

April 7, 2010
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:05 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bennett, Lane, Mele, Sinning, Wojtecki and Bertollo. Also present were Mayor Goldberg, Borough Administrator Maurer, Director of Revenue and Finance Hewitt, Borough Attorney Pasquale, and Borough Clerk Witkowski. Councilman Matthews was absent. Borough Engineer Boswell arrived late (at 8:41 p.m.).

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 and Closed Session of March 17, 2010, Bid Minutes for the Police Computer on March 26, 2010 and the Bid Minutes for Tree Services on March 26, 2010 moved by Councilman Lane, seconded by Councilman Mele. On roll call all voted yes.

PUBLIC COMMENT

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

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

ADOPTION OF ORDINANCES

There were none.

OLD BUSINESS

Councilman Wojtecki thanked Administrator Mauer for having the no parking signs installed on Cedar Avenue.

Councilman Mele asked the status of Veteran's Field. Mayor Goldberg stated that Engineer Boswell will be able to answer this. Administrator Mauer stated that no one is playing on the field, there are some repairs that must be made and expect the field to be used (in a playable position) next week.

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

NEW BUSINESS

Councilman Lane stated that he has received inquiries from residents regarding the 2010 Census. The envelope states that the address is Paterson, New Jersey and has Hawthorne's zip code. Some of the citizens he spoke with told him that they called the Census Bureau and asked why Paterson was printed on the envelopes. The Census Bureau sent new forms and the mailing address was corrected, however the bar code was different than the bar code on the original mailing. Councilman Lane has a concern with the Census with regard to the questionnaire that was sent to Hawthorne and the scanning of the bar code when returned to the Census Bureau. If the scan on the Hawthorne envelopes represents Paterson, are Hawthorne's credits going to be lost and Paterson will be gaining credits. What will happen to those Hawthorne individuals who complete the form and may or may not receive any benefit from the Census Bureau. Council President Bertollo asked Administrator Mauer to reach out to the Census representative that has been provided to borough as well as Congressman Rothman's office. Administrator Mauer was aware of the difference of town name on the Census forms that were mailed to the residents and stated that he was told it did not make a difference, however he was unaware of the difference in the bar code. He stated that the Census Bureau sorts by block groups, therefore the mailing address should not affect this. The discrepancy in the bar code raises a good question and Administrator Mauer will look into this discrepancy.

Councilman Lane stated that this discrepancy might be harmful in the future when applying for grants and this might disqualify us because of the Census report. Administrator Mauer said that a discrepancy would be noticed if the population figure decreased dramatically. Council President Bertollo stated that he spoke with people in North Haledon and the forms that they received said Haledon, not North Haledon so this might have to do as to the location of the post office. Councilman Sinning stated that when he called the Census Bureau with questions that he had, the questions were not answered and the representative he spoke with said he would have to get back to him. Councilman Lane asked Administrator Mauer to check into this issue.

Councilman Wojtecki stated that during the work session he brought up the issue on Wagaraw Road wherein Mayor Goldberg and Administrator Mauer stated that they

would investigate this matter. Cars continue to be abandoned on the property, there are fence issues and a hole in the cement.

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

ADMINISTRATIVE AGENDA

Mayor Goldberg reported the following:

Mayor Goldberg stated that he will present the 2010 budget at the next meeting, which is an austere budget and for the first time in many years will have a reduction in force. This will be achieved through layoffs and attrition as well as job restructuring. Most borough employees are residents, they are our neighbors and friends. This has been a painful and unpleasant task, our jobs and oaths are taken seriously. Mayor Goldberg thanked Administrator Mauer, Director of Revenue and Finance Hewitt, Public Works Director Clementi, Chief Scully and the Council Finance Committee for their assistance in making this decision. Ultimately, this decision was the Mayor's.

Work on the Wagaraw fields is continuing and it is anticipated that Fields 1 and 4 will be ready for play by Monday, April 12th. Fields 2 and 3 require more time. If needed, work will continue in order to have the fields ready for the season. Mayor Goldberg thanked the Board of Education and JV baseball for their assistance in this trying period.

Discussions with Kohl's are still ongoing. It will be discussed soon as to what the borough can do to make this a reality. With Kohl's as an anchor, Mayor Goldberg has begun discussions with other retailers and restaurants about coming to the Wagaraw and Goffle Road corridor and will keep everyone informed as progress is made.

Cel-Earth-Bration and Shredding Day is being held on April 17th at the high school. Information is available on the borough web site.

The Great American Garage Sale is being held on May 1st. This would count as one of the two sales that are allowed each year, however the permit fee is waived for this event.

The second year of "Those Who Host Will Loose the Most" which is a program to curb underage drinking will be upcoming.

Hawthorne Day is scheduled for October 2nd. There will be a committee meeting on Monday, April 12th at 7:00 p.m. and invited everyone to participate.

Mayor Goldberg received the resignation of Borough Public Defender Karl Klotz who resigned effective March 31st. Mayor Goldberg had consultations with the Judge and the Prosecutor and Joseph DeMarco will be appointed as Public Defender to the Municipal Court of the Borough of Hawthorne.

APPOINTMENT:

By virtue of the power and authority vested in me as Mayor of the Borough of Hawthorne, I hereby appoint Joseph De Marco, Esq. to fill an unexpired term as Public Defender to the Municipal Court of the Borough of Hawthorne that will expire on December 31, 2010.

Mayor Goldberg administered the Oath of Office.

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

Mayor Goldberg stated that a pasta dinner sponsored by Projection Graduation will be held on the evening of Cel-Earth-Bratton, which is April 17th at the high school. The high school performance of Guys & Dolls will also be held on that date. There will be a Beef Steak on May 3rd sponsored by the Rotary Club. Arbor Day is being celebrated on April 30th.

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

Director of Revenue and Finance Hewitt reported that she, Administrator Mauer, the Finance Committee and the Mayor have been working on the budget for the past two weeks.

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

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

Attorney Pasquale reported that the Harrington matter was tried to a conclusion by our Prosecutor Ralph Fava in the Municipal Court of Prospect Park and was heard in the Superior Court by way of an appeal. The Superior Court Judge sustained virtually all of the findings made by Judge Berconti, upholding the actions taken by Mr. Turner, Mr. Pallotta and our Police, dealing with a serious neighborhood issue and running a business out of a residential property. Mr. Turner, Mr. Pallotta and Attorney Fava are to be commended for an outstanding job in prosecuting the matter.

Attorney Pasquale reported on the tire storage issue on Wagaraw Road. The applicant sent a letter to the Planning Board withdrawing the application that was made to permit the storage of giant size tires on the vacant lot next to the LukOil facility on Wagaraw Road. This Council adopted an Ordinance on March 31st clarifying the existing ordinance wherein that type of outdoor storage is not permitted. Attorney Pasquale spoke with the applicant's attorney, Jerry Vogel, who agreed that the will of Council and Administration was very clearly expressed. That use would be abandoned and withdraw the request to make that area a permanent use. Attorney Pasquale is working on a final agreement with the property owner that will call for the removal of all of the tires on that property. The removal will take time, and parameters for the removal was agreed upon. The heights of the tires have

already been reduced, the screening that is in place will remain in place so that the visual impact is removed. The owner has been told that at a minimum, there will be spraying by a qualified mosquito treatment company to make sure that there is no risk of any disease that could exist. Attorney Pasquale believes that this Council took decisive action by making its opinion very clearly noted, to the credit of the property owner, he heard you loud and clear. He heard the voice of the Mayor and Administration and this situation will be rectified, the property will be restored to the way it should be and hopefully be put to a much better use.

