

September 15, 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 Councilpersons Bennett, Mele, Sinning, Wojtecki and Council Vice President Matthews. Also present were Mayor Goldberg, Borough Administrator Maurer, Borough Attorney Pasquale, Chris Nash of Boswell Engineering, Deputy Treasurer Bartalotta, and Borough Clerk Witkowski. Council President Bertollo, Councilman Lane, 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 Regular Meeting of September 1, 2010, Closed Session Meeting of September 1, 2010, and Bid Minutes of September 9, 2010, RFP for Certified Tree Expert, moved by Councilman Mele, seconded by Councilman Sinning. Council Vice President Matthews asked Administrator Mauer if it was true that eight tree expert bids were sent and only one was received. Administrator Mauer said yes, and the reason is probably everyone has enough work. Also, some of the individuals that the bid was sent to are focused on a different types of work. Mayor Goldberg said the scope of work does not include tree removal, most money is made from removal and we specifically wanted someone to assess the trees. Councilman Wojtecki asked if it was necessary to go out bid or could we legally offer this work to a member of our Shade Tree Commission. Attorney Pasquale said that if a service is paid for, depending on the nature of the service and anticipated expense, you most likely have to bid it. Councilman Wojtecki asked if a threshold is placed on it. Attorney Pasquale said yes, we determined this should be a bid because of the potential of exceeding any limits in terms of the ultimate payment. On roll call, all said yes. Councilman Wojtecki abstained on the regular meeting and closed session minutes of September 1st.

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

There were no ordinances adopted.

OLD BUSINESS

Councilman Wojtecki said cars continue to be parked on Lafayette Avenue and was assured by Administrator Mauer during the break between meetings this issue will be addressed. He addressed the DPW management during the work session and property maintenance issues continue at 111 Wagaraw Road. He asked Engineer Nash to report on the condition of Goffle Road. He asked if a report was completed regarding the surveys collected at the pool at the end of the season. Administrator Mauer said there will be a report in the future, the information has not been compiled yet. Councilman Wojtecki asked if this report will be shared with Council and Mayor Goldberg said yes, it should be part of the Board of Recreation report in October. Administrator Mauer said the report can be posted on the borough website.

Council Vice President Matthews asked if there was any more old business to discuss. There was none.

NEW BUSINESS

Councilman Sinning repeated residents did not get their garbage collected in the third ward because of the work being done by Public Service. Mayor Goldberg apologized to everyone for the disruption in the area. Councilman Wojtecki said that in one day, they choose to pave a portion of North 8th Street, from 144 North 8th to 96 North 8th and the same portion of Goffle Road between 111 and North 8th. You were unable to get to the south end of town and how could both arteries towards Paterson be shut down. Councilman Sinning stated Council President Bertollo was unable to attend the last Ordinance Committee meeting because he could not get from Pompton Lakes to Hawthorne.

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

Councilman Wojtecki said the Shade Tree Commission received a letter from residents in North Haledon regarding topping trees, which is removing the top third of a tree. The Shade Tree Commission do not top trees for North Haledon to allow them a better view. Councilman Wojtecki advised Mayor Goldberg that he might receive a telephone call from the mayor of a neighboring town.

There was no more new business to discuss.

ADMINISTRATIVE AGENDA

Mayor Goldberg said the Passaic County Mayors' annual canoe race was held on Labor Day weekend which is part of the Paterson Great Falls Festival. Hawthorne won last year's race and the title was defended this year. In addition to last year's champion canoeists Phil Savoie and Pieter Slump, a women's team was added which consisted of Borough Clerk Sue Witkowski and DPW Clerk Ellen Brogno. Mayor Goldberg was away on the day of the event and congratulated the winning field for the second consecutive year. Sue and Ellen won the women's division and finished fifth overall. He thanked the employees and volunteers, including a great group of rooters who came to Paterson and is very happy that the trophy remains in Hawthorne for another year and is on display in the Borough Clerk's office.

He said there was vandalism in town on Sunday through Monday which was a mixture of damaged mailboxes, broken car windows and side-view mirrors, graffiti on the schools and DPW buildings. Mayor Goldberg said he is very distressed over this and Administration has little tolerance. The Police Chief and Borough Administrator have been informed that we intend to prosecute this to the fullest extent of the law if we find the people responsible. Pictures of the graffitists were taken by security cameras and the case is actively being worked on by our youth officer and the department. If this was a fraternity initiation at the high school, this better stop and soon, this behavior is not tolerated or expected in Hawthorne. The police have been informed to arrest those involved.

