

September 1, 2010
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 Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bennett, Lane, Matthews, Mele, Sinning, and Bertollo. Also present were Mayor Goldberg, Borough Administrator Maurer, Borough Attorney Pasquale, Borough Engineer Boswell, and Borough Clerk Witkowski. Councilman Wojtecki and Director of Revenue and Finance Hewitt were absent.

FLAG SALUTE

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

STATEMENT

Council President Bertollo stated adequate notice of this meeting had been provided by the Annual Schedule of regular meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, faxed to the Hawthorne Press, 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 President Bertollo entertained a motion to approve the minutes of the Regular Meeting of August 18, 2010, Closed Session Meeting of August 18, 2010 and Bid Minutes of August 27, 2010 for Drainage & Stormwater Improvements, moved by Councilman Mele, seconded by Councilman Matthews. On roll call, all said yes.

PUBLIC COMMENT

Council President Bertollo opened the meeting to the public. He stated if anyone desired to be heard, please raise your hand to be recognized, come forward to the microphone and state your name and address. He stipulated this was for agenda items only.

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

ADOPTION OF ORDINANCES

Ordinance 2025-10 For Adoption

AN ORDINANCE TO AMEND BOND ORDINANCE NUMBER 1989-09, PROVIDING FOR ROAD RECONSTRUCTION INCLUDING THE INSTALLATION OF STORMWATER CONVEYANCE IMPROVEMENTS, CURBING AND OTHER SUBSURFACE AND SURFACE IMPROVEMENTS ON BROCKHUIZEN LANE, FOR ITS ENTIRE LENGTH FROM GOFFLE ROAD TO THE TERMINUS THEREOF, AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING FOUR HUNDRED THOUSAND (\$400,000) DOLLARS THEREFO, AUTHORIZING THE ISSUANCE OF BONDS OR NOTES FOR FINANCING PART OF THE COST THEREOF AND DIRECTING SPECIAL ASSESSMENT OF A PORTION OF THE COST THEREOF

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. 2025-10 is 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.

Council President Bertollo entertained a motion to adopt Ordinance No. 2025-10, moved by Councilman Bennett, seconded by Councilman Sinning. On roll call, all voted yes.

Ordinance 2026 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

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. 2026-10 is 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.

Council President Bertollo entertained a motion to adopt Ordinance No. 2026-10, moved by Councilman Matthews, seconded by Councilman Sinning. Council President Bertollo asked if there was any discussion. Councilman Lane thanked Council, Administration and the Board of Education for this ordinance, which pertains to parking in front of the high school on Parmelee Avenue. It is anticipated that this ordinance will eliminate the illegal parking on the east side of Parmelee Avenue during the school year. Council President Bertollo asked Administrator Mauer that upon passing of this ordinance a work order be given to the DPW for signs to be installed prior to the start of the school year. Administrator Mauer said he will do this, however the ordinance does not go into effect until twenty days have passed. On roll call, all voted yes.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

There was no new business to discuss.

ADMINISTRATIVE AGENDA

Mayor Goldberg thanked the Water Department for their quick response in repairing a damaged fire hydrant on Goffle Road. At the time of the hydrant damage, Ralph Ruggerio, a Hawthorne resident who works for Ridgewood Water Company, was on his way home, stopped his vehicle and worked with our Water Department until the hydrant was turned on. His participation saved time, water and public inconvenience. Mayor Goldberg wanted to publicly thank Mr. Ruggerio and sent a letter to the Mayor of Ridgewood commending his actions.

Public Schools open on Wednesday, September 8th. St. Anthony's School opened today and advised everyone driving throughout town to be careful of the children on the streets.

Mayor Goldberg thanked Jennifer Scully and her pool staff for another successful summer season at the pool.

There is one month before the second annual Hawthorne Day, which promises to be bigger and better. Sponsorship opportunities are still available and further information and forms are available on the Hawthorne website. J. Fletcher Creamer is providing lights. Jitney service and satellite parking will be provided.

Mayor Goldberg attended the Junior Firefighters graduation on Sunday, August 29th. They placed third in the spills condition, behind Firehouses 1 and 3.

There is no report from Director of Revenue and Finance Hewitt who is still convalescing. He reminded everyone who did not pay their third quarter taxes, interest has begun to accrue, as the grace period expired on August 30th. Mayor Goldberg has had conversations with several residents regarding their tax bill and explained how little the borough receives compared to the other taxing authorities.

Mayor Goldberg called upon Borough Attorney Pasquale for his report.

Attorney Pasquale stated the final easement agreement for the Washington project has been received anticipates Council approving the project this evening as presented. We have worked in the past with all of the contractors that bid on the job and their pricing was very competitive.

There has been a lack of progress with regard to the Pan Chemical situation. He has had a number of discussions with the principals of the property, who say the largest delay is obtaining financing for the clean up cost. An application was made for public financing through the Brownfields Commission of the State of New Jersey. The application was shelved because there was no progress and the owners are trying to revive the application. Senator Girgenti has been in communication with New Jersey Transit who sent a proposal to the property owner last week. Some progress is being made, however, it is slow. Councilman Mele asked if it was only certain people that can clean this property. Attorney Pasquale stated it is available to people who have the capacity to do it, he does not believe that any special licensing is required. The cost of the cleanup is approximately \$350,000.00. In addition to cleaning up the property, removal of buildings needs to be undertaken and there is evidence of asbestos material in the buildings, which will slow down the removal process. This remains a priority for the borough as well as Senator Girgenti, but logistically, it has been difficult.

