

July 21, 2010
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:01 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bennett, Lane, Matthews, Mele, Sinning, Wojtecki and Bertollo. Also present were Mayor Goldberg, Borough Administrator Maurer, Borough Attorney Pasquale, Engineer Chris Nash of Boswell Engineering and Borough Clerk Witkowski.

Director of Revenue and Finance Hewitt was absent.

FLAG SALUTE

Council President Bertollo invited all present to join him in the flag salute.

STATEMENT

Council President Bertollo stated adequate notice of this meeting had been provided by the Annual Schedule of regular meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, faxed to the Hawthorne Press, Herald News, The Record, The Gazette, and all persons who have requested the mailing of such schedule, and a copy of said schedule has remained on file in the office of the Borough Clerk from and since December 16, 2009.

APPROVAL OF MINUTES

Council President Bertollo entertained a motion to approve the minutes of the Special Meeting of June 30, 2010, which will include the correction and the Regular Meeting July 7, 2010, moved by Councilman Mele, seconded by Councilman Lane. On roll call all voted yes. Councilman Sinning abstained on the Regular Meeting Minutes of July 7, 2010.

PUBLIC COMMENT:

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

Seeing none, Council President Bertollo entertained a motion to close the public portion, moved by Councilman Lane, seconded by Councilman Sinning. On roll call, all voted yes.

ADOPTION OF ORDINANCES

There were no ordinances to adopt.

OLD BUSINESS

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

Councilman Lane asked Administrator Mauer if there was any update to the report that was given to him regarding the installation of a stop sign at corner of Mazur Place and Crist Street. Administrator Mauer said that there was no update but he will have an update for the next Council meeting.

Councilman Lane asked if there was any update regarding parking at the high school. Mayor Goldberg stated that the Police have identified two or three parking spaces next to the existing driveway where the curb is yellow. This area was also recommended by the high school. Attorney Pasquale is waiting for the distance calculation from Warburton in order to create the ordinance. It is his intention to have this ordinance introduced at the next Council Meeting and should be in place prior to the start of the school year.

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 Matthews congratulated the Senior Boys Baseball All Star Team to reaching the final four. He invited everyone to come out and support the team on Saturday, July 24th at 6:00 p.m. at the Garden State Valley Health Baseball Field.

Councilman Lane had a meeting with Mark Liss of PSE&G with regard to new street lights available which replace the old high pressure sodium and mercury vapor type lights. Mr. Liss stated in his meeting that it is PSE&G's policy to change all of the mercury vapor lights with the new street lights approved under the Green Plan. Thirty five of these lights have been changed in town. In the future, an LED type lights will be introduced, and PSEG will determine whether or not to out date the high pressure sodium lights, which will be a cost savings to the Borough. He is looking into this to see how much money would be saved in town. Administrator Mauer asked Councilman Lane if PSE&G had any rates established for the LED lights and Councilman Lane said no.

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

ADMINISTRATIVE AGENDA

Mayor Goldberg stated that a second negotiation was held with the PBA and progress is being made towards a fair and just contract. Both sides are negotiating with good faith and another negotiation is scheduled for next month.

This concludes Mayor Goldberg's report.

Mayor Goldberg stated in the absence of Director of Revenue and Finance Hewitt, Administrator Mauer will give her report.

The audit exit conference was held last week. The audit document review with the Finance Committee and Council will be conducted within the next few weeks.

Tax bills will be sent out within 2 to 2 ½ weeks. The rate was received several days ago, however calculations on adjustments for the appeals need to be made. The bills need to be printed and then mailed. A resolution that establishes the interest abatement will be presented to Council for approval.

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

Mayor Goldberg called upon Engineer Chris Nash for his report.

Leaf Composting Facility Permit – Kevin Downes continues to clean up the site. Once completed, the operating class will be determined and the permit application will be completed.

Underground Storage Tank Groundwater Monitoring – The soil was cleaned up around the tank, there was some spillage that was noted when the tank was removed. Additional testing was conducted on July 15th on the remaining soil, results should be received within two weeks.

Christian Health Care Center – There is no change in the status, there are no scheduled meetings with the Wyckoff Board of Adjustment.

Goffle Brook Bank Stabilization – This is a county project and the only change is in the land use section with the DEP. A decision by the DEP is anticipated by the end of next week. This project impacts the residents as well as two county bridge projects.

Sealing of Tennis Courts – This has been completed.

HVAC – This was completed on July 17th.

There are six construction projects. Some of these projects have started, will begin in the near future or will be going out to bid.

Veterans Field Lighting – There is a bid advertisement for the lighting at Veterans Field. Bids will be received on July 30th and should be awarded at the next Council meeting.

Van Winkle Avenue Section 2 – The Van Winkle Avenue project is a Department of Transportation project and a pre-construction meeting is scheduled for July 22nd.

2010 Road Program – A pre-construction meeting was held for the road program on July 15th and the contractor is beginning work on July 26th.

