

June 16, 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 Lane, Matthews, Mele, Wojtecki and Bertollo. Also present were Mayor Goldberg, Borough Administrator Maurer, Director of Revenue and Finance Hewitt, Borough Attorney Pasquale, Borough Engineer Boswell and Borough Clerk Witkowski. Councilmen Bennett and Sinning were 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 Regular Meeting June 2, 2010 moved by Councilman Mele, seconded by Councilman Matthews. On roll call all voted yes. Councilman Wojtecki abstained.

### **ADOPTION OF ORDINANCES**

#### **Ordinance No. 2017-10 for Adoption**

AN ORDINANCE TO AMEND AND REVISE THE MUNICIPAL CODE OF THE BOROUGH OF HAWTHORNE AND SPECIFICALLY THE ADMINISTRATIVE SECTION THEREOF SO AS TO CONFIRM CODIFICATION OF THE LIBRARY BOARD OF TRUSTEES AS A SECTION OF THE CODE OF THE BOROUGH OF HAWTHORNE AND INCREASE MEMBERSHIP ON THE BOARD OF TRUSTEES TO NINE MEMBERS AND TO ELIMINATE THE DIVISION OF WELFARE FROM THE CODE OF THE BOROUGH OF HAWTHORNE

### **Public Hearing**

Council President Bertollo opened the meeting to the public and asked anyone who desired to be heard to come forward and state your name and address for the record. No one desired to be heard.

Council President Bertollo entertained a motion to adopt Ordinance No. 2017-10, moved by Councilman Matthews, seconded by Councilman Wojtecki. On roll call, all voted yes.

### **Ordinance No. 2018-10 for Adoption**

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE TO REVISE AND REPLACE CHAPTER 95, FEES, SECTION 220, WATER

### **Public Hearing**

Council President Bertollo opened the meeting to the public and asked anyone who desired to be heard to come forward and state your name and address for the record. No one desired to be heard.

Council President Bertollo entertained a motion to adopt Ordinance No. 2018-10, moved by Councilman Mele seconded by Councilman Matthews. On roll call, all voted yes.

### **OLD BUSINESS**

Councilman Matthews asked Administrator Mauer when the landscaping at Florence and Cornell will commence. Administrator Mauer did not have an exact date and stated he will look into this matter.

Council President Bertollo asked Administrator Mauer the status of 8<sup>th</sup> and Mohawk. Administrator Mauer said that aesthetic work will be performed. Everything must be removed from the road prior to the County paving it. The barriers will be removed, the barrels that are too high and impacting visibility will be unstacked and the old tarp will be removed. The engineer stated that a tarp or barrier must be put in place in order to protect the side. If the protection works, perhaps mulch will be installed so that it looks better and it is anticipated that this will be done within the next week. Engineer Boswell stated that the problem is that we have to have something that is impervious and mulch could be an issue. Instead of the blue tarp, a clear plastic membrane and something colored can be placed over it to make it look better. Engineer Boswell will look into potential solutions. Council President Bertollo asked if the cost can be added as a lien on the property. Administrator Mauer said he is not sure if a lien can be placed on the property, the cost might be the Borough's. Mayor Goldberg stated that the property is already over-borrowed and the best case scenario, this would be applied to the reimbursement cost at the on-going court case. Attorney Pasquale stated a lien claim cannot be filed but the cost can be made part of the cost that the Municipal Court would

impose which would ultimately become a lien and done in the form of a judgement. Councilman Wojtecki asked what type of work the County is planning and Administrator Mauer said they will be paving and road resurfacing on North 8<sup>th</sup> Street. Councilman Wojtecki stated that in the past he requested this work be put off until the damaged sewer line under the sidewalk in front of the corner property at Mohawk and North 8<sup>th</sup> Street is repaired. He said when there is flooding, the road bubbles up and asked if it is in the County's plans to repair this. Mayor Goldberg stated that the pipe is ours and the road is the County's, however if it is a lateral pipe, that pipe belongs to the homeowner. Administrator Mauer asked if the pipe is a storm water or sanitary sewer pipe. Councilman Wojtecki believes it is a storm water pipe because it is underneath the sidewalk. Engineer Boswell stated that he does not believe there are storm water pipes in the area and it must be a sanitary pipe. Councilman Wojtecki stated that the paver is lifted and if the County paves over this, within a year, it would have to be ripped up. Mayor Goldberg stated this would be looked into in order to determine who is responsible for the repair. Councilman Wojtecki stated this is front of George's Express property.

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

### **NEW BUSINESS**

Council President Bertollo asked if there was any new business to discuss.

Councilman Wojtecki stated the pothole at the intersection of Second and Florence was discussed in the work session.

Councilman Matthews stated that he received questions from the residents on Van Winkle asking about the sidewalk flags that are marked out for replacement. Councilman Matthews told the residents that they should be receiving a letter from the Engineer discussing this matter. Councilman Matthews said he looked at several sidewalks and determined that it makes sense to replace the sidewalks. However a resident questioned if only five slabs out of seven need replacement, why should the resident have to pay for the two extra slabs. Engineer Boswell said that it is not that expensive to replace the two additional slabs and the end result will look nicer. Councilman Matthews stated he realizes this but it's the homeowner's money. Engineer Boswell asked if the homeowners received the letter, there is telephone number on the letter whereby the homeowner should call Engineer Boswell's office and schedule a meeting with one of the engineers. Councilman Matthews said he told the residents to do this, however, he was not certain if they did. He also stated that a number of residents have damage from Public Service and told the residents that they must contact PSE&G. However, Councilman Matthews would like the Borough to handle this for the residents. Engineer Boswell asked what type of damage was caused by PSE&G. Councilman Matthews said that when the backhoes were used to install the new gas mains the leveling feet caused cracks in a number of slabs. Councilman Matthews continued that if this is something that is being replaced, it should be noted and PSE&G should be told that this is their

responsibility. Engineer Boswell said that this could be done, however he might need Attorney Pasquale's assistance. He also encouraged the residents who have concerns to contact his office at 201-641-0770. They should ask for Kristen Hayes who will look at the property and discuss any issues the resident may have.

