

May 20, 2009
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:10 p.m., in the Auditorium of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bennett, English, Matthews, Mele, Wojtecki and Bertollo. Also present were Mayor Goldberg, Borough Engineer Boswell, Director of Revenue and Finance Hewitt, Borough Attorney Pasquale and Borough Clerk Witkowski. Councilman Sinning and Borough Administrator Maurer were absent. Councilwoman English left the meeting at 8:19 p.m.

FLAG SALUTE

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

STATEMENT

Council President Bertollo 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, faxed 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 17, 2008.

APPROVAL OF MINUTES

Council President Bertollo entertained a motion to approve the minutes of the Regular and Closed Session Meetings of May 6, 2009, moved by Councilman Matthews, seconded by Councilman Bennett. On roll call, all voted yes.

PUBLIC COMMENT

Council President Bertollo 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.

Seeing none, Council President Bertollo entertained a motion to close the public portion, moved by Councilman Matthews, seconded by Councilwoman English. On roll call all voted yes.

ADOPTION OF ORDINANCES

None to report.

OLD BUSINESS

None to report.

NEW BUSINESS

Councilman Wojtecki thanked Administrator Maurer for notifying the proper authorities about a water main break on Elberon Avenue.

Councilman Matthews extended condolences to the Ruta family for the loss of their father.

ADMINISTRATIVE AGENDA

Mayor Goldberg reported the following:

1. Mayor Goldberg appointed John F. Meola, 474 Lafayette Avenue, Hawthorne, New Jersey, as Judge of the Municipal Court of the Borough of Hawthorne for three years or until a successor is appointed and qualified. This is an advice and consent appointment. Council President Bertollo entertained a motion to approve the appointment, moved by Councilman Bennett, seconded by Councilwoman English. On roll call, all voted yes. According to law, Judge Meola will be sworn in by a Superior Court Judge at a later date. Mayor Goldberg thanked Judge Meola for his service over the last three years.
2. Mayor Goldberg presented a resolution.

MR-1 Resolution, Introduced by Councilman Wojtecki

SUPPORTING AND AUTHORIZING THE FILING OF AN APPLICATION FOR A REIMBURSEMENT GRANT FROM THE NJ DIVISION OF HIGHWAY TRAFFIC SAFETY FOR THE "OBEY THE SIGNS OR PAY THE FINES" PROGRAM

WHEREAS, the Borough of Hawthorne Police Department will apply for an Enforcement Grant from the Division of Highway Traffic Safety for the "Obey the Signs or Pay the Fines" Campaign; and

WHEREAS, the State will award reimbursement grants in the amount of \$4000 to be utilized during the North Region Speed Crackdown "Obey the Signs or Pay the Fines" campaign from July 1 to July 31, 2009 in an effort to educate the public on the perils of aggressive driving through a combination of enforcement and education; and

WHEREAS, the grant will pay for police officers to work 80 (eighty) hours of overtime to enforce laws effecting the safety and welfare of the streets of the Borough of Hawthorne.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby declare support for the "Obey the Signs or Pay the Fines" mobilization locally from July 1 to July 31, 2009.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute a grant application, agreement and any other documents with the New Jersey Division of Highway Traffic Safety that may be required to accept and implement this grant.

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

3. Mayor Goldberg presented a Proclamation for Myasthenia Gravis:

WHEREAS, Myasthenia Gravis is a neuro-muscular disease striking children and adults, affecting control of voluntary muscles and afflicting several hundred of our fellow New Jerseyans; and

WHEREAS, the symptoms of this disorder include, but are not limited to, difficulty moving, breathing, swallowing, speaking and seeing; and

WHEREAS, the Myasthenia Gravis Foundation of America, Inc., (MGFA), is a non-profit organization which was founded, “to facilitate the timely diagnosis and optimal care of individuals affected by myasthenia gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research, professional education, advocacy, and patient care”; and

WHEREAS, Myasthenia Gravis is the most common neuro-muscular disorder affecting the residents of New Jersey; and

WHEREAS, it is fitting to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hawthorne do hereby proclaim: JUNE, 2009, as MYASTHENIA GRAVIS AWARENESS MONTH.

4. Mayor Goldberg presented a Proclamation for EMS Week 2009:

WHEREAS, each year residents and visitors to the Borough of Hawthorne may require emergency medical care for traumatic injuries, burns, poisonings, spinal cord injuries, heart attacks, and other critical medical emergencies; and

WHEREAS, the citizens of the Borough of Hawthorne benefit from the knowledge, skills and dedication of these emergency medical services specialists, as they work together to ensure prompt and appropriate treatment at the scene, on the way to the hospital, and in the emergency department; and

WHEREAS, New Jersey has a wide range of emergency medical providers, including local first responder units, first aid and rescue squads, ambulance services, mobile intensive care programs, a helicopter EMS response program, specialty burn care, a poison information and education center, designated trauma centers and other vital services that have the potential to save lives and reduce disabilities of the critically ill or injured in our community; and

WHEREAS, advances in emergency medical care have increased the number of lives saved

every year in New Jersey and in the Borough of Hawthorne; and

WHEREAS, it is important for the citizens of Hawthorne to know about our emergency medical services system, including what to do in a medical emergency and whom to call, and to benefit from reminders about ways to prevent emergencies from happening; and

WHEREAS, the Borough of Hawthorne desires to continue to improve upon its emergency medical services system in order to assure all citizens the highest standards of emergency medical care.

NOW, THEREFORE, the Mayor and Council of the Borough of Hawthorne do hereby proclaim May 17-24, 2009 as

EMERGENCY MEDICAL SERVICES WEEK in the Borough of Hawthorne in recognition of all those engaged in emergency medical services activities and encourage the community to observe this week with appropriate programs, ceremonies and activities.

5. Mayor Goldberg reminded everyone that Monday is Memorial Day. A service will be held at the Municipal Building at 12:00 p.m. and the parade will start at 1:30 p.m. This year, three bands that are marching in the parade will host a concert at the conclusion.
6. Last week, the Borough kicked off the program "Parents Who Host Lose the Most". This being prom, graduation and barbeque season, the Borough is reminding adults not to buy or serve alcohol to minors. There will be severe consequences for those that do not abide by the law. There is a bill going through the New Jersey legislature that will provide immunity for any underage person that calls in an alcoholic emergency. Underage persons are encouraged to use the number and provide help to those in need.
7. Evening registration for summer recreation and the pool will be held in the Municipal Building on May 27th and June 15th from 5:30-7:30 p.m.
8. The Hawthorne Pool opens at 12:00 p.m. on Sunday, May 24th and on Memorial Day, May 25th after the parade. The pool will be open weekends from 12:00 p.m. to 8:00 p.m. May 30th through June 14th. Full operation will begin on June 20th.
9. The Borough has been notified by the county that the proposed 2009 CDBG action plan includes a grant of \$50,000 for the handicap curb ramp program, in addition to \$147,500 allocated for the first year of the program. A public hearing of the proposed action plan is scheduled for June 9th, 5:30 p.m. in the county administration building.

Mayor Goldberg called upon Director of Revenue and Finance Hewitt for her report.

Director of Revenue and Finance Hewitt reported on the following:

1. The tax quarter just completed with the Borough bringing in \$13.1 million dollars in tax revenue. The rate of collection is a little under 97%, which is average for this time of year.

That concludes Director of Revenue and Finance Hewitt's report.

Mayor Goldberg called upon Borough Attorney Pasquale for his report.

