

April 21, 2010
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:02 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bennett, Matthews, Mele, Sinning, Wojtecki and Bertollo. Also present were Mayor Goldberg, Borough Administrator Maurer, Borough Attorney Pasquale, Director of Revenue and Finance Hewitt, Borough Engineer Boswell, and Borough Clerk Witkowski. Councilman Lane was not present.

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 Special Meeting of March 31, 2010, Regular Meeting of April 7, 2010, Bid Minutes for the Truck Mounted Vacuum Street Sweeper of March 26, 2010, moved by Councilman Mele, seconded by Councilman Wojtecki. On roll call, all said yes. Councilman Matthews abstained on the approval of Regular Meeting Minutes of April 7, 2010.

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

INTRODUCTION OF ORDINANCES:

B-1 Ordinance No. 2015-10 for Introduction

2010 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A: 4-45.14

BE IT RESOLVED, that Ordinance No. 2015-10 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 May 19, 2010, and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Hawthorne Press once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Council President Bertollo entertained a motion to approve introduction, moved by Councilman Wojtecki, seconded by Councilman Sinning. Council President Bertollo asked if there were any questions regarding this ordinance. There were none. On all roll call, all voted yes.

BUDGET RESOLUTION:

B-2 Introduction of the 2010 Municipal Budget

BE IT RESOLVED, that the following statements of revenue and appropriations shall constitute the Municipal Budget for the year 2010;

BE IT FURTHER RESOLVED, that said Budget be published in the Hawthorne Press in the issue of April 29, 2010;

The Governing Body of the Borough of Hawthorne does hereby approve the following as the Budget for the year 2010:

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Hawthorne, County of Passaic, on April 21, 2010. A Hearing on the Budget and Tax Resolution for the year 2010 will be held at the Municipal Building, on May 19, 2010 at 8:00 o'clock (p.m.) at which time and place any objections to said Budget and Tax Resolution for the year 2010 may be presented by taxpayers or other interested persons.

Council President Bertollo entertained a motion to approve the 2010 Municipal Budget moved by Councilman Mele, seconded by Councilman Sinning. On roll call, all voted yes.

Council President Bertollo called upon Mayor Goldberg to present the 2010 Municipal Budget.

<p>Borough of Hawthorne</p> <p>2010 Budget Presentation</p>	<p>Problem – Loss of State Aid</p> <p>20% loss in State Aid</p> <p>(\$377,000)</p> <p>2.1% of the entire budget</p> <p>Prohibition against making up loss via tax increase</p>
<p>Problem - Surplus</p> <p>Operated at a loss for the first time since 2004 (2nd time in 10 years)</p> <p>Fund balance down \$678,000</p> <p>Negative effect of economy on revenues</p> <p>2010 budget will have \$340,000 LESS surplus to use than in 2009</p>	<p>Problem – Cost Increase</p> <p>\$118,000 PBA Contract - 4% Salary Increase</p> <p>\$117,000 Employee Health Benefits</p> <p>\$ 43,000 Gasoline Prices</p> <p>\$100,000 Reserve for Uncollected Taxes (due to lower collection rate)</p>
<p>The Challenge</p> <p>\$377,000 Loss in State Aid</p> <p>\$340,000 Less Surplus to Use</p> <p><u>\$378,000</u> Increased Costs</p> <p>= \$1,095,000 Big Budget Problem</p>	<p>Solution - Revenue</p> <p>More Rent from Cell Tower Leases - New Tenants</p> <p>Anticipate More Collections from Delinquent Taxes - Larger Pool than Prior Year</p>
<p>Solutions - Expenditures</p> <p>Trim other expense budgets</p> <p>Minimize amount for salary increases</p> <p>Get contribution for health benefits from part-time professionals</p> <p>Lower garbage disposal costs, from bid with other towns</p>	<p>Solutions - Staffing</p> <p>Cut 2 Police Officers via attrition</p> <p>Layoff 2 blue collar workers</p> <p>Layoff one part-time clerk</p> <p>Reassign duties for 2 clerks</p> <p>Reduce Library hours</p> <p>Close Recycling Center on Thursdays</p>

Budget Bottom Line **BUDGET BRIEFING**

Water Utility **BUDGET BRIEFING**

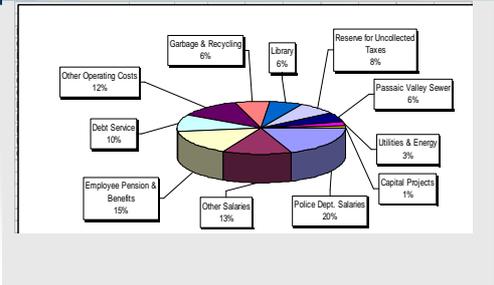
- \$ 90,000 reduction in total budget (-.5%) (\$18,301,255 vs \$18,389,823)
- \$628,000 increase in municipal tax levy (+5%) to offset \$717,000 revenue loss

- Spending FLAT at \$2.6 million
- 10% water rate hike effective 7/1 due to reduced metered sales - Utility revenues must cover expenses

Capital Budget **BUDGET BRIEFING**

2010 BUDGET APPROPRIATIONS **BUDGET BRIEFING**

- \$600,000 Road Improvements
- \$300,000 Street Sweeper/Pool/Oil-Water Separator
- Grants for Handicapped Ramps and Van Winkle Repaving
- \$82,000 Smaller Capital Items NOT Bonded

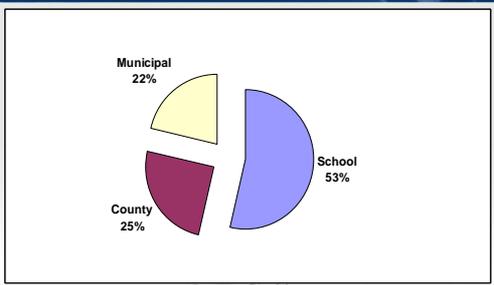


Municipal Tax Impact **BUDGET BRIEFING**

Distribution of Hawthorne Property Taxes **BUDGET BRIEFING**

\$ Increase for the Average Home Assessed at \$182,000
= \$96
or 5.27%

\$ Increase per each \$100,000 of Assessed Value
= \$53



Breakdown of Average 2010 Tax Bill (Estimated) **BUDGET BRIEFING**

Services Funded From Municipal Taxes **BUDGET BRIEFING**

School	\$4,726
County	\$2,192
Municipal	\$1,954
Total	\$8,872

- Police
 - Library
 - Garbage, Recycling, Leaf Pick-up
 - Sewer Service
 - Road Maintenance
 - Cleaning*Snow Plowing*Traffic Lights*Street Lights
 - Fire and Ambulance Service
 - Budget Supports Volunteer Services
 - Recreation
 - Shade Tree
 - Code Enforcement
 - Court
- Municipal Tax Bill for the Average Home Assessed at \$182,000
Per Year: \$1,954 Per Month: \$163

Four-Year Budget Projection		BUDGET BRIEFING			
	2010 Proposed	2011	2012	2013	
Total Budget	18,301,255	18,930,835	19,468,523	20,281,238	
Tax Levy	13,281,059	13,858,413	14,383,011	15,232,816	
Tax Rate	1.074	1.122	1.166	1.236	
Increase	5.1%	4.5%	4.0%	6.0%	

Mayor Goldberg distributed a copy of the presentation to Council and Administration. He stated that the first problem with this year's budget is the loss of State Aid which was 20 percent, which amounts to \$377,000.00 and is 2.1% of the entire budget. Governor Christie said that we cannot make up the loss by increasing taxes. Mayor Goldberg stated that a tax levy cap limits the amount that taxes can be raised and in return limits the amount that can be spent. The amount of State Aid in 2010 is less than the amount that was received twenty five years ago.

There was a problem with surplus, a loss was operated for the first time since 2004 and this loss was the second time in ten years. When surplus money is put into the budget, it reduces taxes. The fund balance this year was reduced by \$678,000.00, and he believe this was a negative effect of economy on revenues. The reduction that was seen last year affected this year's budget. For the 2010 budget, we are using \$340,000.00 less surplus than was used in 2009.

