

October 20, 2010  
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:00 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Council Vice President Matthews, Councilpersons Bennett, Lane, Mele, Sinning, and Wojtecki. Also present were Mayor Goldberg, Borough Administrator Maurer, Borough Attorney Pasquale, Registered Project Manager Chris Nash of Boswell Engineering and Borough Clerk Witkowski. Council President Bertollo arrived at 8:13 p.m. Director of Revenue and Finance Hewitt and Borough Engineer Boswell were absent.

### **FLAG SALUTE**

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

### **STATEMENT**

Council Vice President Matthews 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, Herald News, The Record, The Gazette, and all 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 16, 2009.

### **APPROVAL OF MINUTES**

Council Vice President Matthews entertained a motion to approve the minutes of the Special Meeting of September 27, 2010, Regular Meeting of October 6, 2010, and Closed Session Meeting of September 27, 2010, moved by Councilman Sinning, seconded by Councilman Lane. On roll call, Councilman Bennett abstained on Special Meeting of September 27, 2010, all others said yes.

### **PUBLIC COMMENT**

Council Vice President Matthews 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 no one, Council Vice President Matthews entertained a motion to close the public portion, moved by Councilman Sinning, seconded by Councilman Mele. On roll call, all voted yes.

## **ADOPTION OF ORDINANCES**

### **Ordinance No. 2028-10 for Adoption**

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 210, ARTICLE VII, SCHEDULE XVI, TIME LIMIT PARKING, OF THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO ADD THERETO CERTAIN ADDITIONAL LOCATIONS

### **Public Hearing**

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 2028-10 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing no one, Council Vice President Matthews entertained a motion that the public hearing on Ordinance No. 2028-10 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

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

## **OLD BUSINESS**

Council Vice President Matthews asked if there was old business to discuss. Councilman Wojtecki thanked Borough Administrator Mauer for completing all but one item from the list he submitted.

## **NEW BUSINESS**

Council Vice President Matthews asked if there was new business to discuss.

Councilman Wojtecki stated that he was contacted by a resident at 82 Arlington Avenue, which has a wire going through a tree. Councilman Wojtecki requested that the DPW inspect the location. There is a PSE&G pole being grounded to the tree, which is a concern since PSE&G never requested permission to do so.

Council Vice President Matthews stated the Appointment of Board of Assessment Commissioners, Ryan Marshal, Anthony Spaneda and Patricia Cornett. Council Vice President Matthews entertained a motion, moved by Councilman Sinning, seconded by

Councilman Mele. On roll call, all voted yes. Mayor Goldberg administered the Oath of Office to Ryan Marshal and Anthony Spaneda.

Councilman Bennett stated that he had a discussion with Freeholder Lepore regarding Goffle Brook Park. The County is interested in discussing ownership of the park with the Borough. Mayor Goldberg indicated that he would follow up accordingly.

### **ADMINISTRATIVE AGENDA**

Mayor Goldberg stated that the Farmers Market's last day is this Sunday, October 24<sup>th</sup>. Thank you to the Chamber of Commerce and all others who made this year a success.

Mayor Goldberg indicated that he attended the AAA of North Jersey Safety Award luncheon and the Borough once again received a safety award. Congratulations to Patrolman Finstra and the Police Department.

Mayor Goldberg thanked James Dusenberry for completing his term as an Assessment Commissioner for the Borough.

Mayor Goldberg presented a Proclamation to the Boys and Girls Club:

WHEREAS, the Hawthorne Boys and Girls Club has provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle that quality afterschool programs are key to helping our children become successful adults; and

WHEREAS, *Lights On Afterschool*, a national celebration of afterschool programs on October 21<sup>st</sup> promote the critical importance of quality afterschool programs in the lives of children, their families and their communities; and

WHEREAS, more than 28 million children in the U.S. have parents who work outside the home, and 15.1 million children have no place to go after school; and

WHEREAS, many afterschool programs across the country are facing funding shortfalls so severe that they are being forced to close their doors and turn off their lights.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Hawthorne do hereby proclaim October 21<sup>st</sup> to be **Lights On Afterschool Day**; and

BE IT FURTHER RESOLVED that the Mayor and Council enthusiastically endorses Lights on Afterschool and commits our community to engage in innovative afterschool programs and activities that

ensure the lights stay on and the doors stay open for all children after school.

Mayor Goldberg stated that the Proclamation will be formally presented tomorrow at the Boys and Girls Club.

Mayor Goldberg indicated that the Annual Mayor's Halloween parade will be Friday, October 29<sup>th</sup> at 7:30 p.m. at the Hawthorne High School.

### **Reports**

Mayor Goldberg called upon Attorney Pasquale for his report.

Borough Attorney Pasquale reported on the following:

Borough Attorney Pasquale indicated that a letter was sent to the Division of Pensions a month ago. The letter inquired about the status of pensions of part-time professionals. A reply was recently received indicating that the matter is being looked into. The pension situation will be resolved and there is progress being made.

Borough Attorney Pasquale stated that a memo was submitted to Council this evening in regard to a recommendation on the Solid Waste bids that were received. Legitimate questions were raised by the second lowest bidder regarding the lowest bidder of the Solid Waste Collection. Objections were minor and would not preclude awarding the bid to the lowest bidder.

Enterprise matter depositions are still pending and still have not been scheduled.