With regard to the K. Hovnanian settlement, the settlement agreements with all of the homeowners were submitted by Attorney Pasquale to Jen Scully and she personally delivered these agreements to all of the residents who were affected by the pressure reducing valve which caused them to suffer losses in their homes. Three homeowners came to Attorney Pasquale's office to sign the settlement agreements and they acknowledged the gratefulness to this Council and Administration, who stood up to K. Hovnanian in order to obtain a settlement. Assuming that everyone signs the settlement agreement, the only issue that needs to be resolved is with regard to the SCADA system at the pressure reducing valve. Dr. Boswell will report on this issue this evening. When this issue gets resolved, we have solved two major litigations with K. Hovnanian. Attorney Pasquale again commended Council for standing up for the citizens.

This concludes Attorney Pasquale's report

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

Administrator Mauer stated that during the past several weeks, he has been working with Director of Revenue and Finance Hewitt, the Finance Committee and Department Heads on the budget. The number of layoffs that occurred was kept to a minimum. The budget that will be presented is within the tax cap despite the loss of \$377,000. The total budget will be reduced as compared to last year.

Administrator Mauer met with the Administration Committee regarding the JIF Fund, requirements for a Civil Rights Policy and an update to the personnel handbook. These items will be presented to Council in the form of Resolutions at the next Council meeting.

Recodification of the local ordinances is almost complete. Current ordinances will be online.

Bids were received on the Police computers and Tree Services with Resolutions to award these bids are on tonight's agenda. Bids were received for the street sweeper which is anticipated to be awarded at the next meeting. The apparent low bidder offered machinery that was non-compliant with the specs and does not appear to meet our needs. If Council has questions, Administrator Mauer suggested that they meet with the Public Works Committee prior to the next Council meeting to review the recommendation of the Public Works Director as to why the specs were not met and why this is a problem in obtaining the service that we require.

A Resolution is on the agenda this evening for two Community Development Block Grant Program applications, which Administrator Mauer will be working on during the next few weeks in order to meet the April 16th application deadline.

Additional information on the Great American Garage Sale and Cel-Earth-Bration Day is available on the borough website.

This concludes Administrator Mauer's report.

Mayor Goldberg asked Council if they had any questions regarding these reports since Borough Engineer Boswell has not arrived yet.

Councilman Lane asked Administrator Mauer about the street sweeper bids and requested something in writing regarding this since Councilman Lane is not part of the Public Works Committee. Administrator Mauer stated that a recommendation will be made to Council.

Councilman Lane questioned the tire issue. Mayor Goldberg stated that the tires are in compliance with the fire code, which is State code. The tires are below 10 feet and in an area less than 5,000 square feet, no longer visible over the fence line. Councilman Lane questioned compliance with regard to the ordinance that was recently passed and why is Attorney Pasquale and not Council working on a deal. Should the Board of Adjustment be involved in amending the ordinance and how long are the tires going to be stored. Attorney Pasquale stated that in terms of the role of Administration versus Council, Council adopts ordinance and Administration enforces the ordinances, enforcement is with the Mayor and not Council. Property compliance falls under the jurisdiction of Administration and not Council. A legitimate question was posed before the Planning Board, the question being whether or not this type of storage was permitted. The applicant made his application and the Planning Board thought it had jurisdiction because it was not clear in our ordinance whether or not outdoor storage of this type was or was not permitted. The ordinance made clear the type of permitted storage. At this point, the tires still exist and they cannot disappear overnight. They will be gradually removed over a period of a few months. Within four to six months the property will be totally cleaned up and finished with any tires. The owner is working with us and not challenging his entitlement to have any storage there. In the meantime, we are trying to make the property appear as it should, you will not see the tires above the fence and the public health consideration is being addressd.

Councilman Lane stated that he does not agree with a four to six month time frame. He also stated that prior to the height of the tires being lowered, many tires were removed to behind Bottagara's Restaurant and behind and in front of Giant Tire which is the principal structure and use. He asked why the tires that are there now be moved to the principal structure in order for compliance with the ordinance. Attorney Pasquale stated that the Giant Tire facility is being looked at as well as working with the owner to make that property look as it did prior to the influx of new tires. There was an expansion at Giant Tire and the DEP is now involved in this. Councilman Lane stated that they are in violation with the amount of tires being stored in the waterway. Attorney Pasquale stated that is correct and that is why the DEP is involved. Councilman Lane stated that the contract being made is not in

compliance with the ordinance, the owner of the property has other properties in other communities and why can't the tires be moved to those properties. Councilman Lane's point is that there should be no tires at this property and Administration should give the owner one month to move the tires. Attorney Pasquale stated that he disagrees with Councilman Lane's opinion and through Administration's point of view the actions being taken are appropriate. Attorney Pasquale repeated the fact that when the applicant appeared before the Planning Board, the Board thought they had jurisdiction as to whether there should or should not be outdoor storage. Council took action to clarify the ordinance as to what is and is not permitted. The applicant had every right at that time to move its application to the Zoning Board of Adjustment and seek approval from the Zoning Board. This hearing would have begun in either May or June and would have lasted three to four months, resulted in perhaps a denial and an appeal of that denial, at which time, the question of whether this was or was not a permitted use would be raised in the Superior Court. This process could have taken approximately one year. Attorney Pasquale's opinion is that a four to six month orderly removal of tires over the course of that time as well as cleaning up the Giant Tire property at the same time is totally appropriate and certainly within the Administration's prerogative how to enforce. This property owner has historically worked with the community in trying to keep its property in good stead, the property owner made a bad decision which he doesn't frequently make and when we called upon him to make good, he said fine and wants to straighten out the situation. He asked us to work with him and we are trying to do that.

Councilman Lane further elaborated with his regard to his disagreement in allowing four to six months to clean up the property. Attorney Pasquale repeated the process of the passing of the ordinance, that Council passed this ordinance and the steps to compliance are being taken and respected Councilman's Lane opinion in this matter. Mayor Goldberg stated that Administration made a decision that we have compliance or let the process play itself out. Mayor Goldberg felt that it was Council's intention to have the tires removed. The concern was that if the issue went to the Zoning Board and to Superior Court, the tires would be on the property longer and there was a possibility of losing the case. We did not want to assure that this would become a permanent storage facility for tires and felt that it was more prudent to negotiate a period of time for the tire removal rather than let the process play out and exceed the amount of time we are looking at. Mayor Goldberg continued stating that a decision of a court is unknown and he wanted to make it clear that this was something that could not be repeated. The process could have been played out, however if we told the owner that he had thirty days to clean up the property, the owner might have taken his chances to appear before the Zoning Board because he would be buying time. Mayor Goldberg believes the time issue was discussed before the Planning Board. Mayor Goldberg stated that given the way the hearings were going, the owner would be able to delay long enough, achieve his goal and then withdraw his application.

Councilman Lane asked Attorney Pasquale as to the degree he is working with the owner with regard to the clean up process. Attorney Pasquale stated that the back of the property is out of our hands and the DEP is involved. Attorney Pasquale does not know what the outside storage parameters will be from the DEP's view. The owner has been informed regarding the amount of tires he currently has is in excess of what he had in the past and this

amount is unacceptable and must be relocated. We don't know how much can be relocated to the back of the property until the DEP gives its input on the issue. Councilman Lane stated the property directly behind the building is not in the flood way, it might be part of the flood plain and there is a different statute with regard to storage in a flood way versus storage in a flood plain. The tires that the DEP cited the owner are in the flood way which is basically along the river. The tires were always stored in the front, prior to the new owner of the restaurant. Having the tires stored in the back is more appealing than having them in the front. He asked Attorney Pasquale to inform Council of what actions will be taken as well as the compliances that need to be taken with the Board of Health and the County. Councilman Lane asked if the time frame could be made shorter, this time that is being allowed could possibly impact new business to Hawthorne.