A tentative agreement has been reached for the year 2011 with the PBA and will be ready for Council's approval at the October 20th council meeting. Mayor Goldberg believes this is a fair agreement and he thanked the PBA negotiating team for their effort and candor for bringing this to a swift conclusion. This negotiation was done without attorneys.

The Economic Development Committee has published a survey on what types of businesses you would like to see in Hawthorne. The survey is available on the website which is www.hawthornenj.org and at the library and is anticipated that availability will be at public functions such as the Farmer's Market, football games and Hawthorne Day. The survey should take only five minutes to complete and is a joint effort between the Chamber of Commerce and the Economic Development Committee. Currently, there are deep negotiations to bring a small supermarket to town, however he is not a liberty to

reveal the location or who it is and is hoping to be able to announce this within the next few months.

Hawthorne Day will be held on October 2nd and sponsors are still being sought. The Sheriff's Department has promised officers as they did last year, our friends in North Haledon will be sending some people and a commitment from the Department of Public Works. We have great bands, The Nerds are returning, The B Street Shuffle, a Beatles cover band, the high school marching band will perform after the football game. Satellite parking and a shuttle service provided by Paterson Trolley will be available. There will be better signage for parking, senior citizen and handicapped parking will be at the pool parking lot. Food will be served later on in the day which will be provided by many of our local businesses, there will be many retail vendors and he urged everyone to attend Hawthorne Day.

Mayor Goldberg called upon Deputy Treasurer Bartalotta for her report.

Deputy Treasurer Bartalotta reported the tax sale is scheduled for September 28th at 10:00 a.m. in the Court Room.

That concludes Deputy Treasurer Bartalotta's report.

Mayor Goldberg wished Director of Revenue and Finance Hewitt a speedy recovery.

Mayor Goldberg called upon Attorney Pasquale for his report.

Attorney Pasquale said tax appeals are piling up in the court rooms. He gave Chris Nash, of Boswell Engineer, material from the former Pan Chemical site regarding the environmental situation this evening. This property has been given a reduced assessment over the course of time to try to minimize any impact. The data to be reviewed by Boswell Engineering will be important for us in order to try to get that property redeveloped. Attorney Pasquale has spoken with the owners of the property regarding the One Washington property and the owner said he is confident that they will be able to get their ground fields loan back on track. We are committed to get that property into service as an adjunct to our commuter parking as this would serve the train station well.

A law suit has been filed from the motorcycle accident that occurred in the area of North 8th Street and Mohawk. The borough, Tilcon, other quarry and trucking companies have been named defendants. This matter has been turned over to our insurance company and Attorney Pasquale assumes this will be covered and will keep Council and Administration apprised of this issue.

Depositions will be conducted in a few weeks regarding the Enterprise matter. It is anticipated that Mr. Burgis, our expert, will be deposed. Attorney Pasquale spoke recently with Mr. Burgis who has asked that he review a master plan draft. It is anticipated the final form of the master plan will be submitted to the Planning Board in early October.

Attorney Pasquale will be following up with Reiner, who the borough is holding accountable for our loss and expenditures as a result of the broken air conditioning unit. Reiner's disagreed and a follow up correspondence will be sent with a clearer understanding.

The Ambulance Corp beefsteak dinner is being held on Friday, September 24th and tickets are still available.

This concludes Attorney Pasquale's report.

Mayor Goldberg said the annual soccer coach game will be held on October 1st at Wagaraw Field. The 5k DVRT Race will be held on Sunday, October 3, 2010 beginning at the Library on Lafayette Avenue.

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

Mr. Nash reported on the following:

Veteran's Field Lighting – A Pre-construction meeting is scheduled for Thursday, September 16th at 11:00 a.m. The contractor has submitted shop drawings which have been approved. The project is on track to be completed on or about the contract date of September 30th.

Veteran's Field – Kevin Downes believes he has a solution for the on-going soil issue but the solution has not been presented. Boswell Engineering will provide a recommendation at the next Council meeting.

Van Winkle Avenue Section 2 – Is under construction.

2010 Road Improvement Program – Is under construction. The President of Arnold's Roads was required to be an active participant at the job up to 75% of the time. He has been doing this and a better progress is being seen. Council Vice President Matthews asked how his time is being kept, and a better arrangement is needed. Mr. Nash said he will note this.