The costs that went up in this year's budget include the PBA Contract amounting to \$118,000.00, this contract is in its last year, employee health benefits increased \$117,000.00, gas increased \$43,000.00. There is \$100,000 in reserve from uncollected taxes due to the collection rate of last year, we did not collect as much as was hoped, therefore we could not budget as was done in 2009.

The challenges for this budget is \$377,000 was lost in State Aid, \$340,000 less surplus and \$378,000 in increased costs amounting to a \$1,095,000.00 budget gap and a solution needs to found for this gap.

In order to bridge this gap, we will be receiving more tenants for the cell tower leases, anticipate more collections from delinquent taxes because there are more delinquent taxes this year than last year and we believe we will recover the years 2009 and 2010. Other expense budgets have been trimmed, the amount for salary increases have been minimized, there will be no increases in salary for any of the unions who do not have a current contract or non-union employees. The PBA is the only contract in force and we are negotiating with the other unions. Part time professionals will contribute towards health benefits and at least \$25,000.00 is anticipated to be received. Garbage disposal costs were lowered resulting from a bid with other towns.

Further solutions resulted from staffing. Two police officers were cut via attrition (retirements), two blue-collar workers and one part-time worker were laid off. Duties were reassigned for two clerks in order to have more productivity, library hours have been reduced and the Recycling Center will be closed on Thursdays.

The bottom line of the budget is a \$90,000.00 reduction in the total budget which is one-half percent. This year, \$18,301,255 vs. \$18,389,823 in 2009. \$628,000 increase in municipal tax levy which is approximately five percent to offset \$717,000 in revenue loss.

Water Utility spending was flat at \$2.6 million. We are approving a ten percent water rate hike which goes into effect on July 1 due to reduced meter sales. The utility revenues must cover their expenses. Last year there was not much water usage due to a very rainy summer.

With regard to the Capital Budget, there is \$600,000 for road improvements and \$300,000 for the street sweeper, pool repairs and oil-water separator. We have State DOT grants for the handicapped ramps and Van Winkle Avenue repaving. There is \$82,000 for smaller capital items which are not bonded. This means that interest will not be paid for items that do not have a life span of twenty years. These items will be paid for this year, however there will be no expense that results from bonding.

The budget appropriations costs to the borough are mostly in employees' salaries and benefits, debt service, garbage. There is very little discretionary spending.

With regard to the municipal tax impact, the dollar increase for the average home assessed at \$182,000 is \$96.00 or 5.27%. The increase on each \$100,000 of the assessed value is \$53.00. If a home is assessed at \$200,000, there will be a \$106.00 increase in taxes. The distribution of property taxes is as follows: the school receives fifty three cents, the county receives twenty five cents, and the borough receives twenty two cents for every tax dollar collected. The average tax bill in Hawthorne is \$8,872, the school receives \$4,726, the county receives \$2,192, and the borough receives \$1,954. Services that are received through municipal taxes are police, library, garbage, recycling, leaf pick up, sewer service, road maintenance, which includes cleaning, snow plowing, traffic and street light maintenance, fire and ambulance service. The budget supports the volunteer services, recreation which includes maintenance of the fields, official and referee fees for events being played on the fields, shade tree, codes enforcement and municipal court.

The four year budge projection is as follows:

	2010 Proposed	2011	2012	2013
Total Budget	\$18,301,255	\$18,930,835	\$19,468,523	\$20,281,238
Tax Levy	\$13,281,059	\$13,858,413	\$14,383,011	\$15,232,816
Tax Rate	1.074	1.122	1.166	1.236

Increase 5.1% 4.5% 4.0% 6.0%

Budget projections are based on best case scenarios. We hope that Governor Christie will go after unfunded mandates next year which means the State requires municipalities to do things but does not give funding. Mayor Goldberg will discuss this at New Jersey Conference of Mayors Conference scheduled for next week.

Mayor Goldberg thanked Council for allowing his presentation and asked if there were any questions. He also thanked everyone responsible for working on this budget which included Director of Revenue and Finance Hewitt, Administrator Mauer and the Finance Committee. He stated that this was a collaborative effort and took approximately three months to prepare. He stated that we were approximately \$17,000.00 away from the cap when Governor Christie announced his cuts. After his announcement, we needed to cut \$393,000.00 and knew that this could not be accomplished without a reduction in force. Mayor Goldberg thanked the Finance Committee for their understanding and supporting the decisions that he made. No one likes a reduction in force but given the financial situation of the Borough and the State of New Jersey, we did what we felt we had to do.

Council President Bertollo turned this portion of the meeting to Councilman Matthews, Chairman of the Finance Committee. Councilman Matthews thanked Mayor Goldberg on behalf of Councilman Wojtecki and himself for being so open with the process. He stated, as Mayor Goldberg had, that the budget was close to what was wanted prior to the State cut which made a challenging situation even more difficult because we knew the livelihood of individuals would come into play. Councilman Matthews thanked everyone that was involved in this process and asked if there were any questions.

Councilman Wojtecki thanked Mayor Goldberg, Director of Revenue and Finance Hewitt, Administrator Mauer and Joe Kelly, Auditor for their input. He asked if anyone on Council had any questions to feel free to call him or anyone of the Finance Committee.

Council President Bertollo, also a member of the Finance Committee, stated that a lot of hard work went into this budget. He stated that the town, school board and school board administration was challenged. We are in tough economic times and tough economic decisions were required and the decisions were based with the community in mind as well as with the oaths that were taken when going into public office. There is room for revisions if need be prior to the adoption. The Finance Committee will continue to work on the budget, which is a year-round process. We believe that some of the stresses that other towns are experiencing in their budgets are worse than what we experienced with our budget. He thanked the Mayor and Administration for implementing a strong budget over the past few years, parts of the budget regenerated surplus, which put us in a good position for a rainy day. Services that are offered in the community will continue and we did not want to be detrimental to the services and programs that the town offers. Council President Bertollo stated that the public hearing prior to the adoption of the budget will be on May 19th, which allows the public to comment on the budget. Council President Bertollo asked if Council had any comments or questions.

Councilman Bennett stated that this budget is the worst budget he has witnessed in all of the years that he has been on the Council. He stated that he was on the Finance Committee at one point in his career, the members of this year's Finance Committee had a very tough job and they did as well as could possibly be accomplished. Effects are being seen at a national and state level, and he is convinced that this is the best possible budget that could be accomplished for the taxpayers and hopes that they can see and understand this.

Councilman Mele thanked everyone involved for doing a great job.

Councilman Sinning stated that he knows what everyone went through in preparing this budget and he appreciates their efforts.

Council President Bertollo again thanked all involved in the budget process.

Administrator Mauer asked Council President Bertollo if he or any other Council Member had any questions for Joe Kelly, the Borough Auditor. Council President Bertollo thanked Mr. Kelly for his input towards the budget. Mr. Kelly commented as to how budgets have become tighter and tighter over the years. He stated that several years ago the State implemented the tax levy cap wherein you deal with a spending cap as well as a tax levy cap. He said that advanced planning by the borough helped put them in a position to deal with the tough economic times and believes that this is a good budget.

Council President Bertollo thanked Mr. Kelly and asked if any one had any questions for him. There were no questions.

ADOPTION OF ORDINANCES

Ordinance 2008-10 for Adoption

BOND ORDINANCE PROVIDING FOR 2010 ROAD IMPROVEMENT PROGRAM IN AND BY THE BOROUGH OF HAWTHORNE, IN THE COUNTY OF PASSAIC, NEW JERSEY APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$570,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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.

Seeing no one, Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2008-10 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Council President Bertollo entertained a motion to adopt Ordinance No.2008-10, moved by Councilman Bennett, seconded by Councilman Matthews. On roll call, all voted yes.

Ordinance 2009-10 for Adoption

BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS, IN AND BY THE BOROUGH OF HAWTHORNE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$325,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$308,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSISSTMENT OF THE COST THEREOF.

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.

