

July 7, 2010  
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:00 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bennett, 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 Sinning was not present.

### **FLAG SALUTE**

Council President Bertollo invited all present to join him in the flag salute and for a moment of silence in memory of Gene Meyers.

### **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 16, 2010 moved by Councilman Mele, seconded by Councilman Wojtecki. On roll call all voted yes. Councilman Bennett abstained.

Council President Bertollo entertained a motion to approve the Bid Minutes for Van Winkle Avenue, Section 2 and 2010 Road Improvement Program of June 29, 2010 moved by Councilman Lane, seconded by Councilman Wojtecki. 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 none, Council President Bertollo entertained a motion to close the public portion, moved by Councilman Wojtecki, seconded by Councilman Matthews. On roll call, all voted yes.

## **ADOPTION OF ORDINANCES**

### **Ordinance No. 2019-10 For Adoption**

AN ORDINANCE TO AMEND ORDINANCE NO. 1962-09 OF THE BOROUGH OF HAWTHORNE, AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, TO AMEND THE SALARIES OF UPSEU BLUE-COLLAR BARGAINING UNIT

#### **Public Hearing**

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

Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2019-10 is closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

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

Council President Bertollo entertained a motion to adopt Ordinance No. 2019-10, moved by Councilman Matthews, seconded by Councilman Wojtecki. On roll call, all voted yes.

### **Ordinance 2020-10 for Adoption**

AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY

#### **Public Hearing**

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

Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2020-10 is closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

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

Council President Bertollo entertained a motion to adopt Ordinance No. 2020-10, moved by Councilman Matthews, seconded by Councilman Mele. Councilman Wojtecki stated there was no removal or change for the person filling in the recycling position and Director of Revenue and Finance Hewitt stated the change is in the body of the Ordinance where it mentions other licenses. Councilman Wojtecki asked if this will be a permanent union position and Mayor Goldberg stated he did not know if it will be, but as of now it is. Councilman Wojtecki asked if moving forward on this ordinance will set precedence. Mayor Goldberg stated he did not believe so because at any time that a supervisor or another union member receive those licenses, or someone is hired that holds those licenses, it is not a union position. Councilman Wojtecki's concern is are we making a union position a management position. Councilman Wojtecki asked Attorney Pasquale if a union position is being made into a management position. Attorney Pasquale said that he does not believe so as the individual does not have true management-type duties in terms of hiring, firing, and evaluations, the duties are limited. This is not going to be a true managing position and, therefore would be a union member. However, this individual could end up assuming managerial duties at some point and move out of the union and into management. Councilman Wojtecki stated that he has asked for a job description for this position and to date has not received one. Administrator Mauer stated he will give a copy of the job description to Councilman Wojtecki. Council President Bertollo asked if there was any further discussion. There was none. On roll call, all voted yes.

#### **Ordinance No. 2021-10 for Adoption**

AN ORDINANCE ACCEPTING DEDICATION OF LOT 6.01, BLOCK 234 ON THE TAX MAP 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 that the public hearing on Ordinance No. 2021-10 is closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

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

Council President Bertollo entertained a motion to adopt Ordinance No. 2021-10, moved by Councilman Matthews, seconded by Councilman Mele. On roll call, all voted yes.

## OLD BUSINESS

Council President Bertollo asked if there was any old business to discuss. Councilman Bennett questioned Attorney Pasquale about the DEP's fertilizer ordinance and if the DEP specified a minimum penalty for violating the ordinance if it is passed. Attorney Pasquale said no. The Ordinance Committee met yesterday to review the draft fertilizer ordinance and the draft being submitted to the Council will include a maximum fine of up to \$100.00, leaving it to the Judge's discretion, if the Judge feels that less than a \$100.00 fine be imposed. There is nothing in any legislation or any regulation that has been seen that would lead him to conclude that there has to be a maximum or minimum fine. Councilman Bennett asked why we are doing this. Attorney Pasquale stated that this has to do with our licensing and our ability to use water conveyance systems that take storm water into other storm water systems. If we do not adopt the ordinance, we risk losing our license. Council President Bertollo added that there would also be a \$50,000.00 per day fine. Councilman Bennett is aware that the ordinance must be passed but go back to the DEP and request a maximum fine of \$1.00 or \$.01. Attorney Pasquale stated that it is up to Council for establishing the cost of the fine, however, as an Attorney, he advises that it is safe to put \$100.00 instead of \$1.00 or \$.01 which would undermine the ordinance. He also stated that the Ordinance Committee requested that Attorney Pasquale draft a resolution and adopt it simultaneously or before the adoption of the ordinance stating how ridiculous the ordinance is, bring it to the Governor's attention, under the category of the unfunded mandates and all of the other things this Governor has been speaking about. This Ordinance began prior to Governor Christie taking office, however, this is the type of waste in government we are trying to see eliminated. Councilman Bennett asked if a fine is issued is it payable at the window or are court costs going to be involved. Council Vice President Matthews stated that the fine is a maximum of \$100.00, it is not a set \$100.00 and the Judge will have leniency to go lower. Councilman Bennett stated he does not want to give the Judge leniency. Mayor Goldberg stated that when he met with a group of Mayors in Trenton several weeks ago, they referred to this ordinance, which all of them had passed because they did not want the \$50,000.00 fine, however none of them are planning to enforce it. Councilman Bennett stated that someone will state that there is another ordinance in effect that is not being enforced. Attorney Pasquale stated that the commitment is there to enforce in the most egregious circumstances. If someone takes large bags of phosphorous and places it all over, the ordinance would be enforced. This is also an ordinance that is one size fits all, it does not make sense in our community versus a farming community versus a more rural community in the State. Councilman Bennett stated he would like to see a \$1.00 fine imposed. Mayor Goldberg stated that we do want to endanger our permits that we have with the DEP. Council President Bertollo stated that the sample ordinance that the DEP submitted stated a \$500.00 fine. Attorney Pasquale stated that if you implement a \$.01 or \$1.00 fine, this tells the DEP that we do not take what they are stating seriously. However we can engage our free speech right in the form of a resolution without risking the loss of our licensing and a \$50,000.00 fine. He stated that the DEP is on a mission to find money and they are using this, other ordinances and other parts of the law to try to obtain money from municipalities.

Councilman Lane asked what the difference is between the fertilizer ordinance that the DEP want us to pass and the ordinance that was passed many years with regard to the salt on the streets in the winter. He stated salt goes into the storm sewers, aquifers and storm basins so do we not salt the roads anymore. Attorney Pasquale stated there is a life safety issue regarding salt. This ordinance is geared towards phosphorous more than anything else and phosphorous based fertilizers leaching into water systems and aquifers that cause problems. In Hawthorne, this would be geared to individual homeowners. We salt our roads and homeowners are in a position to maintain their property. This ordinance tells a homeowner how he maintains his garden and lawn. Council President Bertollo said that we are all unhappy about passing this ordinance but we cannot face a \$50,000.00 a day fine.