New tax appeals are being received. A hard line is being taken on those not with merit and settlement is being made on those that do have merit.

Publication of the Code Book is close. Clerk Witkowski and Attorney Pasquale have answered the last of General Code's questions. It is anticipated that a draft will be received within the next few weeks and the code should be available on-line before the end of the year.

The deed has been received and accepted from the Colyers as a donation to the borough.

We continue to work with the developer on the Norma Terrace Project. Engineer Boswell's office and Building Official Pallotta have been overseeing the construction and are making sure that everything we want done is being done in a timely manner. Mike Kelly has developed an aggressive timetable which states of all the work that needs to be completed, including paving, by the end of October and we are trying to hold the developer to this timetable. The bond is in place and the bonding company is pleased to know that we are working with the developer and in the worse case scenario, we will call on the bond.

This concludes Attorney Pasquale's report.

Mayor Goldberg stated he attended a groundbreaking ceremony at Fisk Alloy, who is conducting a major expansion which will bring more jobs to Hawthorne. He believes Fisk Alloy is consolidating one of their other businesses which will hopefully benefit the local workforce and the local economy. He congratulated Mr. Fisk and Mr. Thomas for the undertaking of this venture.

Mayor Goldberg called upon Borough Engineer Boswell for his report.

Engineer Boswell reported on the following:

Cornell/Florence Drainage Improvement – The drainage pipe has been installed and the sidewalk was poured. The contractor installing the pipe is also doing the Goffle Hill Force Main project. Boswell Engineering has the ability to initiate a change order in either job. He asked if the bonding rate is greater or lesser than the Environmental Infrastructure Trust Fund, a change order will be placed in to one of these two jobs.

Veteran's Field – Kevin Downes will supply a report including information on soil testing, grades and other items for the field and proposed improvements to address the various conditions observed by the end of the week.

Underground Storage Tank – The well needs to be capped and a report prepared. The cost of the report was included in the fee provided when Boswell Engineering was authorized to do the project. A purchase order will be requested for the \$500.00 to \$600.00 to cap the well.

Oil/Water Separator – We are still investigating buildings which could be utilized for the truck was facility.

Van Winkle Avenue Section 2 – This project has started and approximately one-half of the curbs and sidewalks on the north side have been completed.

2010 Road Program – All milling has been completed. Franklin has been paved, Division, Cornell, Ninth and Victor will be paved tomorrow. Lynack Road requires a more of the steepness of the hill. Engineer Boswell complimented Hawthorne resident Barry Huston who is a scheduler at Tilcon. He stated that Franklin was done prior to Cornell because Franklin was unraveling, Franklin has a different sub-base and we did not want rocks to fly. Paving was to take place on Thursday and Friday, but due to the upcoming storm, Mr. Huston moved us on the schedule and we were able to do the job today and tomorrow.

Brockhuizen Lane – 4 Clean Up is expected to begin work during the week of September 13th.

Mr. King's sidewalk will be fixed next week.

Goffle Hill Force Main – The project is completed except for the punch list items. There are four trees that need to be planted. A discussion with Shade Tree and the owner is on-going with regard to the types of trees that will be planted.

Christian Health Care Center – Is scheduled to appear before the Wyckoff Board of Adjustment on September 16th and on that date the only topic of discussion will be scheduling only. They have agreed that the plans being submitted will include Hawthorne's setbacks, however, we have not received these plans.

Goffle Brook Bank Stabilization – The NJDEP has scheduled a meeting for September 9th to review and discuss the proposed historical landscaping plan by Menke & Menke and to provide a clear scope of changes required to allow them to approve this project.

Drainage Improvement Project – Bids were received on August 27th and this is being awarded this evening. The low bid was Stacey Contracting, Inc., who performed the Goffle Hill Force Main project. The Base Bid and Alternate A was well within the numbers. The Base Bid is for Washington and Royal Avenue, Highview and Charwalt. Alternate A is for the Mohawk area and Alternate B was for Ravine Drive. When we discuss this with Ridgewood Water, we will know what it will cost.

A meeting was held in borough hall to discuss the DOT's plan to replace the super structure of the Route 208 bridge over Lafayette Avenue. The super structure consists of the deck, stringers and power pit. A pre-cast stringer and deck will be used. Most of the time during the construction, two lanes will be open in the north and south bound direction on Route 208. The DOT believes only three weekends will be needed, Friday evening through Monday morning. There will always be a minimum of one lane open during construction and two lanes will be open in the other direction when one lane is closed. It is anticipated that the work will begin during the summer of 2011 and continue through the fall. The police attended the meeting, the detours were reviewed, and utilize Goffle, Goffle Hill and Grandview. Lafayette Avenue Extension will be closed when they are lifting stringers

That concludes Engineer Boswell's report.

