

November 17, 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.

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 November 5, 2008, moved by Councilman Wojtecki, seconded by Councilman Bennett. 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:

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

ADOPTION OF ORDINANCES

ORDINANCE NO. 1958-08

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

Public Hearing

Council President Goldberg opened the meeting to the public. If anyone desires to be heard regarding Ordinance No. 1958-08 please raise your hand to be recognized, come forward to the microphone and state your name and address.

Public Comment:

James Dusenberry, 81 Roosevelt Avenue: questioned Paragraph J, hours of operation 6:00AM-11:00PM, whether this was for the operation of the store, or would they be able to load and unload trucks at this time. Mr. Dusenberry stated our Ordinance calls for trucks to be unloaded from 7:00AM -10:00AM, and questioned if they will they be able to load and unload trucks from 6:00AM-11:00PM?

Borough Attorney stated that yes; this is the permitted use for this zone.

Mr. Dusenberry asked why they were being giving additional time, and stated he presently has trucks loading and unloading at 4:00AM.

Council President Goldberg stated the reason we are giving them, is because we looked at the zones where this would be possible and we believe none of them would be abutting a residential zone.

Mr. Dusenberry questioned if other industries would be able to look at this and build on it, and request the same for their location.

Council President Goldberg answered no, because they do not meet the other requirements to have that happen.

Mr. Dusenberry wanted to make sure that this did not spread.

Council President Goldberg stated this would not be used as a springboard to say lets' start at 6:00, and then let's start at 5:00

Council President Goldberg entertained a motion that the public hearing on Ordinance No. 1958-08 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 Councilwoman English. On roll call all voted yes.

OLD BUSINESS

Councilman Wojtecki: addressed Administrator Maurer stating that at this same time last year he addressed the leaf collection in Ward 1 District 2, that they had both their leaf pick-ups in the same period, and that Administrator Maurer was going to look at the schedule to see if these pick-ups could be spread out.

Councilman Wojtecki stated that most recently members in Ward 1 District 2 received letters that they were going to receive fines for putting out leaves at the curb. When residents asked what was to be done with the leaves, they were told not to bring them to the curb. Councilman Wojtecki stated that we now have residents in Ward 1 District 2 who have raked their leaves to the curb and are now in violation. Both pick-ups for Ward 1 District 2 are in the same week at the end of the pick-up schedule.

Administrator Maurer stated that we tend to do leaves at a higher elevation first, but it did not seem right that they would be scheduled for two pick-ups in the same week.

Councilman Wojtecki suggested looking at the schedule: Elberon Avenue, Franklin Avenue, Maitland Avenue all get the same pick-up.

Administrator Maurer stated he would look at the schedule.

Councilman Wojtecki questioned if they would receive fines.

Council President Goldberg stated that there will be no fines for early leaves in the street per the discussion he has had with the inspector. There may be warnings, but no fines will be issued. We anticipating no summonses for leaves this year because we know the schedule got somewhat discombobulated. We have an issue at Ninth Avenue, where they could not get their leaves picked up because of construction.

Councilman Sinning also stated this was a problem at Birchwood Avenue.

Council President stated we are working on the different leaf issues, and talking with the DPW Administration and to our inspectors that is okay to warn people if they are doing something wrong, but please do not issue fines/summonses.

Councilman Bennett: asked Administrator Maurer to contact the School Board. Their waste removal trucks have been showing up at Lincoln Middle School at 6:30 AM to empty their dumpsters, which as Mr. Dusenberry pointed out, is a violation. Some of the residents adjacent to the school are being awakened at 6:30AM with crashing dumpsters and diesel motors. Councilman Bennett asked if this could be put off about by another half hour.

Councilwoman English: stated on behalf a resident, the STOP sign at the bottom of the exit from Route 208, who almost collided head-on with a car that did not stop at all coming off the exit. The resident is asking if a STOP sign will be put back up there.

Councilman Matthews asked if we had any temporary signs. He noticed on VanWinkle and Lafayette someone must have hit the STOP sign and now there is temporary sign there in a cement barrel. Can we do something similar at the 208 Exit when we do know the sign is out, until it can be replaced?

Councilwoman English asked Engineer Boswell if we could put in a spring-loaded sign that would bounce back up when knocked down.

Engineer Boswell stated these are very expensive, but you can actually see these at the League of Municipalities Conference in the booths.

Administrator Maurer indicated this STOP could get knocked down once every 2 to 3 weeks, if it were up.

Engineer Boswell will look into the spring-loaded sign.

Council President Goldberg stated the State would pay for this, not us.

NEW BUSINESS

Councilman Wojtecki: stated he received a letter in the mail today from Adele Puch who stated she is waiting for a call from Administrator Maurer regarding a matter she has.

Administrator Maurer stated he has the information and will call her back. Councilman Wojtecki asked to a timeframe, so he could get back to Ms. Puch. Administrator Maurer stated if not from his cell phone from the League, he would call her on Friday. Council President Goldberg stated she tends not to be home when you call her, because he has tried to call her. Council Wojtecki stated he would be happy if Administrator Maurer made the attempt to call her back.

Councilman Wojtecki stated to Administrator Maurer that this would be the second call he would be making. Council President Goldberg stated the other call was to a homeowner regarding a tree root. Administrator Maurer concurred.