Connie Williams, 55 Maitland Avenue asked how the decision is made as to which sidewalks need to be repaired. She stated that her sidewalk is listed in the program, however, repairs do not need to be made. Administrator Mauer stated that everyone on the streets listed in the program received a notice. If the sidewalk is in good condition, it will not be replaced, unless there is a grade issue. Engineer Boswell stated that some sidewalks may be in good shape, but the sidewalk is too low and if the curb is raised, the sidewalk may have to be replaced. If the sidewalks are at the right grade and nothing is wrong with them, there will be no replacement. Ms. Williams asked when notification to the homeowner will occur if the sidewalk needs to be repaired. Engineer Boswell stated someone will meet with the homeowner and tell them what improvement will be done to their property. Attorney Pasquale stated that everyone has the right to make their own sidewalk repair. Councilman Matthews told Ms. Williams that she should hear what the quote is from the bid because it is much less than what a homeowner can do on their own. You can obtain a quote if you are going to do the improvement yourself, however the bid is at the State Contract Bid which is much lower than can be negotiated between a homeowner and a contractor. Engineer Boswell stated that if the sidewalk needs to be replaced, the only way it would be cost effective is if there is a family member who is a mason. The construction will be supervised and you will be notified of the cost. Ms. Williams asked if additional correspondence will be sent. Engineer Boswell said that there will be a meeting with the homeowner wherein the homeowner will be shown which slabs will be marked and this meeting will occur in the very near future. Council President Bertollo told Ms. Williams that she can always call Borough Hall and speak with Administrator Mauer about the process. Ms. Williams thanked Council.

Council President Bertollo asked if anyone else wished to be heard. Seeing no one, Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2009-10 be closed and that it be resolved that this ordinance was posted on the bulletin

board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Council President Bertollo entertained a motion to adopt Ordinance No.2009-10, moved by Councilman Matthews, seconded by Councilman Wojtecki. On roll call, all voted yes.

Ordinance 2010-10 for Adoption

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VAN WINKLE AVENUE, IN AND BY THE BOROUGH OF HAWTHORNE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$180,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$180,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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. Council President Bertollo stated that this is part of the 2010 Department of Transportation Grant and will be paid for by the State.

Seeing no one, Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2010-10 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Council President Bertollo entertained a motion to adopt Ordinance No.2010-10, moved by Councilman Bennett, seconded by Councilman Mele. On roll call, all voted yes.

Ordinance 2011-10 for Adoption

BOND ORDINANCE PROVIDING FOR INSTALLATION OF HANDICAPPED CURB RAMPS AT VARIOUS BOROUGH INTERSECTIONS, IN AND BY THE BOROUGH OF HAWTHORNE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$51,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$48,450 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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. Council President Bertollo stated that this is grant money and is affiliated with the

Community Development Block Grant program and the curb cuts will be paid for by grant money.

Seeing no one, Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2011-10 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Council President Bertollo entertained a motion to adopt Ordinance No.2011-10, moved by Councilman Matthews, seconded by Councilman Bennett. On roll call, all voted yes.

Ordinance No. 2012-10 for Adoption

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 1976-09 OF THE BOROUGH OF HAWTHORNE, IN THE COUNTY OF PASSAIC, NEW JERSEY FINALLY ADOPTED MAY 6, 2009 IN ORDER TO AMEND THE AMOUNT ALLOCATED TO COSTS OF THE PURPOSE OR IMPROVEMENT UNDER N.J.S.A. 40A:2-20

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.

Seeing no one, Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2012-10 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Council President Bertollo entertained a motion to adopt Ordinance No.2012-10, moved by Councilman Wojtecki, seconded by Councilman Matthews. On roll call, all voted yes.

Ordinance No. 2013-10 for Adoption

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 225, ZONING, SO AS TO SET FORTH HOUR OF OPERATION REQUIREMENTS FOR BUSINESSES OPERATING IN RESIDENTIAL ZONES IN THE BOROUGH OF HAWTHORNE

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.

Martha Collins, 154 Watchung Drive asked what the exact hours of this ordinance require. Councilman Bennett stated that the hours will be 7:00 a.m. until 10:00 p.m. and coincide with hours stated in the borough's noise ordinance. She stated that many residents are concerned with possibility of 7-11 operating a business and asked if this ordinance would affect 7-11 since they are in the process of obtaining a zoning permit or would they be grandfathered under the current ordinance. Attorney Pasquale stated that the time of decision ruling states that whatever rules are in place at the time the board makes their decision are the rules by which the applicant has to abide by. Therefore, this ordinance will apply to anything currently pending before the Planning or Zoning Board and there is no grandfather. Ms. Collins asked if this ordinance is passed this evening, are the hours stated in this ordinance are applied and Attorney Pasquale stated yes. Mayor Goldberg stated that technically, 7-11 could ask for a variance for different hours from the Zoning Board. He stated that 7-11 have litigated these types of ordinances in the past and have won on most of them. There is a possibility that if the Zoning Board states hours of operation between 7:00 a.m. and 10:00 p.m., it could go to court. Mayor Goldberg believes 7-11's last litigation case was in Rutherford where they challenged the hours of operation. The Court held that 7-11 is known as a store that is opened twenty-four hours a day, seven days a week, although their original hours were 7:00 a.m. to 11:00 p.m. Council President Bertollo believed that in the case in Rutherford, they were located in a business zone. Attorney Pasquale stated that was correct and there is a substantial difference. Ms. Collins asked if this ordinance is passed this evening, in an A-1 residential zone, could the borough deny their request for different hours of operation. Council President Bertollo said that is correct. Ms. Collins thanked Council.

Bob Mitta, 110 Beverly Road asked if the 7:00 a.m. until 10:00 p.m. hours also include 7-11's delivery of their resources or stock items in order that a delivery could not be made at 11:00 p.m. Council President Bertollo said that is correct, the complete hours of operation would cease at 11:00 p.m. Councilman Sinning stated that deliveries would have to be completed by 10:00 p.m. Council President Bertollo stated that the language in this ordinance is very clear, there could not be a two hour delivery. Mr. Mita thanked Council.

Council President Bertollo asked if any one else wished to be heard. Seeing no one, Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2013-10 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Council President Bertollo entertained a motion to adopt Ordinance No.2013-10, moved by Councilman Bennett, seconded by Councilman Sinning. On roll call, all voted yes.

OLD BUSINESS

Councilman Wojtecki asked about the color of the pool paint. Councilman Bennett stated there are photos and this was discussed in the Public Works Committee Meeting. It is the original paint shade, however, there are two years of chlorine and sun light on the rest of the paint. The contractor advised that the pool to be repainted would cost \$14,000. Under the current fiscal situation it was deemed not being a wise use of funds and it is believed that a year from now the paint will match once the chlorine and effects of the sunlight gets onto the paint. It will be unsightly, however, the main concern is that the paint adheres, cures and sets up properly. It is anticipated by Director of Public Works Clementi that water will be put into the pool next week to make sure that everything is copasetic and the pool will be filled on schedule. Again, the recommendation is that the pool be repainted on a regular basis, at least every two years. ICouncil President Bertollo stated that the contractor repaired the pool that needed to be completed under our performance bond. The pool was painted by us for a cost of approximately \$4,000 to \$5,000 which was the cost of the paint and not the labor. Councilman Wojtecki asked if there were 15 gallons of paint left, Council President Bertollo said that 15 gallons would not be enough to complete the pool. Councilman Wojtecki said that 15 gallons would be enough to do the kiddies' pool or at least a section of the pool. Council President Bertollo stated that if we find the money, the pool would be painted this year, however, there is the problem with the contractor's cracks and splits and the money on painting would be wasted. The painting contractor advised against painting the pool now because when the sun and chlorine reach the pool the paint would be bleached out and the contractor believes that by the end of the year, the bleach out will match. Regardless of the pool bleaching our or not, the pool will be painted next year and we look to being on a schedule that every third year the pool is painted. It may look unsightly but our concern was spending \$14,000 or \$15,000 and then having to have the contractor return because the pool was flaking, the money spent was then wasted.

Engineer Boswell stated that because of the emphasis on bio-organic chemicals outlasting the paint, paint in years past were much better and were able to tolerate UV light and chlorine are no longer available. Paint now must be water based and does not have the resistance to UV light and chlorine.

