

March 3, 2010
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:03 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, Director of Revenue and Finance Hewitt, Borough Attorney Pasquale, Borough Engineer Boswell, and Borough Clerk Witkowski.

FLAG SALUTE

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

STATEMENT

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

APPROVAL OF MINUTES

Council President Bertollo entertained a motion to approve the minutes of the Regular Meeting of February 17, 2010, moved by Councilman Wojtecki, seconded by Councilman Sinning. Council President Bertollo stated there was a typographical error on the minutes, the spelling of Mr. Fiore should be changed to "Furrey". On roll call all voted yes.

PUBLIC COMMENT

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

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

ADOPTION OF ORDINANCES

Ordinance No. 2005-10 for Adoption

AN ORDINANCE ACCEPTING EASEMENTS OVER AND UPON PRIVATE LANDS IN CONNECTION WITH THE WASHINGTON AVENUE DRAINAGE IMPROVEMENT PROJECT

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

Seeing no one, Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2005-10 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Hawthorne Press. Copies of said ordinance were made available to the general public.

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

Council President Bertollo entertained a motion to adopt Ordinance No.2005-10, moved by Councilman Bennett, seconded by Councilman Wojtecki. Council President Bertollo stated that the passing of Ordinance 2005-10 is a good step toward storm water management. Councilman Bennett thanked the residents for granting the easements so that this project can be done. On roll call, all voted yes.

OLD BUSINESS

Council President Bertollo asked if there was any old business to discuss. Councilman Wojtecki asked if there was any update regarding the light at Wagaraw Road and Lincoln Avenue. Engineer Boswell stated that he spoke with Gene Murphy of Bergen County who stated that three hundred eighty one vehicles per hour make a left turn coming from Paterson. The proposed left turn from Wagaraw will make it worse, twenty seconds are needed for pedestrians to cross the street, the signal needs to be pre-empted for the firehouse, which is six hundred feet away, as well as other issues. Mr. Murphy wants to perform another traffic count to see if something can be done with the left turn lane. Engineer Boswell stated that there are many cars that come from Paterson, you have to allow enough time for the green light to make it worthwhile.

Councilman Mele asked about the wall on Mohawk and North Eighth that needs to be repaired. Mayor Goldberg stated that the individuals responsible for this are due in Court on Thursday, the Judge has ordered them to repair the wall and pay restitution. It is Mayor Goldberg's understanding that the payment of the restitution was paid when the wall collapsed. The individuals responsible have gone to an engineer and have not received any plans. They will explain to the Judge on Thursday as to why this wall has not been repaired. Councilman Wojtecki asked if the canvas tarp can be removed.

Mayor Goldberg stated that if the tarp is removed, the earth becomes less stable. Engineer Boswell stated that the tarp prevents water permeating the earth.

Councilman Lane apologized to the viewing audience for the sound at this evening's meeting. Verizon customers can hear the meeting, Cablevision customers cannot.

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. There was no new business to discuss.

ADMINISTRATIVE AGENDA

Mayor Goldberg thanked everyone, including the State Police, involved in this evening's internet safety forum. He stated that there is an attempt in videotaping this program and if this taping is successful, it is the intention to replay the program on Channel 77 so that everyone can watch it. There was great attendance at the program.

At the March 2, 2010 Planning Board meeting, Mayor Goldberg appointed Mary Lou DeMattia a Class Four Member and Norman Kowalski Alternate Number One Member. Both of these members were already serving on the Planning Board. Mayor Goldberg appointed Mary Forshay as Alternate Member Number Two. Mayor Goldberg welcomed Ms. Forshay to the Board, who is a long-term resident and business owner.

On February 27, 2010, Mayor Goldberg installed the officers of the Hawthorne Volunteer Ambulance Corp., who are a group of dedicated volunteers who help to make Hawthorne a great place to live and work in.

Mayor Goldberg thanked the Washington and St. Anthony schools for allowing him to read to the students. He will be reading at the Jefferson School on Wednesday, March 10, 2010.

On March 2, 2010, Mayor Goldberg had a conference call with members of Kohl's Department store and the landowner and is hopeful that an agreement will be announced soon.

Mayor Goldberg stated that he has received a copy of a letter from Cablevision which states that Cablevision is giving notice to Board of Public Utilities that they may be losing WABC TV Channel 7 and WPBI TV, which has been an on-going dispute.

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

Director of Revenue and Finance Hewitt stated there are two resolutions from the treasury on this evening's agenda. The first resolution is for an appropriation reserve transfer for an outstanding invoice from General Code for a completed project, and in order to go forward with the new General Code codification, this invoice needs to be paid. The money was found for this transfer, otherwise the funds would have to have been part of this year's budget.

Resolution R49-19 is an emergency appropriation. This will provide funds for salaries through April, the other expenses are based on anticipated and known expenses.

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

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

Attorney Pasquale is in receipt of the legal description of Brockhuizen Lane and is preparing the deeds for dedication. This should be completed shortly.

He is trying to complete the loose ends in the K. Hovnanian litigation.

Attorney Pasquale received a letter from the attorney who represents us in JIF regarding the Police Officer Cole matter and he will be sending a memo to Council and Administration regarding settlement discussions. A settlement has not been offered but the demand that has been previously set forth has been dramatically reduced.

As a follow up to a question at the previous meeting, Attorney Pasquale, as well as Administrator Mauer, has looked into the tax appeal matter regarding the refunding of funds from the County. Every year, the Borough receives funds as part of the levy. Tim Henderson, Tax Assessor, sent Attorney Pasquale a copy of the form that is received annually. Line 12B is the formula that basically refunds to the Borough from whatever the Borough paid to the County. If an appeal was settled for multiple years, as long as the Tax Court Judgment reflects each of those years, the County refunds to us the taxes that we already paid to the County. Director of Revenue and Finance Hewitt stated that this credit is not reflected in the books. Attorney Pasquale stated that this process goes through Tax Assessor Henderson and the Director of Revenue and Finance would not be aware of this. Councilman Matthews asked if we receive a report from the County and how is follow up done. Councilman Wojtecki stated it is not part of the equalization report. Attorney Pasquale stated that the math could be double checked, however Attorney Pasquale and Tax Assessor Henderson believe that the number received for 2008 was correct. There was not a tremendous amount of appeals for 2008 which would account for 2007 taxes. The yearly report shows each town's total tax ratio, total assessment, a specific line item of credits that we get off of the levy that we owe the County.