Councilman Wojtecki questioned Engineer Boswell regarding some challenges with a tree root on Tuxedo Avenue. Engineer Boswell stated this has been resolved. What happened was that the contractor was told to divert the sidewalk around it, but did not do that. The contractor chopped some of the roots. Kevin Downs was called over, and looked at the tree roots, and said the tree will be fine. Councilman Wojtecki stated that the resident most recently sent a letter to Administrator Maurer asking for some type of chemical treatment. Engineer Boswell did not see the letter, but stated this was immediately addressed when it happened. The problem was with the sub-contractor, G & R, who was told by Kristen Boswell and Jeff DeWan not to touch the tree roots. Engineer Boswell stated that if there are some chemical treatments necessary, we will have the contractor put it in. Engineer Boswell asked Administrator Maurer to let him see the letter.

Councilman Matthews: stated he received a letter from a lady at 136 Rock Road who would like an issue of parking to be evaluated by the Police Department and our Commuter Parking Ordinance Committee.

Administrator Maurer stated the Commuter Parking Ordinance Committee would have to check this.

Councilman Matthews requested that Police Department to check to see if the people that are parking along that street all the time are commuters, similar to what we did on North 4th. The address is 136 Rock Road, from Goffle Road, all the way up the tracks.

Councilman Matthews turned the letter over to John Bertollo, Chairman of our Commuter Parking Ordinance Committee.

ADMINISTRATIVE AGENDA presented by Acting Mayor Goldberg:

Acting Mayor Golberg:

1. Pleased to report that the Borough of Hawthorne has been selected to receive funding from the NJ Dept. of Transportation Fiscal year 2009 Municipal Aid Program. Engineer Boswell stated the amount was \$220,000 to be used to improve Central Avenue.
2. Announced that the Police Department is now equipped to track stolen cars that have LOJACK. The equipment was at no cost to the Borough and provides an extra service for Borough residents.

Councilman Wojtecki asked to be excused to check on a call.

3. Referred to an article in The Record from November 10th that featured many of our downtown restaurants, and Bush's Candy. It does show that our downtown area is alive and kicking. It was a great article for Hawthorne, and discussed The City Creamery, Bush's Candy, Kirker's Inn, and Spehen's Chalet. They also mentioned Justin's and Puzo's, as well.

4. Noted Tuesday, Nov. 11th was our Veteran's Day service, thanked everyone that helped make the event happen, and congratulated the VFW on their 80th Anniversary.
5. Announced that on Nov. 16th the Hawthorne Cubs Senior Team went on to win the Super Bowl. This is just another reason to be a proud Hawthorne resident, congratulating the Cubs, their coaches, their parents, on a fine season.

MR-1 Resolution, Introduced by Acting Mayor Goldberg

HANDICAP PARKING SPACE

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

1. The words and phrases used herein shall have the same meaning respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey.
2. Pursuant to the Authority granted under N.J.S.A. 39:4-197.6, the following location is hereby designated as a restricted parking space for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles. No other person shall be permitted to park in this space.
3. The parking space will be located on the southern side of Van Winkle Avenue, beginning nine feet (9') from the southeast corner of the driveway entrance and extend twenty-two feet (22') east on the south side of Van Winkle Avenue thus being located on the south side of the residence known as Block 263 Lot 10 (also known as 200 Third Avenue) as shown on the Borough Tax Map.
4. The Police Department is hereby directed to have proper signs calling attention to the provisions of the resolution erected or placed upon said street.
5. This resolution shall take effect on adoption and posting of the signs required above.

Acting Mayor Goldberg entertained a motion to approve MR-1, moved by Councilman Matthews, seconded by Councilman Bertollo. On a roll call Councilpersons Sinning, Matthews, Goldberg, Bennett, English and Bertollo all voted yes. Councilman Wojtecki abstained.

Acting Mayor Goldberg stated Councilman Wojtecki left the room because there was a report of an actual fire. Councilman Wojtecki returned, stating it was a stove fire, and abstained from the vote.

Councilman Wojtecki stated the fire was under control. Acting Mayor Goldberg thanked the Fire Department.

Acting Mayor reported attended a Memorial Breakfast for the Fire Department on November 16th, honoring those members of their brotherhood who had passed away. Acting Mayor Goldberg stated this was a nice opportunity to break bread with our volunteer firemen, and thanked them for their service.

Director of Revenue and Finance Mary Jeanne Hewitt:

1. Reported approximately 20 people attended the Tax Sale on November 12th. All properties were sold and nothing reverted to the town. Including premiums we brought in just under \$270,000.00. The law on premiums is we have to return it if it is redeemed; if it is foreclosed or not foreclosed in 5 years we keep the funds.
2. We brought in just under 16 million this tax quarter. Delinquent notices will be going out, to bring in as much money as possible before the close of the year. In NJ, revenues do not count as receivables; they only count when the money is actually received.

At this time, Acting Mayor Goldberg reported he attended the retirement dinner for Dr. Richard Spirito, which was a wonderful gathering and a great send-off.

