

**Green Sky Industries, Inc.
Clifton, NJ**

AND BE IT FURTHER RESOLVED, that the Mayor and Clerk be and are authorized to execute a contract as and for the act of the Borough of Hawthorne.

Discussion on R-1- R-6

Council President Goldberg entertained a motion to approve Resolutions R-1 – R-6, moved by Councilman Bertollo, seconded by Councilwoman English. On a roll call all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES:

Councilman Wojtecki:

Requested that the Environmental Commission has changed the date of their meeting from November 13th to November 12th at 7:30 in the downstairs conference room be advertised on Public Access Channel 77.

Clerk Spohn was directed to Sunshine Notice the change. Councilman Wojtecki later informed the Council that the Chairwoman of the Environmental Commission sent him that she has sent information to the Hawthorne Press on Sunday about the date change, and therefore Clerk Spohn did not need to send the Sunshine Notice.

Councilman Sinning:

Stated the Ordinance Committee met and reviewed Ordinance NO. 1960-08, which is a major change to our soil movement. The Committee also spent some time on the Shade Tree Commission part of the Code Book, and there will be some changes being made there, which will be ready for the next meeting.

Councilman Matthews:

Stated the Planning Board met on Monday evening, Nov. 3, one day earlier due to the Election. The redevelopment Ordinance for Wagaraw Road was discussed. A letter with the Board's comments to the Council would be forthcoming from the Secretary. One of the biggest comments was the parking spaces. Councilman Matthews tried to explain to the Planning Board that the ratio we are trying to get of 3.7 per 1,000 square foot of development is what really what drove that equation. Certain parcels may require a little more give and take because of the usable area that is on them.

Councilwoman English:

Reported that the Flu Shot will be administered here on Nov. 6th from 10:00AM-1:00PM.

Council President Goldberg:

Reminded everyone that Tuesday, Nov. 11th is Veteran's Day. We will be having a service in front of the Municipal Building starting at 11:00AM. He invited the entire community to attend to pay honor to our Veterans. The building will be closed because it is a holiday, but we will still have the service. We have troops all around the world and it would be nice way to pay a debt of gratitude to our Veterans who have sacrificed so much to keep us free.

Councilman Bertollo stated Kohler Field looks good and thanked Kevin Downes. He stated Mr. Thomas is very happy with it. The decision made to clear away the debris and install the fencing will make it look so much nicer. It would be a jewel of the town once it is completed.

Councilman Bertollo suggested to Administrator Maurer that we contact Tyco and have them send a border collie down to the field. He will also speak to Kevin to see at what point we can put a tractor on the field to use our scooper machine and try to clean up the field. Engineer Boswell will advise.

CORRESPONDENCE:

MISCELLANEOUS:

C-1 At the last regular meeting of the Hawthorne Board of Fire Commissioners, the membership application for Joseph Fitzmaurice was received and approved for membership into the Fire Department. The Board requested Borough Council approval

Council President Goldberg entertained a motion to approve C-1, moved by Councilman Wojtecki, seconded by Councilwoman English. On roll call all voted yes.

BILLS:

The following bills were presented for payment:

CURRENT FUND

<u>Date</u>	<u>Vendor</u>	<i>Current</i>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/17/08	484 LAFAYETTE AVE LLC		52670	8856.44	OPERATIONS
Total Bill List:		8856.44			

Bill list *Current*

<u>Date</u>	<u>Vendor</u>		<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/23/08	PAYROLL ACCOUNT		52671	240628.35	MUNI COURT
10/23/08	PAYROLL ACCOUNT		52672	9159.22	SOCIAL SECURITY
Total Bill List:		249787.57			

CURRENT FUND (continued)