Council President Bertollo asked if PSE&G caused the damage, why we wouldn't intervene on behalf of the residents. Councilman Matthews said he raised this same issue at last month's meeting. Council President Bertollo asked Administrator Mauer to see if a road opening permit was issued to Public Service, within the parameters of the road opening permit it should be clearly stated about damage that they caused. He stated that the borough should handle an issue of this nature on behalf of the residents.

Councilman Lane stated his issue about the no parking area at the high school was discussed in the work session.

### **PUBLIC HEARING ON ASSESSMENT**

BOND ORDINANCE NO. 1972-09 PROVIDING THE ROAD RECONSTRUCTION OF VARIOUS STREETS IN CONNECTION WITH THE 2009 ROAD CONSTRUCTION PROGRAM AND PROVIDING FOR THE RECONSTRUCTION OR REPLACEMENT OF SIDEWALKS AND DRIVEWAY APRONS ON STREETS IDENTIFIED HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING SIXTY FIVE THOUSAND (\$65,000) DOLLARS THEREFOR, AUTHORIZING THE ISSUANCE OF BONDS OR NOTES FOR FINANCING PART OF THE COST THEREOF AND DIRECTING SPECIAL ASSESSMENT OF THE COST THEREOF

#### **Public Hearing**

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

George King, 66 Eking Avenue asked if this sidewalk would be amended and fixed since the construction company poured the sidewalk during a thunderstorm and the sidewalk was ruined. Council President Bertollo stated it was the recommendation of the Assessment Commission that it be re-done, the Engineer is also in agreement. Engineer Boswell stated that the contractor will re-pour the sidewalk. Mr. King asked Engineer Boswell if he would send him a letter confirming this and asked when it will be done. Engineer Boswell told Mr. King if he has any questions, he could contact Administrator Mauer or Boswell Engineering. Mr. King asked when this will be done and Engineer Boswell said it will be done this year but he did not have a specific date. Mr. King thanked Council and Administration.

Council President Bertollo asked if anyone else wished to be heard. No one else desired to be heard. Council President Bertollo entertained a motion to close the public hearing moved by Councilman Mele seconded by Councilman Lane.

### **ADMINISTRATIVE AGENDA**

Mayor Goldberg congratulated the students who participated in Youth Day at the last meeting. Matthew Chatten, the student who portrayed Mayor Goldberg, was the local winner of the Louis Bay II scholarship finals. Mayor Goldberg congratulated him and all those who entered the contest.

Mayor Goldberg congratulated the Hawthorne Volunteer Fire Department Explorer Post #247 on winning the National Exploring Excellence award.

Mayor Goldberg had the pleasure of having lunch with Jenna Hughes, whose parents were the highest bidder for lunch with the Mayor. Jenna not only had lunch but also had a tour of the building.

Mayor Goldberg congratulated the senior girl's softball team coached by the Mayor for reaching the final round of the Recreation playoffs which start on Saturday, June 19<sup>th</sup>.

Beginning Tuesday, June 22<sup>nd</sup>, the municipal pool will be open on a regular basis and asked everyone to enjoy a safe pool season at the Wagaraw complex.

Hawthorne Day will be on October 2<sup>nd</sup>. Food and retail spots are beginning to fill up and sponsorships have been received. It is our hope to exceed last year's sponsorships by at least 20% so that we can expand our fireworks and entertainment. Questions can be directed to Chairman Peter Vanderveldt, Vice Chairman Joe Ross or Charlene Elvin or calling 973-427-5555 ext. 600.

The Glen Rock Fire Department recently had a parade celebrating their 100<sup>th</sup> year anniversary. Hawthorne Fire Company No. 3 won Best in Show and Mayor Goldberg congratulated Company No. 3 and everyone who participated.

This concludes Mayor Goldberg's report.

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

Director of Revenue and Finance Hewitt stated there is a Resolution for the confirmation of Ordinance 1972-09 on the agenda. Assuming that this Resolution is passed, the bills are ready to be sent, the law states that all bills must be mailed within 10 days.

She asked that the Resolution relating to Chapter 159, the Shade Tree Grant will be passed and these funds will be added to the municipal budget. These funds were not included when the budget was adopted.

There is another resolution regarding an inter-fund. The inter-fund was caused by third party checks. A payment can be received, however the payment is for two different funds and the check can only be deposited into one fund thus creating an inter-fund.

The audit has been completed. She spoken with Auditor Joe Kelly regarding some issues and the completed audit should be received in a few weeks.

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

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

Attorney Pasquale stated the K. Hovnanian matter is completed. However, we are still waiting for K. Hovnanian to deliver money for the escrow account and some paperwork needs to be exchanged.

A law suit was filed against the Borough based on a trip and fall that occurred at Rhodes Park. This is being handled by JIF and they have picked up the defense so there are no issues.

Depositions need to be taken in the Enterprise matter, which should take place in July.

Liquor license transfers were reviewed. These transfers are not ready to proceed this evening, however, they might be ready to proceed at a special meeting scheduled to approve other liquor license renewals.

Councilman Wojtecki stated that this seems to be a problem every year. Mayor Goldberg stated that the it is not the fault of the owners of the licenses, they cannot control the pace of which the State of New Jersey works. The owners should not be punished because the State is late in sending the tax certificates.