Councilman Wojtecki asked about the cars parked on the Goffle Road property. Administrator Mauer stated that this was addressed with the owner of the property who was told that the cars must be moved or he will be issued a summons. The owner was also told that the cars could not be parked overnight. Councilman Wojtecki believes there are more cars, the owner does not drive a car, there is a large pit bull on the property and a hole in the fence. Administrator Mauer stated the owner was issued a summons and Code Enforcement Officer Turner reported the fence has been repaired. Councilman Wojtecki said that the hole still exists, the fence is across the street from Nicola's and asked Engineer Boswell to send his staff to check the area where undermining was being conducted for the County project in that vicinity where DSM is parking their vehicles. Administrator Mauer said he will speak with Code Enforcement Officer Turner.

Councilman Matthews stated that a meeting regarding the issue at Florence and Cornell will be held this week.

Councilman Bennett spoke with regard to the NJ Transit issue. All correspondence that was sent by the Senator and residents had little or no impact on NJ Transit's decision. Fares on the main line and inter-state bus service will be raised twenty-five percent, and two trains on the main line will be eliminated, partially due to revenue loss from the State. Councilman Wojtecki feels that New Jersey Transit is being unresponsive to the needs of its passengers and is very disappointed.

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

NEW BUSINESS

Councilman Bennett stated that the Hawthorne Junior Police Academy will conduct their graduation ceremony on Tuesday, May 11th beginning at 7:00 p.m. in the Boys & Girls Club gymnasium. Councilman Bennett encouraged everyone to support this program, which helps instill proper values in our youth.

Council President Bertollo asked if there was any new business to discuss. There was none.

ADMINISTRATIVE AGENDA

Mayor Goldberg reminded everyone that Leadership Camp begins on August 16th which is a one-week program designed to familiarize in-coming sixth grade students to the Lincoln Middle School and applications are available at the elementary schools, Police headquarters and on the main page of borough website. He urged everyone that has a child entering the sixth grade to participate in this program.

With regard to the March 12th rain and storm event, a Presidential Declaration has been signed and the following groups are able to seek grants or funding: individual applicants homeowners in the affected flood areas, small businesses or public assistance, borough owned facilities and properties, equipment, work and labor force. Residents of businesses deeming or seeking assistance may contact FEMA at 1-800-621 FEMA or register online at www.disasterassistance.gov. Any questions regarding this can also be forwarded to the Borough Hall, Office of Emergency Management, at the Police Department or call 973-427-1800.

Mayor Goldberg congratulated all of the students who participated in the high school production of Guys & Dolls and thanked the teachers, staff and alumni who contributed towards making the show possible and an enjoyable event.

Mayor Goldberg thanked the Environmental Commission and the schools for making Cel-Earth-Bration Day a success. Shredding Day attracted 135 residents and 5,160

pounds of paper was shredded. Mayor Goldberg thanked the Keystone Club from the Boys & Girls Club who assisted with the loading and unloading of paper as well thanking Green Sky for the use of their shredding truck. This program was done at no cost to the borough and we receive credit for the weight of the recycled shredding paper.

Mayor Goldberg recalled his trip to Florida which took place in December wherein he visited Master Sergeant Roberto Oquendo, a Hawthorne resident who is in the Army National Guard. This resident returned to Hawthorne, however he has been deployed back to Iraq and he requested we send him a Borough Flag. The flag was sent in the mail today, the Hawthorne flag will fly in Iraq and when he returns, we will fly this flag underneath our American flag.

A proclamation was given in April to declare the month National Autism Awareness Month. Mayor Goldberg called upon the students from the Jefferson School Autism Avengers Club to explain what they do.

Jared Chichizola explained that the Autism Avengers Club has thirty three fifth grade students and meet twice a week during lunch and recess periods throughout the months of March and April. The objective is to make everyone aware of Autism, which is a brain disorder affecting a person's ability to communicate. One out of every one hundred fifty children are diagnosed with autism each year. The goal of the Avengers Club is to better understand how the life of a person diagnosed with Autism is. He thanked Council for their support and distributed Autism Awareness ribbons.

Megan Hulmes stated that the club supports the national non-profit Autism Speaks program by holding fundraisers. This year's fundraiser includes the selling of water bottles, microwave popcorn and smencils each Friday at school. Loose change is collected from students and faculty on Mondays. A school-wide mini walk is being sponsored on April 30th whereby the student body will imitate the Northern New Jersey Autism Speaks Walk. We are asking each student to have one adult sponsor them for one dollar and the students will walk two laps around the building. A hard lesson has been learned in economics. \$935.00 in sales has been raised, expenses and costs totaled \$498.00 and \$437.00 in profit was made which will be donated. Sales will continue until the end of April and it is anticipated that a larger donation will be made.

Mrs. Barry Facente, Autism Avengers Club Advisor, thanked Council and Administration for their invitation to the meeting and stated that the children have worked very hard, the higher the bar was set, the higher they jumped. The community and parents should be very proud of the children being so very community service minded. These children gave up their lunch and recess periods every Tuesday and Thursday during the months of March and April, which is a big sacrifice for a fifth grader. Stories about Autism have been read aloud to the lower grade children at Jefferson School and a school-wide coloring contest is being held wherein the winners will receive ice cream. Also everyone will receive a paper frog that was created by the individual who participates and colors. The children should be applauded for what they do which comes from home, families and the community that supports these programs.

Mrs. Facente again thanked Council and Administration for their invitation at the meeting and stated that she is very proud of the students at Jefferson School.

Mayor Goldberg stated that if you want to make a donation, it can be brought to the Borough Clerk's Office.

Mayor Goldberg stated that Click It or Ticket Program is being held again, which is being funded through a grant. Mayor Goldberg stated that in his opinion Officer Robert Finstra is the number one traffic officer in the State of New Jersey. Officer Finstra teaches other police departments how to inspect trucks and identifying a fake registration sticker. He called upon Officer Finstra to discuss the Click It or Ticket Program.

Officer Finstra stated that approximately one-year ago, he accepted a Proclamation from the Mayor and Council for the Click It or Ticket Program. For the thirteenth consecutive year, usage of the front seat belt has increased in the State of New Jersey and is one of the leaders in the nation for seat belt usage. However, the job is not done, we are at approximately 92% and we can do better. Officer Finstra thanked Mayor Goldberg and Council for their support in traffic safety programs. The Click It or Ticket Program is a State funded campaign. It allows a saturation of police officers for a certain period of time, which is May 24th through June 6th, to enforce and educate people about seat belt usage. The seat belt law is a data driven law, statistical data has proved that seat belts not only save lives but prevent injuries in the event of an accident, which is what this program is about.

Mayor Goldberg asked Officer Finstra about the crosswalk program that is being conducted. Officer Finstra stated that as a traffic officer, it is stated that there are three "E's" in traffic which are engineering, which is painting crosswalks and installation of signs, education, which is newspaper articles and support and enforcement, which is writing summonses. Many campaigns will be conducted this year. A pedestrian decoy program will be held. Officer Finstra attended a Rutgers engineering class and became certified to conduct this program and there are few people in the State that can conduct this program. This program is not funded but it is effective. On April 1st the law changed, you must now stop instead of yielding if a pedestrian is in a cross walk. Officer Finstra will be a decoy, law enforcement will be on the road and summonses will be issued. These target areas include Diamond Bridge Avenue and Lafayette Avenue which have many issues.

A cell phone program will be held. The borough had fifty extra ear buds provided by Verizon. An ear bud is an ear phone that plugs into the phone. Instead of issuing summonses, head sets will be distributed. Nextel and Sprint heard about this program and donated 100 headsets. There will be a total 150 headsets distributed, and this campaign will be highly publicized.

There will be programs which include Over the Limit Under Arrest and Obey The Sign, Pay the Fine, which are State funded and will be conducted throughout the year. Officer Finstra said the support of Mayor and Council is greatly appreciated.

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

Director of Revenue and Finance thanked everyone for their help and support on the budget, which was incredibly difficult, challenging and effective. It was a pleasure to all work together with a common goal and believes this is the proper way to prepare a budget. She thanked the Finance Committee, Mayor Goldberg and Administrator Mauer for the amount of time in making this a very productive process. She also thanked Officer Finstra for his obtaining grants in order to conduct programs and keeping residents safe without costing the borough money.

Director of Revenue and Finance Hewitt reminded everyone that second quarter taxes are due on May 1st through May 10th. Interest will be charged back to May 1st if taxes are paid after May 10th.