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/05/08	A T & T	52673	48.64	TELEPHONE CHARGES
11/05/08	A-VAN ELECTRICAL	52674	583.62	MAINTEN OF PARKS
11/05/08	B & C COMMUNICATIONS,	52675	1663.44	POLICE DEPT O/E
11/05/08	BOB RAYOT TIRE SERVICE,	52676	304.65	VEHICLE MAINT RECYCLE
11/05/08	BOB'S STORES	52677	515.00	STREETS & ROADS O/E
11/05/08	BOSWELL ENGINEERING, INC	52678	8985.75	ENGINEERING SERVICES O/E
11/05/08	CARL MOTTOLA	52679	129.07	UNIFORM FIRE SAFETY O/E
11/05/08	CARPET CYCLE, LLC	52680	250.00	RECYCLING PRO O/E
11/05/08	CHIEF SUPPLY CORP.	52681	363.99	FIRE DEPT O/E
11/05/08	CHRISTINE ORAVETZ	52682	125.00	GROUP INSURANCE O/E
11/05/08	CINTAS CORP	52683	291.48	PUB WORKS ADMIN O/E
11/05/08	COACHMAN INT'L TOURS INC	52684	675.00	BOARD OF REC O/E
11/05/08	COUNTY OF PASSAIC	52685	3668591.60	COUNTY TAX
11/05/08	COUNTY OF PASSAIC-OPEN	52686	73304.60	OPEN SPACE TAX
11/05/08	DANIEL OLIVER	52687	84.00	GROUP INSURANCE O/E
11/05/08	DAVID MAHER	52688	120.00	GROUP INSURANCE O/E
11/05/08	DEC GREEN	52689	12425.00	CLEAN COMMUNITIES
11/05/08	DON'S AUTO REPAIR	52690	300.25	VEHICLE MAINT POLICE
11/05/08	DONALD TURNER, SR	52691	87.96	LOCAL CODE ENFORCEMENT
11/05/08	EXTEL COMMUNICATIONS,	52692	153.25	POLICE DEPT O/E
11/05/08	FRANCOTYP-POSTALIA, INC	52693	304.98	PUB WORKS ADMIN O/E
11/05/08	G.NEIL CO, INC	52694	54.99	PEOSHA O/E
11/05/08	GARY TAMBURRO	52695	50.00	GROUP INSURANCE O/E
11/05/08	GATES CO, INC	52696	497.90	FIRE DEPT O/E
11/05/08	GET A CAN	52697	23000.00	RECYCLING PRO O/E
11/05/08	GOOD YEAR AUTO SERVICE	52698	559.86	VEHICLE MAINT ROAD
11/05/08	HARRY GORDON	52699	1000.00	PEOSHA O/E
11/05/08	HAWTHORNE AUTO LAB	52700	604.19	VEHICLE MAINT POLICE
11/05/08	HAWTHORNE FIRE DEPT	52701	1282.87	FIRE DEPT O/E
11/05/08	HAWTHORNE HARDWARE, INC	52702	121.91	SWIMMING POOL O/E
11/05/08	HAWTHORNE PBA LOCAL 200	52703	699.94	MUNICIPAL ALLIANCE
11/05/08	HAWTHORNE PRESS INC	52704	80.08	ZONING BD OF ADJ
11/05/08	HOME SUPPLY & LUMBER	52705	392.82	RECYCLING PRO
11/05/08	IPPOLITO BROS INC	52706	600.00	MAINTEN OF PARKS
11/05/08	JAMES BAKKER	52707	256.00	GROUP INSURANCE O/E
11/05/08	JANET REENSTRA	52708	255.00	GROUP INSURANCE O/E
11/05/08	JARED VAN EK	52709	108.85	FIRE DEPT O/E
11/05/08	JOHNSON BUS PROD &	52710	535.77	GENERAL ADMIN O/E
11/05/08	JP HOME ARAMA, INC	52711	884.34	VEHICLE MAINT POLICE
11/05/08	J.P.C, INC	52712	142.70	PUB WORKS ADMIN O/E
11/05/08	KEN'S AUTO ELECTRIC, LLC	52713	85.00	VEHICLE MAINT FIRE DEPT
11/05/08	LAB SAFETY SUPPLY	52714	62.74	PEOSHA O/E
11/05/08	LANGUAGE LINE SERVICES	52715	10.20	POLICE DEPT O/E
11/05/08	LANIGAN ASSOCIATES, INC.	52716	2959.00	POLICE DEPT O/E
11/05/08	LAW ENFORCEMENT INTELL	52717	127.90	MUNICIPAL ALLIANCE
11/05/08	LEE NATIONAL DENIM DAY	52718	110.00	BOARD OF HEALTH O/E
11/05/08	LERCH VINCI & HIGGINS	52719	1000.00	CONST CODE O/E
11/05/08	LESCO SC 493	52720	682.20	MAINTEN OF PARKS
11/05/08	LITTLE FALLS TROPHY &	52721	288.00	BOARD OF REC O/E
11/05/08	LORRAINE POWELL	52722	1136.39	MUNICIPAL ALLIANCE
11/05/08	LUSCHER'S AUTO INC	52723	2414.45	VEHICLE MAINT SEWER
11/05/08	MARY ELLEN LYONS	52724	17.49	RECYCLING PRO
11/05/08	MARY JEANNE HEWITT	52725	157.95	MUNI COURT
11/05/08	MC NERNEY & ASSO	52726	200.00	TAX ASSESSMENT O/E
11/05/08	METLIFE	52727	330.86	GROUP INSURANCE O/E
11/05/08	MICHAEL I SCHNECK,	52728	12314.05	OPERATIONS
11/05/08	NEW CONCEPT OFFICE	52729	554.50	MUNICIPAL CLERK O/E
11/05/08	NJ STATE LEAGUE	52730	65.00	GENERAL ADMINISTRATION
11/05/08	NO JERSEY MUNI EMPL BNFT	52731	111128.00	GROUP INSURANCE O/E
11/05/08	NORTHERN SAFETY CO INC	52732	188.74	STREETS & ROADS O/E
11/05/08	PREFERRED BUSINESS	52733	677.98	PUB WORKS ADMIN O/E
11/05/08	PROCOPY INC	52734	127.00	MUNICIPAL CLERK O/E
11/05/08	PUBLIC SERV ELEC & GAS	52735	30499.90	ELECTRIC CHARGES