Robyns and Gialenella matters are in the discovery phase and are being handled by the JIF, the Borough's insurance carrier.

The Lion's Club Art Auction is November 6<sup>th</sup> at the Boys and Girls Club.

This concluded Attorney Pasquale's report.

Mayor Goldberg called upon Chris Nash of Boswell Engineering for his report.

Chris Nash reported on the following:

Veteran's Field Lighting – Project is completed. Lighting has been tested but results have not yet been received all indications are that lighting is correct. A report will be received with the operation manual.

A meeting was held with Kevin Downes in regard to a letter from October 8<sup>th</sup>. Mr. Downes has agreed to tasks one through five and will begin work next week. The work to be completed will be at no cost to the Borough.

Recommendations have been received in regard to modifying the drainage. Quotes were received and will be reviewed in the next few days.

Van Winkle Avenue Section 2 – Project is completed. Punch list items are currently being addressed.

Goffle Hill Force Main – Project is completed. Punch list items are currently being addressed.

2010 Road Improvement Program – Project is largely completed with the exception of Lynack Road, which is being paved in parallel with Brockhuizen Lane within the next two weeks. Curbs and base pavement are in on Brockhuizen Lane and the project is moving along swiftly. Installation of the guide rail, top soil, seeding and final pavement are remaining. Friction surface course will be placed at the base of the hill to aid vehicles to stop.

Christian Health Care Center – Wyckoff Board of Adjustment is meeting tomorrow night to determine when the application may be scheduled, which will likely be in November. Discussions are continuing with Ridgewood Water, which is investigating the construction of an elevated tank at the Christian Health Care Center site.

Drainage Improvement Project – Contractor is scheduled to start in December 2010 to meet the deadline of April 2011.

Goffle Brook Bank Stabilization – There are no changes since the last meeting. The State Historic Preservation will be analyzing the Rea Avenue Bridge and the Warburton Avenue Bridge as they relate to the work being done on the brook.

This concluded Mr. Nash's report.

Mayor Goldberg called on Borough Administrator Maurer for his report.

Administrator Maurer reported on the following:

An amended cell tower lease for Sprint Nextel, which was approved this past spring, went into effect on September 1<sup>st</sup>, giving the Borough an extra \$1,200 per month or \$14,400 per year.

In last week's auction of bicycles and surplus personal property, the Borough realized \$4,312.75 compared to \$564 last year. There were several larger items which did not sell. An on-line auction is being explored and would be held in accordance with state regulations. The necessary authorizing resolution will be presented at an upcoming meeting. Borough Administrator Maurer is looking into the best venue among those approved for use by DCA.

The County's bid for the joint purchase of energy has been delayed due to PSE&G, who have not provided the requested data within the required timeframe. The County believes they are near a resolution so the bid can proceed.

As a result of a complaint raised at the last meeting, the Clerk's office and the Police are cooperating on enforcement against residents who hold garage sales without permits. The police did a check last weekend with no violations.

The County's road program is continuing. North 8th Street was milled today and should be paved by early next week. The County expects to honor the Borough's request for bolder crosswalks at major intersections on Lafayette Avenue.

Departmental budget requests are due next Monday, October 25<sup>th</sup> as work begins on next year's budget.

An analysis of property taxes paid to date this year indicates that the collection percentage is likely to be about the same as last year. With the economy continuing to stagnate, a lag in payment was expected. Fortunately, that appears not to be the case.

Borough Clerk Witkowski continues to work with General Code on the Borough code book and expects to have a draft for review in November. Most 2010 Ordinances are expected to be included in this update.

Friday's submission date for proposals for Acceptance of Recyclable Materials will be pushed back about one week to enable an addendum to be sent out which will make some clarifications to the RFP. The Borough is expecting to award a contract in November, to be effective January 1, 2011.

Borough Administrator Mauer distributed to the Council, via this week's packet, a preliminary report regarding an ongoing investigation into payment of clothing allowance to various members of the Fire Department. Although the investigation was initiated due to a complaint last summer about a single member, it escalated when there was indication that there could be a dozen or more other members involved. This simple matter has become complex and quite time-consuming. The department is cooperating by providing the information requested. The department also understands that payment of a clothing allowance in 2010 and future years will be made only with clear documentation and closer scrutiny. The investigation will be thorough and changes in the system will be made. If any payments are found to have been made improperly, the Borough will act to recover the money. The preliminary report is confidential at this time in that it relates to an ongoing investigation. Borough Administrator Mauer assured all Borough firefighters, as well as the general public, that the investigation in no way diminishes the appreciation the Borough has for the excellent fire protection provided by the Fire Department and the dedication of its members.

The preliminary budget for the Morris County Joint Insurance Fund, to which the Borough belongs, indicates that the cost of property, casualty and worker's compensation

coverage will increase by approximately 2% in 2011. This low number is being achieved by a change in the way the JIF will be providing Employment Practices Liability and Police Professional Liability coverage. The same plan design will be followed as in the past, but the fund will be receiving insurance from a private carrier rather than through the umbrella Municipal Excess Liability Fund. Without that change, the increase in overall cost would have been approximately 5% rather than 2%. It is more symbolic than anything else, but recognizing the lack of salary increases offered by member towns to their employees, the JIF is providing no increase in the rates it pays its own professionals. Borough Administrator Mauer commended fellow commissioners and the professional team for taking the necessary steps to hold the JIF's budget in line with the new 2% budget cap. The resolution for a three year renewal of the Borough membership is on the agenda tonight.