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

Mayor Goldberg called upon Borough Attorney Michael Pasquale for his report.

Attorney Pasquale stated that a final settlement with K. Hovnanian has been reached with regard to the litigation that involves the North Haledon and Hawthorne projects, homeowner claims and the finalization of the water system. The end result will be made into a final Resolution and a settlement agreement will be presented at the next Council meeting. All of the affected homeowners came to Attorney Pasquale's office and signed releases. This was a major litigation which is almost completed.

Attorney Pasquale stated that one hundred and twenty tax appeals were filed this year, which is approximately three times higher than the normal number of tax appeals. The tax appeals that were filed this year mostly relate exclusively to residential property, there were not a significant number of commercial properties. There are some commercial properties that remain under appeal for consecutive years. Attorney Pasquale met with Tax Assessor Henderson as well as an attorney and property owners last week in order to resolve approximately twenty five of the pending claims. Between twenty and thirty claims were tried before the County Tax Board on April 20th and we are trying to settle many claims. The people coming before us are our residents and we are trying to be fair, however a tax base needs to be preserved.

The sign ordinance will be presented in the near future. There was nothing to report with regard to the Enterprise matter, however depositions will be conducted within the next few weeks.

That concludes Attorney Pasquale's report.

Mayor Goldberg called upon Borough Engineer Stephen Boswell of Boswell Engineering for his report.

Engineer Boswell reported on the following:

Goffle Hill Force Main – This project shall begin soon, the Treatment Works Application has been preliminarily approved and we are waiting on receipt of the paperwork.

Lining of Pool Drain Pipe – The valve connect was either completed on April 21st or will be completed on April 22nd.

Underground Storage Tank Monitoring – The installation of temporary well point and ground water sampling was conducted on April 13th and the results are due on or about May 4, 2010. We are anticipating that the results will warrant the closure of this project.

2010 Road Program -- The Public Works Committee met today and we are waiting for the final list from them. Upon receipt of the list, this project can go out for bid.

Christian Health Care Center – The application before the Wyckoff Planning Board was carried from April 15th to May 20th. Engineer Boswell spoke with the Attorney to remind him that Hawthorne has a different setback requirement which is applicable to their application and to incorporate this requirement.

Goffle Brook Bank Stabilization – A meeting has been scheduled next week with the DEP. A meeting was held with the Commissioner on Thursday, April 15, however many items needed to be addressed and there was not enough time.

Drainage Improvement Project – The railroad has provided their verbal approval and the borough is in the process of obtaining signed easements from the various property owners. The Public Works Committee will provide direction as to when this project can go out for bid.

Brockhuizen Lane – This project is out to bid and bids will be received on April 30th. To date, three contractors have picked up bid specs.

Ridgewood Water Proposal – Has been prepared and submitted. Ridgewood will look at the feasibility of utilizing our system to allow them to eliminate a tank and therefore using some of the money they save to install drainage improvements. Follow up regarding the approval will be done this week.

Chlorine Conversion Project – The DEP has additional questions these items are being addressed.

Kohler Field Soil Borings – Four quotes were received and the lowest bidder was GZA GeoEnvironmental. Administrator Mauer has issued a purchase order and the borings should be done shortly.

Veteran's Field Lighting – Waiting for final approval in order to begin this project.

Watertight Manhole Proposal – Proposal has been prepared to do conduct an evaluation of the water tight manholes in order to determine cost effectiveness so as to reduce the cost of sewage treatment.

Leading Left at Wagaraw Road and Lincoln Avenue – Bergen County has given permission for installation. The cost from the contractor is \$6,311.22. This project can proceed upon the determination of Public Works, Mayor and Council.

That concludes Engineer Boswell's report.

Mayor Goldberg stated that he asked the County to pay the cost for the installation of the leading left light at Wagaraw Road and Lincoln Avenue.

Mayor Goldberg called on Borough Administrator Maurer for his report.

Administrator Maurer stated that Veteran's Field is playable as of April 14th. It is anticipated that play on Wagaraw Fields 2 and 3 will begin on Saturday, April 24th. Administrator Maurer thanked the Department of Public Works for their efforts in this matter. A gate has been installed between the Veteran's lot and the Kohler lot, which is unlocked and is not meant to preclude exit from the Kohler lot. The soccer officials and coaches have been notified and exiting must occur from our lot when the field is in use.

Pool membership letters have been mailed and registration will begin on May 12th. Summer recreation and tennis registration began on April 17th. Registration for all of these will be on May 24th and June 7th. Information regarding all of these programs is available on the borough website.

The CDBG application was submitted to the County on April 16th. The grant writer submitted the downtown redevelopment/streetscape application to the New Jersey Department of Transportation on April 19th. Final approval on the open space grant for the Veterans Field lighting is expected from the County Freeholders on Tuesday, April 27th.

A revised set of energy audit proposals were received on April 9th and were sent to the State for their review. Administrator Maurer expects to have a Resolution to award at the next Council meeting. He thanked Rayna Laiosa and intern John Durvall of the Environmental Commission for their efforts on this project.

A notice to employees will be distributed regarding the new State requirement for health benefit contribution. We have arranged to have the contribution made on a pre-tax basis so as to minimize the impact on the employees. The police are exempt until the end of 2010 because they have a collective bargaining agreement, their contribution will begin next year. These contributions are expected to save the borough between \$15,000.00 and \$20,000.00 this year and approximately \$75,000.00 and \$85,000.00 for 2011.

Labor Counsel Fred Knapp and Administrator Mauer will be participating in mediation with the blue collar union on Wednesday, April 28th in an attempt to resolve their collective bargaining contract.

As part of our loss control program under the joint insurance fund, the borough is holding mandatory employment practices training for all supervisors on Friday, April 23rd. The Police Chief and Captains have already completed a special required course for police management. All other employees will be offered their own separate training. These courses are part of the JIF requirements.

The annual stormwater report has been submitted to the DEP.

That concludes Administrator Maurer's report.

Council President Bertollo asked Council if there were any other questions.

Councilman Bennett asked Engineer Boswell if Braen Avenue was removed from the drainage project, would that have an impact on the overall project. Engineer Boswell said no, it is a stand alone project.

Councilman Mele asked Engineer Boswell if the State is paying for the work being conducted in the park. Engineer Boswell stated the County is paying with remaining funds from Hurricane Floyd.

Councilman Wojtecki asked Administrator Mauer if there is an unusual amount of sewer backups on the lower half of Lafayette Avenue. Administrator Mauer said he was not aware of this, however Attorney Pasquale stated there was for quite a while and the situation seems to have improved. Councilman Wojtecki asked if preventative maintenance is still being conducted on the sewer lines and he was told yes.

Councilman Wojtecki stated that the garbage trucks continue to be at the Washington School on Tuesdays during drop off and/or pick up time and could the time be changed for the trucks to be at the school. Administrator Mauer stated that we should be able to avoid the time when people are coming and leaving from school.

Council President Bertollo asked Engineer Boswell when the purchase order can be signed for the quarry testing on Veterans Field. Engineer Boswell said that it can be signed now. The purchase order has two options, one option is we use our own backhoe and the contractor supervises. The other option is the contractor supplies his backhoe. If we use the option wherein we provide the backhoe, the testing can be done within a week and a backhoe does not need to be rented. By using a backhoe instead of a drill, this will save money, there will be a little more disturbance. Council President Bertollo asked how many samples will be taken and Engineer Boswell stated either four or five. Engineer Boswell believes that the results will not be the most advantageous to the borough which means the holding of water will not be found because of too much top

soil. He believes it will be found that the holding of water is a result of the water level of the Passaic River being so close.

Councilman Matthews asked Engineer Boswell when Arcadis will remove their temporary driving surface. Administrator Mauer stated that additional work will be done the beginning of May and Arcadis was told it can be left but must be maintained.

Council President Bertollo asked Engineer Boswell if he will be supervising the testing on Veterans Field and Engineer Boswell said yes. Council President Bertollo asked if Director of Public Works Clementi has a plan for the lights and Engineer Boswell said yes. Engineer Boswell stated a condition of the bid is that if anything is damaged, it must be repaired or replaced.