Borough Attorney Pasquale reported on the following:

1. No news to report on the Brockhuizen Lane situation. The residents at Highview are conducting the votes that are necessary to approve the settlement agreement that was distributed.
2. News on Hovnanian will be delayed a few more weeks.
3. A memo was sent regarding the tax appeal situation. There were sixty eight tax appeals, which is almost three times the amount filed in previous years. Borough Attorney Pasquale has been working with Tax Assessor, Tim Henderson, in an attempt to resolve as many cases as possible. Where there is an inequity, it is the Borough's obligation to rectify the situation, which is what was done in many cases. There will be an impact on the budget process.
4. There is a Resolution with the Council tonight on the Housing Element and Fair Share Plan to COAH. The Planning Board met on May 19th and approved the plan. The recommendation is for Council to approve the plan so it may be sent to COAH this week for the review process to begin.
5. Borough Attorney Pasquale met with Phil Savoie from Shade Tree Commission today, May 20th. Phil is on call twenty four hours a day and does an excellent job for the Borough. The state planting program has begun with two hundred twenty trees being planted in five locations: Robertson Avenue/Kaywin Avenue, Lee Avenue/Sherman Avenue, Watchung Drive/Pasadena Place, Cornell Avenue/Florence Avenue and Warburton Avenue and a small portion of Washington Avenue. One hundred seventy trees were planted with fifty trees being rejected by the state as they felt they were inappropriate. In accordance with the request from Borough Council, only appropriate trees will be planted and there will be no London Plane or Sycamore. Most people were pleased with the idea of a new tree, however some were not. If there is interference with a sprinkler system, it is the tree contractor's responsibility to correct the issue. All residents who have problems should contact the Shade Tree Commission and they will contact the contractor to make the necessary repairs. The state program was designed as a model to see if having a tree in a certain area could impact the heat emulating from the road. There will be a separate tree planting by the Borough. Mr. Savoie will have a complete report when the state finishes their planting.
6. Borough Attorney Pasquale indicated that the developer of Pan Chemical, One Washington Avenue agreed to complete certain work at the property, including cutting grass and weeds. The developer has not met all of his obligations and was issued a property maintenance summons by the Borough. The Borough's property maintenance personnel will continue to monitor the situation. Mayor Botbyl, Mayor Goldberg and Council President Bertollo have worked extensively with the property owner, New Jersey Transit, and Senator Girgenti to bring a solution to this property. Senator Girgenti assures he is doing everything possible to get New Jersey Transit to develop the property to make a legitimate train station and parking area. There are three bodies of law that indicate if a government agency takes a property where remediation is already in effect and it knows there is contamination, then that government agency buys into the remediation and is responsible. A remediation plan was submitted to the DEP when it

was required, which is approximately 600 pages long and was made available to the Environmental Commission. Progress of the remediation should be moving faster but until the DEP gives the green light, the remediation will be halted. Borough Attorney Pasquale cannot recommend the Borough take the property since the Borough would then buy the problem with only the possibility of recouping fees. Although the situation is frustrating, the Borough is doing its best and will continue to work through the problem.

That concludes Borough Attorney Pasquale's report.

Mayor Goldberg then called on Borough Engineer Boswell for his report.

Engineer Boswell reported on the following:

1. The 2008 Road Program punch list is complete with the exception of one catch basin on Tuxedo Avenue, which should be completed shortly.
2. HVAC equipment-the new chiller has been put in place, the plumbing is complete and electrical wiring should be completed by tomorrow, May 21st. The unit will be started as soon as possible and run on straight water. The air handling unit has been shipped, air handling unit two has been shipped and air handling unit one will be shipped on May 22nd. Two temporary coolers have been installed in the Police Department and the tax office to keep the computers cool.
3. Pump House Rehabilitation-All the brick is done and re-pointed. There was a pallet of bricks and mortar left over that the DPW has taken to use as necessary.
4. The roof replacement began on May 19th. The roof and the flashing should be completed by May 29th.
5. The pool is full and it appears that water is not leaking too much at this time.
6. The 2008 Road Program-Van Winkle Avenue striping is completed. Detectable warning surfaces still have to be installed.
7. Kohler field has had re-seeding. The field was rolled today, May 20th and has been cut once already with a second cutting for this Friday, May 22nd. Pads will be installed on the remaining light posts Friday, May 22nd. The UTC will reimburse the Borough for the additional fencing that has been requested, which goes around the monitoring wells and equipment.
8. SCADA system-Rich Taylor from Rapid Pump is working with Joe Clementi to try to resolve the communication problems.
9. 2009 Road program plans and specs have been submitted to Community Development and NJ DOT and are awaiting comments. The roads have been walked with Shade Tree and we are awaiting their comments as well.
10. The chlorine conversion permit-a response has been received and information has been re-submitted back to the DEP.
11. There is no change on the Christian Health Care Center for either Wyckoff or Hawthorne.
12. The meeting with PSE&G was productive in regard to sharing the paving. The final result is that PSE&G will pave one of the streets for the Borough from the 2009 list and we will pave the rest of the streets but they will pay. PSE&G gets the benefit of our unit price, we get the benefit of having one of the streets paved that we would have paved

ourselves. Councilman Matthews asked about the quantity of what PSE&G would pave. Borough Engineer Boswell indicated they have agreed to pave curb to crown. Ruth Avenue will be paved in its entirety within 90 days from May 8th. In the future, the permit will indicate what the paving terms are. Joe Clementi is putting a form in place that will specify what is to be paved.

13. Borough Engineer Boswell and Administrator Maurer met with Arcadis. The Borough needs to determine if BASF has accepted the work that was done. No further work has happened at the site.
14. After reviewing an agreement that Sprint has proposed to add additional equipment to the tower, Borough Engineer Boswell agrees with Borough Attorney Pasquale's assessment not to move forward. Additionally, there is a boundary dispute that will need to be addressed by Borough Attorney Pasquale in the near future.
15. The Soil Conservation Service permit was submitted for the Goffle Hill Pump Station force main. Funding is coming from Infrastructure Trust Fund, 75% no interest, 25% market rate interest, which is approximately .5%. A question remains as to whether we are permitted to start construction prior to July 1st. There are multiple documents that say yes and no. We will proceed with caution as to not affect our chances of obtaining funding.
16. Five drainage projects are currently in progress. Borough Engineer Boswell would like to segregate the North 8th Street project, which needs to be looked at more closely. The concern is that inlets will not solve the problem and the recommendation is to do a study to ensure the work done will be of value. The other four projects are ready to go out to bid. Funding is in place. Councilman Wojtecki asked about the moratorium from the county if they pave North 8th street. Borough Engineer Boswell said it is two years. Borough Engineer Boswell's main concern is the backwater effect from the Passaic River and that whatever is done works to solve the problem. The recommendation may be to put flapper valves in the inlets to prevent back up. Discussion continued in regard to detention basins.

That concludes Engineer Boswell's report.

Mayor Goldberg commented that Arcadis is sinking test wells at the 7-11 and questioned how they are still working when there is a stop work order in effect. Mayor Goldberg requested that Borough Engineer Boswell follow up and report back.

Council President Bertollo asked if there were any questions. Councilman Wojtecki asked about check number 53810 being made payable to the Sheriff's Department. Borough Attorney Pasquale indicated that the last court order was to pay the Sheriff's department directly. After speaking with another attorney, it is anticipated that Judge McVeigh will be issuing an order soon indicating where to send the money. A trust is expected to be set up until a decision is made as to where the money should go.

Councilman Matthews inquired about the change order for the re-pointing. Borough Engineer Boswell indicated the final contract has not been received but the limit is 20% of the original contact price.

Councilman Mele inquired about the pool. Borough Engineer Boswell indicated that at the end of this season, the pool will be drained and the leaking problem fixed along with repainting of the caulking. Councilman Wojtecki requested that the contractor be notified about the brown sediment spot also needs to be addressed.

Council President Bertollo wanted to thank Joe Clementi and the DPW for the work completed on Norma Terrace and the replacement of the Sycamore trees. Phil Savoie has addressed one resident's concerns but a long term plan needs to be developed in regard to the Sycamore trees.

Mayor Goldberg asked about the left turning lane on Wagaraw Road and Lincoln Avenue. Council President indicated that paving was supposed to be completed by the beginning of June. Borough Engineer Boswell indicated he would follow up with an update.

Council President Bertollo entertained a motion to record the Administrative Agenda, moved by Councilman Matthews, seconded by Councilman Mele. On roll call all voted yes.

ORDINANCES AND RESOLUTIONS

Ordinance No. 1981-09 for Introduction

AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY.