Councilman Lane stated a letter was received dated June 24, 2010 from Attorney Pasquale regarding 55 Westervelt and asked if there was any update. Mayor Goldberg said there is nothing new to report. Attorney Pasquale stated that he has been away and the letter was sent the day he left for vacation. He has not heard from the property owner. Mayor Goldberg said that Code Enforcement Officer Turner has been told that if the conditions are unkept and the weeds are high, to keep issuing summonses. Councilman Lane asked if Code Enforcement Officer Turner has been doing this. Mayor Goldberg said he was not sure, but believes he is.

Councilman Matthews asked for the status of the repairs at Florence and Cornell. Administrator Mauer stated that he is addressing this issue on July 8<sup>th</sup>.

Councilman Matthews stated that homeowner's claims are being received. The rough paving was supposed to be repaved when the dry walls were installed, once the temperature reached over 60 degrees, and asked the status of this. Engineer Boswell stated that the paving contract is being awarded this evening. Councilman Matthews stated that when this was discussed in the winter, he was told that this would be taken care of in the spring and this would be placed in the road improvement project, this was not good enough. Engineer Boswell thought that the decision was made by the Public Works Committee. Councilman Matthews stated that he was not notified that the decision was tabled.

Councilman Wojtecki stated there continues to be an 18-wheeler parked in the pool parking lot on Tuesday nights and asked if there has been any remediation to this. Mayor Goldberg stated he was not aware of this. Councilman Wojtecki stated that he brought this to everyone's attention in April and it was determined to send Officer Finstra to investigate the matter. Mayor Goldberg stated the problem is that if the truck is parking at night, Officer Finstra works days. Administrator Mauer stated that he will inform the police and request a report.

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 asked Attorney Pasquale if Ridgewood Corporation, the plumbing supply house, filed Chapter 11 and if we are in any liability for the building that is on Wagaraw Road. Attorney Pasquale said that is not aware of anything, the only issue would be whether or not they are going to continue to pay their taxes in a timely manner. The taxes would become a lien on the property. Council President Bertollo stated he is not sure if Ridgewood Corporation owns the building, they may rent. The location is next to JB Pet Supply. Attorney Pasquale believes they own the property and depending on the type of bankruptcy, if it is Chapter 7, they are going out of business. Who ever acquires the property, the acquisition is subject to taxes. If there is a lienholder, like a mortgage company who has a mortgage on the property, the mortgage company usually continues to pay the taxes so that no one can buy the tax lien ahead of a lender. Councilman Lane stated they filed Chapter 11. Attorney Pasquale stated there is every reason to believe that you will be receiving taxes because the company will only be reforming their debt.

Councilman Bennett stated that while being on the internet, he discovered that in 2006 the Federal Government changed the Universal Building Code whereby bedrooms be constructed without windows. Historically, both national and most local building codes require windows in bedrooms for ventilation and safety, but their thinking was improvements in fire safety and building materials called into questioning the necessity of such regulation. Today, windows are officially optional. Attorney Pasquale said that this is incorrect, he is not sure of the universal building code, however most of the country is under the International Building Code. Attorney Pasquale said he never heard of the Universal Building Code as we have been under the IBC. Councilman Matthews stated that the Universal Building Code was utilized in California and the Southern Building Code was utilized down south, BOCA was utilized in the east, but the IBC is the master template. Councilman Bennett stated the only reason he brought this matter up was that it would make enforcement of no basement apartments very difficult.

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

## ADMINISTRATIVE AGENDA

Mayor Goldberg offered his condolences on behalf of the Borough to the Meyers family on Gene's passing. Gene Meyers was a great businessman, a compassionate person, extremely generous to many non-profit organizations in Hawthorne, a long-time officer in the Chamber of Commerce and a loyal friend.

Mayor Goldberg thanked Dan Tedeschi and Don Turner, Jr. who came to the pool's rescue on July 5<sup>th</sup> when a filter pump went down, which had a potential of multiple days

to repair and was repaired within a matter of hours. The pool re-opened at approximately 2:30 p.m.

Mayor Goldberg also thanked North Haledon Mayor Randy George whom he contacted upon learning the problem at the pool. He contacted him to request the possible use of Beuhler Pond for our residents if the repair was going to take multiple days. Mayor George said that if we needed to use Beuhler Pond, he would make arrangements. Fortunately, we did not need to do this and Mayor George has been a true friend of Hawthorne's.

Mayor Goldberg congratulated the Downe's Senior Girls on winning the recreation softball championship. He also congratulated the entire baseball/softball association for another successful season.

Mayor Goldberg stated he had the privilege of being invited by our Domestic Violence Response Team (DVRT) to the opening of an eight-bedroom transitional house in Paterson. DVRT supplied all of the window treatments and Churchill Furniture of Hawthorne donated the furniture and linens for the entire house and thanked both of them for the work that they performed.

He also congratulated the Hawthorne Chamber of Commerce for a successful opening of the 2010 Farmer's Market. The returning vendors have been joined by many new ones. He asked that everyone join him on Sundays between 9:00 a.m. and 2:00 p.m.

He was disappointed to report that we were unsuccessful in the receiving the Streetscape Grant.

On Saturday, June 26<sup>th</sup>, the first Bicycle Safety Day was held and over one hundred attended. The majority of the children in attendance were ages 5 through 9. We distributed 34 bike helmets, 30 bicycles were engraved with registration numbers and 23 bicycles were inspected.

### **APPOINTMENT**

Appointment of Electrical Sub Code Official

Edward Pepe

By virtue of the power and authority vested in me as Mayor of the Borough of Hawthorne, I hereby appoint Edward Pepe to fill an unexpired term as Electrical Sub Code Official of the Borough of Hawthorne that will expire on December 31, 2013

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

Mayor Goldberg administered the oath of office.

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By virtue of the power and authority vested in me as Mayor of the Borough of Hawthorne, I hereby appoint Ruth Verrone to fill an unexpired term as Board of Health Member of the Borough of Hawthorne that will expire on December 31, 2011

Council President Bertollo entertained a motion with advice and consent to approve the appointment moved by Councilman Wojtecki, seconded by Councilman Lane. On roll call all voted yes.

Mayor Goldberg administered the oath of office.

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 reported that the 2009 audit has been completed and the audit report should be ready by the end of July or early August.

The tax sale is scheduled for September 21<sup>st</sup> at 10:00 a.m. Many telephone calls have been received in the Tax and Finance Department regarding tax bills not being received. Tax Collector Crowley contacted the County and was told that the State is holding up the tax bills, the tax rate has not been received, therefore, the bills cannot be printed. Once the bills are mailed, payment is due 25 days from the date of mailing. Interest will be charged after the 25<sup>th</sup> day and this will be memorialized in a resolution to be passed by Council.