The news from the North Jersey Municipal Employee Benefits Fund is not good. The fund's preliminary budget indicates an increase of 13.2% in health benefits premiums for next year. The large increase is a result of at least three factors: 1) national trends of close to 10% 2) the need to adjust coverage as required by the new federal health care law 3) the fund's decision to begin eliminating the subsidy of the United Health Care plans (to which most Borough employees belong) by the Aetna plans (where there is fewer employees). The Borough will need to address this issue between the two plans when negotiations begin with the unions as contracts expire at the end of next year.

This concluded Borough Administrator Maurer's report.

Mayor Goldberg asked if there were any questions.

Councilman Wojtecki stated that there is a problem with the paving on Goffle Hill. When the road was being paved, paving continued up the handicap ramp, which is prohibited by the Borough. Councilman Wojtecki requested that Boswell Engineering contact the County in regard to the issue.

Council President Bertollo asked if Borough Administrator Mauer had a dollar amount which reflected the health benefits premium increase of 13%. Borough Administrator Mauer indicated the amount was significant but he did not have the amount this evening. The overall health insurance budget will not increase that significantly due to the contributions that are received from non-union members and the PBA.

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

## **INTRODUCTION OF ORDINANCES**

### **ORDINANCE NO. 2031-10**

AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE OF THE BOROUGH OF

HAWTHORNE, CLERK, SO AS TO FIX THE TERM OF APPOINTMENT OF THE DEPUTY CLERK AS A TWO YEAR TERM

BE IT RESOLVED, that Ordinance No. 2031-10 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 November 3, 2010, 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 Bennett, seconded by Councilman Wojtecki. Councilman Wojtecki thanked the Ordinance Committee for taking the Ordinance back for review. On roll call, all voted yes.

**ORDINANCE NO. 2033-10**

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 210 OF THE CODE OF THE BOROUGH OF HAWTHORNE VEHICLES AND TRAFFIC SO AS TO PROHIBIT PARKING ON CERTAIN STREET IN THE BOROUGH OF HAWTHORNE AND TO REVISE ARTICLE VII, SCHEDULE XIII, AND ARTICLE VII, SCHEDULE XVI, SO AS TO ADD THERETO CERTAIN ADDITIONAL LOCATIONS

BE IT RESOLVED, that Ordinance No. 2033-10 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 November 3, 2010, 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 Wojtecki, seconded by Councilman Lane. On roll call, all voted yes.

**ORDINANCE NO. 2034-10**

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE BOROUGH OF HAWTHORNE, MAYOR, SECTION 2-5, POWERS AND DUTIES, SO AS TO ADD THEREUNDER SECTION I, ALLOWING FOR REMOVAL OF PERSONS APPOINTED TO BODIES, BOARDS OR COMMISSIONS BASED UPON ABSENCE FROM MEETINGS

BE IT RESOLVED, that Ordinance No. 2034-10 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 November 3, 2010, 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 Council Vice President Matthews. Councilman Wojtecki stated that the Ordinance is overdue and allows the Mayor to remove Committee members to avoid wasteful seats. On roll call, all voted yes.

**CONSENT AGENDA –R194-10 through R203-10**

**R194-10 Resolution, Introduced by Councilman Bennett**

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated October 8, 2010.

CURRENT FUND	WT888889	\$234,539.87
WATER OPERATING FUND	WT888889	\$36,940.57
OTHER TRUST II FUND	WT888889	\$31,362.22
ORDINANCE TOTAL	WT888889	\$ -
		<hr/>
TOTAL PAYROLL		<u><u>\$302,842.66</u></u>
CURRENT FUND TO PAYROLL/FICA	WT888889	\$8,256.25
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$5,000.00
		<hr/>
TOTAL FICA		<u><u>\$13,256.25</u></u>

**R195-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, Bond Anticipation Notes drawn on Depository Trust Company in the principal amount of \$1,560,000.00 and interest of \$31,113.33 matured on October 8, 2010.

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 wire transfers in the amount of \$1,560,000.00 from the General Capital Fund, and \$31,113.33 in payment of interest from the Current Fund, payable to Chase Bank. This is to ratify the action taken on October 8, 2010.

**R196-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, the Municipal Council of the Borough of Hawthorne has heretofore adopted ordinances regarding the 2010 Road Improvement Program, including curbing, sidewalks and driveway aprons, which ordinances provided for the assessment of the costs of said improvements on property specially benefited thereby in accordance with the provisions of N.J.S.A. 40:56-21 et seq.; and

WHEREAS, in accordance with such statute, the Mayor has appointed an Assessment Commission to conduct required hearings and create an assessment regarding the benefit conferred; and

WHEREAS, the following persons have been named Assessment Commissioners:

Patrice Cornett, 81 Horizon Terrace  
Ryan Marshall, 81 Watchung Drive  
Anthony Spannedo, 89 Lee Avenue; and

WHEREAS, the compensation for the Commissioners has been fixed at \$130. per Commissioner, based upon the nature and scope of the appointment;

NOW THEREFORE, BE IT RESOLVED, that the Municipal Council does approve of the appointment and expenditure as set forth above in accordance with applicable statute pertaining to the same.