Council President Bertollo stated that the mosquito control on the property be reported on a monthly basis by either the Hawthorne's or Paterson's Board of Health or by a private company that treats the property. There must be some type of sign off that this process is being done and being done correctly. Mayor Goldberg stated that when negotiating, the owner requested compliance by the end of the year and the owner was told that that was unacceptable. This has been an on-going negotiation in an effort to bring compliance. Attorney Pasquale stated that this process is going to be in stages.

Councilman Wojtecki stated that he and Mayor Goldberg had a conversation on April 5 regarding the installation of a cross walk at Bamford and Diamond Bridge to ease the crossing of children going to ball fields, and this installation will begin after the county resurfaces the road.

Engineer Boswell arrived at 8:41 p.m.

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

Engineer Boswell reported on the following:

Goffle Hill Force Main – Bids were received Friday, March 12th. The apparent low bidder is Stacey Contracting, Inc., with a bid in the amount of \$356,946.50. Mayor Goldberg signed the TWA application on March 31st and a check was received from the Borough on April 1st to address the TWA application fee. PVSC is expected to sign the TWA application on Tuesday, April 6th. Once returned, the application will be Federal Expressed to the NJDEP. Per the NJDEP, Hawthorne cannot award the project until the TWA is approved. The NJDEP will expedite the TWA review.

Lining of Pool Drain Pipe has been completed and went very well. However, there were problems with some of the plastic flanges and valves. Most of this has been repaired or replaced. There is one flange left and the contractor will repair this next week and will not be charging for another service call. The valves have been realigned. It was discovered that the concrete was not sleeved, and cracked, these issues will be corrected next week. Jeff

DeWan and Public Works Director Clementi met with Alpine Painting to review the painting which will be done shortly.

Fill at Florence and Cornell has been removed.

Underground Storage Tank Groundwater Monitoring has been scheduled for Tuesday, April 13th.

2010 Road Program is being finalized between Administration and DPW Committee. The decision of the roads for the base and alternate bids will be forthcoming.

Christian Health Care Center – The first hearing is scheduled in Wyckoff on April 15, 2010. The buffer requirements of Hawthorne have not been addressed in the plans and this has been pointed out to their Attorney, Jerry Vogel and told him that this plan should be addressed now so as not to waste time.

Goffle Brook Bank Stabilization – A meeting is scheduled with DEP regarding the landscape plan.

Drainage Improvement Project – We are still waiting to hear from the railroad and hope to have an approval by the next meeting.

Brockhuizen Lane – Public Service told us that the reason the gas main is only a few inches below the surface is because the road eroded. We told them that road box cut will be twelve inches and the pipe is close to sixteen inches. This issue has not been finalized, however utility poles are being moved.

Hawthorne/Ridgewood Water Project – There was a meeting recently and a proposal was sent to Ridgewood Water. They are on board conceptually with the idea that if they do not have to build a water tank, they would invest some money into some improvements in Hawthorne. We have to confirm that our water will handle their fire need.

Chlorine Conversion Project – The information has been submitted to the DEP and all the comments were addressed. We anticipate receiving the permit for this shortly.

Kohler Field Soil Borings – Another proposal was received today and will forward this information to Public Works Director Clementi. Borings cannot be done since the groundwater is so high.

Veteran's Field Lighting – We are still waiting for authorization to do the design as well as the date that is allowed for Community Development.

PVSC Charges – A rate study was done. The question was if we receive this much rain are we going to pay more and is there any accommodation. There is an adjustment which will occur next year. We bill on the prior year, the volume is built in next year. We will be pre-paying some of next year's bill.

Left Turn Signal – Bergen County said that if we want to install, we can. Four contractors who are pre-qualified to do the work Bergen County were approached and the lowest bid was \$6,300.00. Bergen County does not feel the need to follow up on this work. The Council and Mayor might want to pass a resolution asking Bergen County to repair the signal or we will pay for this. Also, this was the only bid received, all four contractors were asked to submit a price. The contractor is Alan Brightway Electric who has done these types of signals in the past. The price, in Engineer Boswell's opinion is reasonable.

Engineer Boswell has the plan for the drainage improvement on Braen Avenue. Upon conclusion of the meeting, he asked if he could show the plan to Council as well as an interested resident.

That concludes Engineer Boswell's report.

Mayor Goldberg asked Council if there were any questions for Engineer Boswell.

Councilman Lane asked what the base was made of when the field was built. Engineer Boswell said that this will be determined. The specs called for a granular material with four inches of topsoil. It will be determined if the contractor used more than four inches of topsoil which is leading to a sponge-like effect. Drainage was not installed due to a lack of funding. We do not want to exasperate any wet condition because there is too much material that retains moisture. Councilman Lane asked what the depth of the granular material is. Engineer Boswell stated approximately six or seven inches. He believes the total box is ten inches which would consist of six inches of granular material and four inches of top soil.

Councilman Bennett asked if a high water table could penetrate through the top of this and Engineer Boswell stated there is a very good chance of this happening. Engineer Boswell said that the water table will be where the Passaic River is and it would not be different. Councilman Bennett stated that he believes this is a high water table problem and not a top soil problem and Engineer Boswell agreed with him that this could be the problem. Councilman Lane asked that if that is the problem, would more sub base have to be installed. Engineer Boswell said that this is on a riverbank and the river is the groundwater influence that sets the groundwater elevation. Sheathing and pumps would have to be installed. Drainage requires grading, if you were to pump, a water tight sump pump would be required and you would be pumping against the tide.

Council President Bertollo asked the determination of the method or formula used in the credit from the Passaic Valley Sewerage Commission. Engineer Boswell stated that their operating budget, look at their gallonage, divide by the gallonage and the cost per gallon is factored in. It is based on straight flow. The cost per gallon for next year will go down, the rate per gallon will be lower next year and there will be fewer gallons. Council President Bertollo asked why there will be lower gallons and Engineer Boswell stated there will be the assumption that the rainfall will be less than this year. Our flow is received at the Passaic Valley Sewerage plant when it rains. Council President Bertollo's concern is if Wagaraw Road is under water for one week, the amount of water that is getting into the system

because of the river. Hawthorne is basically paying for the Passaic River to go through the PVSC. Engineer Boswell stated that this can be looked at. Any new system installed in a flood plain has a water tight manhole. Hawthorne's manholes are not water tight, they were installed a long time ago. An analysis can be conducted in order to see where the payback would be to convert the old manholes to water tight. Engineer Boswell believes the payout would be very long. However this could be done against the river. This has never been analyzed in Hawthorne as to the benefit relative to the cost. Council President Bertollo stated that this analysis would be worthwhile because when there is heavy rain, a spike in the flow has been seen. Engineer Boswell stated that a spike is two fold. Council President Bertollo stated that residents might be pumping into the sewer system, and ordinances have been passed that does not allow this.

Council President Bertollo asked how many gallons of fire service water will be required for Wyckoff. Engineer Boswell said that a study is being conducted to determine this.

Councilman Lane asked Engineer Boswell how the river water flowing into the manholes would be calculated. Engineer Boswell said that the depth of the river is known and based on this depth the head can be generated. The size of the manhole is known and based on the pressure, the amount flowing in can be determined. In Engineer Boswell's opinion, he does not believe making the man holes water tight would not be worthwhile since there is so much extraneous water getting into the system with a heavy rainfall, the amount flowing through the manholes would be a small contributor. Council President Bertollo stated that the pit station at Wagaraw 2 was taking in water. Mayor Goldberg said that it was never out of operation, the water never overcame the pit. Engineer Boswell asked if river water was getting into the wet well and if that was the case, not much can be done about that. That is an elevation concern, the building could be waterproofed, a coiffeur dam could be installed, however this is a more complex process than installation of water tight manholes. Council President stated that this should be looked at.