The Municipal Council of the Borough of Hawthorne in the County of Passaic and the State of New Jersey, do ordain as follows:

Section 1. Ordinance No. 1962-09 of the Borough of Hawthorne, an Ordinance to Fix the Salaries, Wages and Compensation of the Employees of the Borough of Hawthorne, County of Passaic and State of New Jersey, is hereby amended as follows:

SALARY ORDINANCE 2009

<u>Position/Title</u>	2009
Administrative Assistant/Confidential.....	49,387.00
Director, Department of Finance.....	2,460.00
Treasurer/Chief Financial Officer.....	84,205.00
Deputy Treasurer.....	45,473.00
Tax Collector/Collector of Rents/Tax Search Officer.....	53,308.00
Tax Assessor.....	22,501.00
Construction Official/Building Sub-Code/Zoning Administrator..	68,003.00
Chief, Fire Prevention Bureau.....	52,567.00
Prosecutor.....	29,000.00
Chief Water Operator(licensed).....	15,000.00

Superintendent - Water Distribution.....	74,986.00
Compliance/Education/Training Manager.....	38,249.00
Pool Manager.....	13,500.00
Assistant Pool Manager.....	9,000.00

Section 2. There shall be paid to all Borough Volunteer Firefighters who average an attendance of at least 33 1/3% for fire duty and required training in the current year and who have been certified by the Board of Fire Commissioners as having met the requirement hereof and approved by the Mayor, \$439.00 annually as a clothing allowance. Qualified retired firemen may receive \$179.00. Firematic officers may receive the following additional sums: Assistant Fire Chiefs an additional sum of \$676.00, Captains \$211.00, Lieutenants \$149.00, per annum for performing clerical duties and attending meetings in connection with their duties.

Section 3. There shall be paid to all William B. Mawhinney Memorial Ambulance Corps. members who attend at least 52 meetings for ambulance duty in the current year and who have been certified as having met the requirement hereof and approved by the Mayor \$153.00 annually as a clothing allowance.

Section 4. Except as herein amended, Ordinance No.1962-09 remains in full force and effect.

Section 5. All ordinance and parts of ordinances inconsistent with the provision of this ordinance be and the same are hereby repealed, but only to the extent of such inconsistencies.

Section 6. This ordinance shall take effect twenty (20) days after final passage, provided notice of the same has been duly published all as required by law.

BE IT RESOLVED, that Ordinance No. 1981-09 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 June 17, 2009, 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.

Council President Bertollo entertained a motion to approve introduction, moved by Councilman Matthews, seconded by Councilman Bennett.

Ordinance No. 1982-09 for Introduction

AN ORDINANCE TO AMEND CHAPTER 44 OF THE CODE OF THE BOROUGH OF HAWTHORNE, POLICE DEPARTMENT, SO AS TO MODIFY THE TABLE OF ORGANIZATION SET FORTH THEREIN AND AMEND THE PROCEDURE FOR PROMOTION THEREUNDER

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

Section 1. Chapter 44, Police Department, Section 44-2, Table of Organization, is hereby amended and to the extent applicable repealed and replaced so as to change the number of sergeants from six, as currently set forth in the ordinance, to five, and to read as follows:

Sec. 44-2 Table of Organization.

The Table of Organization of the Police Department of the Borough of Hawthorne shall be as follows:

1. Chief of Police.
2. Two Captains, one to be designated Captain of Patrol and one to be designated Captain of Operations.
3. Four Lieutenants.
4. Five Sergeants.
5. Such patrol officers as may be deemed necessary or appropriate for the conduct of an official law enforcement agency, but subject nevertheless to the availability of funds in the municipal budget.
6. Such other employees, including, dispatchers, matrons, probationary officers and special police as may be deemed necessary or appropriate for the operation of the Police Department but subject nevertheless to the availability of funds in the municipal budget.

Section 2. Chapter 44, Police Department, Section 44-8, Appointments and Promotions, is hereby amended and the extent applicable repealed and replaced so as to modify the procedure for promotion to sergeant and so as to eliminate all rank skipping authorized by the ordinance, so that the amended ordinance shall read as follows:

Sec. 44-8 Appointments and Promotions.

- A. Appointments to, and promotions within, the Hawthorne Police Department, shall be made by the Mayor of the Borough of Hawthorne, subject nevertheless to the availability of funds in the Municipal Budget.
- B. Prior to making any appointment or promotion, the Mayor shall first file with the Clerk a notice of intention to make such appointment or promotion. The notice of intention shall be filed not less than 20 days prior to making the same and shall then be effective as of the signing and filing of the oath of office with the Borough Clerk.

C. In making such promotions within the Department, the Mayor shall not promote any member to a rank other than the rank immediately succeeding the rank then held by the member.

D. In the case of promotion from patrol officer to the rank of sergeant, the Mayor shall make such promotion from the four patrol officers having the most years of service or seniority. The Mayor shall take into account the recommendation of the Chief of Police and may, but shall not be required to, conduct interviews of the four most senior patrol officers before making such promotion.

Section 2. If any section, subsection or part of this ordinance is adjudged by a Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not impair or invalidate the remainder of this ordinance.

Section 3. Except to the extent amended hereunder, all other parts or sections of Chapter 44, Police, shall remain in full force and effect. All parts and provisions of any ordinance which are inconsistent with the provisions of this ordinance shall be repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect 20 days after final adoption and publication as provided by law.

BE IT RESOLVED, that Ordinance No. 1982-09 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 June 17, 2009, 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.

Council President Bertollo entertained a motion to approve introduction, moved by Councilman Matthews, seconded by Councilman Bennett. Council President Bertollo opened the floor for discussion. Councilman Wojtecki brought up the issue of having two Captains. The Borough has been working with one Captain for two years and has a 37% management force which was affected when the department went to a twelve hour shift. Councilman Wojtecki requested a study be completed of neighboring towns that have a twelve hour shift to see what their management force percentage is. Additionally, Councilman Wojtecki requested that section D specifically define what is meant and indicated he would like to revisit his concerns over the next thirty days. Discussion continued in regard to the Police Department's structure and making one of the Captain positions an Assistant Chief position so there is some succession.

On roll call all voted yes.

Borough Engineer Boswell indicated that the bridge deck on Lafayette Avenue was determined to be worse than the one on Goffle Road by the Borough's Police Department. Lafayette Avenue is the one that is currently being worked on.

Ordinance No. 1983-09 for Introduction

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE TO REVISE AND REPLACE CHAPTER 95, FEES, SECTION 220, WATER

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

Section 1. Chapter 95, FEES, of the Code of the Borough of Hawthorne, shall be and hereby is revised, amended and supplemented by modification of the various fees provided therein so that the same shall read as follows:

95-1 SCHEDULE OF FEES

The following schedule of fees is hereby established with respect to licenses, permits and activities required or regulated under the provisions of various chapters of the code of the Borough of Hawthorne. Applications for and the issuance of such licenses and permits shall be subject to the provisions of the specific chapter of the Code that is indicated for each type of license or permit. The business, activity or operation for which the license or permit is required shall be subject to all regulations set forth in the chapter to which reference is made _____

Chapter of Code

Ch 220, Water

The following water rates and charges are hereby established for water supplies by the Water Department

A. Water rates for all metered use based on quarterly charges:

For the first 7,000 gallons or any part thereof, per quarter	\$ 27.00
per additional 1,000 gallons	\$ 3.90

Section 2. All other parts or provisions of Chapter 95 of the Code of the Borough of Hawthorne or any other ordinance or regulation not specifically amended by this Ordinance shall remain in full force and effect.

Section 3. This Ordinance shall take effect twenty (20) days after final adoption and publication as provided by law however the application of the rate increases set forth herein shall not be applied until July 1, 2009.

BE IT RESOLVED, that Ordinance No. 1982-09 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 June 17, 2009, 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.

Council President Bertollo entertained a motion to approve introduction, moved by Councilman Mele, seconded by Councilman Matthews. Council President Bertollo opened the floor for discussion. Councilman Matthews indicated that although we do not want to raise water rates, we need a utility that is self funding. With water usage declining and salaries and chemical rates increasing, it was a necessary step to take. Council President Bertollo wanted to thank Administrator Maurer for his work on the study and indicated that the Borough still has one of the lowest water rates in the area. Councilman Bennett indicated that he believes we are sending conflicting messages with the emphasis being on going green and conserving water and then having the rates increased because we conserved.

On roll call, all voted yes.

CONSENT AGENDA – R-1 through R-12

R-1 Resolution, Introduced by Councilman Matthews

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated May 8, 2009.