Councilman Matthews asked Administrator Mauer when he performs his projections for the tax levy figures, what formula is used for this. Administrator Mauer stated that the credit

appears on the County tax levy not on the Municipal Tax levy. Attorney Pasquale stated that at the end of every year, he and Tax Assessor Henderson review the tax appeals and assessments being presented for next year and try to figure out what can be expected in gains and losses. There is one fairly significant ratable coming forward this year, however it might be largely offset by losses elsewhere.

Attorney Pasquale discussed Ordinance 2007-10 which is being introduced at this evening's meeting. His understanding is that questions arose regarding the I-1 Zone, specifically the language in the I-1 Zone that states warehousing and storage is a permitted use in the zone. It does not state warehousing, storage, stacking of tires on property that are not in a building. This Ordinance clarifies this language, the ordinance discusses a warehouse and not outdoor storage. In order to make this absolutely clear, Attorney Pasquale created an ordinance revision that states specifically indoor storage, if there is any outdoor storage it is only in conjunction with a permitted principle use and only as allowed by the Planning or Zoning Board who is reviewing it. There are instances where you will necessarily have outdoor storage, for example car lots or lumber yard, which are accessories to a principle use that are permitted in the zone. This should be true with any business that is in town and in the industrial zone. Their principal use takes place indoors and there may be some incidental outdoor storage and where there is incidental outdoor storage, it should be both permitted and regulated by the Board. We will have significant control as to what is being stored. Attorney Pasquale has no doubt that warehousing means in a building, that has always been in the ordinance, this will be much clearer going forward. A warehouse is a warehouse and not something on the property.

This concludes Attorney Pasquale's report.

Mayor Goldberg stated that he is negotiating with Kohl's Department Store and the Borough is being sued by an individual named Cole.

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

Engineer Boswell reported on the following:

Goffle Hill Force Main – A proposed alteration of the documents was submitted to the NJDEP on March 1st. Because of the utility conflicts, we are proposing to install the new force main within the sidewalk on the east side of Goffle Hill Road. Conversations have taken place with the DEP. An addendum will be sent on March 4th in order to receive bids on March 12th. Seventeen contractors have picked up the bid specs.

Lining of the Pool Drain -- started on March 1st and will continue all week.

Fill at Florence and Cornell -- is still covered with snow. As soon as the snow is cleared, the fill will be removed.

UST Groundwater Monitoring -- will be scheduled when the snow is cleared.

2010 Road Program – Quantities for sidewalk and curb repairs (assessments) have been developed. Drainage issues are being addresses and once completed, a final estimate will be prepared and submitted to the Borough. Any street that has a transite water main will be milled and left for a week before paving. This is a new application this year.

HVAC Equipment (Chiller and Air Handling Unit(s)) -- This project is completed and the vapor seals have been addressed.

Christian Health Care Center -- is going to the Wyckoff Board of Adjustment either in late April/early May. After meeting with Wyckoff, they will then appear before Hawthorne's Board of Adjustment.

Goffle Brook Bank Stabilization -- report has been submitted to the County and we are awaiting their input as well as the DEP's input in order to complete this project.

Enzymes/Southfield Pumping Station -- Ed Stephens of Boswell Engineering and Public Works Director Clementi are meeting with a representative to discuss another enzyme product on March 5th. The products used in the past have not worked.

Drainage Improvement Project -- Administrator Mauer and Kristin Hayes of Boswell Engineering met with the residents on Charwalt and Highview to discuss this project, and this project could go out to bid in mid-March.

Brockhuizen Lane -- The design plans are completed and the only issue remaining is the relocation of the gas main.

Hawthorne/Ridgewood Water Project -- Engineer Boswell and Pete Tenkate met with Frank Moritz of Ridgewood Water who is excited about the idea of utilizing Hawthorne water and not having to install a tank, therefore paying for the drainage improvements on Ravine Drive. The next step would be Ridgewood having to build a tank for the fire protection requirement which would be fulfilled by our water system.

Chlorine Conversion Project -- Another letter was received from the DEP and a new proposal for the additional work is being presented at this evening's meeting.

Kohler Field Soil Borings -- The cost has been received, however the snow needs to melt and once that happens, this work will be completed.

Veteran's Field Lighting -- Several more weeks are required in order to complete the package and then it can be sent out for bidding.

With regard to approving Resolutions R44-10 and R45-10 at this evening's meeting, the one Resolution represents a rather large credit on the Road Program based on quantities of material that was used. There was a 20% buffer placed on the tonnage resulting in this

credit. For the 2010 Road Program, a 10% buffer is being placed. The other Resolution relates to extra quantity that was applied.

With regard to the issue of tire storage at General Tire and DEP issues, the tires that are being stored on the second lot behind the restaurant is the old site, there is also a new site. The new site is not in a flood plain. If it were, there would be a restriction against storing them on the new site. The old site is partially in the flood plain, however since the tires were there prior to October 4, 2006, and the amount stored was not increased, they are allowed to keep them in the flood plain at the old site. The mosquito issue was addressed and we are waiting for the report from the Health Department upon their inspection. So far, the Health Department has not had any problems regarding the mosquitoes. The Fire Code issue was addressed. The Fire Code states you cannot store tires higher than ten feet, and certain distance must be met between the tires. It is clear that the storage of these tires has violated the Fire Code. General Tire submitted a partial plan to the Planning Board on March 2, 2010. This plan was not well done in terms of compliance with the Fire Code. The Board told General Tire that they need to submit a better plan and General Tire was given three days to be in compliance with the Fire Code requirements. General Tire will submit a site plan at the next meeting. The Borough will be the controlling factor as to what is stored there. There is no DEP requirement regarding storm water management or on flood plain, General Tire seems to be in compliance with the Board of Health. The need to be in compliance with the Fire Code and a site plan needs to be approved.