Council President Bertollo asked Mayor Goldberg about the FEMA claims if it has been established through the Office of Emergency Management which people have been affected and can the information be provided to those people. Mayor Goldberg stated that OEM has already provided the information to those people and Captain McAuliffe left information in the Clerk's office for those looking for information.

Council President Bertollo thanked everyone on behalf of the Keystone Club and the Boys & Girls Club who made donations during Shredding Day. \$545.00 was raised in donations which will go towards the regional and/or national conference attendance and they are looking forward to the next shredding day.

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

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

INTRODUCTION OF ORDINANCES:

There were no ordinances to be introduced.

RESOLUTIONS:

CONSENT AGENDA – MR-04-10, R71-10 through R77-10

MR04-10 Resolution, Introduced by Councilman Mele

Whereas, there were 586 motor vehicle fatalities in New Jersey in 2009; and

Whereas, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

Whereas, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

Whereas, the National Highway Traffic Safety Administration estimates that 135, 000 lives were saved by safety belt usage nationally between 1975-2000; and

Whereas, the State of New Jersey will participate in the nationwide *Click It or Ticket* safety belt mobilization from May 24 – June 6, 2010 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

Whereas, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 92.67% to 100%; and

Whereas, a further increase in safety belt usage in New Jersey will save lives on our roadways;

Therefore, be it resolved that the Borough of Hawthorne declares it's support for the *Click It or Ticket* safety belt mobilization both locally and nationally from May 24 – June 6, 2010 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

R71-10 Resolution, Introduced by Councilman Mele

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated April 9, 2010.

CURRENT FUND	WT 888889	\$	237,006.84
WATER OPERATING FUND	WT 888889	\$	36,844.00
OTHER TRUST II FUND	WT 888889	\$	5,393.07
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	13,659.35
TOTAL FICA		\$	<u>13,659.35</u>

R72-10 Resolution, Introduced by Councilman Mele

WHEREAS, an appeal was filed with the New Jersey State Tax Court for a reduction of the assessed value of property and a settlement was agreed upon and the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable for the year(s) 2009 and 2010 (Freeze Act years) as follows:

<u>Block/Lot</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
2008				
289.02/9.07	\$278,400.	\$236,000.	\$42,400.	\$1,902.49
William S. Winters, Esq. as Trustee for Robert Getchell, Jr. 68 Horizon Terr.				
2009				
289.02/9.07	\$278,400.	\$236,000.	\$42,400.	\$1,982.62
William S. Winters, Esq. as Trustee for Robert Getchell, Jr. 68 Horizon Terr.				

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be authorized to issue a refund for the overpayment of taxes for 2008 and 2009 in the amount of \$3,885.11 in accordance with the state judgment.

R73-10 Resolution, Introduced by Councilman Mele

WHEREAS, an appeal was filed with the New Jersey State Tax Court for a reduction of the assessed value of property and a settlement was agreed upon and the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable for the year(s) 2009 and 2010 (Freeze Act years) as follows:

<u>Block/Lot</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
2008				
292.01/24	\$357,600.	\$314,500.	\$43,100.	\$1,933.90
William S. Winters, Esq. as Trustee for Robert Parker et al 32 Highview Terr.				
2009				
289.02/9.07	\$357,600.	\$314,500.	\$43,100.	\$2,015.36
William S. Winters, Esq. as Trustee for Robert Parker et al 32 Highview Terr.				

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be authorized to issue a refund for the overpayment of taxes for 2008 and 2009 in the amount of \$3,949.26 in accordance with the state judgment.

R74-10 Resolution, Introduced by Councilman Mele

WHEREAS, on March 26, 2010, the Borough of Hawthorne received bids for a Truck Mounted Vacuum Street Sweeper for the Borough of Hawthorne Department of Public Works authorized by Ordinance 2004; and

WHEREAS, the bids have been received and reviewed by the Borough Administration, the Director of Public Works, and the Superintendent of Roads and they have recommended the responsive bid of:

US Municipal Supply, Inc.
PO Box 574
Route 26 South
Huntingdon, PA 16652

in the amount of \$236,457.00

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

R75-10 Resolution, Introduced by Councilman Mele

WHEREAS, it is the policy of the Borough of Hawthorne to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council of the Borough of Hawthorne has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hawthorne that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED, that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

R76-10 Resolution, Introduced by Councilman Mele

WHEREAS, it is the policy of Borough of Hawthorne to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

WHEREAS, the governing body of the Borough of Hawthorne has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that:

Section 1: No official, employee, appointee or volunteer of the Borough of Hawthorne by whatever title known, or any entity that is in any way a part of the Borough of Hawthorne shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Hawthorne's business or using the facilities or property of the Borough of Hawthorne.

Section 2: The prohibitions and requirements of this Resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a government entity or a private entity, that receives authorization or support in any way from the Borough of Hawthorne to provide services that otherwise could be performed by the Borough of Hawthorne.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this Resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this Resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

R77-10 Resolution, Introduced by Councilman Mele

WHEREAS: Tax Sale Certificate #2008-11 was sold on November 12, 2008 in the amount of \$17,436.45 on Block 274 Lot 8.04 then assessed to Deutsche Bank Nat Trust Co and said lien was originally purchased by Robert Rothman, 411 Grand Ave., Englewood, NJ 07631, and

WHEREAS: said lien was redeemed on April 19, 2010 in the amount of \$66,779.65, said lienholder is entitled to a refund including the amount of the lien \$17,436.45, penalty of \$1,046.19, search and recording fee of \$52.00, subsequent taxes of \$41,358.35 and interest of \$6,886.66 for a total of \$66,779.65, and

NOW, THEREFORE, BE IT RESOLVED: that the Collector of Taxes recommends that a check be issued by the Treasurer from the Other Trust II/Trustee Account to Robert Rothman in the amount of \$66,779.65 to reimburse the lienholder for the lien and a check from the Other Trust I account for \$26,100.00 for Premium paid.

Council President Bertollo entertained a motion to approve Resolutions MR03-10, R71-10 through R77-10 moved by Councilman Mele, seconded by Councilman Sinning.

Councilman Bennett commended Officer Finstra for his efforts on the Click It or Ticket Program, the grants that he acquired and his enforcement.

Council President Bertollo commented on R74-10 regarding the purchase of the truck mounted vacuum street sweeper. He thanked Director of Public Works Clementi and the Department of Public Works for the trials on the various street sweepers. This sweeper is different than our past sweepers and believe the efficiency, productivity and the life of the sweeper will be greater than what we have had in the past. Mr. Clementi is enhancing the sweeper schedule. Based upon the recommendations from Administration and Project Pride, the center of town, Grand Avenue and Lafayette Avenue will be done on a weekly basis without taking away from the scheduled areas. We don't like to spend money in this magnitude but it is necessary to keep our town clean and the longevity of the sweeper will be increased by a number of years and everyone will be satisfied by this purchase.

Councilman Wojtecki asked Clerk Witkowski if resolution R77-10 was related to the email he received and she said yes, however the resolution was not attached to the email. On roll call, all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Wojtecki reminded everyone that the Shade Tree Commission is sponsoring an Arbor Day celebration on April 30th at the Hawthorne High School.

Councilman Sinning reported that the Library Board recently met. A survey was conducted on the computers and it was determined that the computers are outdated. Price quotes will be obtained for replacement of hard drives and software.

Councilman Matthews reported the Planning Board met on April 20th and two more pizzerias will be coming to Hawthorne. In addition to the pizzerias, a wellness center certificate of compliance application was carried to the next meeting wherein there may be some parking issues at their proposed location. He thanked everyone who participated in the budget process. The Finance Committee is scheduled to meet on Monday, April 26th and will be looking for other areas of where potential trimming may occur. With regard to the Chamber of Commerce, the Chamber is seeking farmers to participate in the farmer's market. On behalf of the Chamber of Commerce, he thanked everyone who participated in the joint effort with the Library Board for the Easter Egg Hunt. The Ordinance Committee discussed the bulk requirements for construction of duplex houses.