	Check #	
CURRENT FUND	53736	\$240,062.
WATER OPERATING FUND	14852	\$38,694.
OTHER TRUST II FUND	6547	\$10,685.
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TOTAL PAYROLL		\$289,441. <hr/> <hr/>
CURRENT OPERATING FUND TO PAYROLL/FICA	53737	\$08,777.
WATER OPERATING FUND TO PAYROLL/FICA	14853	\$5,000.00
		<hr/>
TOTAL FICA		\$13,777. <hr/> <hr/>

R-2 Resolution, Introduced by Councilman Matthews

WHEREAS: Tax Sale Certificate #2008-02 was sold on November 12, 2008 in the amount of \$6,013.04 on Block 20 Lot 9 then assessed to Samuel Sednaoui, Jr. and said lien was originally purchased by Robert Rothman, 411 Grand Ave., Englewood, NJ 07631, and

WHEREAS: said lien was redeemed on April 30, 2009 in the amount of \$15,871.63, said lienholder is entitled to a refund including the amount of the lien \$6,013.04, search and recording fee of \$52.00, penalty of \$240.52, subsequent Taxes of \$8,416.58 and interest of \$1,149.49 for a total of \$15,871.63, and

NOW, THEREFORE, BE IT RESOLVED: that the Collector of Taxes recommends that a check be issued by the Treasurer from the Other Trust II/Trustee Account to Robert Rothman in the amount of \$15,871.63 to reimburse the lienholder for the lien, fees penalty, subsequent and interest.

R-3 Resolution, Introduced by Councilman Matthews

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

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

<u>CHECK #</u>	<u>AMOUNT</u>
2882	\$ 1.00
2904	\$ 1.00
2933	\$ 3.00

R-4 Resolution, Introduced by Councilman Matthews

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

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

<u>CHECK #</u>	<u>AMOUNT</u>
3852	\$ 7.00
3858	\$ 11.00

R-5 Resolution, Introduced by Councilman Matthews

WHEREAS, the annual principal and semi-annual interest payments for the General Serial Bonds of 2004 become due and payable on June 1, 2009, and

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 \$300,000.00 in Principal and \$119,976 in Interest from the Current Fund, and \$45,000.00 in Principal and \$12,849.00 in Interest from the Water Operating Fund, made payable to Chase Bank, Account #066027306.

R-6 Resolution, Introduced by Councilman Matthews

WHEREAS, the Memorial Day Parade in the Borough of Hawthorne will take place this year on Monday, May 25, 2009, and organizations that will be performing in the parade require payment immediately following the parade.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to draw ten checks on the Current fund in the amounts, and for the organizations, listed below, and that these checks be distributed after their services have been performed.

Hawthorne Caballeros Alumni	1,100.00
Hawthorne Caballeros	1,100.00
Hawthorne High School Band	700.00
John F. Kennedy High School Band	900.00
6 th New Hampshire Volunteers	300.00
St. Clare Golden Emeralds Fife & Drum	700.00
Cadets Drum & Bugle Corps	3,500.00
NY Skyliners Alumni Drum & Bugle Corps	2,500.00
Military Transport Assoc.	575.00
Passaic County Sheriffs Brass Band	1,900.00
Passaic County Tech ROTC	200.00

R-7 Resolution, Introduced by Councilman Matthews

WHEREAS, there is a need to establish a change fund in connection with the selling of badges for the Municipal Pool.

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to draw a check against the Current Fund as follows:

Tom Wilson \$150.00

BE IT FURTHER RESOLVED, that the change fund so established is to be turned over to the Treasurer immediately following the termination of duties in this connection.

R-8 Resolution, Introduced by Councilman Matthews

WHEREAS: Tax Sale Certificate #2008-17 was sold on November 12, 2008 in the amount of \$94.70 on Block 274.01 Lot 15 then assessed to Victor Delusso and said lien was originally purchased by Isaac Moradi, 520 Elm Street, Kearny, NJ 07032, and

WHEREAS: said lien was redeemed on May 8, 2009 in the amount of \$12,575.14, said lienholder is entitled to a refund including the amount of the lien \$94.70, search and recording fee of \$52.00, subsequent Taxes of \$11,693.46 and interest of \$734.98 for a total of \$12,575.14, and

NOW, THEREFORE, BE IT RESOLVED: that the Collector of Taxes recommends that a check be issued by the Treasurer from the Other Trust II/Trustee Account to Isaac Moradi in the amount of \$12,575.14 to reimburse the lienholder for the lien, fees, subsequent taxes and interest and a check from the Other Trust I account in the amount of \$100.00 for the Premium paid.

WHEREAS: Tax Sale Certificate #2008-17 was sold on November 12, 2008 in the amount of \$94.70 on Block 274.01 Lot 15 then assessed to Victor Delusso and said lien was originally purchased by Isaac Moradi, 520 Elm Street, Kearny, NJ 07032, and

WHEREAS: said lien was redeemed on May 8, 2009 in the amount of \$12,575.14, said lienholder is entitled to a refund including the amount of the lien \$94.70, search and recording fee of \$52.00, subsequent Taxes of \$11,693.46 and interest of \$734.98 for a total of \$12,575.14, and

NOW, THEREFORE, BE IT RESOLVED: that the Collector of Taxes recommends that a check be issued by the Treasurer from the Other Trust II/Trustee Account to Isaac Moradi in the amount of \$12,575.14 to reimburse the lienholder for the lien, fees, subsequent taxes and interest and a check from the Other Trust I account in the amount of \$100.00 for the Premium paid.

R-9 Resolution, Introduced by Councilman Matthews

WHEREAS, the Planning Board of the Borough of Hawthorne has granted site plan approval to Realty Acquisition Group, LLC, in connection with the development of property located at 280 Sixth Avenue, also known as 280 Ninth Avenue, and known as Block 242, Lots 1 and 2 on the Tax Map of the Borough of Hawthorne; and

WHEREAS, as a condition set forth in the resolution of approval, the developer is required to enter into a Developer's Agreement with the Borough of Hawthorne and post required bond and escrow in accordance with the Municipal Land Use Law; and

WHEREAS, the Municipal Engineer has prepared an estimate setting forth the amount to be bonded and the escrow to be deposited for inspections associated with the construction; and

WHEREAS, the Borough Attorney has prepared a Developer's Agreement, incorporating therein the Resolution of approval of the Planning Board as well as the engineer's estimate as aforesaid; and

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Mayor and Clerk be and the same are hereby authorized to execute and deliver the Developer's Agreement referenced herein on behalf of the Borough of Hawthorne.

R-10 Resolution, Introduced by Councilman Matthews

WHEREAS, the Borough Attorney, Tax Assessor and Appraiser retained by the Borough of Hawthorne have recommended the settlement of a real estate tax appeal case now pending in the Tax Court of New Jersey, by adjustment of the assessment for the tax years in dispute, and the same appears to be fair and reasonable;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that the settlement of cases pending in the Tax Court of New Jersey, as set forth on the schedule annexed hereto, be, and hereby is, approved, and the Borough Attorney is hereby authorized and directed to execute a Stipulation of Settlement, and any other document necessary or appropriate to effectuate the same.

R-11 Resolution, Introduced by Councilman Matthews

WHEREAS, The Council has heretofore adopted Ordinance 1939-08, providing for the reconstruction of sidewalks and driveway aprons, in addition to other work, on a portion of Van Winkle Avenue, as well as Ordinance 1948-08, also providing for the reconstruction of sidewalks and driveway aprons, in addition to other work, on portions of Tuxedo Avenue, May Street and various additional streets and locations as part of the 2008 Road Improvement Ordinance, which Ordinances provided for the Assessment of the costs of said improvements on property specially benefitted thereby in accordance with the provisions of N.J.S.A. 40:56-21 et seq.; and

WHEREAS, upon completion of said project the Borough Engineer certified the cost of the same to the Board of Assessment Commissioners, who held hearings, on notice to all affected property owners, and thereafter reported to the Council; and,

WHEREAS, the Council held a public hearing on said assessments on May 20, 2009, on notice to all affected property owners, and heard and considered the statements of all persons desiring to be heard thereon; and,

WHEREAS, the Council has determined that no adjustments, corrections and modifications should be made in the recommended assessments reported by the Assessments Commissioners, it being noted nevertheless that a number of the recommendations of Commissioners have been undertaken and implemented prior to the hearing set forth above;

NOW THEREFORE, BE IT RESOLVED, that the Schedule of Assessments, as revised and filed with the Borough Clerk, and attached to this Resolution, shall be and hereby is approved, fixing and allocating the total assessments of \$37,539.71 as to Van Winkle Avenue and \$43,040.27 as to the roads set forth in the 2008 Road Improvement Ordinance; and, the Borough Clerk shall give notice to each affected property owner of this determination, and of the amount of assessment applicable to the respective property of each owner; and

BE IT FURTHER RESOLVED, that a copy of the Schedule of Assessments be delivered to the Tax Collector for billing and collection of the assessments, as provided by law; and, each assessment shall be repaid in the manner provided in the Ordinance, at an interest rate of 3.92% per annum, payable over a term of five (5) years, as to the Van Winkle Avenue Project, and a period of ten (10) years, subject to the penalty rate for delinquent payments in the same manner as delinquent payments of taxes and other municipal charges; and'

BE IT FURTHER RESOLVED, the cost of the project which exceeds the amount of the assessments herein confirmed, shall be paid out of the General Treasury.