Mayor Goldberg reminded everyone that the Great Falls Festival is being held on Labor Day weekend in Paterson and the Mayor's Canoe Race is conducted. We won the race last year and we have been asked to defend our trophy, which has been proudly displayed in the Clerk's office. Mayor Goldberg wished luck to the Shade Tree team as well as the second team which consists of the Borough Clerk and DPW Secretary in defending our trophy. The race will be conducted in Pennington Park on Saturday morning.

Mayor Goldberg called on Borough Administrator Maurer for his report.

Administrator Mauer stated the State's checklist of Best Practices was distributed to everyone by the Clerk and needs to be reviewed. The State expects to give 95% to 100% of the allocated money this year depending on the best practices we have implemented. This list was given to us at the end of August and needs to be returned by October 1st. In order to

receive 100% you must score 76 of the 88. The lesser scores will result in receiving less money. Most of the items relate to transparency government, information provided on the budget and other items. Analysis of the financial situation and budget is expected. Currently we have answers that would award us 99% of money which would leave us \$14,000.00 short. Some of the items require council action Administrator Mauer believes that attaining the 76 items is very possible in order to receive 100% funding. There may be instances where a conditional yes will be required. Information that the State requires on municipality websites is on the borough's website which is www.hawthornenj.org. Most of the State's requirements are already implemented and available. Even if we attain 100%, plans need to be made to do better because Administrator Mauer believes the State will increase the checklist items in the future and they may raise the bar score higher than 76 conditional items may need to be changed. We will need to make a commitment in improving some of the things that we currently do and discuss the improvements with the appropriate committees.

Bid documents are being prepared relating to the Ordinance that was introduced for parking at the Ambulance Corp. building.

Administrator Mauer corrected an earlier statement he made regarding enforcement in front of the high school. He realized that currently this is a no parking area and this is a matter overlooking the restriction during the twenty day period and not a matter of having to enforce it.

That concludes Administrator Maurer's report.

Mayor Goldberg asked Council if there were any questions for Administration.

Councilman Lane stated the last time the State conducted work on Route 208, numerous complaints pertaining to the noise were received from residents. He asked Engineer Boswell if noise was addressed in the pre-construction meeting. Engineer Boswell said the only work being performed at night will be during the three weekends when one of the lanes is closed. The goal of Boswell Engineering is the expectation of being awarded the inspection from the DOT and if we are awarded the job, there will be a great local control. It was discussed that noise has been a previous issue and this is a residential area. Councilman Lane asked if the State will notify the residents of the work schedule. Engineer Boswell said it depends on the inspector that is hire.

Councilman Lane spoke with Doug Strife of the Christian Health Care Center who guaranteed that the plans submitted to the Wyckoff Board of Adjustment will be exactly the same as the plans we receive.

Councilman Matthews said he received a copy of the foreclosure list and asked Administrator Mauer how this impacts the tax rate. Administrator Mauer said it is significantly higher. The upcoming tax sale is for delinquent taxes from last year. Attorney Pasquale said foreclosures typically do not affect the tax rate because the lender

usually pays the taxes because we charge 18% interest. Administrator Mauer said that in terms of the tax collection, an analysis will be performed comparing third quarter taxes received last year to those received this year. We will be looking to see if there is an early warning if any problems will be incurred as the recession continues. People who were able to make ends meet and were able to pay taxes last year might not be able to do the same this year. Councilman Matthews asked what the highlighted properties on the foreclosure list represented. Attorney Pasquale said he will look into this.

Councilman Sinning asked if the property owner on North 8th appeared in court. Mayor Goldberg said the Hawthorne Press reported the contractor is to make payments to the homeowner and we are still monitoring the situation.

Council President Bertollo asked Attorney Pasquale the status of the homeowner on Norma Terrace. Attorney Pasquale said that he and Mike Kelly spoke with the homeowner explaining the situation of both the driveway and the seepage pit. Mr. Kelly agrees that the seepage pit on the homeowner's property is a priority item, should be installed sooner than later and he is working with Mr. Pappas to get this done. With regard to the driveway issue, a final resolution has not been reached, Mike Kelly is away this week and it is anticipated that this will be resolved next week. Council President Bertollo asked if the homeowner was spoken to. Attorney Pasquale said he has not received any calls from the homeowner. Council President Bertollo said the homeowner should be kept apprised the situation.

Council President Bertollo said the consensus of Council agrees with Engineer Boswell's comments pertaining to Arnold's Roads. There are very poor conditions on Franklin Avenue, Division Street and Grand Avenue. Whatever needs to be done to in order to document this, we would like to see them disqualified in the future. Engineer Boswell said that revisions to the spec regarding cleanliness and tidiness have been discussed. Council President Boswell said two weeks ago, the contractor was digging driveway aprons at 4:00 p.m., leaving two foot holes, and left the job for the weekend. Councilman Bennett said it was his belief that the president of the company was to be on site 75% of the time. Engineer Boswell said that was part of the contract, however Engineer Boswell believes that this in not being enacted upon and will look into the matter. Attorney Pasquale said that payments can be withheld if he is not complying with the conditions of the contract. Councilman Bennett said intersection at Division Street and Washington Avenue is a disaster.