Brockhuizen Lane – The two issues with PSE&G have been resolved. One issue was the relocation of a pole and charging the Borough \$33,000.00 to move the pole. This has been negotiated whereby there will be no cost to the Borough. The other issue was the approximate 15” – 16” of cover on the gas main, which is too close to the surface. PSE&G agreed to lower the gas main. There will be an upgrade to this gas main and will have no cost to the Borough. The only outstanding issue at Brockhuizen Lane is the installation of the drainage system and connecting into the county system. A county storm sewer connection permit is required. Chris Nash met with the county last week, the plans were revised and re-submitted on July 16th. It is anticipated that the permit will be issued by the end of this week and once the permit is issued, work can commence on Brockhuizen Lane. The first step in this project will be the installation of the storm sewer line.

2009 Road Program – The sidewalk located at 66 Eklings will be corrected.

Goffle Hill Force Main – Work is to commence on July 22nd.

Drainage Improvement Project – The railroad needs to sign off on the insurance requirements. The easement regarding the existing pipe going through a property has been negotiated and agreed to in concept but has not been received in writing. This deals with a bend in the pipe in the rear yard and a manhole, the property owner was concerned. Since we are using plastic pipe, this was re-designed and a piece of pipe will be fabricated to have an angle of less than 20 degrees and there will be less than 300’ between the two other manholes. A manhole is usually installed at every bend point, but since this bend point is very slight, we can eliminate the manhole. This will be a cost savings of approximately \$5,000.00.

This concludes Engineer Nash’s report.

Mayor Goldberg called upon Borough Attorney Pasquale for his report.

Attorney Pasquale stated that he is still waiting to schedule depositions regarding the Enterprise Sign case.

Progress on the Borough’s Code book is being made. The publisher has given us a series a comments for us to respond to. Attorney Pasquale will be reviewing these comments and this project is continually getting closer to being on-line.

There are many tax appeals coming up for trial during the months of August and September and he will keep Council apprised of these appeals.

A number of discussions have been held with defense council regarding the Gialanella matter, which involves some of our Police Officers. We have very capable defense counsel.

Attorney Pasquale, Council President Bertollo, and Mayor Goldberg met with the property owner of 55 Westervelt. Attorney Pasquale stated that he had discussions with one of the principals involved prior to this meeting. The project is not going forward at this time due to economic changes that have taken place since approvals were granted. Funding sources are being much more difficult to obtain and there have been some on-going changes in the structure of the partnership. The property owner was specifically advised that there are some serious clean up that needs to be done. If the project is not going to be done, the property still needs to be maintained and kept in an acceptable condition. We pointed out the areas of concern to the property owner with regard to grass, weeds, and overgrowth impacting a neighboring property. An environmentalist was also in attendance at this meeting and Attorney Pasquale believes there will be improvement to this property. The property owner was well advised that if there is no improvement, summonses will continue to be issued. The owner is aware that this property needs to be maintained. Councilman Matthews asked if there is a timeframe, Attorney Pasquale stated not at this time. Councilman Lane asked if the owner is aware that if the project does not go forward the time of the essence will expire with regard to planning board approval. Attorney Pasquale stated that they are aware that they may need to seek Planning Board approval again and there is a shelf life on these approvals. It is possible that when the problem regarding the ownership is resolved, they might be in a better position with financing.

This concludes Attorney Pasquale's report.

Mayor Goldberg thanked Senator Girgenti for inviting him to a meeting today and one scheduled for July 26th with other mayors and the opportunity to meet with the DCA Commissioner, Lori Grifa to discuss items that may be of interest. Mayor Goldberg met Commissioner Grifa when they toured the group home in Paterson and told the Commissioner at that time that this project was built prior to the approval of other projects. The Commissioner showed interest in possibly doing something with the property at 55 Westervelt. Mayor Goldberg will discuss her interest in this property at the meeting on July 26th. Mayor Goldberg did not believe the completion of the group home would occur prior to 55 Westervelt.

Mayor Goldberg called upon Administrator Mauer for his report.

Administrator Mauer stated the notice for the garbage and recycling collection bids will be published on July 22nd and bids will be accepted on September 22nd. This is a significant item for the Borough since it will affect the budget for the next five years. Much time was spent with Director of Public Works Clementi and his staff in creating this bid.

With regard to the Florence and Cornell matter, Administrator Mauer spoke with Theresa Monda today, owner of the property, and told her that bills are required in order to be reimbursed. They also discussed the sidewalk slab that was marked.

Issues were raised by residents regarding the report that there may be a Meghan's Law offender in the municipality. We have been working with the County Prosecutor who has the responsibility for noticing the community. A statement was provided to Council and he

provided this statement to the public which is confirmation of a Tier 3 Meghan's Law offender living in Hawthorne. Members of the Prosecutor's office will be going door to door in area of the offender's residence once a Court Order is granted by Passaic County. This individual moved from another county. Approval of a notification plan must be granted by the Judge in the County. The New Jersey State Police Meghan's Law website has information available. If residents have any questions, these questions can be answered by the Passaic County Prosecutor's Meghan's Law Unit at 973-837-7662.

This concludes Administrator Mauer's report.

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

Councilman Wojtecki asked if there will be any problems regarding reaching the Borough's COAH numbers since the 55 Westervelt project has not been completed. Attorney Pasquale said no because this project was approved after the second round of obligations were satisfied. This project would be part of the pending third round.