R-12 Resolution, Introduced by Councilman Matthews

WHEREAS, the Planning Board of Borough of Hawthorne, State of New Jersey, adopted the Housing Element of the Master Plan on May 19, 2009; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on May 19, 2009; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Hawthorne, Passaic County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Borough of Hawthorne Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Hawthorne, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of Hawthorne municipal clerk's office located at 445 Lafayette Avenue, during the hours of 8:30 a.m. and 4:30 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

Council President Bertollo entertained a motion to approve Resolutions R-1 through R-12, moved by Councilman Matthews, seconded by Councilman Bennett. Councilman Wojtecki indicated that there was discussion on R9 during the work session. Borough Attorney Pasquale indicated the 280 Ninth Avenue site is in the process of being cleaned and the project is moving along. We would like authorization to make the change to developer's agreement. The language indicates that there has to be compliance with the COAH obligation and if the moratorium is imposed than they do not have to pay. We do not have exact numbers for many of the projects but we do know that it would be 2.5% fee. The language in the contract will say that the developer will comply with the requirements of COAH in terms of commercial development and will pay a fee of 2.5% of the assessed value towards the housing trust, subject to the imposition of a moratorium if there is one. Amendments will be made to R9 as discussed and Borough Attorney Pasquale will email the Council as necessary.

On roll call, all said yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Wojtecki

Councilman Wojtecki requested that the web site be updated in regard to the Green Committee meetings, which will now be held at the library.

Environmental Commission meeting will be held on June 8, 2009.

Shade Tree Commission meeting will be held on June 9, 2009.

Councilman Wojtecki would like to thank the Department of Health for the successful May 12th rabies clinic, which included both dogs and cats.

Jean Mugulusi from the Board of Health will be at St. Anthony's school cafeteria on Wednesday, May 27th at 7:30 p.m. teaching safe food handling for all Feast workers.

Councilman Matthews

The Planning Board met on May 19th and approved the Borough's affordable housing plan.

Attended Lincoln Middle School spring concert and annual art show.

Chamber of Commerce is waiting on final vendor commitments for the farmer's market, which is scheduled to start on June 28th.

Ordinance Committee met on May 19th finishing the code book sectional review, with the exception of zoning. The committee also reviewed a draft of the skateboarding Ordinance. The youths participating in Youth in Government Day will be reviewing the Ordinance at the next meeting on June 3rd.

Councilman Mele

Mayor Goldberg had a press conference with the Municipal Alliance last week. All who attended did a wonderful job in advertising "Those Who Host, Lose the Most". There is a \$1,000 fine and possibly six months in jail for those adults that do not obey the law.

Many projects associated with Project Pride have been delayed due to the weather, but it continues to move along.

Councilman Bennett

Board of Recreation met last Wednesday, May 13th where there was a presentation by Stadium Roar .com. They have an interesting concept in the automation of scheduling fields and games. The Board of Recreation will test the system to see if it's feasible for the Borough.

At the Public Works meeting, the issue was discussed about the disregard of the "field closed" signs. All residents should know the signs must be honored or there will be repercussions.

The Public Works Committee met today before the meeting to discuss the proposed above ground little league dug outs. Borough Engineer Boswell indicated that as long as the slab elevation and fencing is the same, there is no issue. If they raise the slab, there is an issue. They can go higher with the fence but not go outside the original footprint. If they do as specified, no permit will be needed. If they change elevation, they will need a permit. Borough Engineer Boswell indicated that if a plan is sent to him, he will critique and give comments. Councilman Matthews indicated there is no formal plan but that documentation will be sent to Borough Engineer Boswell.

Council President Bertollo

The Zoning Housing Committee met and will continue to meet. The committee is reviewing sample ordinances from other towns in regard to multiple housing dwellings, fees, inspections, and fines. The goal is to host a workshop in September and invite the public in to review some

of the facts that have been learned. Before the workshop in September, the committee will meet with realtors and Zoning Board officials to develop a plan.

A reminder that the memorial service starts at 12:00 p.m. and the parade starts at 1:30 p.m.

The commuter parking ordinance committee is still discussing and working on ordinance. There was a resident that wrote a letter to the editor of the Hawthorne Press criticizing the commuter parking situation. The Borough has taken a stance, soliciting the help of Senator Girgenti and will go to Congressman Pascrell, if necessary. NJ Transit has dropped the ball but the Borough will continue to work with them to do something. The day after the article, there was an announcement that there is an agreement with NJ Transit and the NY Susquehanna for the light-rail to come into Hawthorne. The organizations have chosen the Pan Chemical site for commuter parking. The Borough is not the only community dealing with commuter parking. Ridgewood is going through the same issues with their train station. NJ Transit needs to step up to the plate and provide commuter facilities.

Council President Bertollo will attend the Green Sustainability seminar at William Paterson in the next two weeks. Councilman Matthews may attend as well.

CORRESPONDENCE

C-1 Letter dated May 13, 2009, Hawthorne Board of Health recommending continuing contract with the City of Paterson Health Officer.

Council President Bertollo entertained a motion to approve C-1, moved by Councilman Matthews, seconded by Councilman Mele. Councilman Wojtecki indicated he is not happy to do business with the City of Paterson and he understands the Board of Health's position. However, the current administration in Paterson and the stance that was taken in the May 13th letter is unacceptable. On roll call, Councilman Wojtecki voted no, and all others voted yes.

C-2 Approved application was received from the Hawthorne Board of Fire Commissioners presents for membership for Hector Raices, of 143 7th Avenue. Council approval is required on the application for the New Jersey State Fireman's Association.

Council President Bertollo entertained a motion to approve C-2, moved by Councilman Wojtecki, seconded by Councilman Bennett. On roll call, all voted yes.

MISCELLANEOUS

- RL-1** RL 949: The Thomas Jefferson PTO has requested permission to conduct a Duck Derby, off premise raffle on May 31, 2009
- RL-2** RL 950: Boys & Girls Club of Hawthorne has requested permission to conduct a pull tabs, on premise raffle to be held October 1-December 31, 2009
- BL-1** BL 129: Boys & Girls Club of Hawthorne has requested permission to conduct a bingo game during July 5-December 12, 2009

BL-2 BL 130: Boys & Girls Club of Hawthorne has requested permission to conduct a bingo game during July 6-December 19, 2009

Council President Bertollo entertained a motion to approve RL-1, RL-2, BL-1, and BL-2 moved by Councilman Matthews, seconded by Councilman Bennett. On roll call, Council President Bertollo and Councilman Wojtecki abstained from RL-2, BL-1, and BL-2, all others voted yes.

BILLS

Council President Bertollo entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion moved by Councilman Matthews, seconded by Councilman Bennett. Councilman Wojtecki asked if check number 53802 for \$1,900 is for a band since it is addressed to a person as opposed to a band. Director of Revenue and Finance Hewitt indicated that in accordance to Passaic County, the Borough is required to make the check payable to a person. Mayor Goldberg indicated that we added a tenth band and are still under budget for the parade. On roll call, all voted yes.