CURRENT FUND (continued)

11/05/08	RAYNA LAIOSA	52736	117.66	ENVIRONMENTAL COMMITTEE
11/05/08	REED SYSTEMS INC	52737	1008.52	STREETS & ROADS O/E
11/05/08	RICOH BUSINESS SYSTEMS,	52738	1374.49	CONSTRUCTION CODE
11/05/08	RIDGEWOOD TYPEWRITER	52739	165.33	FIRE DEPT O/E
11/05/08	SEELEY EQUIP & SUPPLY	52740	211.92	STREETS & ROADS O/E
11/05/08	ST ANTHONY'S SERVICE	52741	300.00	CLEAN COMMUNITIES
11/05/08	STATE LINE FIRE & SAFETY	52742	64.00	RECYCLING PRO
11/05/08	STEELFAB	52743	17417.00	NON-BOX SANDER
11/05/08	TECHNICAL FIRE SERVICES,	52744	675.00	VEHICLE MAINT FIRE DEPT
11/05/08	TEE-FX SCREEN PRINTING,	52745	2227.75	POLICE DEPT O/E
11/05/08	TEST MEDICAL SYMPTONS	52746	364.98	MUNICIPAL ALLIANCE
11/05/08	THE FIRESTORE.COM	52747	100.69	FIRE DEPT O/E
11/05/08	THOMSON WEST INC	52748	414.00	MUNICIPAL CLERK O/E
11/05/08	TLC DESIGNS	52749	192.00	LOCAL CODE ENFORCEMENT
11/05/08	TREASURER, STATE OF NEW	52750	80.00	MAINTEN OF PARKS
11/05/08	TYCO ANIMAL CONTROL	52751	2400.00	ANIMAL CONTROL O/E
11/05/08	TYR COMPUTER CONSULTING	52752	405.00	POLICE DEPT O/E
11/05/08	UNITED COMPUTER	52753	169.30	POLICE DEPT O/E
11/05/08	UNITED RENTALS, INC	52754	438.47	PEOSHA O/E
11/05/08	VALLEY HEALTH MEDICAL	52755	55.00	PEOSHA O/E
11/05/08	VALLEY HOSPITAL	52756	75.00	BOARD OF HEALTH O/E
11/05/08	VERIZON	52757	3388.25	TELEPHONE CHARGES
11/05/08	VERIZON WIRELESS (N)	52758	187.30	TELEPHONE CHARGES
11/05/08	VITAL COMMUNICATIONS,	52759	100.00	REVENUE COLLECTION O/E
11/05/08	W. E. TIMMERMAN INC	52760	2883.34	VEHICLE MAINT ROAD
11/05/08	WALDWICK PRINTING	52761	570.00	GENERAL ADMIN O/E
11/05/08	WORK'N GEAR, INC	52762	251.00	STREETS & ROADS O/E
11/05/08	ZEP MANUFACTURING	52763	570.73	STREETS & ROADS O/E