**R197-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, the Municipal Council of the Borough of Hawthorne has heretofore adopted ordinances regarding the Improvements on Brockhuizen Lane, including installation of stormwater conveyance improvements, curbing and other surface improvements, which ordinance provided for the assessment of the costs of said improvements on property

specially benefited thereby in accordance with the provisions of N.J.S.A. 40:56-21 et seq.; and

WHEREAS, in accordance with such statute, the Mayor has appointed an Assessment Commission to conduct required hearings and create an assessment regarding the benefit conferred; and

WHEREAS, the following persons have been named Assessment Commissioners:

Patrice Cornett, 81 Horizon Terrace  
Ryan Marshall, 81 Watchung Drive  
Anthony Spannedo, 89 Lee Avenue; and

WHEREAS, the compensation for the Commissioners has been fixed at \$130. per Commissioner, based upon the nature and scope of the appointment;

NOW THEREFORE, BE IT RESOLVED, that the Municipal Council does approve of the appointment and expenditure as set forth above in accordance with applicable statute pertaining to the same.

**R198-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne is a member of the Morris County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2010 unless earlier renewed by agreement between the Borough of Hawthorne and the Fund; and

WHEREAS, the Borough of Hawthorne to renew said membership.

NOW THEREFORE, be it resolved as follows:

1. The Borough of Hawthorne agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverage, and operating Procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

**R199-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, on September 22, 2010, the Borough of Hawthorne received bids for collection of garbage, recycling, curbside yard waste and leaves for the five year period beginning January 1, 2011, and

WHEREAS, the Borough Administrator, upon review of the bids, recommends award of the contract to the low bidder:

Joseph Smentkowski Carting, Inc.  
3 New York Avenue  
Jersey City, NJ 07307

in the amount of \$438,196.00 for five years for option 3, for collection of yard waste and leaves.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the bid from the 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 , Joseph Smentkowski Carting, Inc., in a form approved by the Borough Attorney when these conditions have been met.

**R200-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, on September 22, 2010, the Borough of Hawthorne received bids for curbside collection of garbage, recycling and yard waste and leaves services for the five year period beginning January 1, 2011, and

WHEREAS, the Borough Administrator, upon review of the bids, recommends award of the contract to the low bidder:

Future Sanitation & Recycling  
80 Liberty Street  
Passaic, NJ 07055

in the amount of \$1,200,000.00 for the total of five years for option 1 for garbage collection and \$864,000.00 for the total of five years for option 2 recycling collection.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the bid from the 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 Future Sanitation, Inc., in a form approved by the Borough Attorney when these conditions have been met.

**R201-10 Resolution, Introduced by Councilman Bennett**

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

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

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

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Borough of Hawthorne hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$1,307.10 which item is now available as revenue for the Body Armor Replacement Fund Program in the Borough of Hawthorne.

SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS

Body Armor Replacement Fund Program      \$3,023.10

pursuant to the provision of the statute; and

SECTION 2

BE IT FURTHER RESOLVED, that a like sum of \$3,023.10 be and is hereby appropriated under the caption of:

OPERATIONS EXCLUDED FROM "CAPS"

PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUE

Body Armor Replacement Fund Program      \$3,023.10

SECTION 3

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Hawthorne from the State of New Jersey that were not available at the time of the adoption of the 2010 budget and are now available by law.

**R202-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne, through its administration, has negotiated a contract with the PBA, Local 200, as representative to its police officers for the period commencing January 1, 2011 and ending December 31, 2011; and

WHEREAS, a Memorandum of Agreement has been created a copy being annexed hereto; and

WHEREAS, the Administration has recommended approval of the contract, as set forth in the Memorandum of Agreement, subject, nevertheless to a final review of the same by legal counsel;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does hereby ratify and approve the contract, as set forth in the Memorandum of Agreement, subject nevertheless to final approval of the form thereof by legal counsel and adoption of any and all required ordinances.

### **R203-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with Buckler Associates, for Improvements to Van Winkle Ave – Section 2 in the Borough of Hawthorne authorized by Ordinance #2010-10, and,

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

Change Order No. 1

As-Built Quantities	\$60.77
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NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No. 1 increasing the amount of the payment required under said contract by the sum of \$60.77, 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.

Council President Bertollo entertained a motion to approve, moved by Councilman Bennett, seconded by Councilman Wojtecki. Councilman Wojtecki asked if the termination date of the hauling contract that was awarded now matches the weighing at the scale contract. Borough Administrator Mauer stated that the transfer station contract is up one year prior to the carting contract. Borough Attorney Pasquale indicated that it is better to have the contracts run this way so the collector knows where the deposit will need to be taken. The Borough is planning to award the recyclable materials contract in November, which will allow several options to get to the end of the collection contract. Councilman Bennett clarified that the R200-10 is a contract awarded to Future Sanitation and Recycling for the collection of garbage and recycling. Borough Administrator Mauer stated yes, and it includes Option 1 and 2. The resolution title as noted on the agenda stated just Option 2. Council President Bertollo indicated that the resolution that Council is voting on, includes Option 1 and 2. On roll call, all voted yes.

### **REPORTS OF SPECIAL COUNCIL COMMITTEES**

#### Councilman Wojtecki

Councilman Wojtecki attended the Recreation Committee on behalf of Councilman Bennett. Councilman Bennett will report accordingly.

#### Councilman Sinning

The Ordinance Committee met yesterday and agreed to the terms of the contract for the Deputy Clerk, which was necessary to begin interviewing candidates for the position.