Councilman Matthews urged that our Senator and Assembly Representatives be contacted to re-explore distances to where children play and congregate with regard to Meghan's Law. He stated that a drug dealer receives a higher fine if he is found dealing drugs within 1,000 feet of a school and he believes that similar restrictions should be in place where sex offenders can live. Council President stated that there was a problem with the timing of notification of this sex offender's residence. He has been residing here since June and we are still waiting for the Court's actions in order for us to notify. Council President Bertollo stated he has a problem with the whole process.

Councilman Bennett asked Administrator Mauer when he expects to receive the final signed easement so the project may begin. Administrator Mauer repeated the statement from Engineer Nash, the property owner has agreed in concept, the owner has given the documents to his attorney for review and we are expecting a signature once the attorney has given a final review. Councilman Bennett asked is there is any way this process can be expedited. Administrator Mauer stated that periodic calls have been made and during his discussions he made the point that this has an impact on the project. He has also explained the benefits of this project to the residents. In his conversations, he believes the residents realize that the Borough wants to solve the problem. The owners want to make sure that they are doing something that will not adversely affect their interest and are being very cautious in moving forward in making sure that their interests are addressed.

Councilman Bertollo asked if this project can go out to bid without having the easement. Engineer Nash stated you can always go to bid, however you cannot gain access to the property. Councilman Lane said the bid process would take approximately 1 ½ months and by the time this process is completed, the easement could be signed and construction could begin. Engineer Nash said the other issue is the railroad insurance. Administrator Mauer stated the railroad does not mind us going to bid, however they want to know who the contractor is for the permit and we do not have a contractor. In discussing this with Kristin Hayes, this could be resolved by bidding this and obtain the permit prior to gaining access to

their property. Councilman Lane stated that the process should begin and state in the bid spec that construction could begin within 60 days after the bids have been received which would give us a cushion. Engineer Nash stated we have 60 days to award the contract. Council President Bertollo stated that this should be done.

Mayor Goldberg thanked Borough Employee Ellen Brogno for coming to the aid of the Ordinance Committee and Administration who were trapped in elevator. After being in the elevator for a period of time, she rescued everyone and the elevator has since been repaired.

Council President Bertollo asked Attorney Pasquale if there were three years in place regarding the approvals for 55 Westervelt. Attorney Pasquale believes it is a three year period before the approvals expire. Council President Bertollo asked if Council could grant an extension instead of the owner requesting a new approval. Attorney Pasquale stated that they must request an extension.

Council President entertained a motion to record the Administrative Agenda made by Councilman Matthews seconded by Councilman Wojtecki. On roll call all voted yes.

INTRODUCTION OF ORDINANCES

Ordinance 2022-10 For Introduction

AN ORDINANCE AUTHORIZING THE LEASE OF A PORTION OF LANDS LOCATED ON GOFFLE ROAD IN THE BOROUGH OF HAWTHORNE AND KNOWN AS THE AMBULANCE CORPS FACILITY

BE IT RESOLVED, that Ordinance No. 2022-10 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 August 18, 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 Mele, seconded by Councilman Lane. Councilman Matthews asked if this was an ordinance to lease the property or an ordinance to go out to bid to lease the property. Council President Bertollo stated it is an ordinance to go to bid to accept. Councilman Matthews said there is a possibility of not accepting any bids. Mayor Goldberg stated there is a minimum bid. On roll call, all voted yes.

Ordinance 2023-10 For Introduction

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 210 OF THE CODE OF THE BOROUGH OF HAWTHORNE VEHICLES AND TRAFFIC SO AS TO CREATE TRAFFIC SAFETY REGULATIONS ON BROCKHUIZEN LANE

BE IT RESOLVED, that Ordinance No. 2023-10 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 August 18, 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. On roll call, all voted yes.

Ordinance 2024 For Introduction

AN ORDINANCE TO REGULATE OUTDOOR APPLICATION OF FERTILIZER SO AS TO PROTECT AND IMPROVE SURFACE WATER QUALITY AND PRESCRIBED PENALTIES FOR NON-COMPLIANCE

BE IT RESOLVED, that Ordinance No. 2024-10 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 August 18, 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 Mele, seconded by Councilman Matthews. Councilman Matthews stated this was a foolish ordinance and he is only passing this because there is a Resolution opposing this Ordinance. If we did not pass this ordinance, the Borough would be fined \$50,000 per day for not enacting upon this. Councilman Bennett stated he searched the DEP web site to see if any more sense could be made to this ordinance as well as enforcement of this Ordinance. He came across a web page of Assistant Commissioner Wolfgang Skacel. His quote on his web page states, "My goal is to ensure that the Commissioner's mandate for a strong and vibrant environmental enforcement program is met. I see the best way to accomplish this is through the development of a strategic plan specific to the Compliance and Enforcement program. ... Behavior that ignores compliance or shifts problems from one area to another will not be tolerated." Councilman Bennett recommended to all contractors and homeowners to call Wolfgang's

office at 609-984-3285 before they lay down any fertilizer and ask him if he thinks it will rain in Hawthorne within the next 24 hours. Councilman Matthews asked if he has an email address. Councilman Bennett stated he will look into this. Councilman Bennett stated that if enough people call Wolfgang he might see how ridiculous these regulations are. Meteorologists cannot predict the weather but the DEP believes the average homeowner can. On roll call Councilmen Bennett, Lane, Matthews, Mele and Sinning said yes. Councilmen Wojtecki and Bertollo said no.