Council President Bertollo said either the DPW or the water operator placed barricades, installed lights and safety drums on Washington and Division and we need to identify who did this in order to back charge for the call and the cost. He said when entering the intersection macadam was not placed around the millings, the sewer was repaired in the intersection, it was not ramped and there were no signs. Instead, there was a bump and streets were closed. Engineer Boswell agreed. Council President Bertollo asked who is responsible for future work and Engineer Boswell said he will make the contractor responsible. He asked Engineer Boswell if paving will be done on Thursday, September 2nd and Engineer Boswell said yes

Council President Bertollo asked if there were any further questions for Administration. There were none.

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

INTRODUCTION OF ORDINANCES

Ordinance 2027-10 For Introduction

AN ORDINANCE AMENDING ORDINANCE NO. 2020-10 TO FIX THE SALARIES, WAGES, AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY

BE IT RESOLVED, that Ordinance No. 2027-10 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 October 6, 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 Mele. On roll call, all voted yes.

CONSENT AGENDA – R162-10 through R169-10

R162-10 Resolution, Introduced by Councilman Bennett

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated August 27, 2010.

CURRENT FUND	WT 888889	\$	244,517.48
WATER OPERATING FUND	WT 888889	\$	38,678.99
OTHER TRUST II FUND	WT 888889	\$	52,864.68
ORDINANCE TOTAL	WT 888889	\$	150.00
TOTAL PAYROLL		\$	<u>336,211.15</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	9,738.66

WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	5,000.00
TOTAL FICA		\$	<u>14,738.66</u>

R163-10 Resolution, Introduced by Councilman Bennett

WHEREAS, the Borough of Hawthorne is the owner of a free Public Library, the Louis Bay 2nd Library and Community Center; and

WHEREAS, the Borough of Prospect Park had previously requested that Hawthorne make the Louis Bay 2nd Library available to residents of Prospect Park in accordance with an Interlocal Services Agreement; and

WHEREAS, the parties previously entered into such an agreement, however the same expired by its terms on June 30, 2010; and

WHEREAS, the parties have subsequently negotiated an extension and modification to the original agreement so as to allow Prospect Park residents use of the Louis Bay 2nd Library in accordance with a revised Interlocal Services Agreement, a copy being annexed hereto; and

WHEREAS, the provision of such service is authorized by N.J.S.A. 40:54-29.1 provided the municipality requesting service and the municipality providing service each adopts a resolution in accordance with 40:54-24.1 and 40:54-29.2, respectively;

NOW THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne does agree to enter into a contract to furnish library services to Prospect Park, in accordance with the Interlocal Agreement annexed hereto; and does authorize the Mayor and Clerk to execute and deliver the same as and for the action of the Borough of Hawthorne.

R164-10 Resolution, Introduced by Councilman Bennett

WHEREAS, the Borough of Hawthorne, through its administration, has negotiated a Memorandum of Agreement with the Policeman's Benevolent Association Local 200 (PBA) as representative to its Police Department employees pertaining to the promotion of police officers to take place after the expected retirement of a police captain as of December 1, 2010; and

WHEREAS, the Memorandum of Understanding provides, in pertinent part that the Mayor would be making promotions within the Department upon the retirement of the police captain, and the individuals so appointed would assume the duties of office applicable to such rank, however such individuals would not receive any increase in pay by virtue of such promotion until July 1, 2011; and

WHEREAS, the Administration has recommended approval of the same as a means of keeping continuity of leadership in the department while at the same time maintaining fiscal integrity in difficult economic times; and

WHEREAS, the PBA has likewise endorsed the proposed agreement for the same reasons;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does hereby ratify and approve the Memorandum of Agreement, the terms being incorporated herein by reference, as amendatory or supplementary to the contract between the Borough and the PBA and in particular the salary structure set forth therein and does authorize execution of the agreement by the Mayor.

R165-10 Resolution, Introduced by Councilman Bennett

WHEREAS: There was an overpayment made by the owner of 33 Forest Avenue for Water Account #00210230 in the amount of \$3,509.32 due to an error in calculation of usage, and

WHEREAS: The owner has requested a credit to his account in the amount of \$3,509.32,

NOW, THEREFORE, BE IT RESOLVED: that the Collector of Tax/Utilities hereby recommends that the Municipal Council of the Borough of Hawthorne authorize the Collector to credit account #00210230 in the amount of \$3,509.32.

R166-10 Resolution, Introduced by Councilman Bennett

WHEREAS: property located at 123 Fifth Avenue, known as Block 182 Lot 1 was demolished due to a fire, and

WHEREAS: the property owner has overpaid taxes for the 3rd and 4th quarter of 2010 due the an adjustment made by the Tax Assessor in the value of the property,

NOW, THEREFORE, BE IT RESOLVED: the Tax Collector recommends that a check be issued by the Treasurer to Giuseppe & Luz Chirichella in the amount of \$2,832.27 to refund the owners for this overpayment.

R167-10 Resolution, Introduced by Councilman Bennett

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with Arnold's Roads, Inc. for the 2010 Road Improvement Program in the Borough of Hawthorne authorized by Ordinance 2008-10; and

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

Change Order No. 1 Drainage Retention – Seepage Pit Inlet Type B \$3,500.00

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 \$3,500.00, shall be and hereby is approved, and the Mayor and the Borough Clerk are hereby authorized and directed to execute the same for and on behalf of the Borough of Hawthorne.