Cornell and Florence Drainage – This issue has been resolved and completed.

Goffle Hill Force Main – Is completed with the exception of the punch list items and the tree issue is being negotiated with the Hawthorne Shade Tree Commission.

UST Groundwater Monitoring – Is completed and a remedial investigation report has been written. The samples were clean and the well has been closed.

Leaf Compost Facility Permit – Boswell Engineer will meet with Kevin Downes on Wednesday, September 15th to review various operations being conducted at the site and finalize the plans. A leaf composting permit is also being worked on.

Brockhuizen Lane – Is under construction and believes a change order will be submitted at the next Council meeting. Councilman Wojtecki asked if the macadam was laid. Mr. Nash said construction just started. Councilman Wojtecki said he spoke with a resident on Brockhuizen Lane who received a flyer in the mail that stated macadam would start today. Mr. Nash said excavation was starting today in order to install the pipe. The change order is for county requirements, the drainage is being connected into the county system and the county asked for requirements that change the plans. This occurred after the bid. The change order is in the amount of \$9,700.00 and the county is going to reimburse the borough \$5,300.00. This is the first change order and there will likely be future change orders which will be negative change orders bringing the value down.

Christian Health Care Center – A Board of Adjustment meeting is scheduled for September 16th in Wyckoff to discuss the scheduling only for the agenda.

Goffle Brook Stabilization – A meeting was held in Trenton on September 9th to discuss the project and the meeting went well. The issue of our plan calling for grass all the way to the top of the bank and the DEP requesting a 25’ tree to buffer the top of the bank and our original plan was agreed upon. This was a favorable decision and the project will move along as well as freeing up two other projects that have been in limbo. These projects are the Warburton Avenue Bridge rehabilitation and the rehabilitation of the culverts at Rea Avenue. It is anticipated that these projects will begin next year assuming the permit is issued in the next two months.

Drainage Improvement Project – A pre-construction meeting is scheduled for September 21st. The contractor is anticipating the job to begin the middle of October or beginning of November.

Ridgewood Water Proposal – Boswell Engineering has made several telephone calls to Frank Moritz who has not returned any calls.

This concludes Mr. Nash’s report.

Mayor Goldberg called on Borough Administrator Maurer for his report.

Administrator Maurer reported on the following:

The recycling and garbage collection bids will be received on Wednesday, September 22nd. These bids will help determine our budgeting for the next few years. There have been questions from prospective bidders which have been answered and will hopefully allow them to put in competitive bids.

Final touches are being place on an RFP for acceptance of recyclable material that we have collected or receive at the recycling center. This should be out shortly and it is anticipated to award a contract for next year.

No bids were received for the leased parking spaces at the Ambulance Corp. Building. We were offering parking spaces at the request of O'Brian Nissan. A return call has not been received. Mayor Goldberg said in the interim, they have made other arrangements and are looking to see if they require more parking. Council Vice President Matthews asked Administrator Mauer how much time and effort was put into this and since they backed out of it, a bill should be sent to them.

The Best Practices checklist provided by the state continues to be worked on. Administrator Maurer is hopeful that he will be able to report that we have achieved seventy six yes items which will make us eligible for 100% payment on our state aid. There are a few more additional items needed.

He is working with the Health Insurance Fund on an employee/dependent verification audit to ensure that everyone under the plan is eligible for that insurance. No problems are expected and it is advisable that this is done periodically. Letters will be sent to all employees within the next day or two in order to provide the necessary documentation.

He has been in communication with the Governor's office regarding the tool kit that was promised to be a companion piece to the 2% cap. The representative Administrator Mauer spoke with assured him the Governor does intend to push this and public information should be forthcoming within the next few weeks and was asked if the borough would be willing to do a resolution supporting those efforts. With regard to the binding interest arbitration reform, Administrator Mauer believes this should be looked at, however, there are other items in the tool kit, some of which will benefit us and some benefitting other municipalities. If Council is interested in doing the resolution, Administrator Mauer will have one prepared for the next Council meeting.

That concludes Administrator Maurer's report.

Mayor Goldberg said this completes reports of Administration and asked Council if there were any questions.

Councilman Mele asked if a bill was sent regarding the damaged fire hydrant on Goffle Road. Mayor Goldberg said yes, the bill was for time, labor and materials and expects this bill will be paid.

Councilman Wojtecki stated the guard rail on the Rea Avenue and Route 208 ramp has been damaged again and is lying on a resident's property. Administrator Mauer said he will look into this. Mayor Goldberg said this was an issue on Route 208 and Utter Avenue.