This concludes Attorney Pasquale's report

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

Leaf Composting Facility Permit – The topographic survey for the area has been completed. Kevin Downes has been cleaning up. Frank Rossi of Boswell Engineering is expected to meet with Kevin to discuss the operation and the proposed permitting class for the facility.

Underground Storage Tank Groundwater Monitoring – The permanent monitoring well was installed on June 14<sup>th</sup>. Sampling will be conducted in two weeks in order to allow the well to stabilize. Results should be received approximately three weeks after the sampling. Groundwater was observed at approximately 8 feet during the temporary well installation and 18 feet during the permanent well installation.

Oil/Water Separator – We are working with Department of Public Works Director Clementi as to which building this should be installed at in order to make sure there is accessibility for the truck washing.

Veteran's Field Lighting Specs – Are being prepared and should go out to bid shortly.

Brockhuizen Lane – An issue with Public Services remains. A letter may be required from Attorney Pasquale. A pole on Brockhuizen Lane must be relocated and under the Public Service rules and the rules of the Borough, any pole that is in a Borough right-of-way that must be relocated because of a road reconstruction is done at the cost of the utility and not paid for by the Borough. PSE&G is aware that this is a cost sharing project and different individuals are contributing to the cost of the road. Other than the Borough, those sharing in the cost should share the cost of relocating the pole. According to Public Service, the cost of moving the pole is \$31,000.00. He asked Council for their approval to have Attorney Pasquale write a letter on behalf of the Borough, stating that the Borough finds it unacceptable that PSE&G is requesting payment for the movement of this pole. The agreement with all utilities is the same which basically states if utilities are installed in the Borough's right-of-way and need to be relocated because the road needs to be repaired, it is done at the cost of the utility company.

Council President Bertollo stated that our dealings with PSE&G during the past two years have not been good. It is time to find out who Everton Scott's boss is and schedule a meeting with administration. We were given a hard time with the Van Winkle electric problem, they caused the mess on Diamond Bridge Avenue, Council President Bertollo asked Administrator Mauer to shut them down. Mayor Goldberg stated there was an issue with a pole at Veteran's Field. Council President Bertollo stated that there were issues with gas leaks on Goffle Road, and Buena Vista, a meeting was scheduled with George Zeus as well as one of the vice presidents and the matters were taken care of. If complaints need to be filed with the Board of Public Utilities, we should file them. Mayor Goldberg said he will have Administrator Mauer schedule a meeting.

Goffle Hill Force Main – Passaic County has not yet issued the Road Opening Permit. Information submitted by our office must be re-submitted on Borough letterhead.

2010 Road Program – Is out to bid and being received on June 29<sup>th</sup> at 11:30 a.m. Also, Van Winkle is out to bid and those bids are being received on June 29<sup>th</sup> at 11:00 a.m. We bid both of these together in an attempt to receive a lower price from one person if they want to do both projects.

Christian Health Care Center – Is not scheduled for the June Wyckoff Board of Adjustment meeting. Wyckoff does not know when it will be scheduled. Christian Health Care Center signed an extension of time until September 2010.

Goffle Brook Bank Stabilization – Frank Rossi is trying to schedule a meeting with Faraz Khan's boss at the DEP to try and resolve any issues the DEP may have.

Drainage Improvement Project – There was one unsigned easement. Our office is meeting with the resident on Thursday, June 17<sup>th</sup> to discuss the matter. There is an apparent language barrier and we expect the homeowner to sign. The project can then proceed to bid.

Ridgewood Water Proposal – No response has been received from Ridgewood Water on our revised proposal to check the ability to provide service to them without a tank. However, we continue to follow up with them.

Chlorine Conversion – Information requested by DEP has been submitted. The individual responsible at the State is on vacation until June 23<sup>rd</sup>. We have not received any additional comments or requests.

Veteran's (Kohler) Field Soil Borings – Two test pits were excavated on May 21, 2010 at depths of 8.3 and 8.5 feet below ground surface. The subsurface conditions indicated successive layers of topsoil, fill and sand. Groundwater was encountered in TP-2 at approximately 8.2 feet below ground surface, which corresponds to an elevation of approximately 33.6 feet. Both pits were tested for percolation. The percolation rate in TP-1 was defined as rapid percolation and in TP-2, moderately rapid percolation. If the river rises, the field will stay wet because the river is influencing the groundwater level. Drainage could be installed but the water will have no where to go.

Sealing of Tennis Courts – Work will be completed in June but Engineer Boswell did not have an exact date.

The EPA did a walk through today but the final result on the sewer system was not received. Administrator Mauer said that the EPA needs additional documents and he was not aware of the final outcome.

Application of Outdoor Fertilizer Ordinance – A potential notice from the DEP was received since a fertilizer ordinance has not been adopted.

Municipal Building HVAC – The air conditioning fan broke and it is still under warranty for the equipment as well as under maintenance bond from the contractor. Administrator Mauer drafted letters to Trane and Reiner and the letters were reviewed by Attorney Pasquale and Engineer Boswell before submission and sent today. The schedule that they gave us to repair is unacceptable. There will be follow up at the end of the week. The part will either be replaced or repaired or they will bring in a trailer and provide temporary air conditioning. This is not the Borough's fault, the contractor and supplier are blaming each other.

That concludes Engineer Boswell's report.

Mayor Goldberg congratulated Administrator Mauer's daughter, Olivia, who will be graduating from high school with honors.

Mayor Goldberg called upon Borough Administrator Eric Mauer for his report.

PSEG's contractor left mud and dirt throughout the road on Diamond Bridge Avenue, from Lafayette Avenue to Lincoln and they have been contacted. The contractor will be receiving a summons and we asked the County to close the job down until the mess has been cleaned up.

The vehicle maintenance and garbage bid specs are being worked on and should be ready to go to bid within the next month. The garbage contract expires at the end of this year, however it requires a 60 day lead time. We want to have enough time to bid it and in case there is a problem, we will have enough time to rebid it before the end of the year.