Councilman Wojtecki discussed that several options were looked at with regard to ways of saving money. A lot of money is spent on the sewer system and asked the cost of the smoke test. Engineer Boswell said that this test is not expensive, however people are not happy when asked to remove sump pumps. Councilman Wojtecki and Engineer Boswell believe there are many residents pumping into the sewer system. Councilman Wojtecki believes that the public is not aware of the cost of operating a water system or a sewer system. Engineer Boswell stated that people that have a sump pump in their basement possibly pump into their slop sink in their basement and do not realize that this water is going into the sewer system. Councilman Wojtecki said that he has in fact spoke with a resident who believed this was allowed and Councilman Wojtecki told the resident that an ordinance is in place and is not allowed. Engineer Boswell stated that except for those towns with combined systems sump pumps are not allowed. However it is allowed, including here in Hawthorne, to hook up a sump pump directly into the back of an inlet. We don't want people to have their sump pumps exit to the curb since this causes a resurfacing problem and icing occurs. It is preferred that the water is pumped directly into an inlet.

Councilman Lane asked if there was any update regarding the enzymes at the Southfield Pumping Station. Engineer Boswell stated there has been no change since the last meeting.

Council President 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 Mele. On roll call, all voted yes.

INTRODUCTION OF ORDINANCES

Ordinance 2014-10 for Introduction

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

BE IT RESOLVED, that Ordinance No. 2014-10 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 5, 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 Mele.

Councilman Lane stated, as was discussed in the work session, that Administration distributed a schedule of water rates from surrounding towns and Hawthorne's water rates are currently lower than those in the surrounding communities. His concern is that rates were raised in 2004, 2008, 2009, and now in 2010. The difference in the increase between 2009 and 2010 is \$2.70 based on a minimum bill. However in the schedule that Administration distributed, it states that Allendale has a program for their senior citizens and since Hawthorne has a large senior citizen population, that a program of this nature be implemented for them. Allendale's minimum bill is \$38.25 and there is a deduction in the amount of \$12.75 for the first 9,000 gallons for qualified senior citizens in the PAAD program. Councilman Lane requested that Council consider a deduction in the rate for those senior citizens who have qualified for the PAAD program. Councilman Wojtecki stated that the \$12.75 rate that Allendale charges is too low and suggested that the rate is held at the 2009 rate. Councilman Lane stated he received his meeting packet on Friday, and there was not enough time to discuss this prior to this evening's meeting. Mayor Goldberg stated that there is no disagreement with giving a discount to qualifying senior

citizens in the PAAD program. However, it is not clear of the current software would allow this as well as the fact that are there enough senior citizens that qualify and would this make a difference in the total amount of money that is raised. Mayor Goldberg asked that Council approve the first reading of the Ordinance this evening, determination needs to be made as to how many senior citizens are in the program as well as determining the computer program software. The fee schedule can be amended later in the year. Council President Bertollo asked if families, whether they are senior citizens or not, that are below poverty level be offered the same discount. There are a tremendous amount of people in town that are suffering through these hard economic times. Hawthorne has one of the lowest water rates in the area, he does not like to raise the rates, but this increase appears to be minimal compared to other town's rates. Further, the increase is not based on what other town's do, this is looked at on a year-to-year basis and what it takes to operate the water utility. Efficiencies in the water system are being worked on, rate increases are not relied upon in order to operate the water system. A significant bond ordinance was passed in order to upgrade the meters and pumps to make them energy efficient and hopefully in the long run will pay off in operating the water utility.

Council President Bertollo asked if there were any more questions regarding this Ordinance. Councilman Bennett stated that he made his comments during the work session. He will vote on it, there must be a public hearing and determination will be made as to how many people voice their opinion on this ordinance. Our hands are tied since this fund must be self liquidating and must be balanced out.

On roll call, all Councilmen voted yes, Councilman Lane voted no.

RESOLUTIONS

CONSENT AGENDA – MR02-10 through MR 03-10, R64-10, R66-10 through R70-10

MR-02-10 Resolution – Support the Renew 3.2 Mile of Rail Project was pulled from the agenda and will be referred to the Public Safety Committee.

MR-03 Resolution, Introduced by Councilman Sinning

WHEREAS, as part of its Housing Element and Fair Share Plan, the Borough of Hawthorne concluded that it had an obligation to provide funding for the rehabilitation of 19 units of residential housing; and

WHEREAS, as part of the obligation to provide such funding, the Borough has designated Community Grants and Planning as its administrator, responsible for oversight of the program and screening of applicants for assistance through the Housing Fund; and

WHEREAS, the Borough has received an application for the rehabilitation of a residence through utilization of funds from the Housing Fund which has been reviewed and approved by Community Grants and Planning for compliance with the program protocol;

NOW THEREFORE BE IT RESOLVED, that the Hawthorne Municipal Council does approve of the application, a copy being annexed hereto, and does authorize the Mayor and Clerk to execute such documents as may be required in connection with the same

R64-10 Resolution, Introduced by Councilman Sinning

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated March 26, 2010.

CURRENT FUND	WT 888889	\$ 240,511.99
WATER OPERATING FUND	WT 888889	\$ 36,802.57
OTHER TRUST II FUND	WT 888889	\$ 23,196.54
		<hr/>
TOTAL PAYROLL		\$ 300,511.10
		<hr/>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$ 4,502.23
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$ 10,000.00
		<hr/>
TOTAL FICA		\$ 14,502.23
		<hr/>
CURRENT FUND TO PAYROLL/EMPLOYER PENSION LIABILITY		\$
	WT888889	1,025,442.00
WATER OPERATING FUND TO PAYROLL/EMPLOYER PENSION LIABILITY		\$
	WT888889	47,000.00
		<hr/>
TOTAL ANNUAL EMPLOYER PENSION LIABILITY		\$ 1,072,442.00

R66-10 Resolution, Introduced by Councilman Sinning

WHEREAS, on March 26, 2010, the Borough of Hawthorne received bids for providing tree services in the Borough of Hawthorne authorized by the 2010 Municipal Budget, Shade Tree Appropriation; and

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

Downes Tree Service Co., Inc.
65 Royal Avenue
Hawthorne, New Jersey 07506

at the rates so put forth in the contract annexed hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the above-cited contractor, and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a contract between the Borough of Hawthorne and Downes Tree Service in a form approved by the Borough Attorney.

R67-10 Resolution, Introduced by Councilman Sinning

WHEREAS, on March 31, 2010, the Borough of Hawthorne received bids for the Police Computer Network in the Borough of Hawthorne authorized by a capital appropriation in the 2009 Municipal Appropriation Reserves Budget; and

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

Team Logic IT
124 Rea Avenue
Hawthorne, NJ 07506

in the amount of \$34,000.00.

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 Team Logic, Inc. in a form approved by the Borough Attorney when these conditions have been met.

R68-10 Resolution, Introduced by Councilman Sinning

WHEREAS, the semi-annual interest payment for the General Serial Bonds of year 2000 becomes due and payable on April 15, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer is hereby authorized to wire funds in the amount of \$20,156.00 in payment of interest from the Current Fund, made payable to Depository Trust Company.