Councilman Wojtecki said he has been asked to be an honorary judge for the 2010 Apple Pie Cook-Off and asked that anyone who has a great apple pie, to bring it to Hawthorne Day. A top chef will be awarded for apple pie baking.

Council Vice President Matthews asked Administrator Mauer if he will pass along the tool kit when he receives it from the Governor's office in order to review it prior to the

introduction of the resolution. Administrator Mauer said yes, there are items on the list that we want to support and others that we do not want to support. Councilman Matthews questioned the point values whereby we may be more advanced in an area such as recycling, and the point value did not increase because of our advancement. Administrator Mauer said values are on the checklist, not the tool kit. Council Vice President Matthews believes we should be rewarded for our recycling because we are doing so well and not for the fact that other towns have not increased their recycling efforts. Administrator Mauer said answers were received today in order to clarify questions and their advice was to do exactly what we were intending to do. If a question could be answered either yes or no, check the one that applies and give an explanation. Administrator Mauer said that of the 76 yes answers he has, there are approximately 12 answers that need explanation. There are also a few no answers that will require explanation.

Council Vice President Matthews asked Council if there were any other questions. There were none.

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

INTRODUCTION OF ORDINANCES

Ordinance 2028-10 For Introduction

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 2109, ARTICLE VII, SCHEDULE XVI, TIME LIMIT PARKING, OF THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO ADD THERETO CERTAIN ADDITIONAL LOCATIONS

BE IT RESOLVED, that Ordinance No. 2028-10 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 20, 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 Vice President Matthews entertained a motion to approve introduction, moved by Councilman Sinning, seconded by Councilman Mele. Council Vice President Matthews asked if there were any questions. Councilman Wojtecki asked if this ordinance is passed, will it be enforced. Mayor Goldberg said if residents on Sunrise have questions or concerns about this ordinance, they should attend the public hearing on this ordinance on October 20, 2010. Administrator Mauer said the ordinance will be posted on the borough website. Attorney Pasquale said the ordinance provides for no

parking during school hours, Monday through Friday, 8:00 a.m. to 3:30 p.m. from Goffle Road for a distance of approximately 200’, which basically takes you past the turn in the road. Councilman Wojtecki said his original question has not been answered. Mayor Goldberg said we believe it will be enforced. On roll call, all voted yes.

CONSENT AGENDA – R170-10 through R175-10

R170-10 Resolution, Introduced by Councilman Mele

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated September 10, 2010.

CURRENT FUND	WT 888889	\$	237,527.35
WATER OPERATING FUND	WT 888889	\$	38,335.05
OTHER TRUST II FUND	WT 888889	\$	7,043.95
ORDINANCE TOTAL	WT 888889	\$	-
			\$ 282,906.35
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	8,469.97
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	5,000.00
			\$ 13,469.97

R171-10 Resolution, Introduced by Councilman Mele

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto, and such resolution of certification shall be adopted

by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body, who after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Municipal Council of the Borough of Hawthorne, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

R172-10 Resolution, Introduced by Councilman Mele

WHEREAS, the 2009 Annual Audit of the Borough of Hawthorne, conducted by Lerch, Vinci & Higgins, contained certain recommendations requiring action; and

WHEREAS, these recommendations have been reviewed by the Chief Financial Officer; and

WHEREAS, the Chief Financial Officer, in accordance with the requirements promulgated by the New Jersey Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Hawthorne, that the Corrective Action Plan for the 2009 Annual Audit, hereto attached, is hereby approved and accepted; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the Division of Local Government Services.

R173-10 Resolution, Introduced by Councilman Mele

WHEREAS, the Borough of Hawthorne has solicited proposals under a fair and open process for the performance of a Certified Tree Expert within the Borough all as

specified in a request for proposal created by the Borough of Hawthorne and disseminated to bidders; and

WHEREAS, one proposal was received for performance of the work in question; and

WHEREAS, the Administration, upon review by the Administrator and representatives of the Hawthorne Shade Tree Commission has recommended the acceptance of the proposal from the lowest bidder finding that the proposal not only comports to the request for proposals but also, based upon extensive past history with the contractor, that the said contractor is fully capable of performing the work called for in the proposal;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does award a contract for performance of tree services, as described in the request for proposal to:

First Mountain Arboriculture, LLC
37 Oak Grove Road
Caldwell, New Jersey 07006

At an hourly rate of \$75.00 per hour, with an emergency callback rate of \$100.00 per hour as per the proposal;

And does authorize the Mayor and Clerk to execute and deliver a contract for such work, subject to review and approval by the Borough Attorney.