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

Mayor Goldberg called upon Borough Attorney Pasquale for his report.

Attorney Pasquale reported that everything is in order regarding Lafayette Hills. The bonds were received and returned to the developer, maintenance bonds are pending, and all of the individuals entitled to receive funds have received their funds.

The deed for Brockhuizen Lane has been received for recording making us the official recorded owners of Brockhuizen Lane.

This concludes Attorney Pasquale's report

Mayor Goldberg called upon Borough Engineer Boswell for his report.

Leaf Composting Facility Permit – Kevin Downes continues to remove material from the site. Once this is completed, Frank Rossi will meet Kevin to finalize the site plan configuration and design, operating class facility and complete the permit application.

Underground Storage Tank Groundwater Monitoring – Groundwater sampling is scheduled for the week of July 12<sup>th</sup>.

Oil/Water Separator – Frank Rossi is still investigating types of building structures which may be available for use as a truck washing facility.

Veteran's Field Lighting Specs – Specs should be completed next week. We still need Ken Del Percio to look at the electric and we should be out to bid the week of July 12<sup>th</sup>. Jim Fordham will contact Administrator Mauer to discuss the bidding schedule.

Brockhuizen Lane – PS&EG agreed that the gas main, which is 6" below the surface, will be relocated within the next 2 weeks at their expense. However, no response has been received regarding relocation of the pole, even though a response was promised at the meeting that was held several weeks ago. Mayor Goldberg stated at that meeting if the pole costs \$31,000.00 to relocate, then our emergency response to the problem PSE&G had several days ago is \$31,000.00

Goffle Hill Force Main – The contractor is expected to begin work the week of July 19<sup>th</sup>.

2009 Road Program – We are waiting for English Paving to come back and fix 66 Eking's (Mr. King's) sidewalk. Everything else is complete.

2010 Road Program – Bids were received on June 29<sup>th</sup>. A letter was submitted recommending the award to Arnold's Roads. Engineer Boswell asked Attorney Pasquale to add a sentence to the contract stating the president of the company be on-site at a minimum of 75% of the time. The president of Arnold's Road has agreed to sign this. In past dealings with this company, there has been a difference when the president of the company is on site compared to when he is not present. The president has committed verbally that he will be present 75% of the time.

Christian Health Care Center – Is not scheduled at the Wyckoff Board of Adjustment meeting and is not moving forward at this time.

Goffle Brook Bank Stabilization – A face-to-face meeting was held with the DEP and we are getting closer to resolve this issue.

Drainage Improvement Project – The final easement should be executed shortly and then go to bid.

Ridgewood Water Proposal – Ridgewood Water sent a letter to Wyckoff and Engineer Boswell gave a copy of this letter to Clerk Witkowski in order for her to copy and distribute to Council and Administration. Ridgewood Water states they have 4 options in Wyckoff. The fourth is our proposal to link the 2 systems. However, the letter states they would like to review Option 1, which is to locate a tank on the hill of the Health Care Center property, however, the Health Care Center rejected this.

Chlorine Conversion – The permit has been received and a few conditions were placed upon it.

Sealing of Tennis Courts – The contractor began work sealing the tennis courts on July 6<sup>th</sup> and is generally a 1 or 2 day process.

North 8<sup>th</sup> Street Wall Failure – Director of Public Works Clemente is handling this and we will provide support whenever he needs it.

EPA Inspection – The inspection went well. Hawthorne will be fined because 2 of the pump stations did not have alarms.

Van Winkle Avenue Section 2 – This is being awarded tonight. The references of the firm that will be awarded this project came back with no problems. We have never worked with this firm. They have a bond, they are low bidder by definition and have never defaulted on a job.

HVAC – The problem occurred when the bearings froze on one of the fans and the reason for this failure has not been determined. Trane agreed that it is a warranty repair and they are responsible for fixing it. When the bearings froze, then fan went off balance, which goes at an asymmetric angle as it turns and creates stresses. As a result, the entire squirrel cage around the fan got destroyed and sent pieces of shrapnel into the system. One of the pieces of shrapnel also hit the fan that we are now replacing. This fan is four fans behind the original fan that was replaced. Council asked if this is an off-the-shelf part, it is not, it is a custom part not made by Trane, it is made by a metal fabricator for Trane. There is a five-day lead time and the part was ordered on Tuesday, July 6<sup>th</sup> and should be received either on July 13<sup>th</sup> or 14<sup>th</sup>. Reiner will be here when the part arrives and the installation will occur around our schedule. After discussing the repair with Administrator Mauer and Mayor Goldberg, it makes no difference to repairing this either in the evening during the week, as long as there are no meetings, or on Saturday. If the part is received on Tuesday or Wednesday, they will be prepared to install it any time on Tuesday or Wednesday. It is our intent to leave the current air conditioning on because while the repair is being worked on, the current air conditioning would have to be shut off. The repair does not take long to complete. Every single part and motor in the system has been inspected and tested. It will be insisted upon that the one year warranty begin now. There is a maintenance bond in place.

The Board of Education Server Room seems to get hot and this can be looked at in the future. A split system could be installed in the room which is the same type of system that was installed in the Accounting Department and Police Station. This is a separate system which would only cool that area. This could be a Board of Education expense as opposed to a Borough expense and the approximate cost would be \$10,000 to \$12,000.

This concludes Engineer Boswell's report.

Mayor Goldberg called upon Borough Administrator Mauer for his report.

Administrator Mauer reported that during the past warm days, many residents have been enjoying the pool. To date, we have issued 206 family and 534 individual memberships as well as 109 free senior citizen memberships. Revenue totals \$102,000. We have contracted with a food vendor to provide food service and this vendor has been well received.

The Summer Recreation program is averaging approximately 300 children per day and the program is running well. Administrator Mauer will be attending the Board of Recreation meeting next week in order to discuss training for the Civil Rights Policy.

Bid specs are being finalized for garbage, recycling and yard waste and should go out to bid next week. It is anticipated to award this in September, well ahead of the end of the year and have an easy transition if the vendor changes.

Water Utility – There has been an uptake in the amount of water that is being pumped. The billing and rate adjustments during the first quarter this year compared to last year have increased. Water sales to Ridgewood increased so much that it broke the meter. During the time the meter is out of service, water usage will be averaged. At one point, the water supply to Ridgewood had to be shut off in order to meet the demands of the Hawthorne residents. It is expected that water service to Ridgewood will be on line tomorrow.

There is an agreement between the Governor and Legislature regarding changes in the cap which should have the same impact on us when comparing it to what the Governor originally proposed. This change will help us hold down any increases in our tax rate as well as be in line with any changes in employee salaries and benefits. One concern is the proposed tool kit, particularly the changes to binding arbitration laws which provide increases to police employees and staying within the cap. He will keep everyone advised of this. Mayor Goldberg stated he has a conference call scheduled with the Governor on July 8<sup>th</sup> to discuss the cap issues.