#### Council Vice President Matthews

The Planning Board met last evening and had only one certificate of compliance application. The owner of the Congress Mills property is relocating within their facility. The owner was reminded to be more proactive in regard to the maintenance of the property. The owner had indicated that he spent \$40,000 last year and \$60,000 this year on clean up costs. The Planning Board stressed that some of the rental income should be applied toward clean up.

The Chamber of Commerce would like to thank all of those who helped or supported the Farmers Market this year. The Chamber looks forward to next year.

Council Vice President Matthews encouraged all children to participate in the Halloween Poster Contest. Please pick up poster paper at the Chamber Office. All posters will be displayed in town, judged and winners will be awarded.

Planning has begun on the Santa Parade, which will be on December 3<sup>rd</sup>, along with the tree lighting. The Borough is looking for sponsors or anyone that is willing to volunteer to be a costume character or to donate towards the event.

Individual department budget request forms have been sent out and are due back in a short period of time. The Finance Committee will be meeting to begin preparing next year's budget.

#### Councilman Mele

The Environmental Committee met on September 27<sup>th</sup>. The Committee was observing the Patriot Development Project and the run off of the water. Other concerns included the trees and the development of a walking path, which includes possible grants.

The Municipal Alliance will be meeting on October 26<sup>th</sup> and are co-sponsoring a teen dance with the Boys and Girls Club on October 30<sup>th</sup>. Admission is free and attendees are asked to bring a can of non-perishable food for Eva's Village.

Project Pride is progressing.

#### Councilman Lane

A work order has been placed with Cablevision in regard to a problem with the sound adjustment and should be addressed at the end of this week.

### Councilman Bennett

Councilman Bennett thanked Councilman Wojtecki for attending the Board of Recreation meeting. The lights at Veteran's field are now working. They will be controlled or programmed by the DPW and there will be a phone number issued that the Soccer Association can use if times need to be adjusted.

Veterans Field will be remediated by Downes next week.

The Booster Club will be purchasing a lightning detector for the Hawthorne High School field.

Borough Administrator Mauer and the Hawthorne Cubs will be meeting to establish a policy for playing in extreme heat in the summer.

A voucher policy is being created to pay all referees and umpires, which will address multiple issues that came up this year.

Mr. DeFeo gave a report on the 2010 Recreation Program. Multiple sites that have air conditioning are being looked at for next year's program including the High School and the art room in the basement of Lincoln Middle School. Procedures for addressing injuries on field trips was also discussed.

### CORRESPONDENCE

C -1            Approve application was received from the Board of Fire Commissioners presents for membership to Rescue Five, Ronald Walker, Jr., 147 Diamond Bridge Avenue. Council approval is required on the application for the New Jersey State Fireman's Association.

Council President Bertollo entertained a motion to approve, moved by Councilman Bennett, seconded by Councilman Mele. On roll call, all voted yes, with the exception of Councilman Lane and Wojtecki who abstained.

### MISCELLANEOUS

SOL-1            Hawthorne Varsity Softball has requested permission to solicit, Saturday, November 20, 2010 between the hours of 9:00 A.M. and 3:00 P.M

SOL-2            Hawthorne Rotary Club has requested permission to solicit, Saturday, November 13, 2010 between the hours of 10:00 a.m. and 12:00 p.m.

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

### BILLS

<b>VENDOR</b>	<b>CHECK#</b>	<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>CURRENT FUND</b>			
ACORN TERMITE & PEST CONTROL	10710	100.00	PUB WORKS ADMIN O/E
AMERICAN WASTE & TEXTILE CO	10711	55.00	STREETS & ROADS O/E
AMSTERDAM PRINTING	10712	180.90	GENERAL ADMIN O/E
AQUATIC DISTRIBUTORS INC.	10713	1,145.00	SWIMMING POOL O/E
ASCAP	10714	305.00	GENERAL ADMIN O/E
B & C COMMUNICATIONS, INC	10715	85.00	POLICE DEPT O/E
BALLY'S ATLANTIC CITY	10716	834.00	GENERAL ADMIN O/E
CABLEVISION	10717	203.19	VARIOUS
CAESARS ATLANTIC CITY	10718	318.00	GENERAL ADMIN O/E
CARL MOTTOLA	10719	62.50	UNIFORM FIRE SAFETY O/E
CINTAS CORP	10720	348.30	PUB WORKS ADMIN O/E
CITY WIDE MAINTENANCE	10721	1,350.00	PUB WORKS ADMIN O/E
CMRS-FP	10722	3,000.00	GENERAL ADMIN O/E
COACHMAN INT'L TOURS INC	10723	700.00	BOARD OF REC O/E
DISPLAY SALES	10724	63.75	DOMESTIC VIOLENCE RESPONSE
DON'S AUTO REPAIR SERVICE LLC	10725	85.00	VEHICLE MAINT UFS
DOWNES TREE SERVICE, INC.	10726	18,960.00	VARIOUS
EBF ENTERPRISES LLC	10727	159.30	STREETS & ROADS O/E
ELECTRICAL POWER SYSTEMS, INC	10728	150.00	PUBLIC EVENTS O/E
FREMGEN POWER EQUIPMENT INC	10729	64.00	SHADE TREE COMMISSION O/E
FUTURE SANITATION INC	10730	31,892.58	GARBAGE & TRASH O/E
G.NEIL CO, INC	10731	289.95	PEOSHA O/E
GET A CAN	10732	23,000.00	VARIOUS
GIANT TIRE SERVICE INC	10733	146.00	RECYCLING PRO
GOFFCO INDUSTRIES, INC	10734	309.00	MUNI COURT
HAMMER HEAD EMERGENCY	10735	1,942.49	VARIOUS
HAWTHORNE AUTO LAB	10736	3,883.17	VARIOUS
HAWTHORNE BOARD OF EDUCATION	10737	2,620,542.00	SCHOOL TAX
HAWTHORNE CAR WASH, INC	10738	250.00	VEHICLE MAINT POLICE
HAWTHORNE PRESS INC	10739	23.40	PLANNING BOARD O/E
HAYLEY ENCARNACION	10740		MUNI COURT