A new law regarding determination of a low bidder was passed in January and goes into effect on May 1, 2010. Currently when a project is bid, there will be a base bid with five alternates. When awarding this bid and based on the available money, the base and one of the alternates may be selected. The contract will be awarded to whoever is lowest. Effective May 1, 2010, you must award the contract to whoever is lowest based on what is stated in the bid spec, which is the criteria for the award. This law only applies to jobs over \$500,000.00 and this will cost municipalities more money. Currently, an award is based on the base bid and the possibility of allowing an alternate. By adding the alternate, the lowest bidder on the base is no longer the lowest bidder and you would have to award the job to that bidder. Municipal engineers fought against this law. Councilman Matthews asked if the project could be split, for example doing a spring and fall project. Attorney Boswell believes this could be done as long as you are under the bid threshold. Engineer Boswell believes that our projects will be awarded based on the base bid. Attorney Pasquale stated that this law will make municipalities prioritize not only the base but all that follows. Engineer Boswell stated that it would be unlikely that the lowest bid on the way the municipality would like to award and the lowest bid that is actually awarded will be to the same people. This also presents another problem, there are two types of alternates which are add alternates and deduct alternates. If the bid is awarded based on the base, the deduct alternates will all be zero. This law does not enforce the contract to be "sharp" on the alternates as well as on the base if you are awarding on the base. A contractor would not give back more money if he has to. Engineer Boswell believes that add alternates are going to be higher than they should be and alternates for credits are going to be lower than they should be. Administrator Mauer questioned unit pricing. Engineer Boswell said the unit price and alternate unit price, with regard to paving, should be the same number. There are

certain things that can be written into the bid spec but you may not be allowed to do. Councilman Lane stated that when there is a unit price, this unit price is higher because the contractor believes an add alternate will be added on to it versus what the unit price would be when they are actually figuring out the base bid. Engineer Boswell said that he will check as to the actual effective date of this law because it states this law will be into effect on the first day of the fifth month after adoption.

That concludes Engineer Boswell's report.

Mayor Goldberg called on Borough Administrator Maurer for his report.

Administrator Maurer reported on the following:

The quantities and costs for the road program and sidewalk assessment are being finalized so that the ordinance can be introduced at the next meeting. Director of Revenue and Finance Hewitt stated that if this is introduced at the next meeting, it can be awarded at the second meeting in May. There is a two month estoppel period.

On Tuesday, March 9, there will be a public hearing on the Open Space grants, including our grant for the Veteran's Field Lighting, at the Passaic County Board of Chosen Freeholders conference meeting beginning at 5:30 p.m. at 401 Grand Street, Paterson.

Administrator Mauer asked Director of Revenue and Finance Hewitt if the Annual Financial Statement was received. She said it was received today, March 3, 2010 and that she and the auditors reviewed it quite thoroughly. Allocations for General Capital, and Water Capital were correct. Allocations for the current fund and trust fund were not correct. The cash is correct and that is what is important. The auditors stated that this will be corrected before the final audit.

The snow storm that occurred last week was the most expensive storm of the year, costing \$66,000 for overtime and salt. Not all of this amount is out of pocket costs. Currently we are approximately \$7,000.00 over budget, there is approximately \$7,000.00 remaining in the overtime account. We may have to reallocate the salt money. However we may need an additional \$10,000 for the end of 2010.

Public Works Director Clementi suffered an accident here on Saturday, February 27. He is communicating via email and hopes to return soon.

The Street Sweeper and Tree Services Bids have been prepared and the bid opening is March 26. Administrator Mauer is preparing the Police Department Computer bid and is hoping to have the bid opening on the same day.

Administrator Mauer attended a meeting hosted by the Passaic County Improvement Authority on March 3 regarding shared services. Superintendent of Schools Robert Mooney also attended this meeting.

Bioremediation with PERC and the BC unit of BPSEU on the expired contract is at an impasse.

Beginning March 19, 2010, the Census Bureau will be using the Court Room as an information center for residents on the 2010 Census.

Applications are being received for the pool and summer recreation jobs.

The Passaic County Housing Improvement Program is giving up to \$7,500.00 in forgivable loans for low income home owners. They are looking for five property owners from Hawthorne to participate in this program. If anyone needs additional information, they can contact Administrator Mauer. Also, this information is provided on the Borough's web site.

Regarding the sign issue that was raised at the last meeting, there were two signs missing on Cedar and a damaged sign on Van Winkle and Ruth, this was to be completed as of Monday. Due to the snow storm, these signs are being corrected now. The missing street sign on Rea and Lincoln has been replaced. Councilman Matthews stated that the sign on Ruth and Van Winkle needs to be reset, the sign has been pushed forward.

Administrator Mauer distributed information to the Council members regarding State Legislation that passed by the Senate regarding employee compensation

That concludes Administrator Maurer's report.

Councilman Bennett asked Engineer Boswell if the Ridgewood Water project goes to the point of modeling and the fire protection will work, who would pay for this. Engineer Boswell stated Ridgewood Water would pay for this.

Council President Bertollo asked who will prepare the report for the Ravine Drive/Wyckoff storm management. Engineer Boswell said the design for the Wyckoff side has been completed.

Councilman Lane stated he spoke with the head of compliance and inspections at the DEP regarding the tire issue and was informed that an inspector will be sent to the site. He also spoke with the County Board of Health who stated they went to the site but were unable to gain access. They will be sending an inspector. Councilman Lane stated that the law that was established in 2006 is correct. However, the tires that were on the site in 2006 compared to what is currently there have greatly increased in quantity. DEP has the resources to take an aerial photograph. Engineer Boswell stated that he will try to obtain a photo prior 2006 and have the DEP take a current photo. Councilman Lane spoke with Mike Kelly of the EPA and stated that he will send what documentation he has to Mr. Kelly.

Councilman Lane asked Administrator Mauer about the Borough's calcium inventory. Administrator Mauer stated there are no issues with the quantity on hand, his concern is

with amount that has been budgeted. This will be replenished in December. There is a difference in the quantity between salt and calcium. Councilman Lane asked if it would be cost effective to spread the calcium before the salt since the calcium would melt the snow faster and last longer than salt. For cost effectiveness, calcium is cheaper than salt. Administrator Mauer stated that he will review this Public Works Director Clementi.

