

February 4, 2009
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:01 p.m., in the Auditorium of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bennett, English, Matthews, Mele, Sinning, Wojtecki and Bertollo. Also present were Mayor Goldberg, Borough Administrator Maurer, Director of Revenue and Finance Hewitt, Borough Engineer Boswell, Borough Attorney Pasquale, and Borough Clerk Witkowski.

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, 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 17, 2008.

APPROVAL OF MINUTES

Council President Bertollo entertained a motion to approve the minutes of the Regular and Closed Session Meetings of January 7, 2009, and the Receipt of Bids for the Municipal Building Chiller and Air Handling Unit Replacement; and Roof Replacement at Pump House Building and Improvement to Pump House Building on January 15, 2009, moved by Councilman Wojtecki, seconded by Councilwoman English. 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.

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

Council President Bertollo asked Mayor Goldberg to address a portion of his Administrative Agenda at this time.

Mayor Goldberg presented to three Jefferson School students and one Washington School student certificate of award for participation in the Passaic County Clerks annual Calendar Poster Contest. The Principal of Washington School accepted for his student who was not in attendance.

ADOPTION OF ORDINANCES

Ordinance No. 1962-09 for Adoption

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.

Public Hearing

Council President Bertollo opened the meeting to the public and asked anyone who desired to be heard to come forward and state your name and address for the record.

No one desired to be heard.

Council President Bertollo entertained a motion that the public hearing on Ordinance No. 1962-09 be closed and that it be resolved that this ordinance³ was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

Now, Therefore, Be It Resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law, moved by Councilman Matthews, seconded by Councilwoman English. On roll call all voted yes.

COUNCIL APPOINTMENT

Council President Bertollo entertained a motion to appoint Jeffrey C. Bliss, CPA, RMA, PSA, with the firm of Lerch, Vinci & Higgins, as Municipal Auditor for the year 2009, moved by

Councilman Wojtecki, seconded by Councilwoman English. On roll call all voted yes.

Mayor Goldberg administered the Oath of Office to Mr. Bliss.

OLD BUSINESS

Councilman Wojtecki voiced his displeasure for the Borough of Hawthorne to provide mutual aid of the Fire Department to Paterson and their Police using our pistol range. His feelings come from the fact that Paterson is suing the Borough of Hawthorne among other Passaic County Municipalities regarding reevaluation of property assessments.

Council President Bertollo said the Fire Chief is doing a cost analysis for mutual aid to Paterson.

NEW BUSINESS

Councilman Wojtecki reported the Green Committee meeting will be held at City Creamery on February 16th at 7:30 p.m. to discuss ideas for the Borough of Hawthorne to go green. All are welcome.

ADMINISTRATIVE AGENDA

Mayor Goldberg read the following Proclamation for "Go Red for Women"

WHEREAS, National Wear Red Day celebrates the extraordinary progress in women's heart health and recognizes that more needs to be done in the Borough of Hawthorne to safeguard women's health for generations to come.

WHEREAS, Heart disease is the #1 health threat to women and one in four American women dies of heart disease.

WHEREAS, The risk factors for heart disease are smoking, high blood pressure, high cholesterol, overweight/obesity, physical inactivity, diabetes, a family history of early heart disease, and age.

WHEREAS, Women can promote their own heart health and prevent disease and illness by taking steps to prevent and control the heart disease risk factors.

WHEREAS, Women's health remains a priority for families, communities, and government, and our commitment to keeping women healthy is stronger than ever.

WHEREAS, *The Heart Truth* campaign and its Red Dress symbol are building awareness of women's heart disease risk and empowering them to reduce their risk and prevent heart disease.

NOW, THEREFORE, BE IT RESOLVED, the Borough of Hawthorne women need to take action to make heart health a priority for themselves and their families, become aware of their personal risk factors for heart disease, and take action to lower their risk.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Hawthorne do hereby proclaim Friday, February 6, 2009, as

National Wear Red Day

in the Borough of Hawthorne and encourage all citizens to take women's health to heart by wearing red to show their support for women's heart disease awareness.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Borough of Hawthorne to be affixed this fourth day of February, 2009.

Mayor Goldberg asked the Council for their support on the following resolutions:

MR-1

SENIOR AND
PERSONS TAX FREEZE

DISABLED

WHEREAS, the Mayor and Council of the Borough of Hawthorne, County of Passaic, State of New Jersey recognize the need and importance of the Property Tax Reimbursement Program for Senior and Disabled Citizens; and

WHEREAS, this program is designed to reimburse senior citizens and disabled persons with limited income for property tax increases; and

WHEREAS, currently the State of New Jersey is developing its fiscal year budget in one of the worst financial economic times in the history of our State; and

WHEREAS, the benefits under this program may be affected by the State's budgetary constraints; and

WHEREAS, program participants from the Borough of Hawthorne, as well as the State of New Jersey, depend on this reimbursement each year;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hawthorne, County of Passaic, State of New Jersey, urge the Governor and the Legislature to fully fund the Property Tax Reimbursement Program for Senior and Disabled Citizens in the upcoming fiscal year budget; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Hawthorne, County of Passaic, State of New Jersey hereby direct the Borough's

Municipal Clerk to forward a certified copy of this resolution to Governor Jon S. Corzine, State Legislatures, County Freeholders and the Mayors of Passaic County.