		195.00	
HOME SUPPLY & LUMBER CO., INC.	10741	80.47	STREETS & ROADS O/E
JOHN DEERE LANDSCAPE	10742	396.00	MAINTEN OF PARKS
JP HOME ARAMA, INC	10743	1,043.81	VARIOUS
JPSC, INC	10744	509.20	VARIOUS
KNAPP, TRIMBOLI & PRUSINOWSKI	10745	1,173.00	LEGAL SERV& COSTS O/E
LOUISE SIANO	10746	27.00	REVENUE COLLECTION O/E
LUK OIL	10747	8,011.55	BULK PURCHASE GASOLINE
LUSCHER'S AUTO INC	10748	55.25	VEHICLE MAINT ROAD
M & B SEPTIC SERVICE, LLC	10749	80.00	BOARD OF REC
MAIN POOL & CHEMICAL CO, INC	10750	1,147.70	SWIMMING POOL O/E
MONSEN ENGINEERING CO	10751	644.00	PUB WORKS ADMIN O/E
MUNIDEX, INC	10752	240.00	PEOSHA
MY PARKING PERMIT.COM	10753	538.25	GENERAL ADMIN O/E
NEEDLEWORKS EMBROIDERY	10754	500.00	UNIFORM FIRE SAFETY O/E
NEWTEL PAYPHONE OPERATIONS	10755	50.00	PUB WORKS ADMIN O/E
NJ MEADOWLANDS COMMISSION	10756	2,180.51	VARIOUS
NJ SHADE TREE FEDERATION	10757	590.00	SHADE TREE COMMISSION O/E
NJ STATE LEAGUE MUNICIPALITIES	10758	1,000.00	VARIOUS
NY NJ TRAILER SUPPLY	10759	250.04	VEHICLE MAINT ROAD
ONE COMMUNICATIONS	10760	1,411.32	TELEPHONE CHARGES
P & A AUTO PARTS, INC	10761	47.60	STREETS & ROADS O/E
PATERSON PARKING AUTHORITY	10762	250.00	PUBLIC EVENTS O/E
PRINTMASTERS	10763	150.00	TAX ASSESSMENT O/E
PUBLIC SERV ELEC & GAS	10764	27,071.53	VARIOUS
R & R PUMP & CONTROL	10765	7,216.25	SEWER SYSTEM O/E
RIDGEWOOD PRESS	10766	636.00	VARIOUS
RT OFFICE PRODUCTS	10767	293.75	VARIOUS
RUTGERS UNIV - NJAES	10768	1,525.00	SHADE TREE COMMISSION O/E
SHOTMEYER BROS FUEL CO	10769	5,319.37	BULK PURCHASE GASOLINE
SPRINT-WIRELESS	10770	319.92	POLICE DEPT O/E
SUPERIOR DISTRIBUTORS	10771	143.78	SEWER SYSTEM O/E
TEE-FX SCREEN PRINTING, LLC	10772	211.30	POLICE DEPT O/E
THE CHELSEA	10773	210.00	GENERAL ADMIN O/E