R168-10 Resolution, Introduced by Councilman Bennett

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes two or more contracting units to a establish a Cooperative Pricing System and to enter into a Cooperative Pricing Agreement for its administration: and

WHEREAS, the County of Passaic, State of New Jersey, has established a Cooperative Pricing System for the purchase of energy and will serve as the Lead Agency; and

WHEREAS, the Borough of Hawthorne wishes to participate in the Passaic County Cooperative Pricing System for energy;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk of the Borough of Hawthorne are authorized to enter into a Cooperative Pricing Agreement with the County of Passaic, who will serve as the Lead Agency.

R169-10 Resolution, Introduced by Councilman Bennett

WHEREAS, on August 27, 2010, the Borough of Hawthorne received bids for the Drainage and Stormwater Improvements in the Borough of Hawthorne authorized by Ordinance #1956-08; and

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

Stacey Contracting, Inc.
642 Broad Street
Clifton, New Jersey 07013

in the base bid amount and Alternate A of \$697,163.00.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the above-cited lowest responsive 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 Stacey Contracting, Inc. approved by the Borough Attorney when these conditions have been met.

Council President Bertollo entertained a motion to approve Resolutions R162-10 through R169-10 moved by Councilman Bennett, seconded by Councilman Lane. Council President Bertollo asked if there were any questions. Councilman Matthews asked why the location was not inserted on the original specs regarding R167-10, which is Florence and Cornell. Engineer Boswell said this was added later. Councilman Matthews said the only addition was Florence down to Utter. Engineer Boswell reiterated that it was an addition and was not on the original bid. Again, Councilman Matthews asked why this was not in the original bid since there have been problems and Engineer Boswell said he would look into the matter. Mayor Goldberg said the drainage problem occurred after the paving was done. Councilman Matthews said it changing the grade of the elevation of the curbs was planned so there would be a downward slope for flow. Council President Bertollo asked if there were any further questions. There were none. Council President Bertollo commented on R169-10. He is happy that plans have been made and are in a contract for the Washington/Royal Avenue, Charwalt/Highview/Mohawk stormwater issue. Many people felt that this Council would not address the issue of stormwater management and he is happy that this project is being undertaken. Mayor Goldberg said that part of this project will be paid for by a grant. On roll call all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Sinning – Ordinance Committee will be meeting next week.

Councilman Matthews – The Chamber of Commerce will be sponsoring a Fishing Derby on September 18th from 8:30 a.m. to 11:00 a.m. at the Duck Pond. Everyone is welcome and prizes will be available. The Chamber is also sponsoring a Tag Day on September 11th from 11:00 a.m. to 2:00 p.m. at the Lafayette Avenue/Diamond Bridge intersection as well as the Lafayette Avenue/Warburton intersection. The money raised from the tag sale will be used to purchase toiletries and gift packages for the troops overseas.

The Insurance Committee will be meeting on Monday, September 13th at 4:45 p.m.

The Finance Committee will be meeting on September 20th at 4:45 p.m. Borough business and the school board's upcoming referendum as to what it entails will be discussed.

Councilman Mele – Had no report. He thanked Engineer Boswell for the work performed on Cornell Avenue last week.

Councilman Lane – The Board of Health meeting is scheduled for September 16th at 7:00 p.m.

Regarding the Cable TV Committee, the telephones are working due to the recent installation of new telephone lines. He thanked Clerk Witkowski for her efforts and follow up on this matter. There are some audio difficulties being experienced at times when rebroadcasting the Council meetings. He advised anyone encountering any

problems to contact him or Clerk Witkowski. A meeting with Cablevision is in the process of being scheduled.

He thanked the junior explorer firefighters who graduated on August 29th, Chief Speranza, and Instructor, Tom Baker.

The annual Ambulance Corp. Beefsteak is being held at the Hawthorne Boys & Girls Club on September 24th at 7:00 p.m. Tickets are available by contacting the Ambulance Corp. at 973-427-1818 or by contacting Councilman Lane, the price is \$40.00 per ticket.

The Economic Development Committee has been meeting regularly and met with NJ Department of Transportation (NJDOT) and NJ Transit (NJT) in order to make Hawthorne a Transit Village. A meeting with NJT was held on Monday, August 30th and the Assistant Director of Friendly Train Use and the Regional Manager of Government and Community Relations were in attendance to review all of the items required to become a Transit Village. The meeting was successful and Hawthorne has a lot of merit in order to become a Transit Village. Passenger demands on the main line and bus line were reviewed. New Jersey Transit is calculating the numbers as well as completing the arc, which is the tunnel, and the light rails. The Economic Development Committee is supplying many items of interest and records of Hawthorne, which makes the application process smoother. The area that encompasses the Transit Village was reviewed and the radius from the train station is one-quarter mile. Road improvements are being considered in order to make it more pedestrian friendly and accessible. Future development at Pan Chemical were discussed. New Jersey Transit told us the Brownfields is under a new jurisdiction. The new office was opened on August 30th is headed by the Lieutenant Governor and is called The Office of Planning & Advocacy. The Committee is also working with the North Jersey Transportation and Planning Authority, who receives funds from the Federal Government. Another meeting was held today with the New Jersey Transit and County Planner, Mike LaPlace to discuss planning for Hawthorne and the Transit Village application. Being a Transit Village has a high priority with the state, entitles more grant monies. Currently there are twenty two towns in the state that are Transit Villages none of which are in Passaic County. All information received from the groups involved has been positive. Councilman Lane thanked Bob Kurdock who has attended these meetings on behalf of Senator Girgenti for his time and efforts at these meetings.