MR-2

**AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE
DOCUMENTS**

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

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

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

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

Council President Bertollo entertained a motion to approve the above resolutions, moved by Councilman Sinning, seconded by Councilman Matthews. On roll call all voted yes.

Mayor Goldberg reported the following:

1. On Sunday he attended farewell mass for Monsig. George Hundt. He wished him well at his new parish.
2. He attended a meeting about 55 Schoon Avenue, Pyrolac Corporation. The County has received a grant to do a study as to what the remediation should be at this site. The County needs access to the site. Their attorney is working with our attorney to petition the courts to get this access. The Mayor thanked Deborah Hoffman of Passaic County for securing the grants and former Mayor Criscitelli for being Hawthorne's unofficial representative to the Brownfield Committee.

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

Director of Revenue and Finance Hewitt reported on the following:

1. Books are closed.
2. Audit began today.
3. Second quarter tax bill are due by February 10th.

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

Mayor Goldberg called upon Borough Attorney Pasquale for his report.

Attorney Pasquale reported on the following:

1. The ruling received from the courts regarding the Pan Chemical site denying relief is being cited by other municipalities. Pan Chemical has filed with the N.J. Supreme Court to appeal the ruling. Our opposition papers will be filed shortly.
2. The tax appeal settlement for the Kohler site appears as R-10 on tonight's agenda. Attorney Pasquale strongly suggests it be approved.
3. The Passaic County Superfund Lawsuit is an irresponsible filing by the plaintive in an attempt to force the DEP to accept a settlement in does not want to approve.
4. An interlocal agreement with North Haledon for truck washing will appear on the next agenda. Final details are being worked out.
5. A letter has been sent to Hovnanian indicating their lack of responsiveness to Mr. Rooney's claims and the claims of six or seven additional residents with regards to the high-pressure release of water which caused damage to their water heaters. We may recommend calling in their bond.

That concludes Attorney Pasquale's report.

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

Engineer Boswell reported on the following:

1. Reviewed drainage, pool cover, TVing of lines, and storm sewer outfall mapping.
2. R-2. Recommends approval of drainage improvement.
3. R-8 & R-9 recommends approval of the repointing of the brick at the DPW building contract to Commodore and to Kraft for the roofing.
4. Reviewed the 2008 Road Improvement program, and Kohler field.
5. Rejected the bids for the HVAC at the last meeting. The rebid will be coming in and the award should be at the next meeting.
6. Scada Project should be complete by next meeting.
7. The Sicomac Pad is in our easement and will be poured when the weather is slightly warmer.
8. Final report went to DOT to receive final approvals for Parker & Dixie.
9. They are awaiting the list to prepare the 2009 Road Improvement Program.
10. Lincoln & Wagaraw Road county project is finished except for relocation of polls.
11. Asked for approval to prepare the plans for the Goffle Hill Force Main project. They must be submitted by March 2nd. Council will have approval on next meeting's agenda as per the DPW Committee.

That concludes Engineer Boswell's report.

Mayor Goldberg called upon Administrator Maurer for his report.

Administrator Maurer reported on the following:

1. The administration recommends proceeding with the design of the Goffle Hill Force Main Project.
2. Reviewed the additional snowstorms and their costs.
3. Will be reviewing the affect of the snowstorms on the new budget.
4. Discussing with Passaic County our health contract. A presentation will be made to the Board of Health in March and should come before Council in April.
5. Addressing budget issues regarding legislative answer to pension payment.
6. Road Improvement Program will be presented to the Finance Committee.

7. An electrical problem caused by PSEG has caused two pumps to fail. These must be repaired at a cost of approximately \$13,000 each. Any responsibility by PSEG is being explored.

That concludes Administrator Maurer's report.

Councilman Wojtecki had questions regarding the soccer field, pool cover and truck traffic.

Engineer Boswell said the soccer field building is completed and plans to have the ribbon cutting may move forward, the pool cover is where it should be and will be removed before the TVing is done, and truck traffic may not be approved by the engineer. This still falls under Title 39.

Councilman Wojtecki asked administration to please contact the neighboring municipality who has signs that force additional truck traffic to enter Hawthorne.

Council President Bertollo asked that the 4-way stop signs on North 7th street should also be reviewed.

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

ORDINANCES AND RESOLUTIONS

Ordinance No. 1964-09 for Introduction

AN ORDINANCE AWARDDING BID AND AUTHORIZING LEASE TO METRO PCS NEW YORK LLC FOR SPACE ON THE TELECOMMUNICATIONS TOWER LOCATED AT 920 GOFFLE ROAD AS WELL AS SPACE UPON ADJACENT GROUNDS.

BE IT RESOLVED, that Ordinance No. 1964-09 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 the 4th day of March, 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 the introduction and of the time and place, when and where said ordinance would be considered for final passage, moved by Councilman Matthews, seconded by Councilman Mele.

Council President Bertollo asked if there were any questions.

On roll call all voted yes.