Borough Attorney Michael Pasquale:

1. Reported there is nothing new on the Paterson litigation-no meetings have been scheduled yet.
2. We did have a little bit of activity with regards to the sign case with Enterprise Outdoor Signs. Borough Attorney referred to two articles given to him by Councilman Bennett that Enterprise is in Federal Court fighting a number of cases. They tried in the Superior Court in Franklin Lakes and lost. They are now trying the Federal Courts, feeling they will have a better chance with the First Amendment.
3. Reported attending conference in Newark with the NJ Environmental Federation, and had a very production meeting with the Magistrate. Borough Attorney Pasquale feels he will be recommending a settlement that will allow us to make necessary modifications to our old peddlers and solicitors ordinances, which have been on the books since the '30's. He is going to work with some people from the League, as well as another municipality, which has recently enacted an ordinance that deals with peddlers and solicitors. We do need to differentiate between pure solicitors (political candidates, church groups, civic groups) and people who are going out educating and trying to raise money, and people who are just out trying to raise money. There is no problem regulating people who are just trying to make money. People who are out there trying to spread political, religious type news, even when they are trying to raise money; we have to give great deference to. Our ordinance does not really clearly make those distinctions now. Hopefully, Attorney Pasquale will have something to the Ordinance Committee in 3-4 weeks.

Councilman Wojtecki stated that one of our exempt fireman rules states that and exempt firefighter receives a free peddler's license. Attorney Pasquale confirmed this is already on the books. It is a state statute.

Borough Engineer Stephen Boswell:

1. In about 2 weeks the plans and inspections will be ready for the Pump house repairs (roof and re-pointing)
2. In response to Councilman Wojtecki's questions regarding the reveal on the curb on Tuxedo Avenue is approximately the same as it was prior, plus or minus a little bit. There was one spot where we had to lower, because a woman thought it was too high on her property. Except for drainage, the reveal is basically the same; basically a 2" reveal.

Councilman Wojtecki stated a resident had a concern that we were going to bring down the reveal, so that if it were to be paved again, the water would run onto her property. Engineer Boswell stated that did not happen.

3. In terms of using the tractor on Kohler Field to clean up the goose droppings, Kevin Downs sprayed a goose repellent on the grass on Friday, and then it rained on Saturday and washed it off. Kevin will spray it again, and feels it best to keep the tractor off the field a little longer.
4. The K. Hovnanian punch list, which is the deficiencies on the water system, we already had a punch list. We are trying to finalize that list and he has given it to Dan Tedeschi to determine if these items have been addressed, or if there are any new ones. They will do a final inspection and a punchlist this week; the final one on all the water systems.
5. The pool cover is probably done-he was working on it today. If not done today, it will be done tomorrow. It would have been done on Veteran's Day, but he did not realize the Borough was closed and could not get into the pool.
6. The 2008 Road Program is complete, except for Thomas Road being paved. Mr. Thomas has written a letter to the Borough stating that it has become difficult. Engineer Boswell spoke with Administrator Maurer today, and they were trying to pave Kohler parking lot at the same time as Thomas Road. The thing that is holding them up is the pole; Administrator Maurer spoke to Public Service today, and we are trying to get that moved. If necessary, we will pave Thomas Road separately. We don't have any obligation to allow the contractor to pave them both at once, but it would be easier. If the pole is not moved forthwith, we will probably pave them separately.
7. VanWinkle Avenue-the concrete will be done in about a week from now, and then paving will begin. Smith-Sondy is capable of paving in cold weather. There is one issue on the corner of 8th and VanWinkle at Uncle Tony's luncheonette, which is going to require a small wall, a step, and a railing. Engineer Boswell believes there will be enough money left in the DOT grant to cover that cost, but this is not definite. Administrator Maurer asked if this would be assessed, if this is the sidewalk we are assessing for. Engineer Maurer state it could be if put on that side.
8. Fencing was installed at Kohler Field on Friday, which turned out very nicely. The area was cleaned up and looks fantastic.

9. On the HVAC project at the Municipal Building, Walter Trediak from Boswell met with Traine last week to look at the site chiller issues. We are still on track to have everything designed by the end of the year, bid out and have it all in place at the time it is needed.
10. The heating and zone control project may move up on the priority list because it has been difficult controlling the heat.
11. The pressure relief valve that we had a problem with was due to a coffee-cup sized load of clean stone inside the valve. This was not done by anyone from Hawthorne, because we don't use that kind of backfill. It was done by the people who installed the valve. It has been repaired. We are looking at putting an additional blow-off bypass just in case something happens, so we don't have the same problem again. Engineer Boswell encourage any resident watching, or who calls in, if you believe there was any damage done to your plumbing because of the pressure spike that occurred because of this, please get your claim in to Administrator Maurer and we'll make sure the contractor pays for it.
12. Tonight we will be approving the proposal to do the outfall mapping, which was something that was discovered by the JIF consultant. This is another one of those things the state mandate you pay. It is required and Boswell will do the work for us as soon as possible.
13. The SCADA system proposal was awarded to Rapid Pump to get the work done.

Borough Administrator Eric Maurer:

1. Departmental Budget Hearings for the 2009 Budget will be held on November 24th and 25th, and the schedule is being published in the paper if anyone is interested in attending.
2. Continues to have discussions with other entities about our Health Service, which we currently contract with Paterson. Hopefully, when we have to give notice for the period ending in June, he will have a recommendation.
3. Discussion of leaves-since we only get to leaves about every 3 weeks, and only twice in an area, people can get their leaves picked up every week if they are bagged.

Questions for the Administration:

Councilman Wojtecki :

1. Stated to Administrator Maurer he would be meeting with the County when? Administrator Maurer said he did not say he would be meeting with the County, but he will be meeting with the County a week from Monday.
2. From Goffle and North 8th between Triangle Diner and City Wide Towing there is a tension wire that is hanging low and is dangerous. It has been reported a number of times to PSE&G and continues to be an issue. Triangle Diner has called a number of times. Councilman Wojtecki asked that the Borough of Hawthorne call PSE&, and hopefully they will be a little more responsive.