CONSENT AGENDA: RESOLUTIONS: MR 5-10, R137-10 Through R144 -10

MR5-10 Resolution, Introduced by Councilman Bennett

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.

R137-10 Resolution, Introduced by Councilman Bennett

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated July 16, 2010.

CURRENT FUND	WT 888889	\$	246,847.16
WATER OPERATING FUND	WT 888889	\$	38,181.41
OTHER TRUST II FUND	WT 888889	\$	9,184.15
TOTAL PAYROLL		\$	<u>294,212.72</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	9,267.92
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	5,000.00

TOTAL FICA

\$ 14,267.92

R138-10 Resolution, Introduced by Councilman Bennett

WHEREAS, the semi-annual payment to the 2004 NJEIT Trust Loan in the amount of \$41,908.20 and the semi-annual payment to the 2004 NJEIT Fund Loan in the amount of \$34,747.22 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 \$76,655.42 in payment of the 2004 NJEIT Trust and 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 \$1,372.50 to U.S. Bank in payment of the New Jersey Environmental Infrastructure Trust semi-annual Administration Fee.

R139-10 Resolution, Introduced by Councilman Bennett

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the municipality to apply for such Recycling Tonnage Grant for calendar year 2009 will memorialize the commitment of the municipality to recycling and to indicate the assent of the Hawthorne Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Hawthorne Mayor and Council does hereby endorses the submission of the Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and designates Joseph Clementi, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

R140-10 Resolution, Introduced by Councilman Bennett

WHEREAS, the New Jersey Department of Transportation (“NJDOT”) awards grants to municipalities to perform road improvements under its “State Aid to Municipalities” program; and

WHEREAS, an application for State Aid must be submitted to the NJDOT in order to qualify for these grants; and

WHEREAS, Mohawk Avenue, from Goffle Road to North 19th Street, is a roadway within the Borough of Hawthorne that meets the requirements for State Aid applications, and the Borough wishes to improve the condition of this roadway; and

NOW, THEREFORE BE IT RESOLVED, that the Council of Borough of Hawthorne, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Hawthorne Borough-00189 to the New Jersey Department of Transportation on behalf of Borough of Hawthorne,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Hawthorne, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

R141-10 Resolution, Introduced by Councilman Bennett

WHEREAS, the New Jersey Department of Environmental Protection has directed every municipality maintaining a stormwater conveyance system to adopt regulations prohibiting the application of fertilizer on private property in certain instances; and

WHEREAS, the New Jersey Department of Environmental Protection has threatened to impose fines of up to \$25,000 per day on every that has failed to adopt such regulations; and

WHEREAS, the New Jersey Department of Environmental Protection has directed municipalities to adopt an ordinance substantially in conformity with a model ordinance that has been promulgated, again under threat of substantial penalty; and

WHEREAS, the model ordinance, among other things, imposes upon private homeowners restrictions including a prohibition on applying fertilizer where rain is “predicted” and there is a “potential for fertilizer movement off-site”; and

WHEREAS, the action of the New Jersey Department of Environmental Protection requires regulation and enforcement of an otherwise lawful activity by all municipalities without providing funding for the same and further requires all municipalities to adopt an ordinance which is on its face utterly impossible to enforce, given the unpredictable nature of weather; and

WHEREAS, the Municipal Council of the Borough of Hawthorne objects to the requirements imposed by the New Jersey Department of Environmental Protection, but has introduced for adoption the required ordinance under fear of substantial penalty that has been threatened;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Hawthorne, that it calls upon Governor Christie to review this unfunded mandate and unenforceable obligation imposed upon all municipalities and private homeowners and consider the wisdom and propriety of the action of the New Jersey Department of Environmental Protection in compelling compliance under threat of substantial penalty from already limited taxpayer dollars.

R142-10 Resolution, Introduced by Councilman Bennett

WHEREAS, there exists a need for engineering services for the design and inspection phases of the 2010 NJDOT Road Improvement Program – Van Winkle Avenue, Section 2, in the Borough of Hawthorne at a cost not to exceed \$13,000.00 for design and \$27,000.00 for inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that Boswell Engineering be awarded a contract in the amount not to exceed \$40,000.00, and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a contract, in a form approved by the Borough Attorney subject to certification by the Chief Financial Officer.

R143-10 Resolution, Introduced by Councilman Bennett

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

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

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Borough of Hawthorne hereby requests the Director of the Division

of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$1,307.10 which item is now available as revenue for the Alcohol Education, Rehabilitation & Enforcement Program in the Borough of Hawthorne.

SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS
Alcohol Education, Rehabilitation & Enforcement Program \$1,307.10

pursuant to the provision of the statute; and

SECTION 2

BE IT FURTHER RESOLVED, that a like sum of \$1,307.10 be and is hereby appropriated under the caption of:

OPERATIONS EXCLUDED FROM "CAPS"
PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUE
Alcohol Education, Rehabilitation & Enforcement Program \$1,307.10

SECTION 3

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

Resolution R144-10, Introduced by Councilman Bennett

WHEREAS, there exists a need for engineering services for the design and inspection phases of the 2010 NJDOT Road Improvement Program – Van Winkle Avenue, Section 2, in the Borough of Hawthorne at a cost not to exceed \$13,000.00 for design and \$27,000.00 for inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that Boswell Engineering be awarded a contract in the amount not to exceed \$40,000.00, and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a contract, in a form approved by the Borough Attorney subject to certification by the Chief Financial Officer.

Council President Bertollo entertained a motion to approve Resolutions MR05-10, R137-10 through R144-10 moved by Councilman Bennett, seconded by Councilman Lane.

Council President Bertollo asked if there were any questions. Councilman Bennett asked Engineer Nash to explain why the inspection fee is more than doubled than the design fee. Engineer Nash stated the fees are a function of the required effort. For budgetary purposes, budget numbers of 10% for design and 10% of the construction cost are presented. For this project, we know what the scope of work is and we are providing a proposal that is a function of the effort. The inspection effort is typically greater and this is a Department of Transportation project. The DOT will fund the construction

inspection portion of this project. If we reach \$27,000.00, this will be covered by the DOT grant. You are only looking at the design amount and this amount is greater than the inspection effort because of dealing with the assessment and residents. We meet with each resident at least two times. We are in the process of preparing the agreements with the homeowners. There is a disparity in the numbers but that is the reason for it, it is a function of the effort.

Councilman Matthews stated the fees for that one road is almost half of the fees for the entire road project. The inspection fee for the road project is \$60,000. Council President Bertollo stated Councilman Matthews is comparing Van Winkle Avenue to the entire road program. Van Winkle's fees are \$27,000 and the fee for entire road program is \$60,000. Engineer Nash stated the road program is a greater construction cost and the effort is much larger. Council President Bertollo stated that \$60,000 is being charged for the road program and almost \$30,000 is being charged for Van Winkle Avenue Section 2.

Councilman Lane asked Engineer Nash if there are more stringent requirements because this is a DOT project instead of a regular road project. Engineer Nash stated the DOT requires paperwork and material testing which is included in the grant funds. There is more effort on our side for the construction inspection when it is a DOT project. The \$27,000 is included in the grant, it is reimbursable and is at no cost to the Borough. Councilman Lane asked if the testing is included in the \$27,000.00 and Engineer Nash said yes. Councilman Lane asked if this testing is performed in the road program and Engineer Nash said no.

Councilman Matthews stated that less than \$27,000 would be preferred. 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 – The Shade Tree Commission met a week ago, they continue to request that residents fill and utilize the alligator bags to water new trees. The Shade Tree Commission is having a difficult time keeping the bags filled due to dry season that we are having. The trees are new and they are absorbing a lot of water. The next Shade Tree Commission meeting is scheduled for August 10th at 7:30 p.m. in the 2nd floor conference room.

Councilman Lane asked Councilman Wojtecki if the trees that were lost will be replaced. Councilman Wojtecki stated that Clerk Witkowski forwarded the contract to him and he forwarded it to Administrator Mauer and was told Administration is handling this. Administrator Mauer stated this is being followed through.

Councilman Sinning – The Library Board met last week. There had been problem with the BCCLS book exchange between libraries because funding was cut by the State. This problem was resolved and they will be able to get books from other libraries. Some of

the new computers have been installed at the library and the rest will be completed shortly.

The Ordinance Committee met yesterday and a rough draft of an ordinance amending Section 115, housing standards, establishing registration and inspection requirements and occupancy standards for the rental and leasing of residential property was distributed to Council this evening. The Ordinance Committee wanted to give Council a heads up on it. Several dates have been scheduled to work on this before the ordinance is voted on.

Councilman Matthews – The Planning Board met on July 20th and heard two applications for Certificate of Compliance. The first application was for the Lukoil Gas Station on Goffle Road who requested permission to open a deli counter within their min-mart. The second application was for Churchill Furniture who will be expanding their warehouse and showroom. The benefit of this application will be that all items that were collected from their lease programs and stored outside under tarps will be stored inside. Both applications were approved.

The Chamber of Commerce is planning a trip to see Jersey Boys on July 22nd. The cost is \$125.00 per person which includes the ticket and transportation, one ticket is still available. If interested, call Joanne at the Chamber of Commerce.

The Chamber of Commerce Farmers Market continues to grow every week with more vendors and shoppers. The Chamber thanks everyone who is supporting the vendors and requested that they continue to support the vendors throughout the season.

The Chamber of Commerce and the American Legion have partnered and will be soliciting donations, pending approval from Council, on September 11th to raise funds to send care packages to our troops overseas. The soliciting will be conducted between 9:00 a.m. and 2:00 p.m.

The Chamber is sponsoring the annual fishing derby on September 18th. More information on this will be announced as it becomes available. Notices of this will be sent to the schools once school is in session.

Councilman Mele – Municipal Alliance held movie night at the pool and it was a big success and the next movie night will be July 23rd. Municipal Alliance is also working on a new grant for funding the committee.