Mayor Goldberg stated that the County will work with us on the application so a planner will not have to be hired for a considerable savings.

Councilman Bennett – The Public Works Committee met this evening to discuss the final details on the Drainage and Stormwater Improvement Project in order to allow us to award the contract to Stacey Contracting. One of the details was how to proceed on Mohawk Avenue since the undersized piping is a big contributor to the flooding that occurs on North 8th and Goffle. This is included in the contract, the piping will be redone and hopefully this will solve the flooding problem.

Loop detectors installed at some intersections was discussed. The County is repaving Lafayette, Diamond Bridge and Warburton with loop detectors installed in the pavement at these intersections. The detectors detect the presence of automobiles and are installed in the timing of the traffic signals. There was a choice of options of how to proceed with regard to paving. The County stated the loop detectors could stay in place and no paving would be done at those portions of the intersections. The loop detectors could be removed and replaced in order to pave, which cost approximately \$4,800.00 per detector. Four or five would have to be replaced. A camera system could be installed, which is a more expensive proposition costing approximately \$10,000.00 to \$12,000.00 per camera. Lastly forego the loop detectors and put the traffic signals on timers. Giving the budgetary constraints, the committee is recommending to put the lights on timers. If this causes a traffic backup at the intersections, loop detectors can be re-installed in the pavement.

Council President Bertollo said a letter is being sent to the county to discuss our displeasures and concerns that we invested in the loop detectors at those intersections and their policy or protocol is to not pave the roads or remove the detectors and re-installing them would be at our expense. We plan on escalating and resolving this issue since we pay a lot in county taxes and we should receive better service.

CORRESPONDENCE

There was no correspondence to discuss.

MISCELLANEOUS

SOL-1 Hawthorne High School Project Graduation has requested permission to solicit, Saturday, October 9, 2010 between the hours of 9:00 A.M. and 12:00 Noon.

SOL-2 Hawthorne High School Project Graduation has requested permission to solicit, Saturday, May 7, 2011 between the hours of 9:00 A.M. and 12:00 Noon.

SOL-3 Hawthorne Lacrosse Association has requested permission to solicit, Saturday, September 25, 2010 between the hours of 9:00 A.M. and 12:00 Noon

RL-1 RL#974 Ramapo Bergen Animal Refuge has requested permission to conduct an on-premise raffle on October 27, 2010

Council President Bertollo entertained a motion to approve Miscellaneous SOL-1 through SOL-3 and RL-1. Motion was moved by Councilman Matthews, seconded by Councilman Sinning. On roll call, all voted yes.

BILLS

Council President Bertollo entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion moved by Councilman Mele, seconded by

Councilman Sinning. Council President Bertollo asked if there was any discussion. Councilman Lane requested check number 10506 be held in order to review backup documentation. Administrator Mauer said he spoke with Public Works Director Clementi who did not remember the details. There was another quote at that time which is required by state law. Councilman Lane stated that no backup information was provided in the meeting packet. Council President Bertollo asked Councilman Lane if he would be willing to release the check upon completion of his review of the backup documentation and he said yes. Council President Bertollo asked Administrator Mauer to check the coding on check number 10504, which Council President Bertollo believes is for Leadership Camp expenditures as the code on this check is for the Police. Administrator Mauer will check the coding. Council President Bertollo asked if there were any more questions. There were none. On roll call, all voted yes. Councilman Lane abstained on check numbers 10493, 10498, 10506 and 10517.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
A T & T	10493	49.34	TELEPHONE CHARGES
A-VAN ELECTRICAL	10494	126.45	PUB WORKS ADMIN O/E
ALBERT AGNES	10495	1,800.00	VARIOUS
AQUARIUS IRRIGATION SUPPLY,INC	10496	1,550.00	SHADE TREE COMMISSION O/E
AYDIN BUDAY	10497	20.00	SWIMMING POOL O/E
B & C COMMUNICATIONS, INC	10498	423.00	FIRE DEPT O/E
BOB'S TIRES & WHEELS INC	10499	135.50	VEHICLE MAINT POLICE
BOROUGH OF FAIR LAWN	10500	299.80	ELECTRIC CHARGES
BURGIS ASSOCIATES, INC	10501	2,700.00	ACCOUNTS PAYABLE
CABLEVISION	10502	64.90	SWIMMING POOL O/E
CARPET CYCLE, LLC	10503	250.00	RECYCLING PRO O/E
CATHY DELLA PESCA	10504	2,491.17	VARIOUS
CINTAS FIRST AID AND SAFETY	10505	251.58	VARIOUS
CLIMATE PLUS, LLC	10506	13,500.00	IMPRV TO RESCUE 5
D & M TOURS, INC	10507	6,485.00	BOARD OF REC O/E
DAVID SAILER	10508	41.99	SHADE TREE COMMISSION O/E
DELL GARDEN CENTER	10509	1,127.99	VARIOUS
DON'S AUTO REPAIR SERVICE LLC	10510	38.00	VEHICLE MAINT POLICE
G T B M, INC	10511	65.00	POLICE DEPT O/E
GEMPLERS INC	10512	71.65	STREETS & ROADS O/E
GILL ASSOCIATES	10513	1,439.00	VARIOUS
GIUSEPPE & LUZ CHIRICHELLA	10514	2,832.27	TAX OVERPAY
GOFFCO INDUSTRIES, INC	10515	76.00	MUNI COURT
HAWTHORNE AUTO LAB	10516	46.48	VEHICLE MAINT POLICE
HAWTHORNE FIRE DEPT	10517	34.54	FIRE DEPT O/E
HAWTHORNE PRESS INC	10518	627.12	VARIOUS
HOME DEPOT SUPPLY	10519	62.98	STREETS & ROADS O/E