Administrator Mauer attended the last Board of Recreation meeting. The Borough's new Civil Rights policy was reviewed with the various sports organizations. As part of the Borough's policy, each organization needs to have their own policy. There were some follow up questions which will be resolved at the next meeting. The questions dealt with training that needs to be given to the volunteers and staff. The policies should be in place by September 1<sup>st</sup>. Councilman Matthews stated that organizations understood that they need to have their own insurance policies and one organization folded because of this. Administrator Mauer stated there was a misunderstanding and was not aware of this. He asked Administrator Mauer to explain to the Board of Recreation that it is not a separate insurance policy.

One more attempt is being made to obtain food concession at the pool. The Cub's provided the concession last year but decided they were not going to do it this year. We have a prospective vendor and hopefully something will be in place by the time full operation begins at the pool.

This concludes Administrator Mauer's report.

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

Councilman Mele asked Director of Revenue and Finance Hewitt the amount of the Shade Tree Grant and she said \$7,000.00.

Councilman Matthews asked Engineer Boswell about the finger pointing being conducted and the Borough being involved regarding the air conditioning system. Councilman Matthews stated the manufacturer is telling the contractor that the CFM in the blowers was increased, which is normal, but was increased beyond the capacity of the blowers. The contractor is pointing the finger at our engineering office. Engineer Boswell said that this is the first time he is hearing this. It is his understanding that the bearings seized on the fan, the manufacturer will replace the fan and the only issue is the manufacturer said it will be replaced within 4 to 6 weeks. Engineer Boswell asked Councilman Matthews where he heard this and Councilman Matthews said he heard it from someone in the municipal building.

Mayor Goldberg said that the Borough is not responsible. Administrator Mauer said that he heard the same rumor and was not able to trace the rumor. Councilman Matthews said that 4 to 6 weeks is unacceptable, if they do not have part, the part should be taken from another unit waiting to be installed.

Councilman Lane stated the bearings seizing in this type of operation are factory sealed, they cannot be serviced or greased and are made to withstand more CFM's than normal, so this is a manufacturing flaw and not a contractor flaw.

Engineer Boswell said it does not matter whose fault it is, we have a warranty. Attorney Pasquale stated that 4 to 6 weeks is unacceptable, they must be told this must be fixed by the end of the week. Councilman Lane stated they are still within the warranty period. All new fans are installed with the proper mechanisms and the warranty did not start on that particular item. Engineer Boswell said the warranty would jump. Attorney Pasquale said that this will be insisted upon.

Council President Bertollo said the biggest concern is that if nothing happens by Friday, how will we proceed and are we prepared to supply portable air conditioning. Engineer Boswell said this could be done. Council President Bertollo asked if this could be arranged and done over the weekend. Mayor Goldberg said that this could be brought in but does not know how it will be paid for. Mayor Goldberg does not want a vendor to provide air conditioning that we cannot pay for. Councilman Wojtecki asked if other buildings could be utilized such as the Fire House or Ambulance Corp. building. The second floor of the municipal building is uninhabitable. Administrator Mauer said the problem is doing the work at another location is difficult when the files and computer connections are in the municipal building. Engineer Boswell said if a solution is not received, we will have to make a solution. Council President Bertollo said this is a public building and air conditioning is needed. Attorney Pasquale said if they fail to live up to the bargain, action will be taken by means of a law suit. Councilman Lane asked Attorney Pasquale if discussion could begin now with the bonding company to advise them as to what our actions are going to be if for some reason nothing is resolved by Friday. Attorney Pasquale said he is prepared to go into the various directions. Administrator Mauer sent a firm notice that we expect an immediate correction, at least on a temporary basis. Then we will repair it and tell them they did not and a suit will be implemented for time, manpower, etc. They need to understand that this has to be done immediately. Councilman Lane said that some things can be done immediately, but other things will take time. The bonding company should be notified now and put them on notice. Administrator Mauer said the bonding company has been noticed, they were copied on the letter. Attorney Pasquale said the bonding company was told the contractor has a very short window to repair the air conditioning. Failing to fix the problem, they are on their own and we will be very aggressive in making sure that this building has air conditioning and expect a solution by week's end. If time is the issue, then we make time go faster. This is not a question about fixing something, this is a shipping issue and it is within their control.

Engineer Boswell said there was a similar type situation in the past. A fabricator was approached, a fan was made and we installed the fan. It was not the manufacturer's fan and

this was a temporary resolution. We don't want the Borough to fix this, we want the ones who installed and warrantied it to fix it. Councilman Matthews asked Engineer Boswell if he contacted the manufacturer and Engineer Boswell said yes, and it is the manufacturer, Trane, who is stating that it will take 4 to 6 weeks. Councilman Matthews asked if those on the distributor list to see if they have comparable fans in stock. Engineer Boswell repeated that they need to fix this by the end of the week, they should search their distribution network. Attorney Pasquale said this can be done, Reiner is a quality operation, we expect them to stand behind what they do. Reiner has a good reputation and they will do this and other plans are in place.

Council President Bertollo said that even if other plans are in place, we need a plan if the system is not working on Friday. There needs to be air conditioning come Monday, whether it's temporary or not. Engineer Boswell said that he can guarantee a solution by Monday, the question is there a way to pay for it. Director of Revenue and Finance Hewitt stated a meeting needs to be held to declare an emergency. An emergency appropriation needs to be submitted and declare an emergency. It is not an easy procedure. There is an emergency purchase procedure, however a meeting needs to be scheduled post haste.

Engineer Boswell stated that a temporary solution would cost between \$10,000 to \$40,000. Mayor Goldberg said he appreciates Council's commitment to have air conditioning in the building.