3. Thanked the Boswell Team and Kevin Downs' Team. Kohler Field does look fantastic. The green fence looks great.

Engineer Boswell stated that Kevin did an excellent job, and gave us a good price for the fence.

Council President thanked Councilman Bertollo for bringing the condition of the fence to everyone's attention, and that it should be replaced.

Councilman Matthews:

1. Questioned Attorney Pasquale if we had any communication with Hovnanian since our last meeting and stated he requested a letter be sent to them.

Attorney Pasquale stated there has been no communication since the last meeting, and he can send a letter to them, but we will need to discuss what to put in that letter.

2. Questioned Engineer Boswell where the wall and the rail were going in at Uncle Tony's. Engineer Boswell stated it would be somewhere on that corner. Councilman Bertollo stated it would go in front of the store, and that the sidewalk has been cut out, perhaps 18". Engineer Boswell stated this would be a small step. Administrator Maurer stated the wall would be about 7' out from the buildings, allowing people to open the door and get out around it. Acting Mayor questioned if there would be ADA issue. Administrator Maurer stated they should be able to put in an ADA ramp from the driveway. Engineer Boswell stated ADA still does have a caveat (rear entrance) where if there is a situation where it is just not practical, you are not enforced. Administrator Maurer stated the existing asphalt walkway next to their building may need slight modifications, and is probably virtually ADA compliant. They would have a rail on the side to get up, rather than a hub, and feels it would work better.

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

ORDINANCES AND RESOLUTIONS :

CONSENT AGENDA: R-1 –R-3 and R 5– R-7

R-1. Resolution, Introduced by Councilman Matthews

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated November 7, 2008

	Check #	
CURRENT FUND	52764	\$237,934.53
WATER OPERATING FUND	14634	\$40,928.93
OTHER TRUST II FUND	6478	\$30,701.97
TOTAL PAYROLL		\$ 309,565.43
CURRENT OPERATING FUND TO PAYROLL/FICA		
WATER OPERATING FUND TO PAYROLL/FICA	14635	\$13,988.63
TOTAL FICA		\$ 13,988.63

R-2. Resolution, Introduced by Councilman Matthews

WHEREAS: There appears on the tax record an overpayment for the year 2008, and

WHEREAS: Said overpayments were created by the application of the Homestead Rebate, the Collector of Taxes recommends the refund of said overpayment,

NOW, THEREFORE, BE IT RESOLVED: By the Municipal Council of the Borough of Hawthorne that the Treasurer be authorized to issue a refund to the homeowner listed below:

<u>Blk/Lot</u>	<u>Name and Address</u>	<u>Amount</u>
261/9	Dalip, Mumin & Elizabeth 190 Fourth Ave.	\$906.75

R-3. Resolution, Introduced by Councilman Matthews

WHEREAS, there exists a need for engineering services for Storm Sewer Outfall Mapping in the Borough of Hawthorne.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that Boswell Engineering be awarded a contract in the amount not to exceed \$7,800.00 for the aforementioned purpose, and that the Mayor and Municipal Clerk, subject to the certification of availability of funds from the Chief Financial Officer, be directed and authorized to enter into and execute a contract, in a form approved by the Borough Attorney.

R-4. Resolution was pulled from the meeting

R-5. Resolution, Introduced by Councilman Matthews

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); and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the Municipal Council has determined to award a contract as a non-fair and open contract pursuant to NJSA 19:44A-20.5; and

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

R-6. Resolution, Introduced by Councilman Matthews

WHEREAS, an interfund in the amount of \$121,400.00 was created by premium payments from the 2008 Tax Sale between the Current Fund Account and the Other Trust Escrow 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 \$121,400.00 from the Current Fund Account to the Other Trust Escrow Fund Account.

R-7. Resolution, Introduced by Councilman Matthews

WHEREAS, the semi-annual interest payments for the General Serial Bonds of 2004 becomes due and payable on December 1, 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 \$119,976.00 in payment of interest from the Current Fund, and \$12,849.00 in interest from the Water Operating Fund, made payable to Chase Bank NYC, Account #066027306.

Discussion on R-1-R-3, and R-5-R-7

1. R-3: Engineer Boswell and Director of Finance Hewitt stated that the words "subject to assigned lease" shall be removed from R-3. Council President Goldberg acknowledged that R-3 will be amended as such.
2. R-5: Council President stated that this is not the collection of recyclables, it is selling the collection of our recyclables, and Attorney Pasquale concurred that they are collectors.

Council President Goldberg entertained a motion to approve Resolutions R-1- R-3, and R-5 - R-7, moved by Councilman Matthews, seconded by Councilman Bertollo. On a roll call all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES:

Councilman Wojtecki:

1. Shade Tree Commission requested about the challenge of the tree on Tuxedo has, and this has been addressed with Engineer Boswell.
2. Shade Tree Commission has a concern about the use of the Borough truck to Pompton Lakes. Administration discussed this during the Work Session.
3. Expressed concern about the building at Pan Chemical, and this was addressed at the Work Session about the Environmental Commission.