R69-10 Resolution Introduced by Sinning

RESOLVED, by the governing body of Borough of Hawthorne, as follows:

That Columbia Bank ('Bank') be, and hereby is, designated a depository of funds of **Magistrates account # 02-4804781, Bail account # 02-4804792** ("Depositor"), with authority to accept at any time for the credit of the Depositor, deposits in checking, savings, money market savings, term or any other account, by whomever and made in whatever manner endorsed; and

That the Bank shall not be liable in connection with the collection of such items that are handled by the Bank without negligence and the Bank shall not be liable for the acts of its agents, subagents or for any other casualty; and

That the Depositor assumes full responsibility for and shall indemnify the Bank against all losses, liabilities and claims resulting from payments, withdrawals or orders made or purported to be made in accordance with, or from actions taken in good faith and in reliance upon this resolution; and

That the Bank be, and hereby is, authorized and directed to certify, pay or otherwise honor all checks, drafts, notes, bills of exchanges, acceptances, undertakings and other instruments or orders of the payment, transfer or withdrawal of money for whatever purpose and to whomsoever payable when such instruments and orders are properly made, signed or endorsed by the signature, the actual or purported facsimile signature or the oral direction of any of the authorized signers below; provided however, that any check, draft, note, bill of exchange, acceptance, undertaking or other instrument for the payment, transfer or withdrawal must bear actual or purported facsimile signature of at least 2 of the authorized signers below; and

That any authorized signer acting alone be, and hereby is, authorized on behalf of the Depositor to endorse, negotiate and collect any and all checks, drafts, notes, bills of exchange, acceptances, undertakings and other instruments and to open and close and update information on any account of the Depositor at the Bank; and

That the Bank may rely on any signature, endorsement or order and any facsimile signature or written instruction reasonably believed by the Bank to be made by an authorized signer, and the Bank may act on any direction of an authorized signer without inquiry and without regard to the application of the proceeds thereof, provided that the Bank acts in good faith; and

That the Depositor assumes full responsibility for and shall indemnify the Bank against all losses, liabilities and claims resulting from payments, withdrawals or orders made or purported to be made in accordance with, or from actions taken in good faith and in reliance upon the resolution; and

That Bank may rely on this document and on any certificate by an authorized representative of the Depositor as to the names and signatures of the authorized signers of the Depositor until the Bank has actually received written notice of a change and has had a reasonable period of time to act on such notice; and

That any of the following positions are designated as the authorized signers to act on behalf of the Depositor in accordance with the Resolution as follows, Municipal Court Judge, Certified Municipal Court Administrator and Deputy Court Administrator.

R70-10 Resolution, Introduced by Councilman Sinning

WHEREAS, the County annually receives Community Development Block Grant Funds from the United State Department of Housing and Urban Development to allocate to eligible projects within participating county municipalities; and

WHEREAS, the Borough of Hawthorne is a participating municipality in the County of Passaic's Community Development Block Grant Program; and

WHEREAS, the Borough of Hawthorne as identified eligible projects which require funding, as follows: 1) Handicapped Curb Ramps – Phase III; 2) Senior & Handicapped Transportation; and

WHEREAS, it is in the best interest of the Borough of Hawthorne to apply for grant funds for these two projects;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne that the Borough Administrator is hereby authorized to submit applications to the County of Passaic for Community Development Block Grant funding for both Handicapped Curb Ramps – Phase III and Senior and Handicapped Transportation and, if awarded funds, the Borough shall implement activities in accordance with all applicable federal, state and local laws and regulations.

Council President Bertollo entertained a motion to approve Resolutions MR-03-10, R64-10, R66-10 through R70-10 moved by Councilman Sinning, seconded by Councilman Mele. On roll call, all voted yes. Councilman Bertollo abstained on R66-10.

OFF CONSENT AGENDA: R65-10

R65-10 Resolution, Introduced by Councilman Sinning

WHEREAS, an emergency has arisen with respect to the amounts allocated in the 2010 Temporary Operating Budget and/or the 2010 Temporary Water Operating Budget other expenses due to the permanent budget not yet being adopted, and the 2010 temporary appropriations are inadequate to provide for these expenses for the aforesaid reason, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2010 pursuant to the provision of N.J.S.A. 40A:4-20 including this resolution total \$5,397,255.00.

NOW, THEREFORE, BE IT RESOLVED, by Municipal Council of the Borough of Hawthorne (not less than two-thirds of the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20, emergency temporary appropriations are hereby made for the following line items in the listed amount:

Emergency temporary appropriation be and is hereby made for the following line items in the listed amount:

Administration	
Salaries & Wages	10,300.00
Mayor/Council	
Salaries & Wages	2,200.00
Municipal Clerk	
Salaries & Wages	6,800.00
Financial Administration	
Salaries & Wages	11,300.00
Revenue Collection	
Salaries & Wages	5,100.00
Tax Assessor	
Salaries & Wages	5,700.00
Legal Services	
Salaries & Wages	2,900.00
Planning Board	
Salaries & Wages	1,700.00
Zoning Board of Adjustment	
Salaries & Wages	1,100.00
Construction Code	
Salaries & Wages	11,300.00
Code Enforcement	
Salaries & Wages	1,200.00
Uniformed Police	
Salaries & Wages	254,200.00
PEOSHA	
Salaries & Wages	800.00
Fire Safety	
Salaries & Wages	6,100.00
Prosecutor	
Salaries & Wages	2,200.00
Streets & Roads	
Salaries & Wages	6,500.00
Shade Tree	
Salaries & Wages	1,800.00

Sewer System	
Salaries & Wages	11,300.00
DPW Administration	
Salaries & Wages	1,000.00
Board of Health	
Salaries & Wages	6,600.00
Library	
Salaries & Wages	20,200.00
Municipal Court	
Salaries & Wages	8,900.00
Administration	
Postage	2,000.00
Mayor/Council	
Other Expenses	500.00
Legal Services	
Other Expenses	5,000.00
Group Insurance	200,000.00
DPW Administration	
Other Expenses	5,000.00
Vehicle Maintenance	
Police	10,000.00
Streets	5,000.00
Sewer	1,000.00
Board of Health	
Other Expenses	10,000.00
Board of Recreation	
Other Expenses	1,500.00
Maintenance of Fields	2,000.00
IT Services	5,000.00
Telephone	3,000.00
PVSC	263,000.00
Bulk Purchase Gasoline	5,000.00
Tipping Fees	50,000.00
Social Security	15,000.00
Municipal Alliance	5,000.00
WATER OPERATING	
Salaries & Wages	73,200.00

Council President Bertollo entertained a motion to approve Resolution R65-10, moved by Councilman Sinning, seconded by Councilman Lane. On roll call, all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Bennett stated that the Board of Recreation will hold its monthly meeting on Wednesday, April 14th at 7:00 p.m. in the second floor conference room at the municipal

building. Councilman Bennett asked Council President Bertollo if someone could fill in for him to attend that meeting since he will be out of town. A Public Works Committee will be held prior to the next Council Meeting.

Councilman Lane attended the Board of Health meeting on March 18th. Items discussed at this meeting were the H1N1 clinic that was held on January 27th for all those over eighteen years of age and there were over one hundred participants. Another H1N1 clinic will be held during May for those who were not able to attend the January clinic. A rabies clinic is being held on May 11th at the municipal building from 6:00 p.m. through 8:00 p.m. As of March 18th, 1,127 dog licenses were issued. This figure is down compared to the same time last year, which was 1,400. Dog licenses cost \$15.00 and there is a \$15.00 penalty fee in effect for late registration. The Board of Health has joined the local Board of Health Association, which provides resources, information and seminars which will enable our department kept up to date. New State and Federal regulations have been implemented for drinking water which will be handled through Garden State Labs. A class will be held for food handlers, especially for the food handlers at the St. Anthony Feast. Anyone who handles food must attend this class. However as of the March Board of Health meeting, the date had not been scheduled. The Board of Health Inspector went to the Wagaraw Road tire site and was not greeted by anyone.