Councilman Wojtecki stated that the erosion on North 12th seems to be continuing in the area of the wooded lot and coming down to Meineke. Engineer Boswell stated that the problem is the water at the top of the hill does not get captured and comes down. Construction cost estimates were prepared for installation of more drainage on top of the hill as opposed to installing underground detention. It is more cost effective to clean up the Meineke parking lot. Engineer Boswell stated that a curb and catch basin will be installed, which is part of the drainage project. Council President said that this issue as well as adding a catch basin on Grand Avenue should be brought to the Department of Public Works' attention. It was his thought that these projects are to be budgeted through capital line items and not necessarily bonded. Councilman Wojtecki stated that the road leading up to Meineke has eroded and it appears that the trees are coming down. Councilman Bennett stated that at the December meeting Engineer Boswell stated that catch basins cost \$500.00 per catch basin. Engineer Boswell said that he will discuss this with Chris Nash for an inexpensive solution. Council President stated that he believed there was a lower cost resolution to this problem with regard to a normal rain not a heavy deluge.

Councilman Wojtecki asked who has been designated as our representative with regard to ANJAC. Mayor Goldberg stated Director of Public Works Joe Clementi is the SWAC representative and Administrator Mauer as the alternate.

Engineer Boswell asked if authorization has been given to do the lights at Koehler Field. Council President Bertollo stated that the County Open Public hearing is March 9th they are awaiting the outcome of that hearing before authorization is given.

Council President Bertollo stated that there will be a special Council Meeting on March 31, 2010 for the public hearing and adoption for the ordinance that is being introduced tonight. He asked if the road program should be introduced at that meeting. Administrator Mauer stated that the road program is going to be introduced on March 17 and should be adopted on April 7. He also asked if the ordinance regarding fees for the swimming pool and summer recreation program should be introduced. Council President Bertollo said that this could be done.

Engineer Boswell complimented Public Works Director Clementi and his staff for the snow removal during the recent snow storm and wished Director Clementi a speedy recovery.

Council President Bertollo asked Council if there were any other questions. There were none.

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

Director of Revenue and Finance Hewitt left the meeting at 9:00 p.m.

INTRODUCTION OF ORDINANCES

Ordinance No. 2006-10 for Introduction

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE TO REVISE AND REPLACE CHAPTER 95, FEES, SECTION 8, SUMMER RECREATION AND SECTION 194, SWIMMING POOL

BE IT RESOLVED, that Ordinance No. 2006-10 does now pass a first reading and that said Ordinance be further considered for final passage at a special meeting of the Governing Body in the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, on March 31, 2010, and at 6:00 p.m. 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 Lane, seconded by Councilman Matthews. Councilman Sinning asked if the new fees will cover the cost of the operation of the pool. Councilman Matthews stated that this will cover about 75% per person of what it actually costs. Councilman Wojtecki stated that this was discussed in the Financial Committee meetings. Administrator Mauer stated that it was his belief that the parameters were not going to change, only the rates. Comparing other towns, Hawthorne allows the most people. Councilman Matthews recalls that we were going to compare and be similar to what other communities were doing. Councilman Bertollo stated that the comparison was made to see if our rates were in line. Mayor Goldberg stated that our rates appear to be close but we allow more people. We discussed about conceptually changing the size of the family. Council President Bertollo stated that the goal is for the pool to become self sufficient, however this cannot be done within one or two years. On roll call, all voted yes.

Ordinance No. 2007-10 for Introduction

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE, CHAPTER 225, ZONING, ARTICLE X, I-1 INDUSTRIAL ZONES, SO AS TO CLARIFY SECTION 225-74, PERMITTED USES, IN THE ZONING DISTRICT

BE IT RESOLVED, that Ordinance No. 2007-10 does now pass a first reading and that said Ordinance be further considered for final passage at a special meeting of the

Governing Body in the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, on March 31, 2010, 6:00 p.m. 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 the introduction, moved by Councilman Lane, seconded by Councilman Sinning. Councilman Wojtecki asked Attorney Pasquale if “damp conditions” could be better defined, he is concerned about the pooling of water that could be considered mosquito harboring. Attorney Pasquale stated that he spoke with Mr. Monaghan about many issues, including damp conditions. Mr. Monaghan and Attorney Pasquale both agreed that this would not apply to the site that was discussed at the March 2, 2010 Planning Board meeting. Dampness seems to be a situation conducive of mold or some type of health issue, possibly mosquitoes. Attorney Pasquale stated the he will review with the Ordinance Committee the Permitted/Prohibited Use Section. Mayor Goldberg asked Attorney Pasquale if dampness referred to a flood plain or flood way which was not identified. Engineer Boswell stated that when damp area is referred to, they are not discussing the flood way, but the flood plain and the area where it is prone to water inundating that site on a regular basis.

Councilman Lane asked if the terms stagnant and free standing water could be added to the list of not permitted uses. This would not leave any questions to anyone reading this with regard to the interpretation. Attorney Pasquale stated that not every situation where you are producing or creating water is necessarily going to be so. This section needs to be looked at, clarification on what needs to be clarified should be done tonight. Warehousing is not an outdoor activity, it’s an indoor activity. Attorney Pasquale stated he is not looking to re-write the ordinance, he is looking for clarification so that a person does not have to hire an attorney or get an interpretation of the ordinance. Attorney Pasquale asked if this is a policy that Council wants, for instance you cannot have a business that produces glare, he does not know what that really means, but this is in the Code as it exists today, that glare is something that should be prohibited. Also, free standing water is probably a better example of something you would want in the Ordinance than glare. Councilman Lane stated the word noxious actually has a definition. There could be noxious weeds that do not come close to stagnant or free standing water. Attorney Pasquale stated the terms injurious, noxious or otherwise objectionable are very subjective types of terms. In order to add clarity to this ordinance, it would be difficult to say that most of the terms that are in it are valid considerations for the Board. If the focus is on clarity, we might end up losing things that create dust or vibration. Council President Bertollo asked if standing water is considered as a Board of Health Issue. Engineer Boswell stated that the idea of standing water causes concern to mosquitoes. You could cover standing water under dangerous because the Board of Health states that you should not have standing water. Mayor Goldberg stated that he does not want to make every business compliant every time it rains. Councilman Lane discussed outdoor materials and if the word materials needs to be defined. Attorney

Pasquale stated it does not, if you have a parking lot, the cars are not materials, but if you are a car business and storing the cars on the grounds, then cars are considered materials. Councilman Lane questioned incidental to a primary business, one site vs. a second site. How does the second site or another site relate to incidental to the primary site because there is a primary business on one site that strictly deals with the tires. Engineer Boswell stated that even if it is incidental, there are separate lots. However, the ordinance states that even if it is incidental, it is not a matter of right, you must come before the Board for approval. Attorney Pasquale said that if a building was being built on this site, for instance a lumber yard or a home supply type store, the store can be built but they will still need the approval of the reviewing boards to store items outside. The items are stored will be different depending on the items and the business. Some items need to be stored in a locked container, other items are left open to the air. We are not trying to stop business in this town, but we are trying to stop Wagaraw Road from looking like Routes 1 and 9. On roll call, all voted yes.