JET-VAC INC	10520	2,052.28	VEHICLE MAINT SEWER
JOHN DEERE LANDSCAPE	10521	479.20	MAINTEN OF PARKS
JP HOME ARAMA, INC	10522	1,049.22	VARIOUS
JPSC, INC	10523	240.68	VARIOUS
LUSCHER'S AUTO INC	10524	2,064.04	VARIOUS
MAIN POOL & CHEMICAL CO, INC	10525	1,281.80	SWIMMING POOL O/E
MC NERNEY & ASSO	10526	3,500.00	TAX ASSESSMENT O/E
METLIFE	10527	326.16	GROUP INSURANCE O/E
NJ TRANSIT	10528	354.00	VARIOUS
NJLCA	10529	85.00	STREETS & ROADS O/E
NO JERSEY MUNI EMPL BNFT FUND	10530	111,245.98	VARIOUS
NY SUSQUEHANA & WESTERN RAILWA	10531	560.00	SEWER SYSTEM O/E
OFFICE BUSINESS SYSTEMS, INC	10532	251.00	MUNI COURT
P & A AUTO PARTS, INC	10533	61.34	STREETS & ROADS O/E
PASS CTY-SUPT OF ELECTIONS	10534	1,881.24	MUNICIPAL CLERK O/E
PRECISION ELECTRIC MOTOR WORKS	10535	920.00	SWIMMING POOL O/E
PREFERRED BUSINESS SYSTEMS	10536	345.00	PUB WORKS ADMIN O/E
PROCOPY INC	10537	87.25	VARIOUS
PUBLIC SERV ELEC & GAS	10538	29,373.04	VARIOUS
RICOH BUSINESS SYSTEMS, INC	10539	218.65	HINI SUPPLEMENTAL GRANT
RIDGEWOOD PRESS	10540	1,768.90	VARIOUS
RT OFFICE PRODUCTS	10541	736.96	VARIOUS
RUTGERS UNIVERSITY	10542	1,290.00	VARIOUS
S & S WORLDWIDE INC	10543	438.25	BOARD OF REC O/E
SEELEY EQUIP & SUPPLY CO, INC	10544	81.67	STREETS & ROADS O/E
SIRCHIE FINGERPRINT LABS	10545	80.72	POLICE DEPT O/E
ST ANTHONY'S SCHOOL	10546	1,500.00	MUNICIPAL ALLIANCE
UNITED COMPUTER	10547	850.00	IT SERVICES
UNIVERSAL SUPPLY GROUP INC	10548	140.98	PUB WORKS ADMIN O/E
VERIZON	10549	<u>2,509.35</u>	VARIOUS
TOTAL CURRENT		\$ 202,382.47	
 GENERAL CAPITAL			
ARNOLD'S ROADS, INC	3067	66,601.00	2010 ROAD PROGRAM
HAWTHORNE PRESS INC	3068	<u>140.01</u>	VARIOUS
TOTAL GENERAL CAPITAL		\$ 66,741.01	
 WATER OPERATING			
A-VAN ELECTRICAL	8283	160.73	VARIOUS
AGRA ENVIRONMENTAL SVC	8284	3,000.00	VARIOUS
CINTAS FIRST AID AND SAFETY	8285	30.82	WATER UTILITY O/E
CR INDUSTRIAL SERVICES INC	8286	1,748.50	VARIOUS

GP JAGER & ASSOC INC	8287	2,280.00	WATER UTILITY O/E
HENRY'S PLUMBING & HEATING INC	8288	211.19	WATER UTILITY O/E
HOME DEPOT SUPPLY	8289	88.67	WATER UTILITY O/E
JP HOME ARAMA, INC	8290	223.05	VARIOUS
JPSC, INC	8291	110.82	WATER UTILITY O/E
LEE CO	8292	5,436.00	WATER UTILITY O/E
NO JERSEY MUNI EMPL BNFT FUND	8293	50,000.00	GROUP INSURANCE EMPLOYEES
PUBLIC SERV ELEC & GAS	8294	94,726.54	WATER UTILITY O/E
RIDGEWOOD WATER	8295	897.00	LAB TESTING WATER
USA BLUE BOOK INC	8296	644.64	WATER UTILITY O/E
VERIZON	8297	<u>687.16</u>	WATER UTILITY O/E
TOTAL WATER OPERATING		\$ 160,245.12	
 OTHER TRUST II			
CAMBRIA COMPANIES	4087	1,634.37	RECYCLING TRUST
JP HOME ARAMA, INC	4088	479.89	VARIOUS
LAVELLE REPAIR SERVICE, INC	4089	975.00	RECYCLING TRUST
LUSCHER'S AUTO INC	4090	447.02	RECYCLING TRUST
ROUTE 23 AUTO MALL	4091	101.55	RECYCLING TRUST
SUPERIOR DISTRIBUTORS	4092	<u>253.92</u>	RECYCLING TRUST
TOTAL OTHER TRUST II		\$ 3,891.75	
 TOTAL BILL LIST		 <u>\$ 433,260.35</u>	

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.