Councilman Mele – Thanked the Municipal Alliance Committee for a job well done for the recent dinner and attendance of the play of Guys and Dolls at the high school of senior citizens. He thanked the Environmental Committee for doing a great job on Cel-Earth-Bratton Day. He also thanked the Sheriff's Department for the clean up around the Ambulance Corp. Building in conjunction with Project Pride. They will be contacted prior to Memorial Day to place mulch around the building.

Councilman Bennett – The Public Works Committee met and the 2010 road program was finalized. The base bid will cover Lynack Drive, from Goffle Road to two hundred feet north, Second Avenue from Florence Avenue to Van Winkle Avenue, Franklin Avenue from Lafayette Avenue to its terminus, Cornell Avenue from Florence Avenue to Van Winkle Avenue, Victor Place from Utter Avenue to Cornell Avenue, Division Street from Washington Avenue to Wagner Place and North Avenue from Horton Avenue to Rea Avenue. It is believed that the right choice was made for the purchase of the truck mounted street sweeper and it should be in service soon.

Councilman Matthews asked if the pool liner will be tested and Engineer Boswell said that a small amount of water will be put into the pool next week.

CORRESPONDENCE

There was no correspondence to discuss.

MISCELLANEOUS

SOL-1 Wm. B. Mawhinney VFW Post #1539 has requested permission to solicit Buddy Poppy Drive, beginning Saturday, May 15, 2010 and end Saturday, May 29, 2010 between the hours of 8:00 a.m. and 5:00 p.m.

Council President Bertollo entertained a motion to approve Miscellaneous SOL-1. Motion was moved by Councilman Mele, and seconded by Councilman Bennett. Councilman Matthews stated that the Chamber of Commerce will be creating and shipping care packages to the active soldiers in Iraq. Drop Boxes will be located throughout town and trial size items will be collected. 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. Check Numbers 5030, 5032, 5033 and 5035 were pulled at the request of Director of Revenue and Finance Hewitt. Motion moved by Councilman Sinning, seconded by Councilman Matthews. On roll call, all voted yes. Councilman Wojtecki abstained on check numbers 9850, 9858, 9870 and 9899, and Council President Bertollo abstained on check number 9862. .

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
AAA EMERGENCY SUPPLY CO INC	9845	403.07	VARIOUS
ACORN TERMITE & PEST CONTROL	9846	150.00	PUB WORKS ADMIN
AGL WELDING SUPPLY CO, INC	9847	329.70	STREETS & ROADS
AIG-VALIC	9848	13,991.25	RESERVE LOSAP
ALLISON BLAU	9849	150.00	MUNI COURT
AMERICAN AIRFLOW LLC	9850	127.50	FIRE DEPT
AMERICAN HOSE CO INC	9851	140.73	VARIOUS
AWARD CO OF AMERICA	9852	58.70	PUBLIC EVENTS
B & C COMMUNICATIONS, INC	9853	37.60	STREETS & ROADS
BOB'S TIRES & WHEELS INC	9854	236.00	VEHICLE MAINT
BOSWELL ENGINEERING, INC	9855	6,227.00	VARIOUS
BURGIS ASSOCIATES, INC	9856	1,415.00	PLANNING BD
CABLEVISION	9857	217.67	VARIOUS
CHIEF SUPPLY CORP.	9858	1,214.97	FIRE DEPT
CINTAS CORP	9859	278.64	PUB WORKS ADMIN
CITY WIDE MAINTENANCE	9860	1,350.00	PUB WORKS ADMIN
COACHMAN INT'L TOURS INC	9861	900.00	BOARD OF REC
DOWNES TREE SERVICE, INC.	9862	11,130.00	VARIOUS
ELECO DBA THE BODY WORKS	9863	46.00	VEHICLE MAINT
FEDERATED EMERGENCY SERVICES	9864	1,629.62	VEHICLE MAINT
FUTURE SANITATION INC	9865	31,892.58	GARBAGE COLLECT
GARDEN STATE LABORATORY, INC	9866	1,120.00	SWIMMING POOL
GET A CAN	9867	13,900.00	RECYCLING
GIANT TIRE SERVICE INC	9868	72.00	RECYCLING
HAWTHORNE BOARD OF EDUCATION	9869	2,518,787.00	SCHOOL TAX
HAWTHORNE FIRE DEPT	9870	700.00	FIRE DEPT
HAWTHORNE PRESS INC	9871	56.66	VARIOUS
HENRY'S PLUMBING & HEATING INC	9872	8.26	STREETS & ROADS
HEWLETT-PACKARD CORP	9873	779.00	IT SERVICES
HOME DEPOT SUPPLY	9874	321.60	VARIOUS

IMSA NEW JERSEY SECTION	9875	360.00	STREETS & ROADS
JOHN DEERE LANDSCAPE	9876	63.00	MAINTEN OF FIELDS
JOHN TRIPICCHIO	9877	30.00	TELEPHONE
JORDAN TRANSPORTATION,INC	9878	630.00	VARIOUS
JOSEPH SPERANZA	9879	30.00	TELEPHONE
JP HOME ARAMA, INC	9880	623.19	VARIOUS
JPSC, INC	9881	172.25	VARIOUS
JUNGLE LASERS LLC	9882	1,130.00	FEES PAYABLE
KEN SMITH MOTORS INC	9883	902.00	VEHICLE MAINT
KEN'S AUTO ELECTRIC, LLC	9884	385.42	VARIOUS
KNAPP, TRIMBOLI & PRUSINOWSKI	9885	2,173.50	LEGAL SERVICES
LOOSELEAF LAW PUBLICATIONS, IN	9886	24.90	POLICE DEPT
LUSCHER'S AUTO INC	9887	795.19	VARIOUS
M & B SEPTIC SERVICE, LLC	9888	80.00	BOARD OF REC
MES, INC	9889	614.00	VEHICLE
MIKE SHANNON SPORTS	9890	2,908.20	BOARD OF REC
MURPHY BUS SERVICE	9891	285.00	MUNICIPAL ALLIANCE
NJ ASSOC OF CHIEFS OF POLICE	9892	60.00	POLICE DEPT
NJ MEADOWLANDS COMMISSION	9893	579.01	TRANSFER STATION
NJ STATE LEAGUE MUNICIPALITIES	9894	35.00	MUNICIPAL CLERK
OFFICE CONCEPTS GROUP INC	9895	18.50	BOARD OF REC
P & A AUTO PARTS, INC	9896	234.85	VARIOUS
PROFESSIONAL ACCOUNTANTS	9897	250.00	FINANCIAL ADMIN
PUBLIC SERV ELEC & GAS	9898	41,017.77	VARIOUS
RIDGEWOOD PRESS	9899	674.00	FIRE DEPT
RT OFFICE PRODUCTS	9900	714.46	VARIOUS
SHOTMEYER BROS FUEL CO	9901	6,168.96	BULK PURCHASE GAS
SPRINT-WIRELESS	9902	279.93	POLICE DEPT
STAPLES	9903	311.53	VARIOUS
STORR TRACTOR CO	9904	193.16	MAINTEN OF FIELDS
THE TOOL WAREHOUSE	9905	2,660.75	ACQ/UPG DPW EQUIP
THOMAS ZACONIE	9906	69.00	CONST CODE
TRAFFIC SAFETY & EQUIP, INC	9907	800.00	DDEF GRANT
TREASURER, STATE OF NEW JERSEY	9908	475.00	FEES PAYABLE
TREASURER, STATE OF NJ	9909	2,145.00	FEES PAYABLE
TURNOUT UNIFORMS	9910	476.89	VARIOUS
UNITED COMPUTER	9911	7,142.00	VARIOUS
UNIVERSAL SUPPLY GROUP INC	9912	177.55	PUB WORKS ADMIN
VERIZON	9913	68.18	TELEPHONE
VERIZON WIRELESS (N)	9914	833.58	VARIOUS
WASTE MANAGEMENT OF NJ	9915	41,872.44	TRANSFER STATION
WESTMARK INC	9916	50.00	PUB WORKS ADMIN
WILLIAM S WINTERS ESQ	9917	3,949.26	OPERATIONS