CONSENT AGENDA – R43-10 through R47-10, R50-10 through R52-10

R43-10 Resolution, Introduced by Councilman Wojtecki

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

CURRENT FUND	WT 888889	\$	233,720.40
WATER OPERATING FUND	WT 888889	\$	37,368.77
OTHER TRUST II FUND	WT 888889	\$	3,189.24
TOTAL PAYROLL			<u><u>\$ 274,278.41</u></u>
CURRENT OPERATING FUND TO PAYROLL/FICA	WT 888889	\$	13,841.91
TOTAL FICA			<u><u>\$ 13,841.91</u></u>

R44-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with English Paving Co., Inc for 2009 Road Improvements in the Borough of Hawthorne authorized by Ordinance 1972-09, 1974-09, 1975-09, and 1976-09, and,

WHEREAS, and Boswell Engineering has recommended approval of the following change order:

As-Built Quantities and Field Changes <\$139,476.23>

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No. 2 decreasing the amount of the payment required under said contract by the sum of <\$139,476.23>, shall be and hereby is approved, and the Mayor and the Borough Clerk are hereby authorized and directed to execute the same for and on behalf of the Borough of Hawthorne.

R45-10 Resolution Introduced by Councilman Wojtecki

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with English Paving Co., Inc. for the 2009 Road Program in the Borough of Hawthorne authorized by Ordinance #1972-09, 1974-09, 1975-09, and 1976-09, and,

WHEREAS, and Boswell Engineering has recommended approval of the following change order:

Change Order No. 3

As built quantities **\$6,271.18**

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No. 3 increasing the amount of the payment required under said contract by the sum of \$6,721.18 shall be and hereby is approved, and the Mayor and Borough Clerk are hereby authorized and directed to execute the same for and on behalf of the Borough of Hawthorne.

R46-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS, the annual semi-annual interest payment for the General Serial Bonds 2008 became due and payable on March 1, 2010.

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 \$78,431.25 in payment of interest from the Current Fund, made payable to Depository Trust Company. This is to ratify the action taken on March 1, 2010.

R47-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS, there exists a need for engineering services for the design and construction phases of the Goffle Hill Force Main NJEIT Program in the Borough of Hawthorne at a cost not to exceed \$25,000.00 for the design phase and \$60,000.00 for the construction phase.

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 \$85,000.00, 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.

R50-10 Resolution, Introduced by Councilman Wojtecki

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 as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Borough of Hawthorne, hereby acknowledges that the residents of Hawthorne desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Borough of Hawthorne wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path the Borough of Hawthorne if pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, to focus attention on “Green” issues, the Borough of Hawthorne wishes to establish a Green Team as a sub-committee of the Environmental Commission;

WHEREAS, the Green Team shall be responsible for developing Hawthorne’s Vision of a Sustainable community as the following: Hawthorne is committed to protecting our natural resources while meeting the needs of the present generation without compromising those of future generations, with “Sustainability” meaning:

- Protecting our open spaces, and conserving our natural resources with waste reduction and recycling
- Promoting environmental education, and energy efficiency to residents and businesses alike
- Considering environmental, economic, and social impacts to future development
- Improving community health and quality of life for every citizen

WHEREAS, the Green Team will increase the Environmental Commission's visibility and expand local participation in its sustainability efforts by collaborating with township employees, local businesses, school system, and local residents to solicit ideas on green initiatives, research and analyze green initiatives which make practical environmental and financial sense; and develop strategies for sustainable green initiatives in municipal operations;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne, that a Green Team shall be established as a sub-committee of the Environmental Commission whose function shall be as described above;

BE IT FURTHER RESOLVED that the Green Team shall consist of the following seven (7) regular members appointed for each calendar year, with the Mayor serving as an ex officio member:

- The Chairperson of the Environmental Commission
- Two (2) other members of the Environmental Commission to be appointed by the Mayor
- One member of the Board of Education, to be appointed by the Mayor
- One employee of the Board of Education, to be appointed by the Mayor
- The Borough's Director of Public Works
- One local business person to be appointed by the Mayor

BE IT FURTHER RESOLVED that the Green Team may appoint such other associate members as it deems appropriate to assist in the activities of the Team.

R51-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS, A-4280 and S-3045 would effectively eliminate the "time of decision" rule; and

WHEREAS, these bills would grant protection to any Land Use application once it has been submitted for consideration by the municipal Planning Board or Zoning Board of Adjustment virtually making these applications immune from any change in municipal zoning ordinances; and

WHEREAS, the "time of decisions are made on the basis of laws, ordinance and regulations in effect at the time the decision is rendered; and

WHEREAS, this rule was created out of judicial respect for the separate powers vested in legislative bodies providing a mechanism to correct errors or close unanticipated loopholes, in statutory or ordinance language; and

WHEREAS, the Courts have applied this rule to allow municipalities to rectify an error in a zoning ordinance, thus giving the Governing Body the opportunity to perfect a legislative policy that has been found to be imperfectly expressed; and

WHEREAS, municipalities are best equipped to address local land use issues and should be provided with discretion and the tools necessary to establish appropriate laws, regulations and controls that would address any unforeseen errors and/or loopholes, which are discovered after an application has been submitted.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Borough opposes S-3045 and A-4280; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to member of the Legislation representing the 35th District and the New Jersey State League of Municipalities.