Administrator Mauer thanked all of the employees for their understanding and tolerance during the situation regarding air conditioning system.

This concludes Administrator Mauer's report.

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

Councilman Bennett has technical questions regarding the air conditioning system for Engineering Boswell and will address these off line.

Councilman Lane asked Engineering Boswell if the air conditioner was a mechanical, design or spec failure and why wasn't the failure of the fourth fan discovered when the entire system was reviewed. Engineer Boswell said an assumption was made that the damage was done only to one part of the fan and it is very difficult to view the fourth fan, which is not designed for a human to gain access to. To suspect that a piece of shrapnel from one fan passing through two other fans and destroy the next fan is hard to believe. Councilman Lane

asked if any legal action will be taken regarding this. Mayor Goldberg stated the priority right now is to get the air conditioning fixed. Engineer Boswell stated he has been in communication with Reiner, the contractor, every night during Fourth of July weekend, however, the problem is with Trane not with Reiner. Council President Bertollo asked that this discussion stop, we want the system fixed, it has been approximately 4 weeks, and once the system is up and running there will be a decisive plan to move forward.

- 1. Councilman Matthews asked Administrator Mauer about the 2% cap exclusions for health care and pension costs. The cap went from 2.9% to 2.5% to 2% but with exclusions a hard cap is placed on a total value. Administrator Mauer stated the issue is on the health benefits. If the costs for health benefits increase 20% and arbitrators do not care when negotiating, this is outside the cap and we do need to worry about it. It does have an impact on taxes. It is important to see what changes are made to the binding interest arbitration rules because this will be governed by that rather than the cap. If there is strong legislation, it should be as good as having the cap. It will need to be controlled at the level than simply by the cap. It could be a challenge if there is not a law that gives us additional support. Mayor Goldberg stated the other important exception was for debt service. Under the old proposed rule, without that exception, you could never pave another road or buy a piece of equipment because you would utilize your 2 ½%. The debt service has fallen outside the new proposal. Administrator Mauer stated that in terms of the pension cost, that is as long as the State does not do anything. However, we do not have control of this. The State controls the cost of the pension system. With or without the cap, the control of expenditures will have to be within the binding interest arbitration. Even if you have the cap and not the tool kit, cost rates go up and the only way to control that is to cut staffing. As long as the State does something reasonable on the rules of negotiation and interest arbitration, Administrator Mauer believes the net result will be similar to the originally proposed cap.

Councilman Wojtecki asked Mayor Goldberg who will be attending the recycling meeting at Ramapo College and Rutgers. Mayor Goldberg did not know but will have Administrator Mauer look into this. Councilman Wojtecki stated he continues to receive invitations.

Councilman Wojtecki complimented the pool staff for their efforts with regard to repairing the pool pump that broke on Monday, July 5.

Councilman Wojtecki asked what our levels were with regard to Ridgewood Water. Mayor Goldberg stated that the water was discontinued to Ridgewood today in order to make sure that our levels were safe. Administrator Mauer stated the water was shut down and it is believed that it will be turned on tomorrow. This will continually be monitored in order to meet our needs first. To the extent there is extra capacity, we will sell water to Ridgewood. Councilman Matthews asked if our needs were in jeopardy of not being met or was it the fact that the pump broke down. Administrator Mauer stated the broken pump was at the pool, and it was a broken meter that made us shut off the water to Ridgewood. Councilman Wojtecki asked that Administrator Mauer double check this situation before resuming water to Ridgewood.

Council President Bertollo is happy to hear that the President of Arnold's Road will be present during the project. He asked Engineer Boswell if there are any issues with regard to sealing the tennis courts and the fact that the temperatures are high. Engineer Boswell said the surfacing will adhere extremely well to what is there.

Council President Bertollo asked Attorney Pasquale the status of the Washington Avenue/Royal Avenue easement. He stated that Administrator Mauer spoke with the homeowner and Kristen Hayes met with the homeowner to explain the situation. However he has not had any response. Engineer Boswell said the meeting with the homeowner went well however, we have not received the document. Once the document is received, this project is ready to go to bid.

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

**INTRODUCTION OF ORDINANCES**

There were no ordinances introduced.

**CONSENT AGENDA: RESOLUTIONS: R127-10 Through R136-10**

**R127-10 Resolution, Introduced by Councilman Bennett**

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated June 18 and July 2, 2010

CURRENT FUND	WT 888889	238,949.76
WATER OPERATING FUND	WT 888889	39,146.49
OTHER TRUST II FUND	WT 888889	8,707.94
ORDINANCES	WT 888889	615.00
TOTAL PAYROLL		287,419.19
CURRENT OPERATING FUND TO PAYROLL/FICA	WT 888889	9,110.06
WATER OPERATING FUND TO PAYROLL/FICA	WT 888889	5,000.00
TOTAL FICA		14,110.06

And also for the payroll dated July 2, 2010

CURRENT FUND	WT 888889	232,348.15
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WATER OPERATING FUND	WT 888889	33,904.47
OTHER TRUST II FUND	WT 888889	13,093.40
TOTAL PAYROLL		279,346.02
CURRENT OPERATING FUND TO PAYROLL/FICA	WT 888889	8,124.97
WATER OPERATING FUND TO PAYROLL/FICA	WT 888889	5,000.00
TOTAL FICA		13,124.97

**R128-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, there was an overpayment made for water meter installation at 521 Manchester Ave., No. Haledon, N.J. in the amount of \$3,000.00, and

WHEREAS, the owner has requested a refund of the overpayment,

NOW, THEREFORE, BE IT RESOLVE,: that the Collector of Tax/Utilities hereby recommends that the Treasurer be authorized by the Municipal Council of the Borough of Hawthorne to issue a check from the Water Operating Account in the amount of \$3,000.00 to reimburse Mario Cotumaccio for overpayment.

**R129-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, New Jersey's Local Public Contracts Law sets bid threshold for local contracting units including municipalities but, pursuant to N.J.S.A. 40A:11-3a, permits the local unit to increase the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award contracts below the bid threshold; and

WHEREAS, effective July 1, 2010, the threshold without appointment of a Qualified Purchasing Agent will increase from \$21,000.00 to \$26,000, but with the appointment of a Qualified Purchasing Agent the permissible threshold will increase from \$29,000.00 to \$36,000; and

WHEREAS, N.J.A.C. 5:34-5 et seq establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Hawthorne's Borough Administrator, Eric Maurer, who possesses the designation of Qualified Purchasing Agent as issued by the Director of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq, has previously been

appointed by the governing body as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility and accountability of the purchasing activity of the contracting unit; and

WHEREAS, the Borough Council has previously increased the Borough's bid threshold to \$29,000; and

WHEREAS, the Borough of Hawthorne desires to take advantage of the increased bid threshold effective July 1, 2010;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Hawthorne, in the County of Passaic, in the state of New Jersey hereby increases its bid threshold to \$36,000.00 effective immediately; and

BE IT FURTHER RESOLVED, that the governing body hereby re-appoints Eric Maurer as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility and accountability of the purchasing activity of the contracting unit; and

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.2, the Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution Eric Maurer's certification as a Qualified Purchasing Agent to the Director of Local Government Services.