Bill list *Current*

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/06/09	HAWTHORNE	53735	2385.00	BOARD OF REC	UMPS JR/SR GAMES
Total Bill List:			2385.00		

Bill list *Current*

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/07/09	PAYROLL ACCOUNT	53736	240061.51	PUBLIC DEFENDER	PAYROLL #10
05/07/09	PAYROLL ACCOUNT	53737	8777.14	SOCIAL SECURITY	PAYROLL #10
Total Bill List:			248838.65		

Bill list

<u>Date</u>	<u>Vendor</u> <i>Current</i>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/08/09	AERIAL INSPECTION	53738	1050.00	VEHICLE MAINT FIRE DEPT	REPLACE CK #53416
Total Bill List:			1050.00		

Bill list

Current

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/20/09	6TH NEW HAMPSHIRE	53739	300.00	PUBLIC EVENTS O/E	2009 MEMORIAL DAY PARADE
05/20/09	AAA EMERGENCY SUPPLY CO	53740	93.08	VEHICLE MAINT FIRE DEPT	SCOTT SCBA REPAIR
05/20/09	ACORN TERMITE & PEST	53741	100.00	PUB WORKS ADMIN O/E	4/09 ROUTINE PEST SVC BORO
05/20/09	ANTHONY DIVINCENT	53742	30.00	TELEPHONE CHARGES	REIMB 1QTR2009 TELEPHONE
05/20/09	BEACHSTONE SEPTIC	53743	80.00	BOARD OF REC	5/09 PORTA POTTY SERVICE
05/20/09	BOB RAYOT TIRE SERVICE,	53744	256.85	VEHICLE MAINT RECYCLE	EMERGENCY FLAT REPAIR FOR
05/20/09	BURGIS ASSOCIATES, INC	53745	4680.15	MUN LAND USE LAW	INV 22127:SVCS RENDERED
05/20/09	CABLEVISION	53746	217.48	PUB WORKS ADMIN O/E	5/09 SVC 07870-771857-01-1
05/20/09	CADETS DRUM & BUGLE	53747	3500.00	PUBLIC EVENTS O/E	2009 MEMORIAL DAY PARADE
05/20/09	CHRIS ELLERBROOK	53748	100.00	GROUP INSURANCE O/E	REIMB CONTACT
05/20/09	CINTAS CORP	53749	348.30	PUB WORKS ADMIN O/E	4/08 RUG SERVICE BORO HALL
05/20/09	CINTAS FIRST AID AND	53750	193.50	STREETS & ROADS O/E	SUPPLIES FOR FIRST AID
05/20/09	CITY WIDE MAINTENANCE	53751	1350.00	PUB WORKS ADMIN O/E	5/09 MAINTENANCE BORO HALL
05/20/09	CORNELL EQUIPMENT CO INC	53752	3738.72	STREETS & ROADS O/E	PARTS & SUPPLIES FOR PLOWS
05/20/09	DELL GARDEN CENTER	53753	119.09	STREETS & ROADS O/E	PARTS & SUPPLIES
05/20/09	FELDMAN BROS. ELECTRIC	53754	34.64	PUB WORKS ADMIN O/E	FUSE FOR BORO HALL AIR
05/20/09	FIRESTONE COMPLETE AUTO	53755	200.71	VEHICLE MAINT SEWER	2 TIRES FOR S1
05/20/09	GALLS, INC	53756	162.00	POLICE DEPT O/E	FRICTION LOCK BATON
05/20/09	GARDEN STATE LABORATORY,	53757	1090.00	SWIMMING POOL O/E	2009 SAMPLING & ANALYSIS
05/20/09	GIANT TIRE SERVICE INC	53758	238.50	RECYCLING PRO	3/11/09, 4/20/09 TIRE
05/20/09	GOFFCO INDUSTRIES, INC	53759	307.65	MUNI COURT	UNIFORM TRAFFIC TICKETS
05/20/09	HAWTHORNE AUTO LAB	53760	436.14	VEHICLE MAINT POLICE	WIPERS - CAR 30
05/20/09	HAWTHORNE BOARD OF	53761	2410905.00	SCHOOL TAX	5/09 PYMT #11 2008/2009
05/20/09	HAWTHORNE CABALLEROS	53762	1100.00	PUBLIC EVENTS O/E	2009 MEMORIAL DAY PARADE
05/20/09	HAWTHORNE CABALLEROS	53763	1100.00	PUBLIC EVENTS O/E	2009 MEMORIAL DAY PARADE
05/20/09	HAWTHORNE FIRE DEPT	53764	35.98	FIRE DEPT O/E	REIMB DUNKIN DONUTS
05/20/09	HAWTHORNE HIGH SCHOOL	53765	700.00	PUBLIC EVENTS O/E	2009 MEMORIAL DAY PARADE
05/20/09	HAWTHORNE PRESS INC	53766	45.63	MUNICIPAL CLERK O/E	INV 985706:LEGAL NTCS
05/20/09	HERITAGE FLAGS & BANNERS	53767	647.80	PUB WORKS ADMIN O/E	FLAGS (U.S. AND POW/MIA)
05/20/09	HFD #2	53768	1595.00	FIRE DEPT O/E	REIMB 1QTR2009 RENT
05/20/09	HFD #3	53769	1595.00	TELEPHONE CHARGES	REIMB 1QTR2009 TELEPHONE
05/20/09	HFD #5 RESCUE	53770	495.00	FIRE DEPT O/E	REIMB 1QTR2009 RENT
05/20/09	HOLTZ LEARNING CENTERS	53771	100.00	MUNICIPAL ALLIANCE	JUVENILE LAW CLASS-B KING
05/20/09	HOME DEPOT SUPPLY	53772	609.21	STREETS & ROADS O/E	SUPPLIES: ACCT 6035 3225
05/20/09	IMSA NEW JERSEY SECTION	53773	360.00	STREETS & ROADS O/E	TRAFFIC SIGNAL LEVEL 2:M
05/20/09	JAMES M COONEY LLC	53774	423.00	LEGAL SERV& COSTS O/E	GRIEVANCE ARBITRATION:CASE
05/20/09	JARED VAN EK	53775	30.00	TELEPHONE CHARGES	REIMB 1QTR2009 TELEPHONE
05/20/09	JERSEY ELEVATOR INC	53776	135.57	PUB WORKS ADMIN O/E	4/09 MAINTENANCE ELEVATOR
05/20/09	JFK HIGH SCHOOL BAND	53777	900.00	PUBLIC EVENTS O/E	2009 MEMORIAL DAY PARADE