R52-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS, taxpayers are currently funding \$1.3 million a year in pension payments for employees of three organizations; the League of Municipalities, the School Boards Association and the Association of Counties none of which are part of the State government and are privately run; and

WHEREAS, these pensions are in addition to the roughly \$7.5 million in local and county tax dollars handed over for the group's annual membership dues to cover salaries and operating expenses; and

WHEREAS, currently there are 107 non-government employees who have combined pensionable salaries of more than \$7 million, and growing according to Treasury data; and

WHEREAS, it is in the best interest of the tax payers of the Township that pension benefits not be funded to non-government employees.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Hawthorne that the Borough opposes New Jersey taxpayers funding pension benefits for non-government employees; and

BE IT FURTHER RESOLVED that copies of this Resolution be forward to Governor Christie, and members of the Legislature representing the 35th District.

Council President Bertollo entertained a motion to approve the Consent Agenda, moved by Councilman Wojtecki, seconded by Councilman Matthews. Councilman Bennett asked the logic and need for R50-10. Council President stated that this part of the New Jersey Grant.

On a roll call, Councilman Bennett voted no to R50-10. All voted yes to the other resolutions.

OFF CONSENT AGENDA R48-10 AND R49-10

R48-10 Resolution, Introduced by Councilman Matthews

WHEREAS, various appropriations in the 2009 Appropriation Reserves may be over expended and others under expended.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to make the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Municipal Clerk S&W	Municipal Clerk O/E	\$ 3,500.00

R49-10 Resolution, Introduced by Councilman Matthews

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

WHEREAS, the total emergency temporary resolutions adopted in the year 2010 pursuant to the provision of N.J.S.A. 40A:4-20 including this resolution total \$4,351,900.00.

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

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

Administration	
Salaries & Wages	5,700.00
Mayor/Council	
Salaries & Wages	2,100.00
Municipal Clerk	
Salaries & Wages	3,200.00
Financial Administration	
Salaries & Wages	8,800.00
Revenue Collection	

Salaries & Wages	2,100.00
Tax Assessor	
Salaries & Wages	4,600.00
Legal Services	
Salaries & Wages	5,900.00
Planning Board	
Salaries & Wages	400.00
Construction Code	
Salaries & Wages	1,000.00
Uniformed Police	
Salaries & Wages	105,900.00
Fire Safety	
Salaries & Wages	2,900.00
Prosecutor	
Salaries & Wages	1,300.00
Streets & Roads	
Salaries & Wages	10,200.00
Shade Tree	
Salaries & Wages	1,100.00
Sewer System	
Salaries & Wages	4,000.00
Board of Health	
Salaries & Wages	8,000.00
Swimming Pool	
Salaries & Wages	1,000.00
Municipal Court	
Salaries & Wages	4,700.00
Finance	
Other Expenses	2,000.00
Engineering	5,000.00
UCC PERS	9,000.00
Group Insurance	100,000.00
Fire Dept	5,000.00
Uniform Fire Safety	500.00
Streets & Roads	
Other Expenses	50,000.00
Sewer System	
Other Expenses	5,000.00
DPW Administration	
Other Expenses	10,000.00
Vehicle Maintenance	
Police	3,000.00
Streets	20,000.00
Shade Tree	500.00

Board of Health	
Other Expenses	2,000.00
Environmental Commission	1,500.00
Animal Control	5,000.00
Maintenance of Fields	5,000.00
Library	50,000.00
Library PERS	70,500.00
Bond Fees	2,000.00
IT Services	8,000.00
North Haledon Sewers	1,460.00
Statutory Expenses	
PERS	127,203.00
Social Security	30,000.00
Pension Adjustment	14,200.00
PFRS	648,948.00
Municipal Court	1,500.00
WATER OPERATING	
Salaries & Wages	48,900.00
Other Expenses	50,000.00
Lab Testing	2,000.00
Social Security	20,000.00
PERS	47,000.00

Council President Bertollo entertained a motion to approve Resolutions R48-10 and R49-10, moved by Councilwoman Matthews, seconded by Councilman Sinning. On roll call, all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Bennett attended the Public Works Committee Meeting on February 24, 2010 to discuss the formalization of a formal snow emergency removal plan, which is needed to have policies and procedures in place. Public Works Director stated at this meeting that a plan has been sketched out, however this plan has never been formalized. The street sweeper is going out to bid. The Public Works Department has a monthly checklist in place to use as a guide at the athletic fields. The Board of Recreation Meeting has been changed from Wednesday, March 10 to Monday, March 8 beginning at 6:30 p.m.

Councilman Lane reported on the Cable TV committee. He thanked Clerk Witkowski for her efforts in working with Verizon and Cablevision. There are still some issues with the audio. It is believed that the problem lies with Cablevision. There was meeting with Thomas Jeron who is acting as our consultant on our behalf. Mr. Jeron recommended that a five or six head mixer for the sound is needed, which is estimated to cost \$1,000.00. There is no sound on Cablevision, there is sound on Verizon. The prior

meeting carried on Cablevision had an echo and this evening's meeting's sound is very low. Councilman Lane will contact Gary Shaw to schedule a meeting with the engineers of Cablevision to resolve this situation. Councilman Lane asked Council their permission to move forward, if the Committee concurs, to purchase a mixer if needed. The current mixer is a small one, we have had it for a while, the new mixer will enhance the program, Cablevision is blaming Verizon, however, the new mixer will correct the problem. In the worst case scenario, a complaint will be filed with the BPU (Board of Public Utilities).

Councilman Mele thanked the employees of Public Works on behalf of the Public Works Committee for the job they performed during the recent snow storm as well as thanking Councilman Bennett for the meeting of last evening. On February 24, he attended a Municipal Alliance Committee Meeting which discussed the internet safety program that was conducted this evening. He thanked Chief Scully and Detective Robert King for their efforts in this program. Municipal Alliance will be hosting Those Who Host Lose the Most campaign, which was done last year. On April 14, Hawthorne High School will be performing a dress rehearsal of the play "Guys & Dolls" and are inviting senior citizens to attend. Dinner will be served before the play. Councilman Mele attended the Environmental Committee Meeting, which is a very busy committee.