Councilman Sinning:

1. The Ordinance Committee sort of met on Veteran's Day, but a couple of people did not show up. Council President Goldberg stated the Ordinance Committee will be meeting next Tuesday. The Committee met the 2nd and 4th Tuesday for the month of October, and will be back to the 1st and 3rd of the month for December, or whatever is directed by the Chairman of the Ordinance Committee.

Councilman Matthews:

1. The Chamber of Commerce will be holding their Annual Santa Parade on Friday, December 5th, which will run down Lafayette Ave. The route will be a little bit different- running from Goffle Rd. to the Municipal Building this year. Check the local paper for a schedule of staging areas where they will be putting different people and organizations on some of the side streets. There will be staging captains that will be there to try and better organize at the beginning. The parade will terminate at Borough Hall and terminate with the Tree Lighting. There will be an enclosed, heated tent with Santa in the Municipal Building parking lot. There will be hand-outs given away, and the annual Christmas ball by Marilou DiMattea that the Chamber donated, as well as hot cocoa, etc that the Borough will be providing.

Council President asked that Councilman Matthews bring to the Committee that he invited the Superbowl-winning Cubs to march in the Parade so we can celebrate their victory, as well.

Councilman Wojtecki congratulated Councilman Matthews on his nomination to 2nd VP for another year.

2. Annual Company Of The Year Dinner will be the January 30th, and Seaboard Industries is the Company of The Year.

Councilman Bennett:

1. The Public Works Committee would like to publicly thank Mayor Randy George and the people of North Haledon for agreeing to an inter-local services agreement to share their brand new truck washing facility with Hawthorne so that we can maintain our DPW vehicles. This is going to allow us to save money, as we will not have to build one. It will also allow

us to make some changes in our garage, closing off the drains, and not needing to install a water-oil separator. Hopefully we can reciprocate with them in some way. Councilman Bennett said that moving forward, these inter-local services are the way to go, and are a way to save money for all communities.

Councilwoman English:

1. Councilman English stated she had missed a Committee Meeting for Hawthorne Day when her niece had passed away. There will be another meeting on December 9th.

Councilman Bertollo:

1. The Personnel Committee has met a few times since our last Council Meeting. A number of candidates were interviewed for the Borough Clerk's position. One of the finalists was brought in this evening. We will be moving forward with that in the near future.

Council President Goldberg thanked Clerk Spohn for her time and service, working with her as both the Council President and Acting Mayor. She was a great employee, and felt she had a great future with us, but respects the Clerk's decision to move on. Council President Goldberg invited Clerk Spohn to join the Hawthorne Day Committee. The Council thanked Clerk Spohn, as well.

CORRESPONDENCE:

- C-1 At the last regular meeting of the Hawthorne Board of Fire Commissioners, the membership application for Jacob Gaetcher 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 Councilman Sinning. On roll call all voted yes.

BILLS:

The following bills were presented for payment:

CURRENT FUND

<u>Bill list</u>	<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
Current	11/06/08	PAYROLL ACCOUNT	52764	237934.53	FREE PUBLIC LIBRARY S&W
Total Bill List:		237934.53			

CURRENT FUND (continued)