**R130-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Hawthorne strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Hawthorne is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart; and

WHEREAS, the Hawthorne Environmental Commission has recommended that the Borough apply for a grant to fund a project that would encourage residents to drink tap water from re-usable containers rather than drinking bottled water; and

WHEREAS, the Borough Council of the Borough of Hawthorne has determined that the Borough should apply for the aforementioned Grant;

THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Hawthorne, State of New Jersey, authorizes the submission of an application to Sustainable Jersey for a \$25,000 Sustainable Jersey Small Grant funded by Wal-Mart to fund a project that would encourage residents to drink tap water from re-usable containers rather than drinking bottled water.

**R131-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, an interfund in the amount of \$25,169.99 was created by a posting error between the Current Fund Account and the Other Trust II-UCC Penalty Fund Account.

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 by transferring \$25,169.99 from the Other Trust II-UCC Penalty Fund Account to the Current Fund Account.

**R132-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, the semi-annual payment to the 2003 NJEIT Fund Loan in the amount of \$52,544.32 has become due and payable as of August 2, 2010, and,

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to wire funds in the amount of \$52,544.32 in payment of the 2003 NJEIT Fund Loans.

BE IT ALSO RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to wire funds in the amount of \$2,137.50 to TD Bank, NA in payment of the New Jersey Environmental Infrastructure Trust semi-annual Administration Fee.

**R133-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, the semi-annual administrative fees to the 2010 NJEIT Fund Loan in the amount of \$1,118.75 has become due and payable as of August 1, 2010, and,

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to wire funds in the amount of \$1,118.75 to US Bank NA in payment of the New Jersey Environmental Infrastructure Trust Loans.

**R134-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, on June 29, 2010, the Borough of Hawthorne received bids for the 2010 Road Improvement Program in the Borough of Hawthorne authorized by Ordinances #2008-10, 2009-10 and 2011-10; and

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

Arnold's Roads, Inc.  
8 Dante Road  
Monroe Township, NJ 0883

in the amount of \$493,003.00.

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

**R135-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, on June 29, 2010, the Borough of Hawthorne received bids for the Improvement to Van Winkle Avenue Section 2, authorized by Ordinances 2010-10; and

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

Buckler Associates  
182 Wycoff Way West  
East Brunswick, NJ 08816

in the amount of \$133,765.00

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

**R136-10 Resolution, Introduced by Councilman Bennett**

WHEREAS, an appeal was filed with the New Jersey State Tax Court for a reduction of the assessed value of property and a settlement was agreed upon as follows:

<u>Block/Lot</u> 2009	<u>Original</u> <u>Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
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98/16                \$425,100.        \$325,000.        \$100,100.        \$4,680.68  
Terraglia Realty Company, Inc. 352 Lafayette Ave.

**2009**

106/1                \$871,600.        \$840,000.        \$31,600.        \$1,477.62  
Bruce J. Stavitsky Esq. for the benefit of Rite Aid 325 Lafayette Ave.

**2009**

242/2                \$1,864,800.        \$1,130,500.        \$734,300.        \$34,335.87  
Steven D. Muhlstock Esq. Trustee for Macchi/Realty Acquisitions 280 6<sup>th</sup> Ave Rear

**2009**

243/1                \$785,000.        \$600,000.        \$185,000.        \$8,650.60  
Steven D. Muhlstock Esq. Trustee for Donald Hogan et al 153 North Ethel

**2009**

252/6                \$500,000.        \$350,000.        \$150,000.        \$7,014.00  
1107 Goffle Rd. Realty Assoc LTD 1113 Goffle Rd.

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

Council President Bertollo entertained a motion to approve Resolutions R127-10 through R136-10 moved by Councilman Bennett, seconded by Councilman Mele. Council President Bertollo asked if there were any questions. Councilman Mele asked what is the area regarding the Van Winkle Avenue Section 2 and Engineer Boswell said it will be from the bridge to Lincoln. Councilman Matthews asked where the money is being placed with regard to PSE&G repaving the area where they ripped up the gas line. Engineer Boswell said this money will be allocated to our road program. Council President Bertollo asked if there were any more questions. There was none. On roll call all voted yes.

### **REPORTS OF SPECIAL COUNCIL COMMITTEES**

Councilman Wojtecki – Asked Clerk Witkowski for a copy of the contract with regard to the last tree planting. He also reported that Engine Company #3 recently went around town and watered the green alligator bags that are attached to the trees that were planted. A question arose as to whether these bags were attached to all of the trees, which it is believed that these bags were part of the contract. Councilman Matthews said the bags are not on the trees that were planted by the State. Councilman Wojtecki believes that not all of the trees have the alligator bags and the contract should be upheld. Councilman Wojtecki stated to the residents that if there is a green bag attached to the tree in front of their property, the Shade Tree Commission would like them to fill bag on an alternate day basis.

Councilman Matthews – The Ordinance Committee met and discussed the DEP fertilizer ordinance. A resolution is being drafted to send to State representatives asking for a repeal of this ordinance. Also discussed at the meeting were the Brockhuizen Lane

issues, which Attorney Pasquale discussed earlier in this meeting, modifications to our sign ordinance and the housing registration ordinance. This ordinance should be ready for public discussion in August. Mayor Goldberg stated that the ordinance for Brockhuizen Lane has to do with speed limits, no parking on both sides and stop signs. Attorney Pasquale stated the Chief of Police recommended a speed limit of 15 miles per hour.

Councilman Matthews stated with regard to the Chamber of Commerce, the Farmer's Market has had a tremendous turnout during the past 2 weeks. There have been 11 of 12 vendors this year versus 6 vendors last year. Tickets are available for Jersey Boys, sponsored by the Chamber of Commerce on July 22<sup>nd</sup> and tickets are \$125.00 each, which includes the bus ride and admission.

A new book store was approved at last evening's Planning Board meeting. The store will be located at 425 Lafayette Avenue, where the old martial arts studio was located. This store will sell new and used books, music, dvd's, and stationery. Another application was placed on hold because more information is needed. This is for a used car dealer at Spinelli's lot. The owner is promising that the possibility of a bathroom be installed as a condition. A more accurate site plan is needed. The owner has been informed of the fees, water and sewer hookup. Mayor Goldberg stated that the owner was told when it comes to issuing the license, it will be either the Planning Board or Council would require a permanent structure and a trailer is not sufficient.