TRAFFIC SAFETY & EQUIP, INC	10774	3,134.00	STREETS & ROADS O/E
TREASURER, STATE OF NEW JERSEY	10775	900.00	FEES PAY MARRIAGE
TREASURER, STATE OF NEW JERSEY	10776	80.00	STREETS & ROADS O/E
TRI-COUNTY TACTICAL, LLC	10777	135.98	LOCAL CODE ENFORCEMENT
UNITED COMPUTER	10778	1,162.50	IT SERVICES
VERIZON	10779	183.95	VARIOUS
VERIZON WIRELESS (N)	10780	1,107.30	VARIOUS
VITAL COMMUNICATIONS, INC.	10781	2,275.80	VARIOUS
WALDWICK PRINTING COMPANY	10782	500.00	GENERAL ADMIN O/E
WASTE MANAGEMENT OF NJ	10783	<u>36,406.14</u>	TRANSFER STATION
<b>TOTAL CURRENT</b>		<b>\$ 2,819,850.80</b>	
<b>GENERAL CAPITAL</b>			
ARNOLD'S ROADS, INC	3079	94,398.84	VARIOUS
BUCKLER ASSOCIATES	3080	76,127.64	VARIOUS
EDWARD BELL CREATIVE LANDSCAPE	3081	<u>4,575.00</u>	INSTALL DRAIN & STORM IMPROV
<b>TOTAL GENERAL CAPITAL</b>		<b>\$ 175,101.48</b>	
<b>WATER OPERATING</b>			
AGRA ENVIRONMENTAL SVC	8325	2,400.00	VARIOUS
AMERICAN WASTE & TEXTILE CO	8326	55.00	WATER UTILITY O/E
BLACKBURN MANUFACTURING CO	8327	206.00	WATER UTILITY O/E
CABLEVISION	8328	82.14	WATER UTILITY O/E
CALDWELL/WEST CALDWELL CENTER	8329	391.00	WATER UTILITY O/E
CMRS-FP	8330	3,000.00	WATER UTILITY O/E
CR INDUSTRIAL SERVICES INC	8331	843.75	WATER UTILITY O/E
GP JAGER & ASSOC INC	8332	4,560.00	WATER UTILITY O/E
HENRY'S PLUMBING & HEATING INC	8333	240.91	WATER UTILITY O/E
JP HOME ARAMA, INC	8334	125.56	VARIOUS
LUK OIL	8335	617.33	WATER UTILITY O/E
NJ STATE LEAGUE MUNICIPALITIES	8336	50.00	WATER UTILITY O/E
NY NJ TRAILER SUPPLY	8337	250.03	WATER UTILITY O/E
ONE CALL CONCEPTS, INC.	8338	93.09	WATER UTILITY O/E
ONE COMMUNICATIONS	8339	143.13	WATER UTILITY O/E
PUBLIC SERV ELEC & GAS	8340	78,909.23	WATER UTILITY O/E
ROUTE 23 AUTO MALL	8341	147.52	WATER UTILITY O/E

RT OFFICE PRODUCTS	8342	44.88	WATER UTILITY O/E
SHOTMEYER BROS FUEL CO	8343	178.21	WATER UTILITY O/E
STATE OF NJ - PWT	8344	1,946.19	WATER UTILITY O/E
VERIZON WIRELESS (N)	8345	<u>195.94</u>	WATER UTILITY O/E
<b>TOTAL WATER OPERATING</b>		<b>\$94,479.91</b>	
<b>WATER CAPITAL</b>			
HENRY'S PLUMBING & HEATING INC	1013	<u>282.95</u>	CAPITAL EQUIPMENT
<b>TOTAL WATER CAPITAL</b>		<b>\$282.95</b>	
<b>OTHER TRUST II</b>			
ALERT GRAPHICS	4112	212.00	RECYCLING TRUST
BOB RAYOT TIRE SERVICE, LLC	4113	100.00	RECYCLING TRUST
CLIFFSIDE BODY CO	4114	2,926.42	RECYCLING TRUST
POWER PLACE, INC	4115	1,711.35	RECYCLING TRUST
THOMAS ZACONIE	4116	34.00	UCC PENALTIES
VERIZON WIRELESS (N)	4117	64.65	UCC PENALTIES
VITAL COMMUNICATIONS, INC.	4118	<u>75.00</u>	UCC PENALTIES
<b>TOTAL OTHER TRUST II</b>		<b>\$5,123.42</b>	
<b>DOG DEDICATED</b>			
NJ DEPARTMENT OF HEALTH	6024	<u>15.00</u>	STATE OF NEW JERSEY
<b>TOTAL DOG DEDICATED</b>		<b>\$15.00</b>	
<b>OTHER TRUST I ESCROW</b>			
SPRINT/NEXTEL	7012	<u>2,580.00</u>	SURETY/BONDS
<b>TOTAL OTHER TRUST I ESCROW</b>		<b>\$2,580.00</b>	
<b>TOTAL BILL LIST</b>		<b><u>\$ 3,097,433.56</u></b>	

Council President Bertollo entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion moved by Councilman Mele, seconded by Councilman Sinning. Councilman Wojtecki indicated he did not see any bills for the Fire Department and would vote on all bills. On roll call, all voted yes, with the exception of Council President Bertollo, who abstained on Downes Tree Service.

### **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.

David Schechter, 155 Lafayette Avenue, thanked Mr. Cantello for bringing the issue of the high water rates into the public sphere and attempting to get them reduced.

Robert Van Deusen, 336 Central Avenue, asked a question of Councilman Lane in regard to the investigation of the Fire Department. Council President Bertollo corrected Mr. Van Deusen, indicating that questions should be directed to the Chair and that this is an on-going investigation, which is confidential. Names of the individuals have not been disclosed and that questions should be limited to information that was disclosed by Borough Administrator Mauer. Mr. Van Deusen indicated that he brought the issue to the Mayor on June 4, 2010. Borough Attorney Pasquale stated that this is an on-going investigation with allegations made with no evidence. The Mayor assigned Administrator Mauer to investigate the entire department thoroughly. Preliminary results show that there are serious questions that need to be answered, in all five fire houses, involving twelve or more individuals. No names have been identified due to the serious issues involved. These allegations involve a cornerstone, volunteer organization of the Borough and they will not undermine the spirit of the work performed for the Borough. The investigation will be done correctly and will not be a witch hunt. Mr. Van Deusen asked if the particular individual would step down from their position. Borough Attorney Pasquale stated that two firemen are seated on the dais and if they are involved then a decision would be made at that point, however, right now it is too premature. Council President Bertollo stated that Borough Administrator Mauer, the Board of Fire Commissioners, the Fire Department Chief and Assistant Chief are all involved in the investigation. There has been total cooperation by all involved. Mr. Van Deusen stated that one of the first phone calls that the Mayor made was to Mrs. Zakur, who is the campaign leader for the Councilman Lane. Mayor Goldberg stated that he did not contact Mrs. Zakur.