Councilman Wojtecki asked when the recycling contract ends. Administrator Mauer believes it is the end of this year. Councilman Wojtecki asked when negotiations begin. Council President Bertollo asked Councilman Wojtecki if he is asking about the rate or the commodities. Councilman Wojtecki said the rate. Administrator Mauer said he will follow up on this matter.

Councilman Wojtecki asked Attorney Pasquale for an update on Norma Terrace. Attorney Pasquale said the bonding that was in place expired on June 7<sup>th</sup>. Prior to the expiration of the bond, notice was served on the bonding company that there has been a failure of the contractor to complete the work. The bonding company has been noticed of its failure of principal in the contract. Ed Senkevich from Engineer Boswell's office has met on several occasions with Mr. Pappas who is the principal of the company and is interested in completing this job, however, he is having difficulty in obtaining the funds. Mr. Pappas has been asked what he needs and what his timetable is because there is not much work to complete the job. If this is not done immediately, the bond will be called in. Formal action of suing the bonding company has not been done. The bonding company is on notice and they will lean on Mr. Pappas to complete the job. This should be done within the next couple of weeks. Mr. Pappas called Attorney Pasquale personally and he is not being irresponsible.

Council President Bertollo asked Engineer Boswell how long the tennis courts will be out of commission while sealing. Engineer Boswell said one or two days. Council President Bertollo asked that this be coordinated somehow since tennis lessons will be given.

Council President Bertollo asked Administrator Mauer about the County re-paving Diamond Bridge Avenue through the center of town to the railroad tracks. Administrator Mauer stated the County said they cannot change the scope of the project because it is federally funded, however, he will ask the County again. Council President Bertollo said that we need to do something because the paving stopped at Diamond Bridge Avenue in the center of town. The paving needs to be carried through the railroad tracks and this has been discussed in the past. We also need to know what is being done on Diamond Bridge Road from the Post Office to Lincoln Avenue and will this be curb to curb. One hundred feet of Diamond Bridge Ave. is not paved and makes no sense. John Lane asked if anything left over from the bids, could this be done, Council President Bertollo said this could be done.

Council President Bertollo asked Attorney Pasquale about the violation notice that was received regarding a fertilizer ordinance. Attorney Pasquale's understanding is that the model ordinance remains the same, and if there is deviation to the model ordinance, you must inform the DEP of the changes. The ordinance must be introduced and still meet the spirit and intent of the ordinance. The Ordinance Committee can meet to see what they find as egregious in their model, strike those items and propose an ordinance to the DEP. Council President Bertollo asked Engineer Boswell how many communities that he serves have not done this and he said all of them. Attorney Pasquale told Council that it is up to them if they want to revise this ordinance. Councilman Matthews asked if this is enforced by local code and Attorney Pasquale said yes. Council President Bertollo stated the last time there was an issue of this nature, the League of Municipalities issued a statement of opposition. He asked to contact the League for an opinion on this ordinance. Attorney Pasquale said he will contact our League representatives.

Council President Bertollo asked if there were any further questions for Administration. There were none. Council President Bertollo entertained a motion to record the Administrative Agenda, moved by Councilman Matthews, seconded by Councilman Lane. On roll call, all voted yes.

#### **INTRODUCTION OF ORDINANCES**

There were no ordinances introduced.

#### **CONSENT AGENDA: RESOLUTIONS: R-105-10 Through R-121-10**

**R105-10 Resolution, Introduced by Councilman Wojtecki**

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated June 4, 2010.

CURRENT FUND	WT 888889	\$	229,504.96
WATER OPERATING FUND	WT 888889	\$	36,532.26
OTHER TRUST II FUND	WT 888889	\$	5,828.36
TOTAL PAYROLL			<u>\$ 271,865.58</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	8,261.53
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	5,000.00
TOTAL FICA			<u>\$ 13,261.53</u>

**R106-10 Resolution, Introduced by Councilman Wojtecki**

**WHEREAS**, an interfund in the amount of \$34.80 was created by a check received from the County of Passaic between the Water Utility Fund and the Assessment Trust Fund; and

**WHEREAS**, an interfund in the amount of \$964.14 was created by a check received from our insurance carrier between the Water Utility Fund and the Current Fund.

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to liquidate said interfund in the amount of \$34.80 from the Assessment Trust Fund to the Water Utility Fund, and \$964.14 from the Water Utility Fund to the Current Fund.

**R107-10 Resolution, Introduced by Councilman Wojtecki**

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

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by

law and the amount thereof was not determined at the time of the adoption of the budget, and

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

### **SECTION 1**

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Borough of Hawthorne, that the Borough of Hawthorne hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$7,000.00 which item is now available as revenue for the NJDEP Business Stimulus Fund Grant Program – ShadeTree.

**SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS**  
**NJDEP Stimulus Grant – Shade Tree      \$7,000.00**

pursuant to the provision of the statute; and

### **SECTION 2**

**BE IT FURTHER RESOLVED**, that a like sum of \$7,000.00 be and is hereby appropriated under the caption of:

**OPERATIONS EXCLUDED FROM “CAPS”**  
**PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUE**  
**NJDEP Stimulus Grant – Shade Tree      \$7,000.00**

### **SECTION 3**

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

### **R108-10 Resolution, Introduced by Councilman Wojtecki**

WHEREAS, The Council has heretofore adopted Ordinance 1972-09, providing for the reconstruction of sidewalks and driveway aprons, in addition to other work, on a portion of various roads in the Borough as part of its 2009 Road Improvement Program, which Ordinance provided for the Assessment of the costs of said improvements on property specially benefitted thereby in accordance with the provisions of N.J.S.A. 40:56-21 et seq.; and