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/20/09	JOHN GURRIELL	53778	30.00	TELEPHONE CHARGES	REIMB 1QTR2009 TELEPHONE
05/20/09	JOHN PALLOTTA	53779	767.58	CONST CODE OFFICIAL O/E	REIMB ROOM NJSBI
05/20/09	JOHN TRIPICCHIO	53780	30.00	TELEPHONE CHARGES	REIMB 1QTR2009 TELEPHONE
05/20/09	JOHNSON BUS PROD &	53781	58.99	GENERAL ADMIN O/E	ELI CARTRIDGE. CUST #16265
05/20/09	JORDAN	53782	630.00	BOARD OF REC O/E	SENIOR TRIP - ROCKAWAY
05/20/09	JP HOME ARAMA, INC	53783	491.34	RECYCLING PRO	\ PARTS & SUPPLIES -
05/20/09	KEN SMITH MOTORS INC	53784	89.95	VEHICLE MAINT POLICE	REPAIRS CAR 35
05/20/09	LAWMEN SUPPLY CO OF NJ,	53785	73.50	POLICE DEPT O/E	HANDCUFFS
05/20/09	LORCO PETROLEUM SERVICES	53786	168.00	RECYCLING PRO	RECYCLE USED
05/20/09	LOUISE SIANO	53787	100.00	GROUP INSURANCE O/E	REIMB 2009 MEDICAL
05/20/09	LUSCHER'S AUTO INC	53788	2681.05	VEHICLE MAINT ROAD	REPAIRS TO V-1, SWEEPER &
05/20/09	MGL PRINTING SOLUTIONS	53789	343.00	BOARD OF HEALTH O/E	PRINTING FORMS - PET
05/20/09	MILITARY TRANSPORT ASSOC	53790	575.00	PUBLIC EVENTS O/E	2009 MEMORIAL DAY PARADE
05/20/09	NEPTUNE-BENSON	53791	189.21	BOARD OF REC O/E	GASKET MANHOLE PARTS FOR
05/20/09	NJ MEADOWLANDS	53792	1512.02	TRANSFER STATION	4/09 TRANSFER/DUMP FEES
05/20/09	NJAES OFFICE CONTINUING	53793	35.00	STREETS & ROADS O/E	FORESTRY COURSE:P ALLEN,
05/20/09	NY SKYLINERS ALUMNI DRUM	53794	2500.00	PUBLIC EVENTS O/E	2009 MEMORIAL DAY PARADE
05/20/09	OFFICE CONCEPTS GROUP	53795	358.96	LOCAL CODE ENFORCEMENT	INK CARTRIDGES - DON
05/20/09	PABCO INDUSTRIES	53796	348.00	RECYCLING PRO	CLEAR BAGS FOR RECYCLING
05/20/09	PASSAIC COUNTY TECH ROTC	53797	200.00	PUBLIC EVENTS O/E	2009 MEMORIAL DAY PARADE
05/20/09	PHILIP SAVOIE	53798	104.39	SHADE TREE COMMISSION O/E	REIMB TOLLS,MILEAGE, ARBOR
05/20/09	POSTMASTER-PATERSON	53799	185.00	RECYCLING PRO	RENEW MAIL PERMIT #301
05/20/09	PRECISION ELECTRIC MOTOR	53800	4407.00	SWIMMING POOL O/E	SPLIT CASE PUMP FOR POOL
05/20/09	PUBLIC SERV ELEC & GAS	53801	19958.70	STREET LIGHTING	4/09 GAS & ELECTRIC
05/20/09	RICHARD DE ZAO	53802	1900.00	PUBLIC EVENTS O/E	2009 MEMORIAL DAY PARADE
05/20/09	RICHIES SERVICE CTR INC	53803	224.85	VEHICLE MAINT POLICE	REPAIRS CAR 47
05/20/09	RIDGEWOOD PRESS	53804	360.00	POLICE DEPT O/E	LOOPED STRINGS PROPERTY
05/20/09	RIDGEWOOD TYPEWRITER	53805	384.56	POLICE DEPT O/E	FILE FOLDERS,LABELS
05/20/09	RT OFFICE PRODUCTS	53806	362.99	POLICE DEPT O/E	OFFICE SUPPLIES
05/20/09	RUTGERS - CENTER FOR	53807	559.00	MUNICIPAL CLERK O/E	REGISTR INTRO MUN CLERK
05/20/09	S & W PRINTING	53808	80.00	BOARD OF HEALTH O/E	VENDING MACHINE STICKERS
05/20/09	SERVICE SURGICAL SUPPLY	53809	242.50	EMERGENCY MGMGT O/E	GLOVES/FACE MASKS
05/20/09	SHERIFF OF PASSAIC	53810	31892.58	GARBAGE & TRASH O/E	5/09 GARBAGE CONTRACT PICK
05/20/09	SHOTMEYER BROS FUEL CO	53811	3754.87	BULK PURCHASE GASOLINE	4/09 BORO DIESEL
05/20/09	SMITH-SONDY ASPHALT	53812	18192.27	TOPCOAT THOMAS RIGHT OF	2008 ROAD IMPROV PROG -
05/20/09	ST CLARE GOLDEN EMERALDS	53813	700.00	PUBLIC EVENTS O/E	2009 MEMORIAL DAY PARADE
05/20/09	THOMAS ZACONIE	53814	59.40	CONST CODE OFFICIAL O/E	REIMB 4/09 MILEAGE
05/20/09	TOM WILSON	53815	150.00	CHANGE FUND	MUNICIPAL POOL CHANGE FUND
05/20/09	UNITED COMPUTER	53816	236.25	STREETS & ROADS O/E	DPW UNABLE TO ACCESS BORO
05/20/09	VEOLIA ENVIRONMENTAL	53817	42931.52	TRANSFER STATION	WASTE PICK UP THRU 4/24/09
05/20/09	VERIZON	53818	71.76	TELEPHONE CHARGES	FAX SVC 4/25-5/24/09
05/20/09	VERIZON WIRELESS (N)	53819	822.39	TELEPHONE CHARGES	BORO SVC 4/26-5/25/09

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/20/09	WEIGHTS & MEASURES FUND	53820	180.00	POLICE DEPT O/E	RADAR TUNING
05/20/09	WESTMARK INC	53821	50.00	PUB WORKS ADMIN O/E	5/09 PUBLIC TELEPHONE BORO
05/20/09	YANKEE PROPANE, INC	53822	216.00	FIRE DEPT O/E	PROPANE TANK RENTAL

Total Bill List: 2577561.63

Bill list Water

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/07/09	PAYROLL ACCOUNT	14852	38693.84	WATER UTILITY S/W	PAYROLL #10
05/07/09	PAYROLL ACCOUNT	14853	5000.00	SOCIAL SECURITY	PAYROLL #10

Total Bill List: 43693.84

Bill list Water

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/20/09	AGRA ENVIRONMENTAL SVC	14854	240.00	LAB TESTING WATER	WATER TESTING 3/24/09 6
05/20/09	CABLEVISION	14855	56.71	WATER UTILITY O/E	5/09 SVC 07870-463665-01-1
05/20/09	CINTAS FIRST AID AND	14856	57.25	WATER UTILITY O/E	SUPPLIES FOR FIRST AID
05/20/09	CMRS-FP	14857	6000.00	WATER UTILITY O/E	POSTAGE METER:ACCT
05/20/09	CR INDUSTRIAL SERVICES	14858	117.31	WATER UTILITY O/E	PARTS & SUPPLIES - PUSH TO
05/20/09	DANIEL TEDESCHI	14859	249.97	WATER UTILITY O/E	REIMB PRINTER FOR
05/20/09	HAWTHORNE PAINT CO INC	14860	45.00	WATER UTILITY O/E	PAINT:BATTLESHIP GREY
05/20/09	HERITAGE FLAGS & BANNERS	14861	64.00	WATER UTILITY O/E	U.S. FLAG FOR PUMPHOUSE
05/20/09	HOME DEPOT SUPPLY	14862	526.40	WATER UTILITY O/E	SUPPLIES: ACCT 6035 3225
05/20/09	JP HOME ARAMA, INC	14863	132.21	WATER UTILITY O/E	\ PARTS & SUPPLIES -
05/20/09	ONE CALL SYSTEMS, INC.	14864	302.30	WATER UTILITY O/E	4/09 SVC & MESSAGES
05/20/09	PUBLIC SERV ELEC & GAS	14865	36477.20	WATER UTILITY O/E	4/09 GAS & ELECTRIC
05/20/09	SHOTMEYER BROS FUEL CO	14866	151.60	WATER UTILITY O/E	4/09 DIESEL
05/20/09	SIR SPEEDY, INC	14867	2842.00	WATER UTILITY O/E	PRINTING FOR CCR (2-COLOR)
05/20/09	UNITED COMPUTER	14868	236.25	WATER UTILITY O/E	DPW UNABLE TO ACCESS BORO
05/20/09	VERIZON WIRELESS (N)	14869	191.91	WATER UTILITY O/E	BORO SVC 4/26-5/25/09
Total Bill List:			47690.11		

Bill list

<u>Date</u>	<u>Vendor</u> GENERAL CAPITAL	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/20/09	BOSWELL ENGINEERING, INC	2537	3574.00	2009 ROAD PROGRAM C/S	2009 ROAD PROGRAM -
05/20/09	SMITH-SONDY ASPHALT	2538	14718.56	2008 ROAD PROGRAM	2008 ROAD IMPROV PROG -
05/20/09	TODD HARRIS COMPANY,	2539	2600.00	RENOVATION OF POOL	TELEVISED SCOPING &
Total Bill List:			20892.56		

Bill list

<u>Date</u>	<u>Vendor</u> (Boswell Capital)	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/20/09	BOSWELL ENGINEERING, INC	2093	479.00	LUDDY 82/4	HWES-572 - LUDDY - #3305E
05/20/09	BOSWELL ENGINEERING, INC	2094	18164.62	REALTY ACQ GROUP 242/ 1&2	HWES-575 - REALTY ACQ
Total Bill List:			18643.62		

Bill list HOUSING TRUST

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/06/09	PASSAIC COUNTY REGISTER	80049	8.00	HOUSING REHAB PROGRAM	FEE FOR RECORDING MTG -
Total Bill List:			8.00		

Bill list

<u>Date</u>	<u>Vendor</u> Housing Trust	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/20/09	BRASP TRADING &	80050	14643.00	HOUSING REHAB PROGRAM	HOUSING REHAB - CASE 12
Total Bill List:			14643.00		

Bill list OT II

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/07/09	PAYROLL ACCOUNT	6547	10685.36	OFF-DUTY POLICE	PAYROLL #10
05/07/09	STATE OF NJ - DEPT OF	6548	5692.68	TRUSTEE	1QTR2009 UNEMPL REIMB
Total Bill List:			16378.04		