Total Bill List: 4001778.58

WATER OPERATING FUND

Bill list *Water*

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/23/08	PAYROLL ACCOUNT	14611	38479.91	WATER UTILITY S/W
10/23/08	PAYROLL ACCOUNT	14612	5000.00	SOCIAL SECURITY

Total Bill List: 43479.91

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/05/08	A-VAN ELECTRICAL	14613	23.67	WATER UTILITY O/E
11/05/08	AGRA ENVIRONMENTAL SVC	14614	500.00	LAB TESTING WATER
11/05/08	AMERICAN HOSE CO INC	14615	148.82	WATER UTILITY O/E
11/05/08	BRAEN SUPPLY INC	14616	116.17	WATER UTILITY O/E
11/05/08	EMERSON PROCESS	14617	12400.00	WATER UTILITY O/E
11/05/08	GEMPLERS INC	14618	127.85	WATER UTILITY O/E
11/05/08	GP JAGER & ASSOC INC	14619	1360.00	WATER UTILITY O/E
11/05/08	HAWTHORNE HARDWARE, INC	14620	38.83	WATER UTILITY O/E
11/05/08	J W PARR CO	14621	500.00	WATER UTILITY O/E
11/05/08	LUSCHER'S AUTO INC	14622	526.77	WATER UTILITY O/E
11/05/08	MUNIDEX, INC	14623	600.00	WATER UTILITY O/E
11/05/08	NO JERSEY MUNI EMPL BNFT	14624	30000.00	GROUP INSURANCE EMPLOYEES
11/05/08	NORTHERN SAFETY CO INC	14625	67.89	WATER UTILITY O/E
11/05/08	PASSAIC CO ROAD DEPT	14626	750.00	WATER UTILITY O/E
11/05/08	PUBLIC SERV ELEC & GAS	14627	55547.86	WATER UTILITY O/E
11/05/08	RIDGEWOOD TYPEWRITER	14628	97.53	WATER UTILITY O/E
11/05/08	SYTECH THE REPORT	14629	1310.00	CAPITAL OUTLAY
11/05/08	UNITED COMPUTER	14630	202.50	WATER UTILITY O/E
11/05/08	UNITED RENTALS, INC	14631	134.95	WATER UTILITY O/E
11/05/08	VERIZON	14632	939.08	WATER UTILITY O/E
11/05/08	WORK'N GEAR, INC	14633	379.88	WATER UTILITY O/E

Total Bill List: 105771.80

GENERAL CAPITAL FUND

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/16/08	BOSWELL ENGINEERING, INC	2503	13743.50	REPAIRS TO HVAC
Total Bill List:			13743.50	

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/05/08	BOSWELL ENGINEERING, INC	2504	33581.00	VAN WINKLE - PH 1
11/05/08	CFM CONSTRUCTION	2505	17820.00	RENOVATION OF POOL
11/05/08	DOWNES TREE SERVICE,	2506	113267.42	CREATION OF BALLFIELD
11/05/08	LERCH VINCI & HIGGINS	2507	20500.00	RES FOR BOND SALE
11/05/08	MOODY'S INVESTORS	2508	6850.00	RES FOR BOND SALE
11/05/08	SMITH-SONDY ASPHALT	2509	72261.65	2008 ROAD PROGRAM
Total Bill List:			264280.07	