Bill list Current

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/17/08	A T & T	52765	54.14	TELEPHONE CHARGES
11/17/08	A-VAN ELECTRICAL	52766	240.42	BOARD OF REC O/E
11/17/08	ACORN TERMITE & PEST	52767	100.00	PUB WORKS ADMIN O/E
11/17/08	ALAN RIBBE	52768	179.00	FIRE DEPT O/E
11/17/08	ANJR	52769	99.00	RECYCLING PRO
11/17/08	ANTHONY DE SALVO	52770	179.00	FIRE DEPT O/E
11/17/08	ASHLEY TEN KATE	52771	25.00	PUBLIC EVENTS O/E
11/17/08	BOB'S TIRES & WHEELS INC	52772	2068.00	VEHICLE MAINT POLICE
11/17/08	BOSWELL ENGINEERING, INC	52773	5395.00	ENGINEERING SERVICES O/E
11/17/08	BRAEN STONE INDUSTRIES,	52774	412.24	STREETS & ROADS O/E
11/17/08	C & C TIRE CO, INC	52775	672.00	STREETS & ROADS O/E
11/17/08	CABLEVISION	52776	217.23	PUB WORKS ADMIN O/E
11/17/08	CARL MOTTOLA	52777	45.24	UNIFORM FIRE SAFETY O/E
11/17/08	CARLY TEN KATE	52778	25.00	PUBLIC EVENTS O/E
11/17/08	CAROL CHAMBERLIN	52779	265.00	GROUP INSURANCE O/E
11/17/08	CHIEF SUPPLY CORP.	52780	240.00	FIRE DEPT O/E
11/17/08	CINTAS CORP	52781	341.30	PUB WORKS ADMIN O/E
11/17/08	CITY WIDE MAINTENANCE	52782	1350.00	PUB WORKS ADMIN O/E
11/17/08	DANIEL OLIVER	52783	179.00	FIRE DEPT O/E
11/17/08	DAVID MAHER	52784	178.00	GROUP INSURANCE O/E
11/17/08	DAVID VANDER WIELE	52785	25.00	PUBLIC EVENTS O/E
11/17/08	DUNKIN DONUTS	52786	83.93	MUNICIPAL CLERK O/E
11/17/08	EDWARD WARR	52787	179.00	FIRE DEPT O/E
11/17/08	ENRICHMENT EDUCATIION	52788	315.00	MUNICIPAL ALLIANCE
11/17/08	FELDMAN BROS. ELECTRIC	52789	62.35	PUB WORKS ADMIN O/E
11/17/08	FIRST STUDENT, INC	52790	825.00	MUNICIPAL ALLIANCE
11/17/08	GEMPLERS INC	52791	397.25	VEHICLE MAINT FIRE DEPT
11/17/08	GET A CAN	52792	23000.00	RECYCLING PRO O/E
11/17/08	GIANT TIRE SERVICE INC	52793	81.50	SCRAP TIRE GRANT A
11/17/08	GILBEY'S EMBROIDERY CO	52794	926.00	SEWER SYSTEM O/E
11/17/08	HAWTHORNE AUTO BODY, INC	52795	1032.00	VEHICLE MAINT POLICE
11/17/08	HAWTHORNE AUTO LAB	52796	471.77	VEHICLE MAINT POLICE
11/17/08	HAWTHORNE B.O.E.	52797	112.50	FIRE DEPT O/E
11/17/08	HAWTHORNE BOARD OF	52798	2410905.00	SCHOOL TAX
11/17/08	HAWTHORNE PAINT CO INC	52799	16.50	STREETS & ROADS O/E
11/17/08	HAWTHORNE PRESS INC	52800	581.10	MUNICIPAL CLERK O/E
11/17/08	HENRY JOUSTRA	52801	179.00	FIRE DEPT O/E
11/17/08	HOME SUPPLY & LUMBER	52802	42.81	PUB WORKS ADMIN O/E
11/17/08	JAMES BARKER	52803	179.00	FIRE DEPT O/E
11/17/08	JOHN DE BELL	52804	179.00	FIRE DEPT O/E
11/17/08	JOHN HARTMAN - EASY	52805	300.00	MUNICIPAL ALLIANCE
11/17/08	JOHN P FANNIN	52806	179.00	FIRE DEPT O/E
11/17/08	JOHNSON BUS PROD &	52807	125.99	GENERAL ADMIN O/E
11/17/08	JOSEPH MASCARI	52808	179.00	FIRE DEPT O/E
11/17/08	JP HOME ARAMA, INC	52809	948.40	POLICE DEPT O/E
11/17/08	JPSC, INC	52810	71.90	PUB WORKS ADMIN O/E
11/17/08	JUNGLE LASERS LLC	52811	1640.00	FEES PAYABLE JUNGLE
11/17/08	KATIE TOPE	52812	25.00	PUBLIC EVENTS O/E
11/17/08	LESCO SC 493	52813	587.70	MAINTEN OF PARKS
11/17/08	LUK OIL	52814	9170.78	BULK PURCHASE GASOLINE
11/17/08	LUSCHER'S AUTO INC	52815	65.63	VEHICLE MAINT ST
11/17/08	MIRACLE CHEMICAL, INC	52816	686.25	SWIMMING POOL O/E
11/17/08	MUMIN & ELIZABETH DALIP	52817	906.75	TAX OVERPAY
11/17/08	NICOLE CHAMBERLIN	52818	25.00	PUBLIC EVENTS O/E
11/17/08	P & A AUTO PARTS, INC	52819	118.92	SHADE TREE COMMISSION O/E
11/17/08	PHILIP SAVOIE	52820	192.16	SHADE TREE COMMISSION O/E
11/17/08	PIETER SLUMP	52821	112.52	SHADE TREE COMMISSION O/E

CURRENT FUND (continued)

11/17/08	PORT AUTHORITY OF NY &	52822	8.00	VEHICLE MAINT POLICE
11/17/08	PRINTMASTERS	52823	135.00	UNIFORM FIRE SAFETY O/E
11/17/08	PRISCILLA HERNANDEZ	52824	25.00	PUBLIC EVENTS O/E
11/17/08	PROCOPY INC	52825	206.00	GENERAL ADMIN O/E
11/17/08	PUBLIC SERV ELEC & GAS	52826	32340.85	ELECTRIC CHARGES
11/17/08	R & R RADAR INC	52827	284.90	POLICE DEPT O/E
11/17/08	RICHIES SERVICE CTR INC	52828	1006.80	VEHICLE MAINT POLICE
11/17/08	RIDGEWOOD TYPEWRITER	52829	2908.54	POLICE DEPT O/E
11/17/08	ROBERT BOMMELYN	52830	179.00	FIRE DEPT O/E
11/17/08	ROBERT EMORY	52831	179.00	FIRE DEPT O/E
11/17/08	S & S WORLDWIDE INC	52832	2289.88	BOARD OF REC O/E
11/17/08	SHOTMEYER BROS FUEL CO	52833	6382.85	BULK PURCHASE GASOLINE
11/17/08	SIR SPEEDY, INC	52834	9078.40	DOMESTIC VIOLENCE
11/17/08	SPRINT-WIRELESS	52835	349.93	POLICE DEPT O/E
11/17/08	SUPERIOR DISTRIBUTORS	52836	333.42	STREETS & ROADS O/E
11/17/08	TEAM LIFE, INC.	52837	860.00	POLICE DEPT O/E
11/17/08	TEE-FX SCREEN PRINTING,	52838	936.00	FIRE DEPT O/E
11/17/08	TIFFANY'S FLORIST INC	52839	106.00	PUBLIC EVENTS O/E
11/17/08	TYLER TEN KATE	52840	25.00	PUBLIC EVENTS O/E
11/17/08	UNITED COMPUTER	52841	1382.50	IT SERVICES
11/17/08	VALLEY HEALTH MEDICAL	52842	165.00	PEOSHA O/E
11/17/08	VEOLIA ENVIRONMENTAL	52843	42164.45	TRANSFER STATION
11/17/08	VERIZON	52844	68.92	TELEPHONE CHARGES
11/17/08	VITAL COMMUNICATIONS,	52845	575.00	CONST CODE O/E
11/17/08	WARD'S ICE CREAM CO, INC	52846	492.29	SWIMMING POOL O/E
11/17/08	WATERTROL, INC.	52847	4625.93	LC MUNICIPAL BLDG A
11/17/08	WESTMARK INC	52848	50.00	PUB WORKS ADMIN O/E
11/17/08	WM B MAWHINNEY AMBULANCE	52849	50.00	MUNICIPAL CLERK O/E
11/17/08	WORK'N GEAR, INC	52850	523.01	RECYCLING PRO O/E
11/17/08	WYCKOFF VACUUM CENTER	52851	101.90	PUB WORKS ADMIN O/E
11/17/08	XPRESS MYSELF	52852	543.00	GENERAL ADMIN O/E
11/17/08	ZOLL	52853	1400.43	VEHICLE MAINT FIRE DEPT