The Environmental Committee met on July 15th. The Committee congratulates the Eagle Scouts for cleaning up part of the Eight Acre Woods. The Committee is working on a \$25,000 grant from Walmart as well as a municipal grant from the DOT.

Councilman Lane – Progress has been made this past month with regard to cable tv. He credits this progress to Clerk Witkowski and he thanked her for her efforts. There have been problems with the video and re-broadcast of Council meetings. Also, at times the sound has been going off during the bulletin board. It was discovered when the Public

Works Garage and offices call borough hall, many times the calls were lost. Clerk Witkowski contacted Cablevision and after several meetings, Cablevision found that the problem was with the poles outside borough hall. They installed fourteen new lines into borough hall for the Police, the Board of Education and the municipal building. Everything seems to be working accordingly and there have been no dropped calls. We understand that the sound on cable tv and the broadcast has improved. If anyone has any problems with the reception, they should call borough hall. Cablevision has been very grateful to us and another cable box has been secured for borough hall in order for us to monitor the bulletin board enabling us to make sure everything is operating accordingly.

The Economic Development Committee held the groundbreaking ceremony at the train station which was a huge success. K. C. Smith, President of the Volunteer Railroad Association, was the Master of Ceremonies and performed a wonderful job. Councilman Lane thanked everyone who attended this ceremony. Construction is in process and it is anticipated that the building will be moved within the next two weeks.

The Volunteer Railroad Association is conducting a fundraiser. They are selling engraved bricks or pavers for the front area of the station, which is where the station is currently located and will be created into a park-type area. There is a choice of pavers, either 4" x 8", grey in color, \$75.00 per paver or 8" x 8", red in color, \$150.00 per paver. This information will be posted on our bulletin board for anyone who wants to participate or has any questions. A telephone number will be posted and an e-mail address link on our website. There is a website available, which is www.vratrips.org.

The Board of Health conducted over 24 inspections this past month and everything was satisfactory. Over 100 inspections have been conducted to date. There have been 11 sanitary/nuisance complaints.

The Hawthorne Volunteer Ambulance Corp. will be holding a Beefsteak on September 24th at the Hawthorne Boys & Girls Club. Tickets are available from Councilman Lane or any Ambulance Corp. member.

Councilman Bennett – No report.

Council President Bertollo – The Housing Ordinance Committee has been meeting on a regular basis. A draft ordinance was distributed for comments, suggestions and future discussion. The timeline is as follows: meetings are scheduled for July 27th and August 3rd in order to incorporate revisions. There will be no work session on August 4th and it is the intention to utilize that time for a community forum to introduce the housing ordinance. This forum will be advertised in the Hawthorne Press next week. Council President Bertollo spoke with Mayor Goldberg to send a letter to the realtors in town to make them aware of this. After the public forum, there will be two more opportunities to meet to do final revisions. It is planned to introduce the ordinance on August 18th, and adopt on September 15th. The ordinance will take effect on January 1, 2011. We are serious about the safety of our renters, we are concerned about absentee landlords, quality

of life issues, and illegal apartments. Figures will be shown in the presentation. Your input is welcomed and this is a good piece of legislation for Hawthorne.

Mayor Goldberg stated an illegal apartment was discovered today and summonses will be issued. In the July 22nd edition of the Hawthorne Press, it is noted that Judge Meola recently fined an owner \$2,000 for having an illegal apartment. We are aggressively looking for illegal apartments.

Mayor Goldberg stated Hawthorne Day is scheduled for October 2nd and five bands are confirmed to perform that day. The Nerds, who was the close out band at last year's Hawthorne Day will perform at 5:00 p.m. Squawbrook is returning, a Beatles cover band will perform and the closing band prior to the fireworks is the E Street Shuffle. It is our intent that Hawthorne Day will be bigger and better than last year. The fireworks will be the same, however if anyone would like to sponsor extra fireworks, it would be greatly appreciated. Hawthorne Day is now on Facebook as well as the borough website.

The DVRT 5-K run is being held on October 3rd, which begins and ends at the library.

CORRESPONDENCE

C-1 Accept resignation of Fire Fighter Peter Caruso of 238 Rea Avenue from the Hawthorne Fire Company #1, effective immediately

Council President Bertollo entertained a motion to approve Correspondence C-1 moved by Councilman Sinning, seconded by Councilman Mele. Council President Bertollo asked if there were any questions. There were none. On roll call all voted yes. Councilmen Lane and Wojtecki abstained.

MISCELLANEOUS

SOL-1 American Legion Post 199/Hawthorne Chamber of Commerce has requested permission to solicit, Saturday, September 11, 2010 between the hours of 10:00 a.m. and 2:00 p.m.

SOL-2 Hawthorne High School Marching Band has requested permission to solicit, Saturday, September 18, 2010 between the hours of 8:00 a.m. and 1:00 p.m.