Councilman Lane had several conversations with Tom Jeron, who is our consultant for the sound system. Tom met with Office Business Systems who is the company that provides the microphones and equipment for our system. It is Mr. Jeron's recommendation, as Councilman Lane stated at the prior meeting, that a sound mixer be purchased which would help with balancing and the microphones. Councilman Lane thanked Clerk Witkowski for keeping abreast of the sound system issue. Rebroadcasting of the Council meetings will begin on Sunday, April 11th at 8:00 p.m.. The schedule will be Sunday, Monday, Wednesday, Friday and Sunday. The programs will be set up on a timer.

Councilman Lane stated that on April 10th, 11th and April 17th the community service people from the Sheriff's Department will be working at the Ambulance Corp. Building property and DPW building. The Volunteer Ambulance Corp. will be holding a Beef Steak dinner at the Boys & Girls Club on September 24th beginning at 7:00 p.m. and more information will follow.

Councilman Mele – The Municipal Alliance Committee will be hosting the annual dinner for senior citizens at the high school as well as their attending the high school play. This will take place on April 13th, beginning at 6:00 p.m., this date was changed from April 14th due to an administration problem. Councilman Mele thanked the Municipal Alliance individuals that were involved with the internet safety program. The Municipal Alliance will be hosting Those Who Host Loose the Most program in June and signs will be posted around town. The Environmental Committee will be hosting Cel-Earth-Bration Day at the High School beginning at 10:00 a.m. The theme is "Give Green a Chance". A shredding of paper service will be available, three boxes of documents

may be shredded at no charge. Additional boxes of shredding will cost \$5.00 per box. The Boys & Girls Club and the Keystone Club will be assisting residents.

Councilman Mele thanked the DPW employees who worked very hard during the recent storm. He also attended the Administration Committee Meeting which was held on April 7th and Administrator Mauer previously reported on this.

Councilman Sinning – The Ordinance Committee met on April 6th. The final details regarding the Sign Ordinance were implemented and this Ordinance should be ready for introduction at the next Council Meeting. Attorney Pasquale stated that a draft of the ordinance will be distributed to everyone since there is a lot of detail in this ordinance and many questions may be raised. The draft will be circulated prior to placing this Ordinance on the agenda. Councilman Sinning thanked Councilmen Lane and Mele for filling in for him at the meeting.

Councilman Wojtecki – Thanked everyone on behalf of Hawthorne Fire Company No. 3 for their support in the 2010 Harley Davidson raffle and Rich Shortway was the winner of the 2010 Harley Davidson Fat Boy. Councilman Wojtecki thanked Council President Bertollo for covering his absence at the Shade Tree Commission meeting and Councilman Mele for covering his absence at the Administration Committee meeting.

The Finance Committee has been meeting every Monday. Decisions must be made and he thanked Mayor Goldberg for working so closely together. There was a \$393,000 shortfall that had to be made up. This budget is extremely difficult. There are 4.5 employees losing their positions as well as a reduction in force.

Council President Bertollo – Stated that the Finance Committee meetings have been very challenging the past few months. The decisions have not been taken lightly. The employees are Hawthorne residents, who are our neighbors. This gives us the opportunity to make decisions, which should have been made years ago for efficiencies in government. Going forward, processes that have been put in place will help us financially in years to come. Efficiencies will continue to be looked at, department heads will be challenged for these efficiencies in productivity and the budget. We have been elected and challenged to do this for the people of Hawthorne.

Council President Bertollo attended the Shade Tree Commission meeting on April 6th. The Shade Tree Commission will be participating in Cel-Earth-Bration Day on April 17th wherein they will raffle a tree. Arbor Day is planned for April 30th at 1:30 p.m. which will take place at the high school complex by the Booster stand at the ball field. Trees will be planted at the site. Horton 6th Ave., which is a business in town, is looking to expand and their need for electric needs to be expanded. Public Service's review of this expansion warranted the removal of seven healthy trees. Members of the Shade Tree Commission as well as Council President Bertollo viewed this property and are opposed to the removal of the trees. The Commission is working with Public Service to resolve this issue.

Council President Bertollo complimented the emergency services personnel, the Police and Fire Departments, the Ambulance Corp. and Auxiliaries for a challenging weekend which consisted of a fire, a major motor vehicle accident which caused power outages throughout the town, and another major motor vehicle accident on Route 208.

Council President Bertollo asked Mayor Goldberg if he could present to the Public Safety Committee the fact that much time is spent on Route 208 for emergencies that take place. Council President Bertollo stated that the response from the Department of Transportation for their presence at the accident, which was heard over the scanner, would be within three to four hours. Hawthorne’s manpower was required and Public Service will be charged for the manpower. This is a State highway and we share in emergencies that occur on the highway and it is imperative that they pull their weight in an emergency. Three to four hour response time is not acceptable.

CORRESPONDENCE – There was no correspondence to discuss.

MISCELLANEOUS

BL-1 BL#131 Amendment of Boys & Girls Club of Hawthorne Bingo License game schedule to be held on Saturdays & Sundays, January – June, 2010 as previously approved.

BL-2 BL#132 Amendment of Boys & Girls Club of Hawthorne Bingo License game schedule to be held on Mondays & Saturdays, January – June, 2010 as previously approved.

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

BILLS

Council President Bertollo entertained a motion to approve the bills and forward them to the Treasurer for payment as well as the check in the amount of \$300.00 payable to the DOT for work that was conducted on the Force Main. . Motion moved by Councilman Bennett, seconded by Councilman Sinning. On roll call, all voted yes. However, Councilmen Lane and Wojtecki abstained on Check Nos. 9777, 9779, 9782, 9789, 9790, 9796, 9806, 9825, 9826, 9830, and 9833 since these checks relate to the Fire Department. Council President Bertollo abstained on the check payable to Downs Tree Service.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
A T & T	9777	58.64	TELEPHONE CHARGES
A-VAN ELECTRICAL	9778	167.80	VARIOUS
AIG-VALIC	9779	17,220.00	RESERVE FOR LOSAP

ATLANTIC SALT INC	9780	11,778.24	STREETS & ROADS O/E
ATLANTIC SPINE SPECIALISTS	9781	625.00	GROUP INSURANCE O/E
B & C COMMUNICATIONS, INC	9782	2,220.00	FIRE DEPT O/E
BOROUGH OF NO HALEDON	9783	1,452.58	NORTH HALEDON SEWERS
BOSWELL ENGINEERING, INC	9784	2,264.00	VARIOUS
BRAEN STONE INDUSTRIES, INC	9785	143.44	STREETS & ROADS O/E
BURGIS ASSOCIATES, INC	9786	5,251.25	LEGAL SERV & COSTS O/E
C & C TIRE CO, INC	9787	224.99	VEHICLE MAINT ROAD
CARL MOTTOLA	9788	120.50	UNIFORM FIRE SAFETY O/E
CHIEF FIRE EQUIP CO	9789	243.50	FIRE DEPT O/E
CHIEF SUPPLY CORP.	9790	1,428.75	FIRE DEPT O/E
CITY OF PATERSON	9791	10,470.00	BOARD OF HEALTH
CITY WIDE MAINTENANCE	9792	1,350.00	PUB WORKS ADMIN O/E
DANIEL TEDESCHI	9793	50.00	GROUP INSURANCE O/E
DONALD TURNER, JR	9794	50.00	GROUP INSURANCE O/E
DOWNES TREE SERVICE, INC.	9795	10,010.00	VARIOUS
GATES FLAG & BANNER CO, INC	9796	102.50	FIRE DEPT O/E
HAWTHORNE AUTO LAB	9797	174.68	VARIOUS
HAWTHORNE B.O.E.	9798	412.50	BOARD OF REC
HAWTHORNE CAR WASH, INC	9799	236.00	VEHICLE MAINT POLICE
HAWTHORNE FIRE DEPT	9800	18.98	VEHICLE MAINT FIRE DEPT
HAWTHORNE J D BASEBALL	9801	4,480.00	BOARD OF REC
HAWTHORNE PAINT CO INC	9802	28.00	SEWER SYSTEM O/E
HAWTHORNE PRESS INC	9803	110.76	VARIOUS
HAYLEY ENCARNACION	9804	195.00	MUNI COURT
HENRY'S PLUMBING & HEATING INC	9805	397.88	VARIOUS
HFD #3	9806	36.05	FIRE DEPT O/E SHADE TREE COMMISSION O/E
HOME SUPPLY & LUMBER CO., INC.	9807	5.51	
JAMES REED, INC.	9808	2,697.90	STREETS & ROADS O/E
JAMES SODER	9809	379.00	VARIOUS
JOHN DEERE LANDSCAPE	9810	1,969.42	VARIOUS
JOHN PALLOTTA	9811	165.00	VARIOUS
JOHNSON BUS PROD & INTERIORS	9812	119.30	MUNI COURT
JPSC, INC	9813	120.32	VARIOUS
KEN SMITH MOTORS INC	9814	802.04	VEHICLE MAINT POLICE
LAWMEN SUPPLY CO OF NJ, INC	9815	4,330.83	POLICE DEPT O/E
LERCH VINCI & HIGGINS	9816	5,300.00	VARIOUS
LOUISE SIANO	9817	50.00	GROUP INSURANCE O/E
LUK OIL	9818	8,404.34	BULK PURCHASE GASOLINE
LUSCHER'S AUTO INC	9819	4,867.46	VARIOUS
M J HEWITT	9820	210.00	VARIOUS
MARY JEANNE HEWITT	9821	93.10	VARIOUS