R174-10 Resolution, Introduced by Councilman Mele

WHEREAS, the Borough of Hawthorne no longer needs the following items for public use and wishes to hold a public auction, as per N.J.S.A. 40A:11-36, on Wednesday, October 13, 2010 at 3:00 p.m., at 950 Goffle Road, for the auctioning of Borough vehicles, and other equipment and 4:00 p.m. or as soon thereafter the completion of the auction at 950 Goffle Road, at the Police Garage behind Borough Hall, 445 Lafayette Avenue, Hawthorne, New Jersey 07506, to auction office equipment & bicycles

ITEMS FOR AUCTION 2010

YEAR	MAKE/MODEL	VIN#	CONDITION
2001	FORD CROWN VIC	2FAFP71W41X191903	**
2005	FORD CROWN VIC	2FAHP71W55X102497	**
1999	FORD CROWN VIC	2FAFP71WXXX164164	**

Minuteman	Carpet Cleaner	
DR	Mower	Poor
Tiger	Flail Mower	Good **
Giant Vac	Blower	Poor
Ryan	Overseeder	Good **

Ingersoll Rand	T-30 Compressor	Poor
Danuser	3 pt. Hitch Auger	Good **
Zep	Parts Washer	Poor
Viper AF3400	Anti-Freeze Recycler	Good **
Pelican	Sweeper	Good **
Crown	4" pump	Poor
Sony	CD Changer	
	Shelving Unit	
Sentry	Safe Model A5889	Combination broken
	Small Storage Cabinet	Good
	Arm Chair (0906)	Fair
	Arm Chair (0917)	Fair
Burgundy	Arm Chair-High Back	Good
Burgundy	Desk Chair-wheels (14)	Fair
Burgundy	Desk Chair-Wheels (13)	Fair
Burgundy	Computer Chair (0950)	Good
Burgundy	Computer Chair (0951)	Good
Tan	Chair (1024)	Poor
Grey	High Back Chair	Fair
Black	High Back Chair	Fair
	Computer Desk (2)	Good
Canon	Typewriter AP5015	Good
One Touch	Scanner Model 8650	Poor
Tape Check 480	VHS Cleaner	Poor
	Cassette Player	Good
Kodak	Slide Projector	Good
HP	Laser Jet4Plus Printer	Poor
Xerox	Model 214 Copier	Fair
	Various Keyboards	Quantity = 10
HP	Computer-tower	Quantity = 1
Dell	Computer-tower	Quantity = 6
Various Bicycles		Quantity = 13

WHEREAS, the Borough Clerk reserves the right to fix a **minimum bid and bidding in minimum increments, and;

WHEREAS, bidders are requested to pre-register prior to the date of auction by contacting the Borough Clerk's Office at least **two** days prior to the date; and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that authorization is given to hold the aforementioned public auction.

R175-10 Resolution, Introduced by Councilman Mele

WHEREAS: a payment was received for Block 87.02 Lot 8 for property located at 59

Mary Street, and

WHEREAS: the payment was inadvertently returned to the sender and subsequently lost in the mail due to no fault of the original sender,

NOW, THEREFORE, BE IT RESOLVED: that the Municipal Council of the Borough of Hawthorne authorize the Tax Collector to cancel the interest showing for the 3rd quarter of 2010 in the amount of \$57.03.

Council Vice President Matthews entertained a motion to approve Resolutions R170-10 through R174-10 moved by Councilman Mele, seconded by Councilman Sinning. Council Vice President Matthews asked if there were any questions. Council Vice President Matthews asked if minimum bid thresholds been set for the vehicles regarding Resolution R174-10. Mayor Goldberg said we are establishing minimum bids for that as well as other equipment. There were no other questions. On roll call, all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Wojtecki – Made his comment with regard to topping off trees during new business and the borough does not recommend this. Councilman Mele asked if Public Service does this. Councilman Wojtecki said when Public Service does this, they give us new plantings. Public Service topped off trees in the right of way by the pool on Wagaraw Road and when they did this, they planted new trees further up the hill on Wagaraw Road. The next Shade Tree Commission meeting will be held on October 5th at 7:30 p.m. December 3rd, is the Santa Parade and Tree Lighting.