Ordinance No. 1965-09 for Introduction

AN ORDINANCE AWARDDING BID AND AUTHORIZING LEASE TO NEW CINGULAR WIRELESS FOR SPACE ON THE LONGVIEW WATER TOWER AND ADJACENT GROUNDS.

BE IT RESOLVED, that Ordinance No. 1965-09 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 the 4th day of March, 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 the introduction and of the time and place, when and where said ordinance would be considered for final passage, moved by Councilwoman English, seconded by Councilman Bennett.

Council President Bertollo asked if there were any questions.

On roll call all voted yes.

Ordinance No. 1966-09 for Introduction

AN ORDINANCE AWARDDING BID AND AUTHORIZING LEASE TO METRO PCS NEW YORK LLC FOR SPACE ON THE TELECOMMUNICATIONS TOWER LOCATED AT 445 LAFAYETTE AVENUE AS WELL AS SPACE UPON ADJACENT GROUNDS.

BE IT RESOLVED, that Ordinance No. 1966-09 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 the 4th day of March, 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 the introduction and of the time and place, when and where said ordinance would be considered for final passage, moved by Councilman Matthews, seconded by Councilman Bennett.

Council President Bertollo asked if there were any questions.

Councilman Wojtecki reminded Administrator Maurer of the map he requested.

On roll call all voted yes.

R-1. Resolution, Introduced by Councilman Wojtecki

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated January 30, 2009.

| | Check # | |
|--|------------|------------------|
| CURRENT FUND | 53215 | \$251,010.84 |
| WATER OPERATING FUND | 14726 | \$43,718.72 |
| OTHER TRUST II FUND | 6507 | \$29,931.68 |
| | | <hr/> |
| TOTAL PAYROLL | | \$ 324,661.24 |
| | | <hr/> |
| CURRENT OPERATING FUND TO PAYROLL/FICA | 53216 | \$15,668.21 |
| | | <hr/> |
| TOTAL FICA | | \$ 15,668.21 |
| | | <hr/> |

R-2. Resolution, Introduced by Councilman Wojtecki

WHEREAS, there exists a need for engineering services for the design and inspection for Drainage and Stormwater Improvements in the Borough of Hawthorne at a cost not to exceed \$85,000.00 for design and \$95,000.00 for construction inspection.

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 \$180,000.00, and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a contract, in a form approved by the Borough Attorney subject to certification by the Chief Financial Officer.

R-5. Resolution, Introduced by Councilman Wojtecki

WHEREAS: appeals were filed with Passaic County Board of Taxation for a reduction of the assessed value of property listed below and has been granted as follows:

| <u>Block/Lot</u> | <u>Original Assessment</u> | <u>Judgement</u> | <u>Assessment Reduction</u> | <u>Tax Reduction</u> |
|---------------------|----------------------------|------------------|-----------------------------|----------------------|
| 2008 Omitted | | | | |
| 28.03/11 | \$237,800. | \$211,400. | \$ 6,600. | \$ 281.82 |
| 2008 Added | | | | |
| 28.03/11 | \$237,800. | \$211,400. | \$26,400. | \$1,184.57 |
| 2009 Added | | | | |
| 28.03/11 | \$237,800. | \$211,400. | \$26,400. | \$ 592.30 |
| 2008 Added | | | | |
| 182/12 | \$ 73,425. | \$ 58,758. | \$14,667. | \$ 358.96 |
| 2009 Added | | | | |
| 182/12 | \$ 73,425. | \$ 58,758. | \$14,667. | \$1,438.09 |

NOW THEREFORE, BE IT RESOLVED: that the Tax Collector be authorized by the Municipal Council of the Borough of Hawthorne to cancel the added Assessments as stated above.

R-6. Resolution, Introduced by Councilman Wojtecki

WHEREAS: County Appeal Judgments were received to cancel the added assessments for the following blocks and lots for the 4th quarter 2008 and 1st and 2nd quarters of 2009:

| <u>Block/Lot</u> | <u>Address</u> | <u>4th Qtr</u> | <u>1st Qtr</u> | <u>2nd Qtr</u> |
|------------------|---------------------|---------------------------|---------------------------|---------------------------|
| 32/8 | 193 Lincoln Ave. | \$ 77.40 | \$25.80 | \$25.80 |
| 154/13 | 49 First Ave. | \$206.40 | \$51.60 | \$51.60 |
| 161/6 | 103 Third Ave. | \$105.44 | \$52.73 | \$52.72 |
| 211/5 | 175 Tenth Ave. | \$105.44 | \$52.73 | \$52.72 |
| 266/16 | 59 Park Slope Terr. | \$448.70 | \$112.18 | \$112.17 |
| 283/8 | 29 Garden Ave. | \$ 94.23 | \$47.12 | \$47.11 |
| 289.02/3.01 | 91 Horizon Terr. | \$448.70 | \$112.18 | \$112.17 |

NOW, THEREFORE, BE IT RESOLVED: that the Tax Collector be authorized by the Municipal Council of the Borough of Hawthorne to cancel the Added Assessments.