WHEREAS, upon completion of said project the Borough Engineer certified the cost of the same to the Board of Assessment Commissioners, who held hearings, on notice to all affected property owners, and thereafter reported to the Council; and,

WHEREAS, the Council held a public hearing on said assessments on June 16, 2010, on notice to all affected property owners, and heard and considered the statements of all persons desiring to be heard thereon; and,

WHEREAS, the Council has determined that no adjustments, corrections and modifications should be made in the recommended assessments reported by the Assessments Commissioners, it being noted nevertheless that a number of the recommendations of Commissioners have been undertaken and implemented prior to the hearing set forth above;

NOW THEREFORE, BE IT RESOLVED, that the Schedule of Assessments, as revised and filed with the Borough Clerk, and attached to this Resolution, shall be and hereby is approved, fixing and allocating the total assessments of \$56,274.44; and, the Borough Clerk shall give notice to each affected property owner of this determination, and of the amount of assessment applicable to the respective property of each owner; and

BE IT FURTHER RESOLVED, that a copy of the Schedule of Assessments be delivered to the Tax Collector for billing and collection of the assessments, as provided by law; and, each assessment shall be repaid in the manner provided in the Ordinance, at an interest rate of 3.92%, through the issuance of bond anticipation notes and fixed by the Chief Financial Officer, payable over a term of ten (10) years, subject to the penalty rate for delinquent payments in the same manner as delinquent payments of taxes and other municipal charges; and'

BE IT FURTHER RESOLVED, the cost of the project which exceeds the amount of the assessments herein confirmed, shall be paid out of the General Treasury.

**R109-10 Resolution, Introduced by Councilman Wojtecki**

WHEREAS, The Municipal Clerk is submitting the following Club License Renewal Application for renewal approval for the license renewal term 2010-2011

Lic#1604-31-020-001                      Hawthorne Post #199 American Legion                      1 Legion Place

NOW, THEREFORE, BE IT RESOLVED, that the Hawthorne Municipal Council, of the Borough of Hawthorne, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

**R110-10 Resolution, Introduced by Councilman Wojtecki**

WHEREAS, The Municipal Clerk is submitting the following Club License Renewal Application for renewal approval for the license renewal term 2010-2011

Lic#1604-31-026-001                      Riverside Veterans, Inc.                      123 Royal Avenue

NOW, THEREFORE, BE IT RESOLVED, that the Hawthorne Municipal Council, of the Borough of Hawthorne, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

**R111-10 Resolution, Introduced by Councilman Wojtecki**

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License Renewal Application for renewal approval for the license renewal term 2010-2011

Lic#1604-33-002-005                      Evad Been, Inc. t/a Jiggle                      105 Mohawk Avenue

NOW, THEREFORE, BE IT RESOLVED, that the Hawthorne Municipal Council, of the Borough of Hawthorne, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

**R112-10 Resolution, Introduced by Councilman Wojtecki**

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License Renewal Application for renewal approval for the license renewal term 2010-2011

Lic#1604-33-003-003      DiCosmo Assoc./t/a The Front Porch                      217 Wagaraw Rd.

NOW, THEREFORE, BE IT RESOLVED, that the Hawthorne Municipal Council, of the Borough of Hawthorne, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

**R113-10 Resolution, Introduced by Councilman Wojtecki**

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License Renewal Application for license renewal term 2010-2011

Lic#1604-33-005-007      Meson Galicia, Inc. t/a                      410 Wagaraw Road  
Granada Restaurant

NOW, THEREFORE, BE IT RESOLVED, that the Hawthorne Municipal Council, of the Borough of Hawthorne, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.



Lic#1604-33-013-007                      Puzo's Pizza International                      4 Garfield Avenue  
t/a Puzo's Pizza International

NOW, THEREFORE, BE IT RESOLVED, that the Hawthorne Municipal Council, of the Borough of Hawthorne, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

**R118-10 Resolution, Introduced by Councilman Wojtecki**

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License Renewal Application for renewal approval for the license renewal term 2010-2011

Lic#1604-33-015-004      Latin Bistro OFD Corp. t/a                      1060 Goffle Road  
Sabor Latin Bistro

NOW, THEREFORE, BE IT RESOLVED, that the Hawthorne Municipal Council, of the Borough of Hawthorne, has no objection to the renewal of these licenses and is not aware of any circumstances that would prohibit the renewal of said license.

**R119-10 Resolution, Introduced by Councilman Wojtecki**

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License w/Broad Package Privilege Renewal Application for renewal approval for the license renewal term 2010-2011

Lic#1604-32-018-004                      Holst & Lehman Corp. t/a                      610 Lafayette Avenue  
Hawthorne Liquors/Rumors

NOW, THEREFORE, BE IT RESOLVED, that the Hawthorne Municipal Council, of the Borough of Hawthorne, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

**R120-10 Resolution, Introduced by Councilman Wojtecki**

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License w/Broad Package Privilege Renewal Application for renewal approval for the license renewal term 2010-2011

Lic#1604-32-011-013      Nicola Enterpirse, Inc.                      142 Goffle Road  
t/a Nicola's Ristorante

NOW, THEREFORE, BE IT RESOLVED, that the Hawthorne Municipal Council, of the Borough of Hawthorne, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.



spoke with Gary Shaw of Cablevision today and we will be receiving new cable boxes for the town at no cost to the town.