Councilman Mele – Congratulated the Chamber of Commerce with regard to the opening of the Farmer's Market. He asked Councilman Matthews if there will be more vendors. Councilman Matthews stated that two more vendors will be there. Municipal Alliance is sponsoring tube night and movie night at the pool on Friday, July 9<sup>th</sup>.

Councilman Lane – The Voluntary Railroad Association held the ribbon cutting and ground breaking at the railroad station. The possibility of construction will begin this week. The Association is in discussion with the Economic Development Committee with regard to their plans for a park area at the location which will be positive for the center of town.

The Economic Development Committee is comprising a survey to be sent to the residents with regard to what type of businesses they would like to have in town as well as what types of amenities they would like. The Committee is going to make a presentation of this to the Chamber of Commerce to see if they will partnership with them.

Councilman Bennett – Thanked the Public Works employees with regard to the repair of the broken pump at the pool.

Council President Bertollo – Had no report.

## CORRESPONDENCE

There was no correspondence to discuss.

**MISCELLANEOUS**

RL-1 RL#970 Lincoln Middle School has requested permission to conduct an on-premise tricky tray raffle to be held on November 6, 2010

RL-2 RL#971 Lincoln Middle School has requested permission to conduct an on-premise cash raffle to be held on November 6, 2010

RL-3 RL#972 Hawthorne Cubs Football Association has requested permission to conduct an off premise 50/50 raffle to be held December 4, 2010.

RL-4 RL#973 Hawthorne Soccer Association has requested permission to conduct an off premise cash raffle to be held December 1, 2010

Council President Bertollo entertained a motion to approve RL-1 through RL-4, moved by Councilman Matthews, seconded by Councilman Bennett. On roll call, all voted yes. Councilman Wojtecki abstained on RL-4.

**BILLS**

Council President Bertollo entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion was moved by Councilman Mele, seconded by Councilman Bennett. Councilman Lane questioned check number 10253 which represents the purchase of 1000 door hangars for Code Enforcement. Mayor Goldberg stated that Council wanted warnings issued prior to issuing a summons for having long grass. Councilman Wojtecki discussed the carpet recycling company and it was his understanding that we would gain money instead of paying money to have the carpet removed. Councilman Bertollo said that money is not being made, this was more cost effective because of the weight of the carpet. Councilman Wojtecki stated that he wants Hawthorne to be a town on the cutting edge of recycling. However, Administrator Mauer stated that on all types of recyclables, the price sometimes goes up which can be positive or negative. On roll call, all voted yes. Councilmen Lane and Wojtecki abstained on check numbers 10198, 10199, 10201, 10212, 10213, 10232, 10235, 10238, 10245, 10248, 10250, 10264, 10278 and 10279. Councilman Lane also abstained on check numbers 10204 and 10268. Councilman Wojtecki also abstained on check number 10247.

VENDOR	CHECK#	TOTAL	DESCRIPTION
<b>CURRENT FUND</b>			
1107 GOFFLE RD REALTY ASSOC LT	10196	7,014.00	OPERATIONS
A T & T	10197	40.41	TELEPHONE CHARGES
AAA EMERGENCY SUPPLY CO INC	10198	965.70	VEHICLE MAINT FIRE DEPT
ADVANCED AIR SYSTEMS LLC	10199	422.00	FIRE DEPT O/E

AMERICAN TRAFFIC & STREET SIGN	10200	51.00	STREETS & ROADS O/E
BILL FOX CO, LLC	10201	76.30	FIRE DEPT O/E
BOSWELL ENGINEERING, INC	10202	8,476.00	VARIOUS
BRUCE J STAVITSKY ESQ	10203	1,477.62	OPERATIONS
CARL MOTTOLA	10204	96.00	UNIFORM FIRE SAFETY O/E
CARPET CYCLE, LLC	10205	250.00	RECYCLING PRO O/E
CARROLL NET, INC.	10206	51.00	IT SERVICES
CDW-G COMPUTER CENTER	10207	125.00	SWIMMING POOL O/E
COUNTY OF PASSAIC	10208	8,387.82	MUNICIPAL CLERK O/E
DAVID MAHER	10209	50.00	STREETS & ROADS O/E
DELL GARDEN CENTER	10210	11.84	STREETS & ROADS O/E
DENISE BARTALOTTA	10211	269.03	VARIOUS
FEDERATED EMERGENCY SERVICES	10212	1,646.16	VEHICLE MAINT FIRE DEPT
FIRE COMPANIES. COM	10213	239.97	FIRE DEPT O/E
GEMPLERS INC	10214	96.80	STREETS & ROADS O/E
GIANT TIRE SERVICE INC	10215	183.50	RECYCLING PRO
GILL ASSOCIATES	10216	220.00	VARIOUS
GRO-RITE	10217	348.25	PUB WORKS ADMIN O/E
HAMMER HEAD EMERGENCY	10218	350.00	VEHICLE MAINT POLICE
HAWTHORNE AUTO LAB	10219	619.51	VEHICLE MAINT POLICE
HAWTHORNE BOARD OF EDUCATION	10220	3,293,548.00	SCHOOL TAX
HAWTHORNE CAR WASH, INC	10221	207.00	VEHICLE MAINT POLICE
HAWTHORNE PRESS INC	10222	17.94	PLANNING BOARD O/E
HAYLEY ENCARNACION	10223	245.00	MUNI COURT
HENRY'S PLUMBING & HEATING INC	10224	627.21	VARIOUS
HOME SUPPLY & LUMBER CO., INC.	10225	1.67	SHADE TREE COMMISSION O/E
IF IT'S WATER, INC	10226	450.00	SWIMMING POOL O/E
INSTITUTE FOR PROFESSIONAL DEV	10227	297.00	VARIOUS
JIM HILLMAN	10228	125.00	CLEAN COMMUNITY A
JOHN DEERE LANDSCAPE	10229	764.00	MAINTEN OF PARKS
JOHN PALLOTTA	10230	110.00	GROUP INSURANCE O/E
JORDAN TRANSPORTATION, INC	10231	315.00	BOARD OF REC O/E
JP HOME ARAMA, INC	10232	831.36	VARIOUS
JPSC, INC	10233	375.95	VARIOUS
JUNGLE LASERS LLC	10234	1,450.00	FEES PAYABLE JUNGLE LASERS
KEN'S AUTO ELECTRIC, LLC	10235	1,124.70	VEHICLE MAINT FIRE DEPT
LUSCHER'S AUTO INC	10236	417.02	VARIOUS
MAIN POOL & CHEMICAL CO, INC	10237	1,936.55	SWIMMING POOL O/E
MES, INC	10238	2,402.80	FIRE DEPT O/E
METLIFE	10239	323.81	GROUP INSURANCE O/E
MIDLAND AUTO PARTS	10240	93.99	VARIOUS
NJ MEADOWLANDS COMMISSION	10241	4,449.06	VARIOUS
NJ STATE LEAGUE MUNICIPALITIES	10242	368.00	MUNICIPAL CLERK O/E