R-7. Resolution, Introduced by Councilman Wojtecki

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with Colonnelli Bros, Inc. for emergency sewer repairs in the Borough of Hawthorne authorized by a Temporary Municipal Budget Appropriation in Sewer System O/E, and,

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

Change Order No. 1

10" PVC Pipe and Fittings Differential

\$834.20

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No. 1 increasing the amount of the payment required under said contract by the sum of \$834.20, shall be and hereby is approved, and the Mayor and Borough Clerk are hereby authorized and directed to execute the same for and on behalf of the Borough of Hawthorne.

R-8. Resolution, Introduced by Councilman Wojtecki

WHEREAS, on January 15, 20098, the Borough of Hawthorne received bids for repointing the roof of the Pump House in the Borough of Hawthorne authorized by Ordinance #1957-08; and

WHEREAS, the bids have been received and reviewed by Boswell Engineering, and they have recommended the low, responsive bid of:

Commodore Construction Corp
1099 Wall Street West, Suite 357
Lyndhurst, New Jersey 07071

in the amount of \$7,700.00.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the above-cited lowest responsible bidder subject to the certification of availability of funds from the Chief Financial Officer, and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a contract between the Borough of Hawthorne and Commodore Construction Corp, in a form approved by the Borough Attorney when these conditions have been met.

R-9. Resolution, Introduced by Councilman Wojtecki

WHEREAS, on January 15, 20098, the Borough of Hawthorne received bids for repairs to the roof of the Pump House in the Borough of Hawthorne authorized by Ordinance #1957-08; and

WHEREAS, the bids have been received and reviewed by Boswell Engineering, and they have recommended the low, responsive bid of:

Kraft Roofing, Inc.
21 Lauren Lane
Sussex, New Jersey 07461

in the amount of \$20,650.00.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the above-cited lowest responsible bidder subject to the

certification of availability of funds from the Chief Financial Officer, and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a contract between the Borough of Hawthorne and Kraft Roofing, Inc. in a form approved by the Borough Attorney when these conditions have been met.

R-10. Resolution, Introduced by Councilman Wojtecki

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 Wojtecki

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR
PROFESSIONAL SERVICES TO JEFFREY C. BLISS AND LERCH, VINCI AND
HIGGINS**

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the services of a Registered Municipal Accountant for the purpose of performing the 2008 Annual Audits pursuant to NJSA 40A:5-4, et seq., has been determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

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

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised;

WHEREAS, Jeffrey C. Bliss, RMA, CPA, PSA. and the firm of Lerch, Vinci and Higgins, has submitted a proposal and contract for said accounting services, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, Jeffrey C. Bliss has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that Jeffrey C. Bliss and Lerch, Vinci and Higgins Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit Jeffrey C. Bliss and Lerch, Vinci and Higgins, from making any reportable contributions during the term of the contract;

Council President Bertollo entertained a motion to approve Resolutions R-1 & R-2, R-5 - R-11, moved by Councilman Wojtecki, seconded by Councilman Bennett.

Councilman Matthew's had a question on R-7. He asked if this was a part of the Cornell Avenue emergency repair.

Engineer Boswell said the fitting was not part of the repair it was adjacent to the repair.

Council President Bertollo stated that R-2 is the start of the Storm Water Management Plan that will address drainage issues.

On roll call all voted yes.

R-3. Resolution, Introduced by Councilman Wojtecki

WHEREAS, various appropriations in the 2008 Appropriation Reserves may be over expended and others under expended.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to make the following transfers:

| <u>FROM</u> | <u>TO</u> | <u>AMOUNT</u> |
|----------------------|----------------------|---------------|
| Vehicle Sewer | Vehicle Road | \$ 3,000.00 |
| Vehicle Sewer | Engineering Services | \$ 2,000.00 |
| Vehicle Police | Engineering Services | \$ 4,000.00 |
| Vehicle Police | Legal Services | \$ 1,000.00 |
| Code Enforcement S&W | Legal Services | \$ 2,000.00 |
| Code Enforcement S&W | Bd of Adjustment O/E | \$ 250.00 |

R-4. Resolution, Introduced by Councilman Wojtecki

WHEREAS, an emergency has arisen with respect to the amounts allocated in the 2009 Temporary Operating Budget and/or the 2009 Temporary Water Operating Budget other expenses due to the permanent budget not yet being adopted, and the 2009 temporary appropriations are inadequate to provide for these expenses for the aforesaid reason, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2009 pursuant to the provision of N.J.S.A. 40A:4-20 including this resolution total \$4,381,104.00.

NOW, THEREFORE, BE IT RESOLVED, by Municipal Council of the Borough of Hawthorne (not less than two-thirds of the members thereof affirmatively concurring) that in

accordance with N.J.S.A. 40A:4-20, emergency temporary appropriations are hereby made for the following line items in the listed amount:

| | |
|---------------------|-----------|
| Streets & Roads O/E | 20,000.00 |
| Sewer System O/E | 25,000.00 |
| DPW Administration | 5,000.00 |

Council President Bertollo entertained a motion to approve Resolutions R-3 & R-4, moved by Councilman Wojtecki, seconded by Councilwoman English. On roll call all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES:

Councilman Bennett reported the DPW Committee met earlier this evening with the new DPW Director and reviewed the status of on-going projects and 2009 projects.