BUILDERS ESCROW

<u>Date</u>	<u>Vendor</u> <i>(Builders Escrow)</i>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/05/08	BOSWELL ENGINEERING, INC	2040	78.00	PASSANO 281/8
11/05/08	BOSWELL ENGINEERING, INC	2041	284.00	ORITZ - 86/9
11/05/08	KOHLER DISTRIBUTORS	2042	1038.16	KOHLER 12/7
11/05/08	VAN DYK PARK PLACE	2043	1750.00	VANDYKE 146/2.01
11/05/08	VAN DYK PARK PLACE	2044	1750.00	VANDYKE 146/2.01
11/05/08	PAUL'S MOTORS	2045	523.52	PAULS MOTOR 281.02/19.01
11/05/08	PAUL'S MOTORS	2046	523.52	PAULS MOTOR 281.02/4
11/05/08	PAUL'S MOTORS	2047	523.52	PAULS MOTOR 281.02/5
Total Bill List:			6470.72	

<u>Date</u>	<u>Vendor</u> <i>(Builders Escrow)</i>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/05/08	BOSWELL ENGINEERING, INC	2048	156.00	BERGER 24/13
11/05/08	BURGIS ASSOCIATES, INC	2049	1091.25	WESTERVELT-MILLVIEW 7/1
11/05/08	MICHAEL J. PASQUALE,	2050	405.00	LAFAYETTE REALTY
11/05/08	BOSWELL ENGINEERING, INC	2051	4056.00	LAFAYETTE REALTY
11/05/08	BOSWELL ENGINEERING, INC	2052	390.00	LAFAYETTE REALTY
Total Bill List:			6098.25	

HOUSING TRUST

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/05/08	SEVERE STRUCTURES, LLC	80032	12010.00	HOUSING REHAB PROGRAM
Total Bill List:			12010.00	

OTHER TRUST II

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
10/23/08	PAYROLL ACCOUNT	6471	20710.13	OFF-DUTY POLICE
Total Bill List:			20710.13	

BILL LIST

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/05/08	KONICA/MINOLTA	6472	189.88	RECYCLING TRUST
11/05/08	NORTHERN SAFETY CO INC	6473	373.58	RECYCLING TRUST
11/05/08	PABCO INDUSTRIES	6474	4092.00	RECYCLING TRUST
11/05/08	SIR SPEEDY, INC	6475	228.82	DOMESTIC VIOLENCE
11/05/08	MARY ELLEN LYONS	6476	0.00	RECYCLING TRUST
11/05/08	MARY ELLEN LYONS	6477	323.10	RECYCLING TRUST
Total Bill List:			5207.38	

Council President Goldberg entertained a motion to approve the bills, and refer them to the Treasurer for payment, moved by Councilman Wojtecki, seconded by Councilwoman English. On roll call all voted yes.

Before going into Public Comment, Council President Goldberg reminded everyone that our next meeting will be on Monday, Nov. 17th not on Wednesday, as most of the Council will be at the League of Municipalities Conference.

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 Metzler, 152 Cedar Avenue. Complained about the water problem. His son lives on Missonellie Court, and his pressure measured over 175 pounds. It blew a brand new relief valve that popped as soon as he turned the water on. Mr. Metzler thanked the Borough employees that came to aid of people up there. Lee Pellosie, who sent Jeff Kowaski. Don Turner and Jennifer Scully also showed up and offered assistance with somebody to come up and vacuum the basement, took a report on damage being done. It was nice to see that we have Borough employees that are concerned.

Mr. Metzler did not agree with Mr. Boswell that these things never happen. He is a licensed plumber, and they do happen.

Mr. Metzler congratulated Joe and Richard on an excellent campaign and expressed condolences to Richard.

2. Joe Rooney, 84 Braen Avenue. Expressed his condolences to Richard.

Mr. Rooney stated that 2 weeks ago he went into the Building office and they told him that the CO's are being handing out. He is very disappointed.