Council President Bertollo entertained a motion to approve SOL-1 and SOL-2, moved by Councilman Sinning, seconded by Councilman Bennett. Council President Bertollo asked if there were any questions. Councilman Wojtecki asked Councilman Matthews for a further explanation regarding SOL-1. Councilman Matthews stated care packages consisting of travel-sized items, such as shampoo, soap, etc. are being collected. Currently there are drop boxes for these items located at Hair Moni, and the Hawthorne Press. Not many donations have been made to date. The post office sends these packages either free of charge or at a reduced rate. The monetary donations collected

during this solicitation will enable the purchase of the items for the care packages. On roll call, all voted yes. Councilman Matthews abstained on SOL-1.

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 Wojtecki. On roll call, all voted yes.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
ACCLAIM INVENTORY LLC	10282	2,300.00	GENERAL ADMIN O/E
ACORN TERMITE & PEST CONTROL	10283	100.00	PUB WORKS ADMIN O/E
ALLAN BRITWAY ELECTRIC CO INC	10284	2,461.60	STREETS & ROADS O/E
AMERICAN TRAFFIC & STREET SIGN	10285	604.00	STREETS & ROADS O/E
BOSWELL ENGINEERING, INC	10287	3,154.00	ENGINEERING SERVICES O/E
CABLEVISION	10288	283.09	VARIOUS
CHARLENE ELVIN	10289	79.80	MUNICIPAL ALLIANCE
CHRISTINE ORAVETZ	10290	50.00	GROUP INSURANCE O/E
CINTAS CORP	10291	278.64	PUB WORKS ADMIN O/E
CINTAS FIRST AID AND SAFETY	10292	268.76	SWIMMING POOL O/E
CITY WIDE MAINTENANCE	10293	1,350.00	PUB WORKS ADMIN O/E
CNS PRO-RIDER, INC	10294	356.40	POLICE DEPT O/E
DELL GARDEN CENTER	10295	542.04	VARIOUS
ELLEN BROGNO	10296	148.40	GROUP INSURANCE O/E
FREMGEN POWER EQUIPMENT INC	10297	195.00	STREETS & ROADS O/E
FUTURE SANITATION INC	10298	31,892.58	GARBAGE & TRASH O/E
GARY TAMBURRO	10299	50.00	GROUP INSURANCE O/E
GET A CAN	10300	23,000.00	VARIOUS
GILL ASSOCIATES	10301	125.00	SWIMMING POOL O/E
HAWTHORNE AUTO LAB	10302	60.98	VARIOUS
HAWTHORNE BASEBALL/SOFTBALL ASSOCIATION	10303	5,055.00	VARIOUS
HAWTHORNE PRESS INC	10304	83.46	MUNICIPAL CLERK O/E
HOME SUPPLY & LUMBER CO., INC.	10305	23.74	STREETS & ROADS O/E
JAYNE TEN KATE	10306	514.64	BOARD OF REC O/E
JERSEY ELEVATOR INC	10307	167.00	PUB WORKS ADMIN O/E
JOAN OCCHIPINTI	10308	80.00	CONTRA REVENUE
JOANNE GRAZIANO	10309	125.99	MUNICIPAL ALLIANCE
JOHN DEERE LANDSCAPE	10310	479.20	MAINTEN OF PARKS
KIEFER	10311	881.68	SWIMMING POOL O/E
KRAFT ROOFING, INC.	10312	588.00	PUB WORKS ADMIN O/E
LUK OIL	10313	9,469.02	BULK PURCHASE GASOLINE

LUSCHER'S AUTO INC	10314	315.89	VEHICLE MAINT ROAD
M & B SEPTIC SERVICE, LLC	10315	80.00	BOARD OF REC
MARIANNE VALENTI	10316	240.00	CONTRA REVENUE
MATTHEW BENDER & CO, INC	10317	98.71	POLICE DEPT O/E
MORRIS COUNTY MUNI JT INS FUND	10318	117,529.34	VARIOUS
NJ MEADOWLANDS COMMISSION	10319	3,518.03	VARIOUS
NJCM	10320	510.00	GENERAL ADMIN O/E
NORTHERN SAFETY CO INC	10321	104.19	STREETS & ROADS O/E
OFFICE CONCEPTS GROUP INC	10322	71.78	PUB WORKS ADMIN O/E
ONE COMMUNICATIONS	10323	1,431.45	TELEPHONE CHARGES
P & A AUTO PARTS, INC	10324	76.23	VEHICLE MAINT ROAD
PASS COUNTY TRAFFIC OFF ASSOC	10325	70.00	POLICE DEPT O/E
PUBLIC SERV ELEC & GAS	10326	27,516.30	VARIOUS
RIDGEWOOD PRESS	10327	145.00	PUBLIC EVENTS O/E
ROUTE 23 AUTO MALL	10328	1,792.25	VARIOUS
RT OFFICE PRODUCTS	10329	400.18	VARIOUS
SHOTMEYER BROS FUEL CO	10330	5,365.02	VARIOUS
TEE-FX SCREEN PRINTING, LLC	10331	442.00	SWIMMING POOL O/E
THOMSON WEST INC	10332	672.50	VARIOUS
TREASURER, STATE OF NEW JERSEY	10333	1,375.00	FEES PAY MARRIAGE
TREASURER, STATE OF NJ	10334	3,874.00	FEES PAY UCC
US MUNICIPAL SUPPLY, INC.	10335	513.40	VEHICLE MAINT ROAD
VERIZON	10336	185.02	VARIOUS
VERIZON WIRELESS (N)	10337	943.01	VARIOUS
WASTE MANAGEMENT OF NJ	10338	39,457.00	TRANSFER STATION
WESTMARK INC	10339	50.00	PUB WORKS ADMIN O/E
ZEP MANUFACTURING	10340	<u>498.40</u>	STREETS & ROADS O/E
TOTAL CURRENT		\$ 292,131.22	
GENERAL CAPITAL			
ACCUTEST LABORATORIES	3060	1,032.50	FUEL STORAGE TANKS
BOSWELL ENGINEERING, INC	3061	10,386.76	VARIOUS
HAWTHORNE PRESS INC	3062	73.32	VARIOUS
NORTH JERSEY MEDIA GROUP INC	3063	<u>342.95</u>	VARIOUS
TOTAL GENERAL CAPITAL		\$ 11,835.53	
WATER OPERATING			
AGRA ENVIRONMENTAL SVC	8238	6,294.00	VARIOUS
CABLEVISION	8239	82.14	WATER UTILITY O/E
CR INDUSTRIAL SERVICES INC	8240	1,265.00	WATER UTILITY O/E
E S C ENTERPRISES, INC	8241	1,080.00	WATER UTILITY O/E
FIRESTONE COMPLETE AUTO CARE	8242	659.68	WATER UTILITY O/E