Councilwoman English reported she attended a Hawthorne Day meeting. The next meeting will be February 16th at 7:00 p.m. and all are welcome to attend and volunteer to help with this project.

Councilman Mele reported he attended a Municipal Alliance Committee meeting. They were setting their agenda for the upcoming year. Their main concern is funding of the committee. There is a possibility the funding source may change.

He also reported the Project Pride Committee had a first meeting. They want to meet with the new DPW Director about setting up a schedule for street cleaning.

Councilman Matthews reported the Finance Committee will be meeting on Monday's until the budget is adopted.

He also reported the Planning Board met last evening and a number of new businesses were approved to open in town. The 9th Avenue (6th Avenue) project will be continued until the agenda of February 17th.

The Chamber of Commerce thanked everyone for attending the Company of the Year Dinner. It was a great success.

Councilman Sinning reported the Ordinance Committee will be introducing two ordinances at the next meeting. One will revise our peddling and soliciting ordinance and the second will be a sewer inspection ordinance allowing for the inspection of sewers at restaurants and businesses.

Councilman Wojtecki reported the Green Committee met and they were discussing alternate fuel and an open-air market.

He also reported the Environmental Commission met with the County regarding Pyrolac. The committee wanted the residents to know that workers will be entering the site dressed in protective suits. This is only because it is required because they have never been in the building before.

Council President Bertollo stated that when the courts have given the access to the building all the residents will be notified previous to the work beginning on the site.

Councilman Wojtecki said the next Shade Tree Commission meeting will be on February 10th.

Council President Bertollo reported the Zoning Housing Committee will have its first meeting on February 10th. They will meet on the second and fourth Tuesdays.

Councilwoman English announced the Hawthorne High School Softball Team will be having a fundraiser at Shortway's Barn on February 22nd.

Council President Bertollo announced the Hawthorne Boys & Girls Club held their ribbon cutting for the opening of the new Teen Center last Thursday. Enrollment has increased since it's opening last November.

CORRESPONDENCE:

None.

MISCELLANEOUS:

None.

BILLS:

The following bills were presented for payment:

Bill list Current

| <u>Date</u> | <u>Vendor</u> | <u>Check #</u> | <u>Amount</u> | <u>Appropriation</u> | <u>Description</u> |
|-------------------------|-----------------|----------------|---------------|-----------------------|--------------------|
| 01/29/09 | PAYROLL ACCOUNT | 53215 | 251010.84 | LEGAL SERV& COSTS O/E | PAYROLL #3 |
| 01/29/09 | PAYROLL ACCOUNT | 53216 | 15669.21 | SOCIAL SECURITY | PAYROLL #3 |
| Total Bill List: | | | 266679.05 | | |