Councilman Bennett – In his absence, Council President Bertollo gave his report. The Public Safety Committee advises residents that there have been several instances of a potentially dangerous prank called bottle bombs which has been encountered in Passaic County. Bottle bombs are made by taking a plastic soda or water bottle, filling it with a mixture of household products, screwing the cap on and leaving it on a lawn, porch or other public place. Gas is generated by the mixture in the bottle and builds up by the slowly pressurizing it. Disturbance of the bottle in any way accelerates the chemical reaction resulting in explosion. The explosion can cause serious injury and chemical burns. Residents who find a suspicious bottle or a partially filled bottle that is capped and exhibiting signs of swelling on their property are advised not to pick up or disturb the bottle should immediately report this to the Police Department. The Board of Recreation met on June 9<sup>th</sup> whereby Administrator Mauer briefed the Board on the new Civil Rights requirements being proposed by JIF and answered questions regarding implementation. Hawthorne's new Lacrosse program is up and running. The Board of Recreation was able to secure permits from the County for the month of June and permits were issued for the use of Little Franklin Field for July. Permits for August are trying to be resolved. As of June 9<sup>th</sup>, there were 234 enrollments for the summer recreation program and 48 children have enrolled for tennis lessons.

Council President Bertollo – Congratulated the ROAR Officers and graduates in our schools as graduation was June 15<sup>th</sup> at Roosevelt School. He thanked the Assessment Commission for the fine job they performed in the 2009 Road Program. He congratulated the graduates in the public schools, St. Anthony's and the Christian Academy. The Boys and Girls Keystone Club will be completing their national service project on Friday, June 18<sup>th</sup>. This project brings awareness of military families to the community. They will be hosting a dodge ball tournament at the Boys and Girls Club, which is open to the public. They will be collecting sundry items to send overseas, the POW/MIA will conduct a brief military ceremony and an American flag that flew over Iraq will be displayed.

Councilman Wojtecki stated there have been many burglaries on Elberon Avenue and asked if special attention can be given to this area. There have been bicycle thefts, car break-ins, and purses stolen.

### **CORRESPONDENCE**

There was no correspondence to discuss.

### **MISCELLANEOUS**

BL-1 BL#133 Boys and Girls Club of Hawthorne has requested permission to conduct Bingo drawings to be held on Mondays and Saturdays, July through December 2010

BL-2 BL#134 Friends of the Boys and Girls Club of Hawthorne has requested permission to conduct Bingo drawings to be held on Saturdays and Sundays, July through December 2010.

Council President Bertollo entertained a motion to approve BL-1 and BI-2, moved by Councilman Wojtecki, seconded by Councilman Mele. On roll call, all voted yes. Council President Bertollo abstained.

**BILLS**

Council President Bertollo entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion was moved by Councilman Lane, seconded by Councilman Wojtecki. On roll call, all voted yes. However, Councilmen Lane and Wojtecki abstained on check numbers 10129, 10134, 10146, 10159, 10162 and 10170. Council President Bertollo abstained on the check payable to Downes Tree Service.

VENDOR	CHECK#	TOTAL	DESCRIPTION
<b>CURRENT FUND</b>			
ROBERT ROTHMAN	10078	702.70	REVENUE COLLECTION O/E
TEAM LOGIC IT	10079	30,600.00	POLICE COMPUTERS
BRIAN BERTOLLO	10080	180.00	GROUP INSURANCE O/E
CARL MOTTOLA	10081	76.50	UNIFORM FIRE SAFETY O/E
CORNELL EQUIPMENT CO INC	10082	432.20	VEHICLE MAINT ROAD
DRAEGER SAFETY DIAGNOSTICS, IN	10083	142.00	DRUNK DRIVE ENFORCE
ERC WIPING PRODUCTS, INC	10084	117.50	STREETS & ROADS O/E
EVELIN DE CASTRO	10085	20.00	CONTRA REVENUE
GOFFCO INDUSTRIES, INC	10086	309.00	MUNI COURT
HAWTHORNE BASEBALL/SOFTBALL AS	10087	3,150.00	VARIOUS
HAWTHORNE BOARD OF EDUCATION	10088	2,518,787.00	SCHOOL TAX
HAWTHORNE PAINT CO INC	10089	255.00	STREETS & ROADS O/E
HAWTHORNE PRESS INC	10090	24.96	MUNICIPAL CLERK O/E
HAYLEY ENCARNACION	10091	295.00	MUNI COURT
HOME DEPOT SUPPLY	10092	102.18	VARIOUS
INSTITUTE FOR PROFESSIONAL DEV	10093	297.00	FINANCIAL ADMIN O/E
JANET REENSTRA	10094	100.00	GROUP INSURANCE O/E
JEFFERSON SCHOOL 5TH GRADERS	10095	500.00	CLEAN COMMUNITIES
JOHNSON BUS PROD & INTERIORS	10096	33.99	MUNICIPAL CLERK O/E
JP HOME ARAMA, INC	10097	113.98	STREETS & ROADS O/E
JPSC, INC	10098	122.85	PUB WORKS ADMIN O/E
JUNGLE LASERS LLC	10099	4,120.00	VARIOUS
KAREN VITALE	10100	75.00	MUNI COURT
LORCO PETROLEUM SERVICES	10101	188.00	STREETS & ROADS O/E
LORRAINE POWELL	10102	123.66	VARIOUS