HIGHLANDS WATER CO.,LLC	8243	6,440.00	WATER UTILITY O/E
HOME DEPOT SUPPLY	8244	204.91	WATER UTILITY O/E
LUK OIL	8245	751.41	WATER UTILITY O/E
MORRIS COUNTY MUNI JT INS FUND	8246	131,800.00	VARIOUS
ONE COMMUNICATIONS	8247	142.22	WATER UTILITY O/E
PASSAIC CO ROAD DEPT	8248	400.00	VARIOUS
PUBLIC SERV ELEC & GAS	8249	41,462.99	WATER UTILITY O/E
ROUTE 23 AUTO MALL	8250	498.54	WATER UTILITY O/E
SHOTMEYER BROS FUEL CO	8251	244.86	WATER UTILITY O/E
VERIZON WIRELESS (N)	8252	<u>198.13</u>	WATER UTILITY O/E
TOTAL WATER OPERATING		\$ 191,523.88	
OTHER TRUST II			
BOB RAYOT TIRE SERVICE, LLC	4075	618.50	VARIOUS
BRADLEY TIRE SERVICE	4076	2,275.44	VARIOUS
HENRY'S PLUMBING & HEATING INC	4077	<u>688.50</u>	RECYCLING TRUST
TOTAL OTHER TRUST II		\$ 3,582.44	
DOG DEDICATED			
NJ DEPARTMENT OF HEALTH	6019	<u>30.00</u>	STATE OF NEW JERSEY
TOTAL DOG DEDICATED		\$ 30.00	
BUILDERS ESCROW			
BOSWELL ENGINEERING, INC	5052	664.00	SPRINT
BOSWELL ENGINEERING, INC	5053	664.00	REALTY ACQ GROUP 242/ 1&2
BOSWELL ENGINEERING, INC	5054	766.00	JOHNSON - 281/12
BOSWELL ENGINEERING, INC	5055	1,369.50	PATRIOT DEVELOP 90/1
BOSWELL ENGINEERING, INC	5056	124.50	LAUREN ENTERP 53/8
BOSWELL ENGINEERING, INC	5058	<u>106.50</u>	116 WASHINGTON
TOTAL BUILDERS ESCROW		\$ 3,694.50	
HOUSING TRUST			
COMMUNITY GRANTS & PLANNING, I	2004	8,506.90	HOUSING REHAB PROGRAM
PASSAIC COUNTY REGISTER	2005	<u>8.00</u>	HOUSING REHAB PROGRAM
TOTAL HOUSING TRUST		\$ 8,514.90	
TOTAL BILL LIST		<u>\$ 511,312.47</u>	

PUBLIC COMMENT

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

K. C. Smith, 271 Weaver Road, West Milford, President of the Volunteer Railroad Association, stated that he has the paperwork for anyone interested in purchasing a paver for the walkway leading to the train station. He stated the website that Councilman Lane mentioned during the meeting is correct and the email address is volunteerra@yahoo.com Pavers can be ordered from the website. It will take approximately two weeks from the time the foundation is completed and the building moved. He thanked the residents, Council and Mayor Goldberg for their support of this project. Mayor Goldberg and Council thanked Mr. Smith as well. Councilman Bertollo stated that the information, including the website, will be added to Hawthorne Community Bulletin Board on channel 77.

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 Lane, seconded by Councilman Matthews. On roll call, all voted yes.

ADJOURNMENT

At 9:06p.m. Council President Bertollo entertained a motion to adjourn the regular meeting. Motion was moved by Councilman Mele, seconded by Councilman Bennett. On roll call, all voted yes.

The next regular meeting of the Municipal Council will be on August 4, 2010 at 8:00 p.m. There will be no work session.

John Bertollo
Council President

Susan Witkowski
Borough Clerk