Councilman Sinning – The Ordinance Committee met last week and reviewed the comments made at the public hearing regarding the housing ordinance. Recommendations to Council will be forthcoming. There was no Library Board meeting due to the fact there was no quorum. The board members who attended the meeting were given a tour of the library by the library director who showed the leaks in the old section of the roof due to the heavy storm several weeks ago. The water leaking through the roof did not damage the computers. The library is receiving bids on replacing the flat section of the roof. There is actually an area of the roof wherein light passes through. An art show was recently held at the library.

Councilman Mele – Municipal Alliance meeting is scheduled for September 22nd and booth planning for Hawthorne Day will be discussed as well movie nights at the pool for next year. This year's movie nights were a success and the average attendance was 150 people. Councilman Mele has been meeting with contractors regarding Project Pride to discuss plans for the park.

Council Vice President Matthews – The Chamber of Commerce Annual Fishing Derby will be held on Saturday, September 17th at the Duck Pond between 8:30 a.m. and 11:00 a.m. and prizes will be available. The Finance Committee will be meeting on Monday, September 20th to discuss items that the Committee has as well as items of the upcoming

Board of Education referendum. The meeting begins at 4:45 p.m. and will be meeting with the Board of Education at 5:15 p.m. An insurance meeting was scheduled for last Monday was rescheduled to Wednesday, September 22nd due to the fact that Dave Vozza was unable to attend.

CORRESPONDENCE

There was no correspondence to discuss.

MISCELLANEOUS

SOL-1 Hawthorne Roller Hockey has requested permission to solicit, Saturday, November 6, 2010 between the hours of 8:30 A.M. and 12:30 P.M.

RL-1 RL#975 St. Anthony’s Home School Association, Inc. has requested permission to conduct a calendar raffle on October 2010 through December 2010

RL-2 RL#970 AMENDMENT to PTO Lincoln Middle School has requested permission to change the date of their on premise raffle from November 6, 2010 to November 5, 2010

RL-3 RL#971 AMENDMENT to PTO Lincoln Middle School has requested permission to change the date of their on premise cash raffle from November 6, 2010 to November 5, 2010

Council Vice President Matthews entertained a motion to approve Miscellaneous SOL-1, RL-1 through RL-3. Motion was moved by Councilman Mele, seconded by Councilman Sinning. On roll call, all voted yes. Councilman Wojtecki abstained on RL-2 and RL-3.

BILLS

Council Vice President Matthews entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion moved by Councilman Mele, seconded by Councilman Sinning. On roll call, all voted yes.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
ACORN TERMITE & PEST CONTROL	10552	100.00	PUB WORKS ADMIN O/E
ALBERT J ERDMAN	10553	2,718.00	GROUP INSURANCE O/E
ARTHUR MONTAYNE	10554	220.00	GROUP INSURANCE O/E
CABLEVISION	10555	203.19	VARIOUS
CARL MOTTOLA	10556	99.00	UNIFORM FIRE SAFETY O/E
CATHY DELLA PESCA	10557	848.68	POLICE DEPT O/E
CHRISTOPHER DREW	10558	800.00	VARIOUS
CINTAS CORP	10559	278.64	PUB WORKS ADMIN O/E