LOUIS BAY 2nd LIBRARY	10103	110,154.00	FREE PUBLIC LIBRARY O/E
LUSCHER'S AUTO INC	10104	607.69	VEHICLE MAINT ROAD
MADHUSUDAR THAKER	10105	202.50	MUNI COURT
METLIFE	10106	319.29	GROUP INSURANCE O/E
NO JERSEY MUNI EMPL BNFT FUND	10107	166,578.00	GROUP INSURANCE O/E
ONE COMMUNICATIONS	10108	1,412.75	TELEPHONE CHARGES SHADE TREE COMMISSION
PAT SCANLAN LANDSCAPING, INC	10109	19,300.20	O/E
PAULA SCOTT	10110	10.00	CONTRA REVENUE
PHILIP RUNZ	10111	15.00	CONTRA REVENUE SHADE TREE COMMISSION
PIETER SLUMP	10112	22.06	O/E
PROCOPY INC	10113	206.25	VARIOUS
RICHARD MC AULIFFE	10114	357.00	POLICE DEPT O/E
RICOH BUSINESS SYSTEMS, INC	10115	231.04	HINI SUPPLEMENTAL GRANT
RONALD TATHAM	10116	3,138.00	GROUP INSURANCE O/E
ROUTE 23 AUTO MALL	10117	1,420.30	VEHICLE MAINT ROAD
RT OFFICE PRODUCTS	10118	996.52	VARIOUS
STAPLES	10119	478.69	VARIOUS
THOMAS JERON	10120	1,000.00	IT SERVICES
TREADWAY GRAPHICS INC	10121	391.90	MUNICIPAL ALLIANCE
UNIVERSAL COMPUTING SERVICES	10122	236.70	MUNI COURT
VERIZON	10123	2,069.77	VARIOUS
WEIGHTS & MEASURES FUND	10124	210.00	POLICE DEPT O/E
WESTMARK INC	10125	50.00	PUB WORKS ADMIN O/E
<b>TOTAL CURRENT</b>		<b>\$ 2,870,276.18</b>	
<b>GENERAL CAPITAL</b>			
GZA GEOENVIRONMENTAL, INC.	3047	4,800.00	CREATION OF BALLFIELD
HAWTHORNE PRESS INC	3048	232.44	VARIOUS
<b>TOTAL GENERAL CAPITAL</b>		<b>\$ 5,032.44</b>	
<b>WATER OPERATING</b>			
BOSWELL ENGINEERING, INC	8197	1,423.91	WATER UTILITY O/E
E S C ENTERPRISES, INC	8198	360.00	WATER UTILITY O/E
HOME DEPOT SUPPLY	8199	11.57	WATER UTILITY O/E
KAISER CORROSION CORP	8200	1,200.00	WATER UTILITY O/E
LEE CO	8201	875.50	WATER UTILITY O/E
ONE COMMUNICATIONS	8202	141.42	WATER UTILITY O/E
POSTMASTER-PATERSON	8203	185.00	WATER UTILITY O/E
ROUTE 23 AUTO MALL	8204	741.48	WATER UTILITY O/E

RT OFFICE PRODUCTS	8205	31.26	WATER UTILITY O/E
VERIZON	8206	<u>626.14</u>	WATER UTILITY O/E
<b>TOTAL WATER OPERATING</b>		<b>\$ 5,596.28</b>	
<b>WATER CAPITAL</b>			
LEE CO	1010	<u>1,666.47</u>	CAPITAL EQUIPMENT
<b>TOTAL WATER CAPITAL</b>		<b>\$ 1,666.47</b>	
<b>OTHER TRUST II</b>			
STATE OF NJ - DEPT OF LABOR	4058	820.05	TRUSTEE
NJAES OFFICE CONTINUING PROF E	4059	10.00	RECYCLING TRUST
PREMIER VISION CARE NETWORK	4060	1,155.00	TRUSTEE
PUZO'S RESTAURANT	4061	120.00	RECYCLING TRUST
RESPECT CHALLENGES INC	4062	<u>1,325.00</u>	MUNICIPAL ALLIANCE
<b>TOTAL OTHER TRUST II</b>		<b>\$ 3,430.05</b>	
<b>TOTAL BILL LIST</b>		<b><u>\$ 2,886,001.42</u></b>	

## **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.

Dan Melfi, 84 Emeline Drive asked about the Master Plan. Attorney Pasquale stated the Master Plan presentation was given by Joe Burgis to Bill Monaghan at the Planning Board. Mayor Goldberg said it has been disseminated and is on the agenda for the first meeting in July. It was not discussed at last night's meeting due to the fact that Councilman Matthews and Mayor Goldberg were not in attendance. The meeting is scheduled for July 6<sup>th</sup>. Mr. Melfi asked if Council adopts this plan and Attorney Pasquale said it is the Planning Board, not Council, who adopts the plan. Mr. Melfi thanked Council and Administration.

Council President Bertollo asked if any one else wished to be heard.

Robert Kurdock, 15 Rhodes Court stated that paving is being conducted on Lincoln Ave on the Bergen County side and the equipment is being parked on the Hawthorne side and asked if Glen Rock has an ordinance about parking equipment. Councilman Wojtecki said they have already been warned about parking the equipment. Mr. Kurdock is happy that a resident will receive one warning prior to the issuance of summonses. He stated that activity on the railroad will begin by the Dusenberry property. He said he questioned New Jersey Transit about Diamond Bridge Ave. and NJ Transit will get back to him.

Mayor Goldberg stated the groundbreaking ceremony moving the railroad station on Diamond Bridge Avenue is scheduled for June 28<sup>th</sup> at 6:00 p.m. and invited the public to attend this event.

Mr. Kurdock stated that Council President Bertollo supports Councilman Matthews request that action needs to be taken to damage on private property when the issues on Brockhuizen Lane were discussed earlier in the meeting. Mr. Kurdock does not agree with this, he believes it should be between the private landowner and the company, the town should not be involved. He 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 Mele. On roll call, all voted yes.

### **ADJOURNMENT**

At 9:13 p.m. Council President Bertollo entertained a motion to adjourn the regular meeting. Motion was moved by Councilman Lane, seconded by Councilman Mele. On roll call, all voted yes.

Council President Bertollo indicated that the next Special Meeting of the Municipal Council will be on June 30<sup>th</sup> at 5:00 p.m. There will be no work session

The next regular meeting of the Municipal Council will be on July 7, 2010. The work session will begin at 7:00 p.m. and the regular meeting will begin at 8:00 p.m.

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John Bertollo  
Council President

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Susan Witkowski  
Borough Clerk