Councilman Matthews reported that the Finance Department Committee met with the Police and Fire Departments to discuss their requested budgets on March 1. There are two more departments that we will be meeting with to discuss their budgets. Administrator Mauer is keeping record of the weekly comments in order to keep the budgets up to date. The Planning Board met on March 2 and approved several Certificate of Compliance applications. Questions arose as to the clarity of our existing ordinance, which was discussed this evening and have clarification to an approved use. The application has been continued to April 6, 2010.

Councilman Sinning stated that the Ordinance Committee met on February 23. The Committee is working on the sign ordinance, which should be completed at the next meeting. As a result of last evening's Planning Board meeting, Councilman Matthews contacted Councilman Sinning with regard to the lack of clarity in the ordinance that was being introduced tonight.

Councilman Wojtecki stated that after the Planning Board meeting last evening, he attended the Shade Tree Commission meeting, who are concerned with the upcoming buffer zone and are looking forward to it being put in place with some projects that are on the horizon. The Shade Tree Commission supports the Council with regard to the buffer zone. The next Shade Tree Commission meeting is scheduled for April 6, which is the first of two meetings in April. The other meeting is scheduled for April 30 for an Arbor Day celebration.

Councilman Lane stated that rebroadcasting of the meetings was discussed at the Cable Committee meeting. He also requested a straw vote with regard to the purchase of the mixer. Council President Bertollo stated that Tom Jeron was creating a punch list. Councilman Lane stated that he has seen the punch list and is not willing to spend the

required money. Council President Bertollo stated that the meetings should be broadcasted in a quality manner. Councilman Lane stated that mixer will take care of the problem. Administrator Mauer stated that he will look into the funding for this.

Council President Bertollo stated that the Zoning Board continues to meet, are making great strides and are still on schedule for a public forum, possibly in June, to introduce thoughts and plans are for a comprehensive ordinance.

CORRESPONDENCE

There was no correspondence to discuss.

MISCELLANEOUS

RL-1 RL#968-Hawthorne Baseball/Softball Association has requested permission to conduct a Calendar Raffle from April 9, 2010 through June 7, 2010.

Council President Bertollo entertained a motion to approve RL-1. Motion was moved by Councilman Matthews, seconded by Councilman Sinning. On roll call, all voted yes.

BILLS

Council President Bertollo entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion moved by Councilman Matthews, seconded by Councilman Mele. On roll call, all voted yes. However, Councilmen Wojtecki and Lane abstained on check numbers 9641, 9651, 9669 and 9670. Council President Bertollo abstained on check number 9658.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
A-VAN ELECTRICAL	9635	39.75	PUB WORKS ADMIN O/E
AGL WELDING SUPPLY CO, INC	9636	43.78	STREETS & ROADS O/E
ALL STAR TRANSMISSION SPEC	9637	1,950.00	VEHICLE MAINT ROAD
ALLAN BRITWAY ELECTRIC CO INC	9638	4,247.98	VARIOUS
AMERICAN MOBILE GLASS	9639	217.00	VEHICLE MAINT ROAD
ATLANTIC SALT INC	9640	16,928.82	VARIOUS
B & C COMMUNICATIONS, INC	9641	4,409.75	VARIOUS
BARCO PRODUCTS	9642	5,210.60	CLEAN COMMUNITIES
BOB'S TIRES & WHEELS INC	9643	188.00	VEHICLE MAINT POLICE
BOSWELL ENGINEERING, INC	9644	2,737.00	ENGINEERING SERVICES O/E
BRAEN STONE INDUSTRIES, INC	9645	190.34	STREETS & ROADS O/E
BROADLINE ID SOLUTIONS	9646	19.87	LOCAL CODE ENFORCEMENT
C & C TIRE CO, INC	9647	1,087.80	VEHICLE MAINT ST
CARL MOTTOLA	9648	63.00	UNIFORM FIRE SAFETY O/E

CARPET CYCLE, LLC	9649	250.00	RECYCLING PRO O/E
CHARLES C. COLLINS, JR, ESQ	9650	52.21	VARIOUS
CHIEF SUPPLY CORP.	9651	1,428.75	FIRE DEPT O/E
CINTAS FIRST AID AND SAFETY	9652	286.08	VARIOUS
CMRS-FP	9653	2,000.00	GENERAL ADMIN O/E
DANIEL TEDESCHI	9654	219.00	GROUP INSURANCE O/E
DECATUR ELECTRONICS, INC	9655	1,010.00	POLICE DEPT O/E
DENISE BARTALOTTA	9656	50.00	FINANCIAL ADMIN O/E
DONALD TURNER, SR	9657	60.00	CONST CODE O/E
DOWNES TREE SERVICE, INC.	9658	3,765.00	SHADE TREE COMMISSION O/E
DSP PRODUCTS, INC.	9659	292.05	STREETS & ROADS O/E
FEDERATD EMERGENCY SERVICES	9660	428.90	VARIOUS
G T B M, INC	9661	499.00	POLICE DEPT O/E
GARY TAMBURRO	9662	70.00	GROUP INSURANCE O/E
GIANT TIRE SERVICE INC	9663	330.00	RECYCLING PRO
HAWTHORNE AUTO LAB	9664	710.56	VARIOUS
HAWTHORNE CAFETERIA ACCT	9665	100.00	HINI SUPPLEMENTAL GRANT
HAWTHORNE PRESS INC	9666	39.00	MUNICIPAL CLERK O/E
HAYLEY ENCARNACION	9667	245.00	MUNI COURT
INTERNATIONAL ASSOCIATION OF	9668	120.00	POLICE DEPT O/E
JOHN LEWIS LLC	9669	325.00	FIRE DEPT O/E
JP HOME ARAMA, INC	9670	958.21	VARIOUS
KEN'S AUTO ELECTRIC, LLC	9671	840.00	VEHICLE MAINT FIRE DEPT
LUSCHER'S AUTO INC	9672	1,734.56	VARIOUS
MARY ANN CORAL	9673	120.00	MUNI COURT
MEDICAL LABORATORY DIAGNOSTICS	9674	1,230.00	BOARD OF HEALTH O/E
METLIFE	9675	320.80	GROUP INSURANCE O/E
MUNICIPAL CLERKS ASSOC OF NJ	9676	100.00	MUNICIPAL CLERK O/E
MUNICIPAL EXCESS LIABILITY JIF	9677	10,466.37	MUNICIPAL INSURANCE O/E
MUNIDEX, INC	9678	487.50	FINANCIAL ADMIN O/E
NEW JERSEY DOOR WORKS INC	9679	1,576.00	PUB WORKS ADMIN O/E
NFPA	9680	875.00	UNIFORM FIRE SAFETY O/E
NJ POOL MANAGERS	9681	400.00	SWIMMING POOL O/E
NY SUSQUEHANA & WESTERN RAILWA	9682	1,840.00	SEWER SYSTEM O/E
OFFICE CONCEPTS GROUP INC	9683	201.39	VARIOUS
PACE GLASS, INC	9684	31.00	RECYCLING PRO O/E
PASSAIC CNTY PROS OFFICE	9685	500.00	POLICE DEPT O/E
PUBLIC SERV ELEC & GAS	9686	25,533.68	VARIOUS
R & J CONTROL, INC.	9687	265.00	PUB WORKS ADMIN O/E
R & R RADAR INC	9688	106.95	POLICE DEPT O/E
REGISTRAR'S ASSOCIATION OF NJ	9689	75.00	BOARD OF HEALTH O/E
RICHIES SERVICE CTR INC	9690	405.00	CONST CODE O/E