CITY WIDE MAINTENANCE	10560	1,350.00	PUB WORKS ADMIN O/E
DELL GARDEN CENTER	10561	110.30	MAINTEN OF PARKS
DELUXE INTERN'L TRUCKS, INC	10562	2,671.92	VEHICLE MAINT ROAD
DON'S AUTO REPAIR SERVICE LLC	10563	124.00	VEHICLE MAINT POLICE
DOWNES TREE SERVICE, INC.	10564	2,762.00	VARIOUS
FUTURE SANITATION INC	10565	31,892.58	GARBAGE & TRASH O/E
GARDEN STATE HGWY PROD, INC	10566	2,984.52	STREETS & ROADS O/E
GET A CAN	10567	23,000.00	VARIOUS
GILL ASSOCIATES	10568	428.50	SWIMMING POOL O/E
HAWTHORNE BOARD OF EDUCATION	10569	2,620,542.00	SCHOOL TAX
HAWTHORNE CHEVROLET	10570	168.72	VEHICLE MAINT ROAD
HAWTHORNE PRESS INC	10571	869.70	VARIOUS
HAYLEY ENCARNACION	10572	195.00	MUNI COURT
HIGHVIEW AT HAWTHORNE	10573	36,933.86	VARIOUS
HOME SUPPLY & LUMBER CO., INC.	10574	57.34	STREETS & ROADS O/E
JAMES BAKKER	10575	250.00	GROUP INSURANCE O/E
JERSEY ELEVATOR INC	10576	145.00	PUB WORKS ADMIN O/E
LUK OIL	10577	6,390.73	BULK PURCHASE GASOLINE
M & B SEPTIC SERVICE, LLC	10578	80.00	BOARD OF REC
MUNIDEX, INC	10579	3,180.00	REVENUE COLLECTION O/E
NJ SHADE TREE FEDERATION	10580	80.00	SHADE TREE COMMISSION O/E
NJLM EDUCATIONAL FOUNDATION	10581	35.00	GENERAL ADMIN O/E
R & R PUMP & CONTROL	10582	604.00	SEWER SYSTEM O/E
RIDGEWOOD PRESS	10583	65.00	PUBLIC EVENTS O/E
SHERWIN WILLIAMS CO.	10584	20.98	MAINTEN OF PARKS
SHOTMEYER BROS FUEL CO	10585	3,687.43	BULK PURCHASE GASOLINE
TEE-FX SCREEN PRINTING, LLC	10586	2,059.50	VARIOUS
TONI BELFORD DAMIANO, JMC	10587	150.00	MUNI COURT
TYCO ANIMAL CONTROL SERVICES	10588	204.00	ANIMAL CONTROL O/E
US MUNICIPAL SUPPLY, INC.	10589	1,188.50	VARIOUS
VERIZON	10590	186.55	VARIOUS
VERIZON WIRELESS (N)	10591	877.90	TELEPHONE CHARGES
VITAL COMMUNICATIONS, INC.	10592	500.00	TAX ASSESSMENT O/E
WALTER MARSTON	10593	265.00	GROUP INSURANCE O/E
WASTE MANAGEMENT OF NJ	10594	<u>36,776.57</u>	TRANSFER STATION
TOTAL CURRENT		\$ 2,786,104.11	
GENERAL CAPITAL			
ACCUTEST LABORATORIES	3069	1,047.50	FUEL STORAGE TANKS
ARNOLD'S ROADS, INC	3070	230,025.67	VARIOUS
BOSWELL ENGINEERING, INC	3071	16,995.00	VARIOUS
BUCKLER ASSOCIATES	3072	46,969.44	IMPROVE VAN WINKLE

STACEY CONSTRUCTION, INC	3073	<u>40,336.46</u>	IMPROV GOFFLE & SICOMAC PUMP
TOTAL GENERAL CAPITAL		\$ 335,374.07	
 WATER OPERATING			
CABLEVISION	8298	102.14	WATER UTILITY O/E
CR INDUSTRIAL SERVICES INC	8299	525.40	WATER UTILITY O/E
LUK OIL	8300	656.55	WATER UTILITY O/E
SHOTMEYER BROS FUEL CO	8301	263.66	WATER UTILITY O/E
VERIZON WIRELESS (N)	8302	<u>195.94</u>	WATER UTILITY O/E
TOTAL WATER OPERATING		\$ 1,743.69	
 OTHER TRUST II			
THOMAS ZACONIE	4093	59.00	UCC PENALTIES
VERIZON WIRELESS (N)	4094	64.65	UCC PENALTIES
VITAL COMMUNICATIONS, INC.	4095	<u>75.00</u>	UCC PENALTIES
TOTAL OTHER TRUST II		\$ 198.65	
 DOG DEDICATED			
NJ DEPARTMENT OF HEALTH	6021	24.00	STATE OF NEW JERSEY
TYCO ANIMAL CONTROL SERVICES	6022	<u>2,016.00</u>	ANIMAL WARDEN FEES
TOTAL DOG DEDICATED		\$ 2,040.00	
 TOTAL BILL LIST		 <u>\$ 3,125,460.52</u>	

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.

Diane Ryan, 95 5th Avenue has had a problem for a numbers of years with trucks traveling on her street and ripping utility wires from her house. Council Vice President Matthews asked if her telephone wires were moved up one section. Ms. Ryan said that the utility companies have moved the wires as high as they can go. The problem is trucks travel too fast on her street and she requested 25 MPH signs be posted as well as a sign prohibiting trucks over a certain height. She recently reported a truck driver to the police and when the police went to summons the driver, the driver stated it was not him. She asked if there is a way tickets can be issued for those trucks traveling on this street and damaging the wires.