Total Bill List: 2576970.28

WATER OPERATING FUND

11/06/08	PAYROLL ACCOUNT	14634	40928.93	WATER UTILITY S/W
11/06/08	PAYROLL ACCOUNT	14635	13988.63	SOCIAL SECURITY

Total Bill List: 54917.56

11/17/08	A-VAN ELECTRICAL	14636	110.70	WATER UTILITY O/E
11/17/08	ADVAN TECH CORP	14637	665.84	CAPITAL OUTLAY
11/17/08	BRAEN STONE INDUSTRIES,	14638	554.61	WATER UTILITY O/E
11/17/08	CABLEVISION	14639	56.46	WATER UTILITY O/E
11/17/08	GILBEY'S EMBROIDERY CO	14640	542.00	WATER UTILITY O/E
11/17/08	HAWTHORNE PAINT CO INC	14641	77.50	WATER UTILITY O/E
11/17/08	HOME SUPPLY & LUMBER	14642	91.76	WATER UTILITY O/E
11/17/08	JP HOME ARAMA, INC	14643	255.54	WATER UTILITY O/E
11/17/08	LEE CO	14644	3799.25	WATER UTILITY O/E
11/17/08	LUK OIL	14645	1198.32	WATER UTILITY O/E
11/17/08	ONE CALL SYSTEMS, INC.	14646	81.05	WATER UTILITY O/E
11/17/08	P & A AUTO PARTS, INC	14647	71.28	WATER UTILITY O/E
11/17/08	PUBLIC SERV ELEC & GAS	14648	34170.76	WATER UTILITY O/E
11/17/08	RIDGEWOOD TYPEWRITER	14649	21.45	WATER UTILITY O/E
11/17/08	SHOTMEYER BROS FUEL CO	14650	419.42	WATER UTILITY O/E
11/17/08	WORK'N GEAR, INC	14651	289.37	WATER UTILITY O/E

Total Bill List: 42405.31

GENERAL CAPITAL FUND

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/17/08	CEDAR HILL NURSERY	2510	910.00	RENOVATION OF POOL
Total Bill List:			910.00	

BUILDERS ESCROW

<u>Date</u>	<u>Vendor</u>	<i>Suspense Account</i>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/17/08	MICHAEL J. PASQUALE,		2053	772.50	BEDRIN ORG 12/8
11/17/08	BOSWELL ENGINEERING, INC		2054	78.00	M&P USED CARS
11/17/08	BOSWELL ENGINEERING, INC		2055	362.00	ORITZ - 86/9
11/17/08	BOSWELL ENGINEERING, INC		2056	468.00	VIC PROP LLC 82/12
11/17/08	MICHAEL J. PASQUALE,		2057	75.00	LAFAYETTE REALTY
Total Bill List:				1755.50	

HOUSING TRUST

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/17/08	COMMUNITY GRANTS &	80033	1891.00	HOUSING REHAB PROGRAM
11/17/08	GABRIELE HOME IMPROVMENT	80034	3000.00	HOUSING REHAB PROGRAM
11/17/08	PASSAIC COUNTY REGISTER	80035	3.00	HOUSING REHAB PROGRAM
11/17/08	SEVERE STRUCTURES, LLC	80036	2990.00	HOUSING REHAB PROGRAM
Total Bill List:			7884.00	

OTHER TRUST II

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/06/08	PAYROLL ACCOUNT	6478	30701.97	OFF-DUTY POLICE
11/06/08	STATE OF NJ - DEPT OF	6479	3792.26	TRUSTEE
Total Bill List:				
	34494.23			
11/17/08	DELUXE INTERN'L TRUCKS,	6480	274.57	RECYCLING TRUST
11/17/08	GILBEY'S EMBROIDERY CO	6481	328.00	RECYCLING TRUST
11/17/08	SIR SPEEDY, INC	6482	40.40	DOMESTIC VIOLENCE
11/17/08	TEXAS AMERICA SAFETY CO	6483	59.22	RECYCLING TRUST
11/17/08	THE BLANCO GROUP	6484	1372.62	MUNICIPAL ALLIANCE
Total Bill List:				
	2074.81			
11/17/08	TM FITZGERALD & ASSO	6485	3363.40	RECYCLING TRUST
Total Bill List:				
	3363.40			