NJ TRANSIT	10243	150.00	SEWER SYSTEM O/E
NO JERSEY MUNI EMPL BNFT FUND	10244	113,901.96	VARIOUS
NORTHERN NJ COUNCIL	10245	380.00	FIRE DEPT O/E
OFFICE CONCEPTS GROUP INC	10246	274.29	VARIOUS
P & A AUTO PARTS, INC	10247	289.99	VEHICLE MAINT FIRE DEPT
PASSAIC CTY COMMUNITY COLLEGE	10248	60.00	FIRE DEPT O/E
PASSAIC VALLEY SEWER COM	10249	266,272.10	PASSAIC VALLEY SEWER
PENQUIN COMMUNICATIONS, LLC	10250	828.00	FIRE DEPT O/E
PETE TERRIZZI	10251	200.00	CLEAN COMMUNITY A
PHYLLIS WOOLDRIDGE	10252	35.16	BOARD OF HEALTH O/E
PRINTMASTERS	10253	655.00	VARIOUS
PROCOPY INC	10254	87.25	VARIOUS
PRT REALTY, LP	10255	1,753.50	OPERATIONS
PUBLIC SERV ELEC & GAS	10256	19,188.23	VARIOUS
PUBLIC WORKS ASSOCIATION OF NJ	10257	25.00	STREETS & ROADS O/E
R & R PUMP & CONTROL	10258	198.50	SEWER SYSTEM O/E
RICOH BUSINESS SYSTEMS, INC	10259	66.59	CONSTRUCTION CODE
RIVERSIDE IRON & METAL, INC	10260	50.00	MAINTEN OF PARKS
RIZZO'S REPTILE DISCOVERY LLC	10261	350.00	CLEAN COMMUNITY A
RONNIE GONZALEZ	10262	180.00	GROUP INSURANCE O/E
RT OFFICE PRODUCTS	10263	150.00	MUNICIPAL ALLIANCE
SOME'S UNIFORM CO. INC	10264	59.00	FIRE DEPT O/E
ST JOSEPH'S REG MED CENTER	10265	120.00	EMERGENCY MGMT O/E
STEVEN D MUHLSTOCK ESQ	10266	34,335.87	OPERATIONS
STEVEN D MUHLSTOCK ESQ	10267	8,650.60	OPERATIONS
SUBURBAN GENERATOR	10268	1,181.35	VEHICLE MAINT FIRE DEPT
SUPERIOR DISTRIBUTORS	10269	32.15	STREETS & ROADS O/E
TEAM LOGIC IT	10270	370.00	POLICE DEPT O/E
TERRAGLIA REALTY COMPANY, INC	10271	4,680.68	OPERATIONS
TEXAS REFINERY CORP	10272	289.50	STREETS & ROADS O/E
THE BIKE PAD	10273	150.00	POLICE DEPT O/E
TODE LANDSCAPE CONTRACTORS	10274	2,825.00	SHADE TREE COMMISSION O/E
TOTAL MEDIA, INC	10275	56.00	MUNICIPAL CLERK O/E
TYCO ANIMAL CONTROL SERVICES	10276	2,400.00	ANIMAL CONTROL O/E
UNITED COMPUTER	10277	1,287.50	IT SERVICES
VERIZON	10278	2,466.82	VARIOUS
VERIZON WIRELESS (N)	10279	281.36	VARIOUS
VITAL COMMUNICATIONS, INC.	10280	<u>575.00</u>	VARIOUS
<b>TOTAL CURRENT</b>		<b>\$ 3,806,805.37</b>	
<b>GENERAL CAPITAL</b>			
ANTHONY SPANNEDA	3053	130.00	2009 ROAD PROGRAM C/S
BOSWELL ENGINEERING, INC	3054	65,068.53	VARIOUS

GOLDSTAR ENVIRONMENTAL SERVICE	3055	1,215.00	FUEL STORAGE TANKS
JAMES DUSENBERRY	3056	130.00	2009 ROAD PROGRAM C/S
PATRICE CORNETT	3057	130.00	2009 ROAD PROGRAM C/S
SEWER & WATER EVALUATION	3058	17,100.20	ACQ DPW/POOL EQUIPMENT/REPAIRS
US MUNICIPAL SUPPLY, INC.	3059	<u>236,457.00</u>	ACQ DPW/POOL EQUIPMENT/REPAIRS
<b>TOTAL GENERAL CAPITAL</b>		<b>\$ 320,230.73</b>	

**WATER OPERATING**

AGRA ENVIRONMENTAL SVC	8219	1,020.00	LAB TESTING WATER
BOSWELL ENGINEERING, INC	8220	491.00	VARIOUS
GODWIN TOOL & HARDWARE SUPPLY	8221	49.15	WATER UTILITY O/E
HENRY'S PLUMBING & HEATING INC	8222	32.34	WATER UTILITY O/E
HOME SUPPLY & LUMBER CO., INC.	8223	29.60	WATER UTILITY O/E
JOHN DEERE LANDSCAPE	8224	220.16	WATER UTILITY O/E
JP HOME ARAMA, INC	8225	235.21	VARIOUS
JPSC, INC	8226	31.45	WATER UTILITY O/E
LEE CO	8227	39.00	WATER UTILITY O/E
LUSCHER'S AUTO INC	8228	174.14	WATER UTILITY O/E
MARIO COTUMACCIO	8229	3,000.00	RENT OVERPAYMENTS
NO JERSEY MUNI EMPL BNFT FUND	8230	50,000.00	GROUP INSURANCE EMPLOYEES
OFFICE CONCEPTS GROUP INC	8231	17.99	WATER UTILITY O/E
POST & KELLY ELECTRIC CO, INC	8232	200.00	WATER UTILITY O/E
PUBLIC SERV ELEC & GAS	8233	45,074.25	WATER UTILITY O/E
PUBLIC WORKS ASSOCIATION OF NJ	8234	45.00	WATER UTILITY O/E
RIO SUPPLY, INC	8235	3,150.00	WATER UTILITY O/E
STATE OF NJ – PWT	8236	1,475.55	WATER UTILITY O/E
VERIZON	8237	<u>619.46</u>	WATER UTILITY O/E
<b>TOTAL WATER OPERATING</b>		<b>\$ 105,904.30</b>	

**WATER CAPITAL**

MONTONE REMOD & CONS CO, INC	1011	450.00	CAPITAL EQUIPMENT
RIO SUPPLY, INC	1012	<u>239,742.00</u>	CAPITAL EQUIPMENT
<b>TOTAL WATER CAPITAL</b>		<b>\$ 240,192.00</b>	