Naomi Collier, 76 Robertson Avenue, stated that she was disappointed with the Council's response regarding the water rates. The fact that the water rates are higher in neighboring towns is irrelevant as a resident of Hawthorne. There is enough water for the Borough as well as other counties. Water rates have been raised due to mismanagement, which is unfortunate and unfair to the citizens of the Borough. Council President Bertollo asked if there was an example of mismanagement. Ms. Collier indicated the mismanagement was the fact that it was not raised over the years and it was raised all at one time. Council President Bertollo stated that the Borough does not like to raise rates and taxes. The fixed costs of utilities and oil, limits the options available. Council President Bertollo stated the Borough is selling water to other towns and is in negotiations with Ridgewood to sell more water. Ms. Collier stated that we are selling to other towns and therefore there shouldn't be such a large increase all at once. The budget should have been looked at and raised over the years.

Council President Bertollo stated that there are three Council members on the Finance Committee, himself, Council Vice President Matthews and Councilman Wojtecki. This is not a political issue and there were good professional discussions regarding the increase. Water is a commodity and the Borough tries to sell it and keep rates low. The Council is proud that the Borough has one of the lowest rates in the area. There are many costs associated with water, as it is a utility that is funded.

Danielle Rizzi, 24 Ravine Drive, stated that Paul Cantello presented a chart a few weeks ago showing why water rates were raised. At the last Council meeting, one of the Council members unsuccessfully tried to explain the hike. One of the reasons was the price of oil, which doesn't justify the increase. Ms. Rizzi asked Council to reconsider the water increase.

Paul Cantello, 37 Sylvester Avenue, stated he is speaking on behalf of hundreds of taxpayers that are protesting their water bill. Nearly 750 people have signed a petition asking that the rates be rolled back. The petition states "The recent water rate hike amounts to a tax increase for Hawthorne residents. We request that the Mayor and Council immediately roll back the largest water rate increase in a generation. On behalf of everyone in our community, especially struggling families and senior citizens, the Council is urged to take whatever steps are necessary to stabilize or lower the rates for the future". This is a bi-partisan petition, republicans, democrats, independents have all signed. There is one thing in common, all believe they are paying too much for water. The signers live on Franklin Avenue, Lafayette Avenue, Warburton Avenue, Diamond Bridge Avenue, Washington Avenue, Beverly Avenue, Frederick Avenue and on and on. People are going to continue to sign until everyone has had a chance to sign. The petition will then be turned in. For all of those that are calling, someone will go to your home to allow you to sign.

Joseph Speranza, 27 Robertson Avenue, stated he is attending on behalf of the Fire Department. Fire Chief Speranza thanked Administrator Mauer, Mayor Goldberg and the Council in regard to the confidential matter that is being investigated. The Fire Department wants to guarantee that if there is something that is not being recorded properly, it will be corrected. The Fire Department should not be involved in a political campaign. Councilman Lane indicated that neither he or his opponent have ever brought the Fire Department into the campaign.

Robert Kurdock, 15 Rhodes Court, stated that he has not been called in regard to the water tax. Mr. Kurdock asked why the Democrats of Hawthorne want to use Hawthorne Day for debates and petitions. Mr. Kurdock did not sign the petition that day. Booths that were involved clearly indicated who they were. Hawthorne Day should not be a political contest and if it is allowed the whole purpose will be lost. Mr. Kurdock encouraged the Mayor to support Hawthorne Day as a community day.

William Koumas, 642 Lincoln Avenue, asked about the paving and the curbs on Cornell Avenue. Chris Nash, Boswell Engineering indicated he was not aware of any issues. Mr. Kumis stated that the street is within an inch and a half of the top of the curb and gutter,

which may not in accordance to code. There is also a home that still does not have a curb in some sections at all. Mr. Kumis asked if paper needed to be bound or put into paper bags to be picked up. Administrator Mauer stated that yes it is a requirement so paper does not blow over the streets. Mr. Kumis asked if paper could be put in a plastic container. Council President Bertollo stated that yes it could. Borough Attorney Pasquale stated that the Ordinance does not allow for that and the concern was that the recycling company would need to physically look at each container to see what was being recycled. Council President Bertollo stated that the Council would look at the Ordinance. Mr. Kumis stated that the price of oil in 2006 was \$77 a barrel in July and is \$81 a barrel now. However, his water bill in 2006 for 61,000 gallons was \$181 compared to \$290 today for the same usage. Council President Bertollo stated that the cost of oil correlates with the cost of electric, which did not go up 3 or 4%.

Council President Bertollo asked if anyone else wished to be heard. Seeing no one, Council President Bertollo entertained a motion to close the public comment portion of the meeting, moved by Councilman Mele, seconded by Council Vice President Matthews. On roll call, all voted yes.

### **ADJOURNMENT**

Council President Bertollo entertained a motion to adjourn the meeting at 9:06 p.m., moved by Councilman Lane, seconded by Council Vice President Matthews. On roll call, all voted yes.

Council President Bertollo indicated that the next regular council meeting will be on November 3, 2010. The work session will begin at 7:00 p.m. and the regular meeting will begin at 8:00 p.m.

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John Bertollo  
Council President

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Susan Witkowski  
Borough Clerk