Bill list Current

| <u>Date</u> | <u>Vendor</u> | <u>Check #</u> | <u>Amount</u> | <u>Appropriation</u> | <u>Description</u> |
|-------------------------|--------------------------|----------------|---------------|---------------------------|-------------------------------|
| 02/04/09 | A T & T | 53217 | 90.33 | TELEPHONE CHARGES | FIRE LONG DIST TO 12/28/08 |
| 02/04/09 | AAA EMERGENCY SUPPLY CO | 53218 | 4021.50 | FIRE DEPT O/E | BOOTS, COAT, PANTS |
| 02/04/09 | AGL WELDING SUPPLY CO, | 53219 | 88.00 | STREETS & ROADS O/E | PARTS & SUPPLIES FOR PLOWS |
| 02/04/09 | ALLAN BRITWAY ELECTRIC | 53220 | 3931.08 | MUNICIPAL INSURANCE O/E | REPAIR POLE-WAG & |
| 02/04/09 | ANJR | 53221 | 95.00 | RECYCLING PRO | 2009 MEMBERSHIP:DOUG |
| 02/04/09 | B & C COMMUNICATIONS, | 53222 | 151.30 | STREETS & ROADS O/E | ANTENNA AND SPEAKER |
| 02/04/09 | BERGEN/PASSAIC CTY | 53223 | 20.00 | BOARD OF HEALTH O/E | 2009 |
| 02/04/09 | BOB RAYOT TIRE SERVICE, | 53224 | 300.00 | RECYCLING PRO | TIRE REPAIR TO C-2 |
| 02/04/09 | BOSWELL ENGINEERING, INC | 53225 | 22233.90 | MUNI BLDG HVAC PH II | INV |
| 02/04/09 | BRENDA DITTFIELD | 53226 | 270.00 | GROUP INSURANCE O/E | REIMB 2008 EYE EXAM, |
| 02/04/09 | CARL MOTTOLA | 53227 | 81.50 | UNIFORM FIRE SAFETY O/E | REIMB MILEAGE 1/09 |
| 02/04/09 | CAROL CHAMBERLIN | 53228 | 100.00 | GROUP INSURANCE O/E | 2008 MEDICAL |
| 02/04/09 | CARPET CYCLE, LLC | 53229 | 250.00 | RECYCLING PRO O/E | 1/9/09 CARPET RECYCLE |
| 02/04/09 | CARROLL NET, INC. | 53230 | 51.00 | IT SERVICES | REGISTRATION: |
| 02/04/09 | CHARLES C. COLLINS, JR, | 53231 | 206.70 | ZONING BD OF ADJ | REIMB 12/24/08 AD HERALD |
| 02/04/09 | CLAYTON TURNER | 53232 | 209.00 | GROUP INSURANCE O/E | REIMB 2009 EYEGASSES |
| 02/04/09 | COUNTY OF PASSAIC | 53233 | 3489442.83 | COUNTY TAX | 2007,2008 ADDED/OMITTED |
| 02/04/09 | COUNTY OF PASSAIC-OPEN | 53234 | 70762.87 | OPEN SPACE TAX | 2007,2008 OPEN SPACES |
| 02/04/09 | DONALD TURNER, SR | 53235 | 180.00 | GROUP INSURANCE O/E | REIMB 2009 EYE GLASSES |
| 02/04/09 | DOWNES TREE SERVICE, | 53236 | 10282.50 | STREETS & ROADS O/E | 1/10/09 SNOW REMOVAL |
| 02/04/09 | GARY TAMBURRO | 53237 | 430.00 | GROUP INSURANCE O/E | REIMB 2009 EYE |
| 02/04/09 | HAWTHORNE PRESS INC | 53238 | 455.13 | ENVIRONMENTAL COMMITTEE | INV 985453:LEGAL NTCS |
| 02/04/09 | HENRY'S PLUMBING & | 53239 | 113.71 | MAINTEN OF PARKS | 11/08-12/08 SUPPLIES |
| 02/04/09 | INTERNATIONAL SALT CO | 53240 | 25615.88 | STREETS & ROADS O/E | SALT (200 TONS) |
| 02/04/09 | JESCO INC | 53241 | 718.40 | VEHICLE MAINT ROAD | BLADES FOR R-14 |
| 02/04/09 | JOHN F GALLAGHER | 53242 | 350.00 | SICOMAC SEWER PUMP | TITLE SEARCH, EASEMENTS |
| 02/04/09 | JOHN PALLOTTA | 53243 | 154.97 | GROUP INSURANCE O/E | REIMB 2009 EYE GLASSES |
| 02/04/09 | JOHNSON BUS PROD & | 53244 | 461.81 | MUNICIPAL CLERK O/E | CORK BOARD CLERK'S OFFICE |
| 02/04/09 | KNAPP, TRIMBOLI & | 53245 | 1390.00 | LEGAL SERV& COSTS O/E | LEGAL SVCS TO 12/25/08 |
| 02/04/09 | LUK OIL | 53246 | 4774.92 | BULK PURCHASE GASOLINE | BORO GASOLINE THRU 1/24/09 |
| 02/04/09 | LUSCHER'S AUTO INC | 53247 | 2372.44 | VEHICLE MAINT ROAD | REPAIRS |
| 02/04/09 | MARY JEANNE HEWITT | 53248 | 200.05 | BOARD OF HEALTH O/E | REIMB PETTY CASH FOR |
| 02/04/09 | METLIFE | 53249 | 333.51 | GROUP INSURANCE O/E | 2/09 EMPLY GRP TERM LIFE |
| 02/04/09 | MUNIDEX, INC | 53250 | 1156.00 | BOARD OF HEALTH O/E | 2009 BOARD HEALTH SOFTWARE |
| 02/04/09 | NJAES OFFICE CONTINUING | 53251 | 2646.00 | SHADE TREE COMMISSION O/E | LANDSCAPE,ARBORIST COURSES |
| 02/04/09 | PREFERRED BUSINESS | 53252 | 1428.00 | PUB WORKS ADMIN O/E | 1/09-1/10 MAINT AGREEMENT |
| 02/04/09 | PROCOPY INC | 53253 | 417.00 | FIRE DEPT O/E | SERVICE (COPIER C2 1500) |
| 02/04/09 | PUBLIC SERV ELEC & GAS | 53254 | 11.26 | ELECTRIC CHARGES | 12/08 GAS UTILITY CHARGES |
| 02/04/09 | PUBLIC WORKS ASSOCIATION | 53255 | 30.00 | RECYCLING PRO | 2009 |
| 02/04/09 | RAPID PUMP & METER | 53256 | 60000.00 | SICOMAC SEWER PUMP | SICOMAC RD PUMP STA |
| 02/04/09 | RIDGEWOOD TYPEWRITER | 53257 | 59.98 | LOCAL CODE ENFORCEMENT | HP PHOTO PAPER (LASER & |
| 02/04/09 | SCOTT GEIER | 53258 | 305.00 | GROUP INSURANCE O/E | REIMB 2009 EYE EXAM, |
| 02/04/09 | SPORTS FIELD MAN ASSN OF | 53259 | 50.00 | MAINTEN OF PARKS | 2009 MEMBERSHIP:SCOTT |
| 02/04/09 | TCTA MEMBERSHIP SERVICES | 53260 | 300.00 | REVENUE COLLECTION O/E | 2009 |
| 02/04/09 | THE BADGE COMPANY | 53261 | 258.60 | GENERAL ADMIN O/E | BADGES: MAYOR, COUNCILMAN, CL |
| 02/04/09 | TURNOUT UNIFORMS | 53262 | 973.00 | CONSTRUCTION CODE | UNIFORM & JACKETS FOR |
| 02/04/09 | VALLEY HOSPITAL | 53263 | 216.46 | BOARD OF HEALTH O/E | 4QTR08 CONTRACT BILLING |
| 02/04/09 | VERIZON | 53264 | 282.73 | TELEPHONE CHARGES | FIRE SVC 1/2-2/1/09 |
| 02/04/09 | VERIZON WIRELESS (N) | 53265 | 411.74 | TELEPHONE CHARGES | 12/08 FIRE SVC |
| 02/04/09 | VICTOR TAMBURRO | 53266 | 100.00 | GROUP INSURANCE O/E | REIMB 2008 MEDICAL |
| 02/04/09 | VITAL COMMUNICATIONS, | 53267 | 2510.34 | TAX ASSESSMENT O/E | 2009 ASSESSMENT CARDS |
| 02/04/09 | WEIGHTS & MEASURES FUND | 53268 | 50.00 | BOARD OF HEALTH O/E | REG 2 SMALL SCALES |
| 02/04/09 | WESTMARK INC | 53269 | 50.00 | PUB WORKS ADMIN O/E | 1/09 SEMI PUBLIC PHONE SVC |
| Total Bill List: | | | 3711394.44 | | |