Bill list

<u>Date</u>	<u>Vendor</u> (O.T. II)	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/20/09	CMRS-FP	6549	504.00	MUNICIPAL ALLIANCE	REIMB-METER-MAILING
05/20/09	HAWTHORNE POLICE DEPT	6550	168.00	MUNICIPAL ALLIANCE	REIMB-ENVELOPES-MAILING
05/20/09	POSITIVE PROMOTIONS, INC	6551	219.45	RECYCLING TRUST	SILICONE BRACELETS FOR
05/20/09	ISAAC MORADI	6552	12575.14	TRUSTEE	CERT #2008-17, DEIUSSO, B
05/20/09	ROBERT ROTHMAN	6553	15871.63	TRUSTEE	CERT #2008-2, SEDNAUIY,
05/20/09	PREMIER VISION CARE	6554	1056.00	TRUSTEE	PAYROLL DED-VISION CARE
05/20/09	KAREN VITALE	6555	105.00	POAA	COURT COVERAGE
Total Bill List:		30499.22			

Bill list

<u>Date</u>	<u>Vendor</u> (pay deliverted)	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/20/09	NJ DEPARTMENT OF HEALTH	6422	79.80	STATE OF NEW JERSEY	LICENSES 1249 - 1293
05/20/09	HAWTHORNE ANIMAL	6423	180.00	RABIES CLINIC	RABIES CLINIC
05/20/09	KERRY WOOLDRIDGE	6424	30.00	RABIES CLINIC	RABIES CLINIC
05/20/09	NICOLE CHAMBERLIN	6425	30.00	RABIES CLINIC	RABIES CLINIC
Total Bill List:		319.80			

Bill list

<u>Date</u>	<u>Vendor</u> (OT ESCROW)	<u>Check #</u>	<u>Amount</u>	<u>Appropriation</u>	<u>Description</u>
05/20/09	ISAAC MORADI	90046	100.00	TAX SALE PREMIUMS	REIMB PREMIUM BLK 274.01
Total Bill List:		100.00			

PUBLIC COMMENT

Dan Vanderhook, Jr., 367 Van Winkle Avenue, indicated the lower half of Van Winkle Avenue toward Lafayette looks great but from 9th Avenue up is a disaster. Mr. Vanderhook indicated that part of the street is under Public Service, which will be paved curb to crown but between Ruth Avenue and Cornell Avenue there are many potholes. Mr. Vanderhook asked if it is possible to get curb to curb paving from the Route 208 bridge to Lincoln Avenue. Council President Bertollo indicated that the street is slated for the 2010 DOT road project and the Borough will fill potholes in the meantime. Mr. Vanderhook indicated that all volunteer organizations are suffering due to lack of membership and the fact that members have to work more due to the economy. Mr. Vanderhook asked if there a possibility to give members of volunteer organizations and their families a free membership to the Borough pool. Mayor Goldberg indicated he would look into the request and come back to the Council with a recommendation.

Joe Rooney, 84 Braen Avenue, would like to thank Mayor Goldberg, the Administration, Borough Attorney Pasquale, and the Council for their support on the K Hovnanian matter. Mr. Rooney inquired what the plan for Braen Avenue is and where is the water going from the culvert. Borough Engineer Boswell indicated he would meet with Mr. Rooney to review. Mr. Rooney asked if the Borough was planning to sell water to Ridgewood. Mayor Goldberg indicated that the Borough currently does have an agreement with Ridgewood and the Village will still be buying a minimum of \$50,000 a year. If it is a good year, the Borough could possibly earn \$70,000 to \$100,000. Mr. Rooney asked if there are more meetings scheduled with the Mayor of Wyckoff. Mayor Goldberg indicated that we were waiting for Wyckoff to get

back to us after meeting with their Council. Borough Engineer Boswell indicated the solution to the drainage problem is to divert the water before it gets to Braen Avenue.

Paul Cantello, 37 Sylvester Ave, was surprised to hear at the last meeting about the Borough's aggressive road maintenance program since there are a lot of pot holes in the town. A survey was completed this weekend and the count was over one hundred. Two examples are: 1) on the corner of Diamond Bridge and Washington Avenue by St. Anthony's Church. Looking down Washington Avenue toward the NJ Transit train station, there is a two inch to a four inch crack down the center of the street; 2) if you turn the other way toward Lincoln Middle School, there is a ten foot gouge in the road and a picture was taken to show the problem. Mr. Cantello indicated this is a public safety issue. In the morning, there are parents dropping off their children at school that are swerving to miss the pothole. A list of existing potholes was created. The issues with Washington Avenue are surprising since Councilman Bennett oversees the DPW for the Council and lives in the neighborhood. Council President Bertollo indicated the north end of Washington Avenue was given to Borough Engineer Boswell to be put on the road repaving list. The southern end of Washington Avenue is the same problem as May Street, which was just rectified by the DPW. Council President Bertollo had asked Mayor Goldberg and the Administration to complete the repairs on May Street first since he lives on Washington Avenue. Council President Bertollo thanked Mr. Cantello for the pictures. Mr. Cantello indicated that the list of potholes is posted on the Internet at www.hawthornepotholes.com to track the repairs being made. Councilman Matthews indicated there may be some confusion between pothole repair and the road resurfacing projects. The Borough repairs potholes while roads are being resurfaced. Mr. Cantello indicated that the potholes documented are not on county roads and are not on the list of roads to be resurfaced. Discussion continued in regard to the roads that are to be resurfaced. Council President Bertollo indicated that Mr. Clementi will take care of the pothole issues.

Robert Kurdock, 15 Rhodes Court, indicated that he was pleased the Pan Chemical issue is being pursued by the Borough and if the DOT will be a part of the meeting with NJ Transit and Senator Girgenti. Mayor Goldberg indicated the DOT would not be at the meeting in June. Mr. Kurdock indicated we have been pursuing this for some time and he would be happy to see the project completed. Mr. Kurdock asked if the Borough is involving businesses in Project Pride. Councilman Matthews indicated that the Chamber of Commerce also has a Project Pride initiative but if you are not a member there is nothing the Borough can do to incent businesses to partake in the initiative. Mr. Kurdock indicated that the ice cream truck on May Street continues to be an issue and asked if someone would contact Ray Wright about the contract and inquire as to when music may be played. Mayor Goldberg stated that Administrator Maurer will follow up. Mr. Kurdock wanted to bring to the Borough's attention that there are mother-daughter houses that have a rotation of seven or eight cars constantly, with some cars having out of state license plates.

James W. Dusenberry, 81 Roosevelt Avenue, inquired if there was any change to the basic 7,000 gallons of water. Councilman Matthews indicated the minimum is 7,000 at a charge of \$27. Councilman Matthews indicated that Borough looked at lowering the value but decided not to. Mr. Dusenberry asked if the Borough transferred funds from the water account to any other account over the last few years. Director of Revenue and Finance Hewitt indicated that over the

last three to four years, the Borough used \$200,000 to offset taxes. Discussion continued in regard to transferring water revenue to other accounts. Director of Revenue and Finance Hewitt stated that the transferring of funds is a standard practice in State of New Jersey. Mayor Goldberg indicated that the Borough is not taking any money out of the fund this year and the fund will still be running at a deficit. Mr. Dusenberry indicated if we had a reserve we would not have to raise rates, which seniors and those on a fixed income find difficult. Councilman Matthews indicated if taxes were increased and a resident used the minimum of 7,000 gallons, the Borough would be over taxing the resident. The Borough is attempting to balance between the two. Councilman Wojtecki indicated for years the taxpayer has enjoyed the benefit of not having taxes increased by having the Borough utilize the surplus elsewhere. Councilman Matthews stated that this is the first time since he has been on the Council that the Borough has not re-generated the surplus that was taken, which is why rate was increased. Water revenue surplus is used to offset taxes only and does not go to any other purpose.

Council President Bertollo entertained a motion to close the public comment portion of the meeting, moved by Councilman Matthews, seconded by Councilman Mele. All voted yes.

ADJOURNMENT

Council President Bertollo entertained a motion to adjourn the meeting at 9:46 p.m., moved by Councilman Matthews, seconded by Councilman Bennett. On roll call all voted yes. Council President Bertollo indicated that the next council meeting will be on June 3rd, which is Youth in Government Day. There will be no work session and the regular meeting will begin at 8:00 p.m.

John Bertollo
Council President

Susan Witkowski
Borough Clerk