Debbie Ryan, 99 5th Avenue addressed the same issue. Her neighbor that resides at 101 5th Avenue had a downed wire that was not repaired and injured her son's friend.

Mayor Goldberg said an individual can be the complaining witness who notes a truck that does damage. The complaining witness allows you to sign the ticket.

Ms. Debbie Ryan complained of the business across the street from her home and recalled any new businesses in town would be told the laws of the town. This business is blocking fire hydrants and parking in the wrong direction. The police traveling the street just pass by.

Council Vice President Matthews asked when the last time the wires were damaged and were the wires reinstalled. Ms. Debbie Ryan said last Thursday and they were repaired.

Ms. Diane Ryan said the wires are not the only issue, the telephone pole leans and all of the other poles are straight. Council Vice President Matthews discussed movement of the poles and their voltage. Ms. Ryan said the cable company comes and reinstalls the cable, however, they will start charging her for this reinstallation in the future. Council Vice President Matthews said it is the cable company's responsibility to provide cable to your home and they cannot charge you. Ms. Debbie Ryan said that the cable repairman told her there should be a height restriction for trucks since it is a residential area across from an industrial area. Council Vice President Matthews said the wires were measured at 18' and will be re-measured. Mr. Nash said the height of trucks must be able to get under bridges and if trucks are 18' high, they will hit every bridge. Mr. Nash said the issue is probably due to the wires being too low and not the trucks being too high. Ms. Debbie Ryan said 18 wheeler trucks are delivering to the business across from her residence and other trucks causing problems. Council Vice President Matthews asked Mr. Nash if there are minimum wire height requirements and Mr. Nash said they must be taller than a truck and a truck will not be higher than 13' between 13 ½' high. Mr. Nash said the wires must have sagged in order for them to be torn down. Council Vice President Matthews said a request will be made to re-measure the height of the wires from the curb. Ms. Debbie Ryan asked if the ordinance regarding trucks parked the wrong way will be enforced and Mayor Goldberg said he will address this with the Police Chief.

Paul Cantello, 37 Sylvester Avenue was glad to have heard residents speak about the traffic and cross walk conditions in town at the last meeting and was disappointed to hear from that meeting only one sting can be conducted each year. Mr. Cantello submitted an OPRA request to the police records department to determine how many tickets were issued this year regarding motorists not stopping for pedestrians to cross in a crosswalk. As of today, no records have been found and he is disappointed that since January 1st, no tickets have been issued. Council Vice President Matthews asked how Mr. Cantello jumped to the conclusion that no tickets have been issued. Mr. Cantello said when he followed up on his request, he was told that nothing was found. He believes there is a lack of concern on part of administration for the children and seniors who are trying to cross a street and asks that something be done about this issue.

Mr. Cantello questioned the water bill increase. He reviewed his water bills for the past five summers. In 2006 his water bill was \$32.00, in 2007 and 2008 the bill was a few dollars higher and went down a few dollars in 2009. He calculated his 2010 water bill to

be \$136.00 higher by dividing his gallon usage by the price he paid and concluded the the price for water has doubled. People are not watering their lawns and trees and if someone is late paying their water bill, their name is published in the newspaper. He asked what will be raised next.

Lou Turco, 98 11th Avenue and Mr. Rich Shortway, 27 Nixon Avenue stated the Board of Education meeting will be televised on Wednesday, September 22nd at 7:00 p.m. regarding the upcoming referendum. It is anticipated that a telephone hook up will be provided for questions and answers. Mayor Goldberg, the Finance Committee and the Board of Education will be meeting on Monday, September 20th to discuss the referendum and asked everyone for their support.

Mr. Bob Mooney, 6 7th Avenue, thanked Administrator Mauer for his attention to the marked cross-walks in front of the high school. The roadway was re-surfaced and upon completion of this, the crosswalks were not marked. He told Administrator Mauer about this issue and he responded very quickly.

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

ADJOURNMENT

Council Vice President Matthews entertained a motion to adjourn the meeting at 9:13 p.m., moved by Councilman Sinning, seconded by Councilman Mele. On roll call, all voted yes.

Council Vice President Matthews indicated that the next regular council meeting will be on October 6, 2010. The work session will begin at 7:00 p.m. and the regular meeting will begin at 8:00 p.m.

Frank Matthews
Council Vice President

Susan Witkowski
Borough Clerk