Bill list Water

| <u>Date</u> | <u>Vendor</u> | <u>Check #</u> | <u>Amount</u> | <u>Appropriation</u> | <u>Description</u> |
|-------------------------|-----------------|----------------|---------------|----------------------|--------------------|
| 01/29/09 | PAYROLL ACCOUNT | 14726 | 43718.72 | WATER UTILITY S/W | PAYROLL #3 |
| Total Bill List: | | | 43718.72 | | |

Bill list Water

| <u>Date</u> | <u>Vendor</u> | <u>Check #</u> | <u>Amount</u> | <u>Appropriation</u> | <u>Description</u> |
|-------------------------|--------------------------|----------------|---------------|----------------------|----------------------------|
| 02/04/09 | BOB'S TIRES & WHEELS INC | 14727 | 71.00 | WATER UTILITY O/E | TIRES FOR LIGHT TOWER |
| 02/04/09 | BOBCAT OF NORTH JERSEY | 14728 | 1231.74 | WATER UTILITY O/E | SERVICE BOBCAT |
| 02/04/09 | HENRY'S PLUMBING & | 14729 | 19.19 | WATER UTILITY O/E | 11/08-12/08 SUPPLIES |
| 02/04/09 | JP HOME ARAMA, INC | 14730 | 144.69 | WATER UTILITY O/E | MISC PARTS & SUPPLIES |
| 02/04/09 | LEE SUPPLY CORP | 14731 | 2543.60 | WATER UTILITY O/E | HYDRANT PARTS |
| 02/04/09 | LUK OIL | 14732 | 253.61 | WATER UTILITY O/E | BORO GASOLINE THRU 1/24/09 |
| 02/04/09 | MUNIDEX, INC | 14733 | 810.00 | WATER UTILITY O/E | PROG ANALYSIS IN EXCEL |
| 02/04/09 | PREFERRED BUSINESS | 14734 | 973.00 | WATER UTILITY O/E | 1/09-1/10 MAINT AGREEMENT |
| 02/04/09 | PUBLIC WORKS ASSOCIATION | 14735 | 50.00 | WATER UTILITY O/E | 2009 |
| 02/04/09 | RIO SUPPLY, INC | 14736 | 10035.00 | WATER UTILITY O/E | METERS, RADIOS AND FLANGE |
| Total Bill List: | | | 16131.83 | | |

Bill list General Capital

| <u>Date</u> | <u>Vendor</u> | <u>Check #</u> | <u>Amount</u> | <u>Appropriation</u> | <u>Description</u> |
|-------------------------|--------------------------|----------------|---------------|-----------------------|--------------------------|
| 02/04/09 | BOSWELL ENGINEERING, INC | 2520 | 14023.65 | VAN WINKLE - PH 1 | VAN WINKLE AVE IMPROV - |
| 02/04/09 | HAWTHORNE PRESS INC | 2521 | 686.40 | SICOMAC PUMP REPAIR | LEGAL NOTICE - ORD# 1961 |
| 02/04/09 | LERCH VINCI & HIGGINS | 2522 | 500.00 | INSTALL DRAIN & STORM | PREP SDS FOR STORMWATER |
| 02/04/09 | MCMANIMON & SCOTLAND LLC | 2523 | 13828.78 | RES FOR BOND SALE | SRVC FOR 2008 BOND SALE |
| Total Bill List: | | | 29038.83 | | |

Bill list Water Capital

| <u>Date</u> | <u>Vendor</u> | <u>Check #</u> | <u>Amount</u> | <u>Appropriation</u> | <u>Description</u> |
|-------------------------|--------------------------|----------------|---------------|----------------------|-------------------------|
| 02/04/09 | BOSWELL ENGINEERING, INC | 2247 | 3733.00 | IMPR TO PUMP HOUSE | REHAB PUMP HOUSE BLDG - |
| Total Bill List: | | | 3733.00 | | |

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

Council President Bertollo asked if there were any questions.