WILLIAM S WINTERS ESQ	9918	3,885.11	OPERATIONS
WRS COMPANY LLC	9919	172.30	PUB WORKS ADMIN
YANKEE PROPANE, INC	9920	<u>36.00</u>	FIRE DEPT
TOTAL CURRENT		\$ 2,734,227.43	
 GENERAL CAPITAL			
TREASURER STATE OF NJ	3031	300.00	IMPROV
BOSWELL ENGINEERING, INC	3032	12,756.90	VARIOUS
CAPITAL ALTERNATIVES CORP	3033	30,000.00	INSTALL STORM DRAINS
HUDSON-ESSEX-PASSAIC COUNTY	3034	550.00	BROCKHUISEN
MCMANIMON & SCOTLAND LLC	3035	8,028.53	IMPROV
SUPLEE, CLOONEY & COMPANY	3036	400.00	ACQ DPW EQUIP
TODD HARRIS COMPANY, INC.	3037	<u>2,000.00</u>	RENOVAT
TOTAL GENERAL CAPITAL		\$ 54,035.43	
 WATER OPERATING			
AGRA ENVIRONMENTAL SVC	8150	3,055.00	VARIOUS
CABLEVISION	8151	81.86	WATER UTILITY
E S C ENTERPRISES, INC	8152	1,350.00	WATER UTILITY
GP JAGER & ASSOC INC	8153	2,280.00	WATER UTILITY
HENRY'S PLUMBING & HEATING INC	8154	57.40	WATER UTILITY
HOME DEPOT SUPPLY	8155	161.21	WATER UTILITY
HOME SUPPLY & LUMBER CO., INC.	8156	70.92	WATER UTILITY
JP HOME ARAMA, INC	8157	292.72	WATER UTILITY
JPSC, INC	8158	48.45	WATER UTILITY
KENNEDY CULVERT & SUPPLY CO IN	8159	3,762.00	WATER UTILITY
P & A AUTO PARTS, INC	8160	104.56	WATER UTILITY
PUBLIC SERV ELEC & GAS	8161	56,236.46	WATER UTILITY
ROUTE 23 AUTO MALL	8162	33.07	WATER UTILITY
SHOTMEYER BROS FUEL CO	8163	307.02	WATER UTILITY
TREASURER, STATE OF NJ	8164	15,270.00	WATER UTILITY
VERIZON WIRELESS (N)	8165	<u>203.85</u>	WATER UTILITY
TOTAL WATER OPERATING		\$ 83,314.52	
 OTHER TRUST II			
ALERT GRAPHICS	4042	1,125.00	RECYCLING
CHARLENE ELVIN	4043	460.00	RECYCLING
JP HOME ARAMA, INC	4044	9.49	RECYCLING
P & A AUTO PARTS, INC	4045	197.58	RECYCLING
POSITIVE PROMOTIONS, INC	4046	637.47	RECYCLING
GILBEY'S EMBROIDERY CO	4047	2,571.25	RECYCLING

OFFICE CONCEPTS GROUP INC	4048	102.45	RECYCLING
JOHN PALLOTTA	4049	<u>245.00</u>	UCC PENALTIES
TOTAL OTHER TRUST II		\$ 5,348.24	
DOG DEDICATED			
NJ DEPARTMENT OF HEALTH	6011	55.80	STATE OF NJ
TYCO ANIMAL CONTROL SERVICES	6012	<u>2,160.00</u>	ANIMAL WARDEN
TOTAL DOG DEDICATED		\$ 2,215.80	
OTHER TRUST I ESCROW			
BOSWELL ENGINEERING, INC	5026	166.00	ARCADIS
BOSWELL ENGINEERING, INC	5027	2,075.00	PATRIOT
BOSWELL ENGINEERING, INC	5028	498.00	116 WAS
BOSWELL ENGINEERING, INC	5029	322.00	LAUREN
BOSWELL ENGINEERING, INC	5030	83.00	PRT REA
BOSWELL ENGINEERING, INC	5031	83.00	REALTY
BOSWELL ENGINEERING, INC	5032	830.00	PUDDING
BOSWELL ENGINEERING, INC	5033	166.00	JOSE RO
BOSWELL ENGINEERING, INC	5034	1,743.00	CORNETT
BOSWELL ENGINEERING, INC	5035	<u>747.00</u>	MATTAR
TOTAL OTHER TRUST I ESCROW		\$ 6,713.00	
TOTAL BILL LIST		<u>\$ 2,885,854.42</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.

Stephen Perretta, 75 Emeline Drive stated that at recent Wyckoff town meeting, a Wyckoff official stated that Hawthorne has made a deal to sell water to the Christian Health Care Center project and asked if this statement is true. Mayor Goldberg stated that when he met with the officials of Ridgewood Water, he would consider selling water for Wyckoff's fire protection and has not and would not commit to selling water to the Christian Health Care Center project.

Jake Baum, 277 Central Avenue stated that this evening's broadcast of the meeting was terrible, the volume was very poor, can Cablevision improve the quality of this broadcast and/or have everyone speak more clearly in the microphones. Council President Bertollo stated that the sound coming from the broadcast in the municipal lobby is extremely loud, so the problem is not with everyone speaking in the microphones. The issue with Cablevision is being worked on a weekly basis, equipment to solve this problem has been ordered and apologized for this inconvenience.

Mr. Baum stated that he performed the duty of Master Poll Worker in the April 20, 2010 School Board Election and visited each polling place. He stated that the facilities for handicapped individuals are very poor. The polling area at Washington School was moved to the gymnasium on the side of the building, the gate was closed and people could not gain access. Parking was also an issue. There is only one handicapped parking space available at the Lincoln School, there should be at least three or four handicapped parking spaces available. He suggested that schools be closed on Election Day. Mr. Baum asked if accessibility to voting for handicapped individuals could be made easier. Parking at the high school is unacceptable, you must park in the back, which is where the handicapped parking spaces are and a bell must be rung in order to gain access to the building. Voting is conducted in the lobby of the school and the bell cannot be heard. Council President Bertollo stated that he believes the bell is rung through the general office. Mr. Baum stated there is a small lift elevator at the Lincoln School. The bell must rung, someone must come to open the door as well as operate the elevator, which he believes is a very poor system. He also stated that the entrance step to the Ambulance Corp. Building, which is a new building, has an eight inch step and the ramp that is approximately one hundred feet away in order to gain access to the building. He asked why the ramp was not installed closer to the entrance of the building. Mr. Baum stated that he wrote a complaint regarding these issues and it will be sent to the County.

Mr. Baum stated he would like to see Governor Christie's request of teachers not getting a raise to not only include teachers but should include everyone, even the police. He asked how much would be saved if everyone did not take a raise this year. Council President Bertollo stated that the only group that is receiving a raise this year is the police because they are under contract. Mr. Baum stated even though they are under contract, the police should decline the raise. Mayor Goldberg stated that he discussed this issue with the PBA President. Mr. Baum stated that anyone making over \$100,000 should give back five percent. There are ways that money can be saved and everyone should pitch in. Mr. Baum thanked Council.

Mr. Robert Kurdock, 15 Rose Court stated that family members were hurt by the decision of New Jersey Transit. He has attended past meetings with New Jersey Transit and stated that no one attends these meetings, however, the rumor mill has it that Governor Christie will be looking into this matter.

Mr. Kurdock asked Attorney Pasquale if all the litigation that exists between the borough and K. Hovnanian as it affects various homeowners has been settled as well as those people residing in the K. Hovnanian project. Attorney Pasquale stated that an agreement has been received from K. Hovnanian and they will be meeting with the residents of the project. However, the borough cannot get involved with this particular litigation, therefore, this part of the settlement has not been completed.

Mr. Kurdock stated that he was amazed at the amount of volunteers at Cel-Earth-Bration day. He thanked Council, Mayor, students and everyone who participated and attended the day. He also thanked Councilman Mele for his leadership on the committee.

Mr. Kurdock commended the Council regarding the Shotmeyer issue. However, further down on Wagaraw Road and turning right on Goffle Road there is an eye sore, the buildings is dilapidated, the fence is collapsing, and how is this owner allowed to have this. Mayor Goldberg stated the owner has been summonsed and is due in court. Mr. Kurdock thanked Council and Administration.

Council President Bertollo asked if any one 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 Sinning. On roll call, all voted yes.

ADJOURNMENT

Council President Bertollo entertained a motion to adjourn the meeting at 9:51 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 May 5, 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