METLIFE	9822	325.40	GROUP INSURANCE O/E
MICROSYSTEMS-NJ.COM, LLC	9823	1,300.00	TAX ASSESSMENT O/E
MIDLAND AUTO PARTS	9824	93.28	STREETS & ROADS O/E
NASSAU NDI DIAGNOSTICS	9825	460.00	FIRE DEPT O/E
NJ IAAI	9826	800.00	VARIOUS
NO JERSEY MUNI EMPL BNFT FUND	9827	165,240.00	GROUP INSURANCE O/E
ONE COMMUNICATIONS	9828	1,389.82	TELEPHONE CHARGES
P & A AUTO PARTS, INC	9829	81.71	VARIOUS
PASSAIC COUNTY 200 CLUB	9830	250.00	FIRE DEPT O/E
PASSAIC VALLEY SEWER COM	9831	266,272.10	PASSAIC VALLEY SEWER SHADE TREE COMMISSION O/E
PATRICK ALLEN	9832	275.00	
PENQUIN COMMUNICATIONS, LLC	9833	828.00	FIRE DEPT O/E
PENSION ADJUSTMENT FUND	9834	1,213.49	PENSION ADJ
PHILIP SAVOIE	9835	150.90	VARIOUS
PUBLIC SERV ELEC & GAS	9836	42,811.36	VARIOUS
RT OFFICE PRODUCTS	9837	121.25	VARIOUS
RUTGERS UNIVERSITY RUTGERS YOUTH SPORTS RESEARCH	9838	600.00	STREETS & ROADS O/E
	9839	1,425.00	BOARD OF REC O/E
VAN DINE'S INC	9840	923.28	STREETS & ROADS O/E
VERIZON	9841	301.30	VARIOUS
VERIZON WIRELESS (N)	9842	64.01	EMERGENCY MGMGT O/E
VITAL COMMUNICATIONS, INC.	9843	575.00	VARIOUS
W. E. TIMMERMAN INC	9844	<u>1,245.62</u>	VARIOUS
TOTAL CURRENT		\$ 587,581.78	
GENERAL CAPITAL			
BOSWELL ENGINEERING, INC	3029	9,451.32	VARIOUS
HAWTHORNE PRESS INC	3030	<u>54.60</u>	VARIOUS
TOTAL GENERAL CAPITAL		\$ 9,505.92	
WATER OPERATING			
ALL BERGEN LOCKSMITHS, INC	8134	74.00	WATER UTILITY O/E
DOWNES TREE SERVICE, INC.	8135	900.00	WATER UTILITY O/E
GRAINGER, INC	8136	23.49	WATER UTILITY O/E
HENRY'S PLUMBING & HEATING INC	8137	24.92	WATER UTILITY O/E
HOME SUPPLY & LUMBER CO., INC.	8138	70.92	WATER UTILITY O/E
JPSC, INC	8139	61.43	WATER UTILITY O/E
LUK OIL	8140	555.08	WATER UTILITY O/E
MCMASTER-CARR	8141	54.29	WATER UTILITY O/E
ONE COMMUNICATIONS	8142	141.38	WATER UTILITY O/E
POLLARDWATER	8143	17.77	WATER UTILITY O/E

PUBLIC SERV ELEC & GAS	8144	27,081.72	WATER UTILITY O/E
RIVERSIDE IRON & METAL, INC	8145	35.00	WATER UTILITY O/E
RT OFFICE PRODUCTS	8146	29.41	WATER UTILITY O/E
SIR SPEEDY, INC	8147	24.00	WATER UTILITY O/E
STATE OF NJ - PWT	8148	1,206.79	WATER UTILITY O/E
SUR-SEAL, INC	8149	<u>235.23</u>	WATER UTILITY O/E
TOTAL WATER OPERATING		\$ 30,535.43	

WATER CAPITAL

CR INDUSTRIAL SERVICES INC	1007	<u>8,215.00</u>	CAPITAL EQUIPMENT
TOTAL WATER CAPITAL		\$ 8,215.00	

OTHER TRUST II

DOUGLAS MORGAN	4037	53.00	RECYCLING TRUST
KONICA/MINOLTA	4038	95.40	RECYCLING TRUST
MARY JEANNE HEWITT	4039	7.87	RECYCLING TRUST
P & A AUTO PARTS, INC	4040	42.40	VARIOUS
VAN DINE'S INC	4041	<u>387.50</u>	RECYCLING TRUST
TOTAL OTHER TRUST II		\$ 586.17	

OTHER TRUST I ESCROW

KOHLER DISTRIBUTING COMPANY	7004	5,000.00	TAX SALE PREMIUMS
VAN DYK PLACE	7005	<u>50,973.54</u>	TAX SALE PREMIUMS
TOTAL OTHER TRUST I ESCROW		\$ 55,973.54	

TOTAL BILL LIST **\$ 692,397.84**

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.

Mary Mahon, 64 Emeline Drive complimented the Road Department for repairing the roads. She asked Council if the Master Plan is up to date. Attorney Pasquale stated that the Master Plan must be reviewed every six years and in the process of a re-examination. Burgiss Associates has been retained to perform the re-examination. Ms. Mahon asked if ordinances are in effect if the Master Plan is not current. Attorney Pasquale stated that if the Master Plan is not current, it does not mean that the ordinances are invalid. Many aspects of the Master Plan have been updated, the housing element has been updated within the past six years.

Ms. Mahon stated that sixteen towns were able to have the salaries of teachers froze. She asked if the Mayor or anyone approach the Board of Education to ask this request. Mayor Goldberg stated that Board of Education is a separately elected board, the employees are of the Board of Education and not of the Borough. We can unofficially make suggestions, it is up to the school board and superintendent. The only time we get involved is when it is defeated by the voters. It is our intention that the school board presents a good budget and that it is passed by the public at large. Mayor Goldberg believes that the school board has seen and heard what is going on and a teacher's contract has recently been adopted. He is not aware of how receptive the teachers or the school board are to this since a contract was just settled. He suggested that Ms. Mahon attend a school board meeting and ask this question.