Councilman Matthews had a question regarding coding of a payment.

Finance Director Hewitt said it was coded correctly, the listing did not explain what the charge was for.

On roll call all voted yes.

PUBLIC COMMENT:

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

John Ryan, 7 Ashley Court, President of the Lafayette Hills Board of Directors, complained that nothing has been forthcoming from the municipality since the last time he attended a meeting in October 2008. They are still waiting for their reimbursements for 2006, 2007, and 2008.

Attorney Pasquale said he had spoken to Mr. Griffin and will be setting up a date for Lafayette Hill's representatives to meet with the Administration, Chief of Police, and Attorney Pasquale.

Council President Bertollo asked that the meeting take place before the next Council meeting.

Anthony De Vita, 22 DeBruyle Court, Treasurer of the Board of Directors Lafayette Hills voiced his displeasure also. He is not happy with having to spend additional monies to get the money that is owed to the association by the borough.

Joseph Rooney, 86 Braen Avenue, asked about the plans for the drainage improvement in his area.

Engineer Boswell said his firm was awarded the contract this evening to develop the plans.

Mary Mahon, 64 Emeline Drive, stated that she is trying to prevent what is happening at Lafayette Hills from happening to the Emeline Drive residents. She stated that the Borough is happy about the additional ratable, but the residents are very concerned with the proposed development. There will be 258 additional apartments, pool, exercise room, beauty parlor, theater, restaurant, bank, convenience store etc. for them to deal with. They are concerned with the traffic, water pressure, and light and noise pollution.

Robert Frei, 337 Goffle Hill Road and John Woligroski, 347 Goffle Hill Road, stated that the residents of Beverly Lane have received a letter from Don Turner, Code Enforcement Officer, informing them that their garbage and recycling will now have to be put at the entrance to their road on Beverly Road or Goffle Hill Road to receive their garbage and recycling pickup. To date this has always been picked up in front of their homes. To date the town has been maintaining the road and snow plowing the road.

Mayor Goldberg said the municipality is going to be doing a title search on this road to see exactly who owns this road. It is undersized and was never dedicated to the borough.

Mr. Frey stated it is his understanding that the County required that road to be put into the development.

Attorney Pasquale said Mr. Frey is correct and he thinks the developer still owns that road.

Council President Bertollo asked that a meeting take place before our next Council meeting to discuss alternatives.

Robert Kurdock, 15 Rhodes Court, voiced his concerns with the Lafayette Hill's project. He stated the association is in transition with Hovnanian and he would like access to the report that is being prepared. His unit was one of the units that was inspected on the inside. He has hired an engineer and may have to hire an attorney. He asked the town to continue to hold the bonds until his issues have been addressed.

Mayor Goldberg said the borough will continue to hold the bonds until he is satisfied.

Toni Napolitano, 12 Emeline Drive, agreed with Mrs. Mahon's report regarding the Christian Health Care Center. She said the

project is going to be very tall, the water runoff will affect their properties and their homes will be devalued. She asked for a meeting to discuss this project.

Council President Bertollo said a meeting will be held when the time is right. Hearings will also be held when it comes before the zoning board.

Ted Vaiman, 13 De Bruyle Court, said he was very frustrated with the reimbursement process. He wanted to know who the go to person is.

Mayor Goldberg said he is the point person for the borough and would be happy to attend their meetings.

Councilman Matthews also said he would be available to come to their meetings. He will attend a board meeting next Wednesday at 7 p.m.

Eileen Deutsch, 207 Emeline Drive, read a statement regarding the problems with development and their concerns as residents because this is so close to their homes. She feels the Health Care Center is being greedy and shortsighted.

Steve Perretta, 75 Emeline Drive, reminded the Council that in past elections their political advertising promised to help control this project.

Mayor Goldberg said he thought that statement was unfair. The Mayor and Council have all the residents best interests at heart. To date the project has been scaled back from 136 units to 86 units.

Rocco Alvino, 5 Highcrest Drive, feels the Council does not understand the concerns of the Emeline Drive residents. He said a water tower was erected and said it would have benefits for the residents of Hawthorne. He would like to know what those benefits were and have the residents benefitted. He feels another entity is forcing a project on the residents.

Council President Bertollo said the Mayor and Council does care about the citizens of that area and all of Hawthorne.

Arline Wehrhahn, 44 Longview Court, stated that if this project gets built it will be like looking at a Marriott Hotel. She feels with the taxes she pay this is not something she should have to look at.

Rob Mahon, 64 Emeline Drive, discussed the traffic problems this project will cause.

Mayor Goldberg said the number of units being built in Hawthorne has decreased and any other adjustments will have to come from the Wyckoff Planning Board. Our board will not hear the project until later on. The Wyckoff Planning Board is the driving force with this project.

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

ADJOURNMENT:

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

John Bertollo
Council President

Susan Witkowski, RMC
Borough Clerk