DOG DEDICATED

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>
11/17/08	NJ DEPARTMENT OF HEALTH	6411	13.20	STATE OF NEW JERSEY
Total Bill List:				
	13.20			

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

Discussion:

1. Councilman Wojtecki: stated there are 2 bills for Braen Stone Industries in the amounts of \$412.24 for streets and roads, and \$554.61 on the water. Councilman Wojtecki made the assumption that the \$554.61 is for North 8th and Goffle for the valve repair. Council President Goldberg agreed, because he rode past it several times. Councilman Wojtecki why the amount was so high, when all the road was only \$412.24. Administrator Maurer will look into this. Councilman Wojtecki further questioned why this would be our bill, and didn't the business owner pay? Administrator Maurer stated we are billing out part of this bill because one of the valves was ours. Part of it is recovered for the one valve from the property owner.

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. Bob Kurdock, 15 Rhodes Court: He agrees with Councilman Matthews regarding the Pan Chemical site. There are people in town who have been forced to paint their house because of peeling paint. Mr. Kurdock can see no reason why this property, which has not been an ideal property, should be afforded the courtesies that the Council has extended to them.

Regarding the trees, Mr. Kurdock agrees with sharing assets, but couldn't we have found someone closer, like Councilman Bennett talked about North Haledon. Pompton is a bit of a hike. If there is spare time, at his old house, the owner currently has Lexus's parked there and tree branches are falling. He has complained about this when he lived there, and they still have not been cut down. Council President Goldberg stated that the people do the work; not the trucks. The trucks are available, but not the manpower. Councilman Bertollo also stated that Pompton Lakes came to us; we did not go to them. Administrator Maurer stated there is no Agreement yet.

Mr. Kurdock questioned Engineer Boswell about K. Hovnanian looking to get their Bond back, and if the Borough does any type of on-site inspection, or just the sewer/water, gas and electric.

Engineer Boswell stated we do on-site inspection of public improvements, which would included roadways, curbs, drainage systems, retention system, paving and walls, artificial wetlands; all those things will be inspected. Engineer Boswell stated that they also added to our water system as part of the development, and there are issues that have to be addressed with the water system, as well.

Mr. Kurdock asked if the water system was up and running and heard there was a problem. Engineer Boswell stated, as discussed earlier, there was a problem with a pressure-reducing valve that failed and caused some high pressure to get to some people's homes. That was a problem with a specific valve.

Mr. Kurdock stated in his unit with the sprinkler system- they had to come in and adjust something in his basement. Engineer Boswell stated he was not sure what that was, but the pressure problem was K. Hovnanian's fault.

Mr. Kurdock asked Engineer Boswell if he was close to considering a Bond release. Engineer Boswell will not recommend a Bond release until they satisfy certain people in Hawthorne.

Mr. Kurdock expressed he was sorry to see the Borough Clerk go, and recommends that the new Borough Clerk be advised to use the same font allowing the old people to read.

2. Thomas Rica, 229 Van Winkle Avenue: thought the soil movement ordinance was being heard today. Mr. Rica questioned that you have to fill out and Exemption Certificate for 100 cubic yards. If we go down to the recycling center, and remove a barrel of topsoil, and we do not fill out that Exemption Certificate, are we in violation?

Engineer Boswell stated the 100 cubic yards is exempt from having to go to the Planning Board. Prior to this ordinance, when you had to get a soil movement permit, it came before this body, which was very unusual, as most towns put that power into the Planning Board. Under 100 cubic yards, you just get it from the Building Official; you do not have to go to the Planning Board.

Attorney Pasquale stated that Mr. Rica is technically correct in the sense that it does say if you are going to have less than 100 cubic yards, imported or exported, you are supposed to get an Exemption Certificate. Attorney Pasquale stated nobody is going to hold homeowners to the wheelbarrow or bucketful.

Mr. Rica questioned if there is any way you could put "1-100" to give homeowners that bucket? Mr. Rica stated that if you get an inspector that does his job great, you could be fined a \$2,000.00 fine for a 5 gallon bucket of topsoil.

Attorney Pasquale stated that we do have an inspector that does a great job, and that the intent was clearly of something of significance trucked in, as opposed to some other way. It is very hard to set a line where you say come in if you are going to move between 50 and 100, because most people don't really know those kinds of measures. What we are looking for is the truck, and not the guy who comes in with a wheelbarrow.

Mr. Rica stated he was just trying to bring this to our attention. Did you ever see how many people go out in the spring for topsoil;-there are lines down there, and everyone is in violation if they don't have this Certificate. Mr. Rica also stated there is nothing exempting the town's work in here.

Attorney Pasquale stated that the town is always exempt from its own ordinances as a matter of law. When Mr. Rica asked if this was written, Attorney Pasquale stated it does not have to be written.

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

Prior to adjourning, Council President Goldberg wished everyone attending, and those watching, a joyous and safe Thanksgiving.

ADJOURNMENT

Council President Goldberg entertained a motion to adjourn at 8:59 PM. The next Council Meeting will be Wednesday December 17th, 2008: Work Session beginning at 7:00 PM and Regular Session beginning at 8:00PM. Motion moved by Councilman Sinning, seconded by Councilman Matthews. On roll call all voted yes.

Richard Goldberg
Council President

Marie Spohn
Marie Spohn
Borough Clerk