Ms. Mahon stated that the Christian Health Care Center issue is to be heard in April in Wyckoff and it is not on the agenda. Engineer Boswell stated that the information he had was that it was scheduled for the April 15th meeting.

Mr. Joe Rooney, 84 Braen Avenue thanked Council and Administration for the help in the K. Hovnanian matter. Mr. Rooney is concerned as to the bid for Braen Avenue drainage project. He does not want the work performed in his back yard. He stated that two and one-half years ago, the property was surveyed and observed and it was determined that it could not be done. He asked why not go to Goffle Road or another direction, why Braen Avenue. Mr. Rooney would like to see a future developer take care of the situation. Engineer Boswell stated Council has not reviewed the plans. He stated the improvement on Braen Avenue will work in the event nothing else is done. The improvement to the ravine does not have to be done, however, it would be beneficial. We do not have to go to Goffle Road, even though that would be better if added to the plan. He stated that Mr. Rooney's flooding is primarily due to the lack of capacity by the culvert under Braen Avenue, which leads to water over topping the culvert, going on the road and flooding Mr. Rooney's yard. This plan handles the water that is on the road. It takes the water on the road that currently ends up to the back of your property. The water will go down a brand new pipe and over the road. The culvert under Braen Avenue will not be opened, which was one Mr. Rooney's concerns. All of the drains will be plugged and the water that currently flows over Braen Avenue will be collected in a new inlet. Mr. Rooney asked if the pipe behind Braen Avenue will be enlarged. Engineer Boswell stated a new pipe will be installed down Valley Street, the water will be collected on Braen and the water will be taken down Valley Street and connect into the headwall. Engineer Boswell stated that Mr. Rooney has said in the past that there is no way that his situation could be helped, because it eventually goes under the building. The invert at the building is thirteen feet below Mr. Rooney's yard, therefore, if the water in Mr. Rooney's yard has never been thirteen feet deep, the building is not the problem. There is no backwater effect of that building in his yard because of the grade. The water will be taken down, around and back to the existing headwall and then go under the building. A fifteen inch pipe will be installed. Mr. Rooney asked if this will put more water into the system and Engineer Boswell said no, the water is travelling a different way. The water will be contained and not flood anyone's property. Currently the water that is overtopping the culvert and going on the road is ending up in the ditch and this is causing

the flooding. The overtopping water will be and not allow it to get to the ditch and bypass the current system. Engineer Boswell said that he reviewed these plans very carefully after the last Council meeting. He stated that not one hundred percent of the flooding will be solved, however the nuisance flooding that is currently ongoing will be reduced drastically. The culvert under Braen Avenue is not being enlarged which would allow water to come faster to the ditch. All the water that overtops the road will be collected and sent down Valley Street underground, brought back and across to connect into the ditch well below where the grades will be and will not have a backwater affect. The properties that are currently flooding will all be helped, the water will be bypassing these properties and not reach them. Mr. Rooney stated that the headwall is located before Henry's and the water that travels there is going around the headwall. Council President Bertollo suggested that Mr. Rooney come in to the municipal building to review the plans. Mr. Rooney requested that the work on the ravine be postponed. Engineer Boswell said that the work that is planned will help even if the work on the ravine is not performed. However, adding the ravine will be a great improvement. Mr. Rooney asked if the second pipe on the K. Hovnanian property is being changed or will there be construction behind that pipe. Engineer Boswell said there will be no change to that pipe.

Mr. Rooney thanked Council and Administration for their help and support and appreciates all that they have done.

James Dusenberry, 81 Roosevelt Avenue wanted to discuss the pothole in front of his home, however his Council representative was not in attendance and decided to postpone this matter. He wanted to discuss the current water rate ordinance and the fact that when the rates were raised last year, not many residents came to the public hearing and believes the same will happen this year. Mr. Dusenberry stated that he was not in favor of the last rate increase. He did not complain when the \$250,000 was transferred from the water fund to the general revenue fund, that transfer kept taxes down. He asked if money from the water fund to the general fund will be transferred in the future. Council President Bertollo could not answer the question, the transfer is a year-by-year decision and he does not foresee this occurring in the near future. Unless there is a drought in the next several years and the water usage increases, he does not see the surplus that has been enjoyed in the past. Mr. Dusenberry stated that in his opinion that surplus funds from the water revenue be transferred into the general revenue because he feels that when he receives an increase in the water bill , it must be paid and when there is an increase in his taxes, the taxes can be deducted from his income tax. The increase in the water bill cannot be deducted. So in effect he believes he is receiving an increase in his water bill as well as his taxes. He feels that general revenue funds should not be taken from the water utility fund and keep the water rates as low as can be. If taxes need to be raised, the taxes can be deducted on the income tax. Mr. Dusenberry appreciated Councilman Lane's concern for senior citizens. The charges of other towns were discussed and that should not be Hawthorne's concern. The focus should be what the cost is for running the water system in Hawthorne. Council President Bertollo stated that the other town's rates were used as a comparison, which is no different than when we compare taxes from town to town. Finance and Administration stated very clearly that this is used as a comparison.

Mr. Dusenberry stated that money should not be transferred from the water fund to the general fund as we are short \$106,000. Administrator Mauer stated that with this year's budget, we are short \$175,000 in order to balance the budget. The \$106,000 was a comparison to what was not received and what we expect the new rates to generate. Mr. Dusenberry stated that if the money was not transferred, there would still be cash in the bank. Mr. Dusenberry thanked Council.

Robert Kurdock, 15 Rose Court stated that he received a call, being on the Environmental Commission, stating they called the town to report someone operating a chain saw and log splitter in a residential zone on Saturdays and Sundays from 8:00 a.m. until 6:00 p.m. and beginning at 6:00 p.m. during the week. Mr. Kurdock stated that the resident called the Police Department and the response was that they are on their own property and they can do whatever they want during daylight hours. The question is does this fall under noise pollution and does it come under the Environmental Commission. Mr. Kurdock asked Attorney Pasquale if someone can do whatever they want on their own property in a residential zone and does it include operating equipment. Attorney Pasquale stated that a chain saw and log splitter can be operated on your own property as long as it is done during the hours permitted. You cannot operate a commercial business. If this person is splitting and selling firewood from his property and operating a commercial enterprise, that would be considered running a business in a residential zone. With regard to noise violations, if a certain decibel level is exceeded, you are in violation of the noise ordinance. There is a pretty high threshold to match that level, we do not have the equipment to measure the decibels, the county has that equipment and they would have to perform this test. A chain saw is loud and annoying but generally does not meet this decibel level. Mr. Kurdock stated that this resident states that this is an ongoing issue and happens every weekend. Attorney Pasquale stated that it sounds as though a business is being conducted as opposed to storing firewood for the winter. Council President Bertollo suggested that Mr. Kurdock give the resident's name and address and Administrator Mauer will refer the information to the proper department. 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 Bennett, seconded by Councilman Sinning. On roll call, all voted yes.

CLOSED SESSION

Council President Bertollo continued that pursuant to N.J.S.A. 10:4-13 and the Attorney General's formal opinion 29-1976 moved that the public be excluded from the remaining portion of the work session in order that the council discusses negotiation and litigation. Items to be discussed in closed session can be disclosed to the public when a course of action is determined or a decision has been reached. Motion was made by Councilman Sinning, seconded by Councilman Mele. On a roll call vote, all voted yes

Council went into closed session at 10:04 p.m.

ADJOURNMENT

At 10:25 Council President Bertollo entertained a motion to adjourn the regular meeting. Motion moved by Councilman Bennett, seconded by Councilman Sinning. On roll call, all voted yes.

Council President Bertollo indicated that the next regular council meeting will be on April 21, 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