Attorney Pasquale explained that there were 4 CO' s that had not yet been issued. The Building Dept. explained that there were 4 CO's that were previously issued, and the closings did not take place. K. Hovnanian came back and said we already have 4 CO's , but now with different purchasers. Mr. Pallotta checked with DCA, who said you cannot deny in this circumstance. The CO inspection had already been done and therefore the CO's remain valid as issued.

Attorney Pasquale expressed his disappointment, because we made it very clear that we would not be issuing any new CO's. These apparently were not new CO's. They were CO's issued some time ago. We did not know, nor did the Building Dept., because they technically never issued to those homeowners. Those homeowners never closed.

Mr. Rooney asked who controls the bond. Attorney Pasquale stated we control the bond. Engineer Boswell stated he would not sign off on the bond until all the items on the checklist are addressed, and Director or Revenue and Finance Hewitt will not sign off on the bond unless it is certified by Engineer Boswell. The Engineer Boswell would have to sign, then the Council would have to approve, and then Director of Revenue and Finance would have to sign.

Mr. Rooney congratulated both on a well-run campaign.

3. Paul Allen, 335 Hawthorne Avenue. Stated he was here 4 months ago to the day to complain of the terrible conditions on Brockhuizen Lane. Mr. Allen stated he heard a little rumor that the Borough is negotiating to buy Brockhuizen Lane.

Council President Goldberg stated that the Council is in general negotiations, and could not go into specifics on television. We try not to negotiate on television. We have been talking to the owners, as well as the residents of Brockhuizen Lane. We are looking to come up with a solution that will make the homeowners happy, the Association happy, and the Borough happy.

Attorney Pasquale told Mr. Allen he is not off track, and they are working towards a solution. We have made a lot more progress and at this point are just a few moments away.

Mr. Allen asked what will happen to those poor residents during the winter with snow-plowing.

Attorney Pasquale stated our goal is to determine what is going to be the long term solution, which we hope will be resolved in the next 2 weeks. No matter what happens, we will not be able to do a full repair of that road until the Spring. We are going to insist that no matter who is control of that road, the homeowners, the association or the Borough, it will be made better than it is for the winter.

Mr. Allen asked Engineer Boswell if when we pave roads, are there ever any poundage of macadam left over that could be used to temporarily patch that road.

Engineer Boswell stated we pay by the ton, and whatever we use, we pay for.

Mr. Allen then address Councilman Matthews on issues for the Planning Board regarding a comment that was made to an applicant that wanted to locate a convenience store on the corner of Lafayette and Rea Avenue. He also discussed the Decker Garage location which has been vacant for 2 years. He believed that one of the Planning Board members spoke to the applicant's lawyer that they were concerned about traffic flow. Mr. Allen stated that isn't the whole premise of bring a business into the area? Mr. Allen did not think there would be a more intensive use then when Decker was there, and residents could not find parking.

Councilman Matthews stated that this applicant withdrew his application due to environmental requirements. One of the concerns is that neighborhood, and applicant can be shown on a plan that there will be ample parking for vehicles. The applicant for Lafayette Avenue did not pursue.

Council President Goldberg informed Mr. Allen that the Planning Board does have a Public Portion, and his questioned would be better addressed at a Planning Board meeting

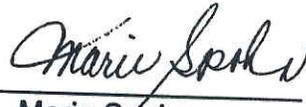
Mr. Allen asked Councilman Bertollo where we stand on the central business district, Lafayette Ave. and Diamond Bridge. Councilman Bertollo stated we do have some volunteer groups in town that are interested in doing some work there. The owner of the property is interested in listening. There are some improvements to that general area that will be going to the Planning Board.

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 Councilwoman English. On roll call all voted yes.

ADJOURNMENT

Council President Goldberg entertained a motion to adjourn at 9:09PM. The next Council Meeting will be Monday, November 17th, 2008: Work Session beginning at 7:00 PM and Regular Session beginning at 8:00PM. Motion moved by Councilman Matthews, seconded by Councilman Sinning. On roll call all voted yes.

Richard Goldberg
Council President



Marie Spohn
Borough Clerk