Stacy Speranza, 27 Robertson Avenue- Ms. Speranza thanked Council for the parking time limits for parents at the high school. She asked if something can be done at the end of the day since it is difficult to navigate from Warburton to Parmelee to Vreeland since many people park on this side of the street to pick up the students. This occurs on Bamford and is also an issue at the Middle School. Councilman Lane stated more signs have been installed on the east side of Parmelee since there were no signs in this area. When this issue was brought to Administration, he was told that there would be more police presence. Ms. Speranza said this issue exists behind the Middle School. Mayor Goldberg stated that creating Bamford and Parmelee one-way streets and the effect on the residents of these streets is being looked into. Ms. Speranza said the set up at Roosevelt School works very well. Ms. Speranza thanked Council and Administration.

Ian Keller, 202 Main Street- Mr. Keller understands Diamond Bridge is a county road, however between Brookside and Buena Vista there are five intersections and only one cross walk, which has a curb cut on one side only. He asked if the county could be pushed to install more curb cuts due to the recent repaving and repainting. Mayor Goldberg said that we repave the crosswalks, the county does not do this. The addition of a crosswalk at Bamford has been discussed. Mr. Keller asked about enforcement of the law at the crosswalks. He has experienced stepping off the curb, and cars continue to travel at 40 miles per hour without stopping for a pedestrian. Mayor Goldberg said part of the problem is education, police stings have been conducted at crosswalks and tickets have been issued to those who do not yield. The state law is specific, if a person is in a crosswalk the vehicle must stop. Drivers need to be educated about this law. Mr. Keller said this law is being enforced in Ridgewood, the town has established a pattern that anyone driving through a crosswalk while a pedestrian is in the crosswalk, a ticket will be issued. Mayor Goldberg said the avenues in Ridgewood are wide with notices painted in the crosswalks about yielding to pedestrians. Hawthorne's streets are narrow and signs installed by St. Anthony's were damaged because there was not enough room. The stings that have been conducted were widely publicized in the Record and Herald News. Ridgewood has just started conducting sting operations. Mr. Keller asked how many stings are conducted and Mayor Goldberg said twice a year since grant money is received to conduct the stings and are done as publicly as possible. Councilman Matthews suggested the word "slow" be painted upon completion of paving on Diamond Bridge. Council President Bertollo said this has been discussed at recent Public Works meetings and Director Clementi has been asked how large a crosswalk could be done. Since Diamond Bridge is being repaved, now is the time to do this. Mr. Keller said this is the time to raise awareness.

Bob Kurdock, 15 Rhodes Court agreed with Mr. Keller regarding the crosswalk issue and agreed with Mayor Goldberg about educating everyone about the law. He appreciates the efforts of Councilman Lane and Carl Schmidt on the Transit Village project. He thanked Mayor Goldberg and Senator Girgenti for the opportunity to participate in this project. He asked if there was any scope with regard to the \$350,000.00 cleanup at the Pan Chemical site which he believes is a low amount. Attorney Pasquale said a plan is on file with the DEP and Hawthorne Environmental Commission has a copy of it. A disk from the DEP also shows this amount. The site is not as bad as originally thought, there is not much groundwater impact, the soil was addressed when tanks were removed many years ago, and natural attenuation was found on the property. It is not a tremendous cleanup, however there are isolated areas that have a major concern. Removal of the buildings and asbestos is a different cost and this has not been determined. Mr. Kurdock asked if any decision has been made as to which buildings will stay and which ones will be removed and Attorney Pasquale said all buildings will be removed. If the transit hub is created in the parking lot, no building will remain. Mr. Kurdock said that he heard one building will remain. Council President Bertollo said this may result from a priority of funding. We want the main building to be removed since this is an eye sore, the smaller buildings on the right side of the property are in better shape.

Mr. Kurdock stated during a recent walk, the sidewalk on Lafayette Avenue to the train station on the south side has a lot of overgrowth and brush which makes someone to have to walk in the road. Council President Bertollo said this was the railroad's property. He thanked Council and Administration.

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

ADJOURNMENT

Council President Bertollo entertained a motion to adjourn the meeting at 9:15 p.m., moved by Councilman Matthews, seconded by Councilman Sinning. On roll call, all voted yes.

Council President Bertollo indicated that the next regular council meeting will be on September 15, 2010. The work session will begin at 7:00 p.m. and the regular meeting will begin at 8:00 p.m.

John Bertollo
Council President

Susan Witkowski
Borough Clerk