**OTHER TRUST II**

AMERICAN HOSE CO INC	4067	1,908.00	RECYCLING TRUST
DOWNES TREE SERVICE, INC.	4068	234.00	RECYCLING TRUST
JP HOME ARAMA, INC	4069	209.51	VARIOUS
KONICA/MINOLTA	4070	95.40	RECYCLING TRUST
ROUTE 23 AUTO MALL	4071	3,789.82	RECYCLING TRUST
RUTGERS THE STATE UNIVERSITY	4072	25.00	RECYCLING TRUST

UNITED COMPUTER	4073	228.75	UCC PENALTIES
WILFORD MAC DONALD, INC	4074	<u>3,630.51</u>	RECYCLING TRUST
<b>TOTAL OTHER TRUST II</b>		<b>\$ 10,120.99</b>	
<b>BUILDERS ESCROW</b>			
BOSWELL ENGINEERING, INC	5050	3,331.00	NOHAL-WATSUPEVA
BOSWELL ENGINEERING, INC	5051	<u>1,395.56</u>	LAFAYETTE REALTY
<b>TOTAL BUILDERS ESCROW</b>		<b>\$ 4,726.56</b>	
<b>TOTAL BILL LIST</b>		<b><u>\$ 4,487,979.95</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.

Mary Mahon, 64 Emeline Drive discussed the Christian Health Care Center. She stated that in Wyckoff, before they can appear before the Board of Adjustments, they must appear before the Architect Review Committee, which they have done twice. The first appearance was in April whereby the Mayor and residents had many questions and concerns about the size. They requested an actual façade that will be used instead of a replica and to return with a scaled model. The second meeting was held last week, the model was presented, however there were still more questions and concerns. The Market Basket and gas station have concerns regarding the intersection and the traffic light. Since this is a Committee, they do not have to post a 10 day notice. It is anticipated they will post a notice 2 days prior to the meeting. Ms. Mahon stated that she heard about the meeting one hour before the actual meeting. Once the Architect Review Committee gives their approval, it will then be heard before the Board of Adjustments. Ms Mahon is assuming this will not be heard at the August meeting and it is possible that it may be heard in September. She asked who from Hawthorne will attend the meetings, who is informed of the meeting date and does Wyckoff inform Hawthorne of the meeting. There have been discussions that the meeting will not take place at the Borough Hall, it will be held in a much larger venue. Council President Bertollo stated that we rely on our Borough Engineer and Borough Attorney who have insight as to what is happening in Wyckoff. Engineer Boswell stated that Mike Kelly of his office handles the Hawthorne Planning and Zoning Boards and he handles the engineering for Wyckoff when it comes to Hawthorne. He stated that the Design Review Committee is only a committee and has no approval authority. They can only state that they like a design enough to enable the applicant to move on to the Planning Board. When they appear before the Zoning Board, they will have to go through the formal public notice process, anyone within 200 feet will be notified because of the need for a variance. Engineer Boswell stated that he reports the status of the Christian Health Care Center at every Hawthorne Council meeting. He stated that the Christian Health Care Center is on the Wyckoff

agenda every month, however they do not appear. Council President Bertollo stated he will not assign an a Hawthorne Council Member to appear at the meeting but everyone can be rest assured that members of the governing body and Administration will be in attendance at the meeting.

Ms. Mahon stated the Health Care Center is assuming that they will be utilizing Hawthorne's water and asked if this will be treated as a Hawthorne resident. Mayor Goldberg stated that it would become one account and if we choose to do this, the amount of water would be less than what Ridgewood receives during the course of one year. Engineer Boswell stated that Mayor Goldberg had a meeting with Ridgewood Water and the Mayor was very specific that in no way has Hawthorne committed to provide Wyckoff water at this point.

Ms. Mahon thanked Council and Administration.

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

Joe Rooney, 84 Braen Avenue asked Engineer Boswell about the fourth option regarding Ridgewood Water. Engineer Boswell stated he received a letter from the Manager of the Village of Ridgewood stating there are four options and we believe the best option is the fourth option. Engineer Boswell said that he will provide Mr. Rooney with a copy of the letter. The Manager wants to pursue the first option. Engineer Boswell stated that as a rate payer to Ridgewood Water, \$3,000,000.00 would be spent to build a tank as an option compared to an option where a tank does not have to be built. Mayor Goldberg stated that Options 1, 2, and 3, Ridgewood sells the water and own the rights. Option 4 is Hawthorne is selling the water and Ridgewood does not receive any money. Engineer Boswell said that there have been numerous meetings with Ridgewood and although the letter is signed by the Village Manager, we believe we know who wrote the actual letter, especially regarding the gratuitous comment concerning the DEP which is not factually correct. He does not believe that this is the method they will pursue because it is economically ridiculous to go that way. Further, residents living on Emeline Drive and those living near it will not like a ninety foot tank.

Mr. Rooney asked if pressure could be applied to repair the drainage in that area. Engineer Boswell said that unless they take the water deal, they will not fix the drainage. Mr. Rooney asked who is responsible for the water passing through the area. Engineer Boswell said that in theory it is the Township of Wyckoff but since they do not get the detriment they have not indicated any willingness to pay for the improvement. Mayor Goldberg stated that when Wyckoff did what did, they claim it was legal. The fact that we are going back to the thirty years later saying that they tripled and quadrupled our flood plain, they claim it is not their issue. Mayor Goldberg stated he is not happy about selling water to Wyckoff due to these issues. There were issues with our pumping station and there is a history with Wyckoff being less cooperative with us than we are towards them.

Mr. Rooney said that he has problems in the area where he lives and would like Hawthorne to put pressure on Wyckoff in order to resolve these problems. Attorney Pasquale stated that Wyckoff has taken a position where everyone needs to serve Wyckoff. There is a long way in getting the issues in the letter resolved, however the Hawthorne residents will be taken care of first. Engineer Boswell stated that Ridgewood wants to install telemetry antennas on all of their water towers, Wyckoff made them go to the Zoning Board for every individual antenna. Mr. Rooney stated he understood that this has nothing to do with the Christian Health Care Center. Engineer Boswell said that was correct, this is about installing a tank on the Christian Health Care Center property and not serving the Christian Health Care Center. Ridgewood Water has a notice of violation because they have low fire protection in a certain area of Wyckoff. The way this can be accomplished is by installing a tower at the Christian Health Care Center property. The Center does not need this tank for themselves, the tank would serve a part of Wyckoff.

Mr. Rooney 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 Lane. On roll call, all voted yes.

#### **ADJOURNMENT**

At 9:36 p.m. Council President Bertollo entertained a motion to adjourn the regular meeting. Motion was moved by Councilman Matthews, seconded by Councilman Bennett. On roll call, all voted yes.

The next regular meeting of the Municipal Council will be on July 21, 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