RIDGEWOOD PRESS	9691	401.30	VARIOUS
RONNIE GONZALEZ	9692	180.00	GROUP INSURANCE O/E
RT OFFICE PRODUCTS	9693	372.00	VARIOUS
SHERWIN WILLIAMS CO.	9694	528.58	MAINTEN OF PARKS
STONE VALLEY WELDING	9695	10,800.00	CLEAN COMMUNITIES
STORR TRACTOR CO	9696	184.87	MAINTEN OF PARKS
TREADWAY GRAPHICS INC	9697	2,444.00	VARIOUS
TREASURER, STATE OF NEW JERSEY	9698	50.00	FINANCIAL ADMIN O/E
TREASURER, STATE OF NJ	9699	368.00	PUB WORKS ADMIN O/E
UNITED COMPUTER	9700	2,812.50	VARIOUS
VERIZON	9701	<u>2,009.84</u>	VARIOUS
TOTAL CURRENT		\$ 117,831.79	

GENERAL CAPITAL

ACCUTEST LABORATORIES	3020	1,547.50	FUEL STORAGE TANKS
BOSWELL ENGINEERING, INC	3021	16,754.54	VARIOUS
ENGLISH PAVING COMPANY	3022	18,767.51	VARIOUS
MCMANIMON & SCOTLAND LLC	3023	5,227.79	VARIOUS
MICHAEL J. PASQUALE, ESQ	3024	187.50	INSTALL DRAIN IMPROV
REINER GROUP, INC	3025	4,614.83	IMPROVEMENTS TO HVAC
SCP DISTRIBUTORS LLC	3026	<u>659.00</u>	IMPROVEMENTS TO POOL
TOTAL GENERAL CAPITAL		\$ 47,758.67	

WATER OPERATING

A-VAN ELECTRICAL	8108	36.77	WATER UTILITY O/E
AGRA ENVIRONMENTAL SVC	8109	2,380.00	VARIOUS
BLACKBURN MANUFACTURING CO	8110	205.84	WATER UTILITY O/E
BOB'S STORES	8111	83.00	WATER UTILITY O/E
BRAEN STONE INDUSTRIES, INC	8112	253.44	WATER UTILITY O/E
CINTAS FIRST AID AND SAFETY	8113	24.82	WATER UTILITY O/E
CMRS-FP	8114	2,000.00	WATER UTILITY O/E
E S C ENTERPRISES, INC	8115	810.00	WATER UTILITY O/E
GODWIN TOOL & HARDWARE SUPPLY	8116	31.68	WATER UTILITY O/E
GRIMCO PRESSES	8117	150.00	WATER UTILITY O/E
LUSCHER'S AUTO INC	8118	857.86	WATER UTILITY O/E
MUNIDEX, INC	8119	487.50	WATER UTILITY O/E
OFFICE CONCEPTS GROUP INC	8120	79.48	VARIOUS
PUBLIC SERV ELEC & GAS	8121	41,581.94	WATER UTILITY O/E
VERIZON	8122	<u>625.54</u>	WATER UTILITY O/E
TOTAL WATER OPERATING		\$ 49,607.87	

OTHER TRUST II

HAWTHORNE POLICE DEPT	4029	<u>168.00</u>	MUNICIPAL ALLIANCE
TOTAL OTHER TRUST II		\$ 168.00	

TOTAL BILL LIST **\$ 215,366.33**

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.

James Dusenberry, 81 Roosevelt Avenue, commended Council and Administration on the adoption of the ordinance regarding no storage in the I-1 zone. He also discussed the Planning and Zoning Boards with regard to what the various Boards and Committees want and do not want in town. There seems to be a lot of disconnect. Mr. Dusenberry attends some of the Planning and Zoning Board meetings and believes that these two boards be merged. He believes that there are two different interpretations coming from the Boards. He believes that a Land Use Committee be formed, as other towns have already done this. There are two attorneys, therefore there are two attorney’s fees. One of the boards should be eliminated and merge both boards. At recent meetings, he stated that the commissioners are somewhat confused as to the issue at hand being a planning board or zoning board issue. In Mr. Dusenberry’s opinion, having one board will serve the Borough of Hawthorne better.

Robert Kurdock, 15 Rose Court addressed Council and Administration stating that there is no clear ordinance with regard to the storage of pods and containers on property. Attorney Pasquale stated that pods are not currently regulated, pods are not intended to be permanent and are considered as temporary type storage units. Attorney Pasquale’s opinion is if regulation is allowed, he does not believe that someone can have claim that he has a grandfathered pod. Attorney Pasquale stated that the Ordinance Committee is aware that regulation is needed for pods, dumpsters and temporary units. Mayor Goldberg stated that a sample ordinance has been received from Pod, it was our belief that this should not be adopted but we are still researching this issue. Mr. Kurdock also agrees with Mr. Dusenberry’s suggestion of merging the Planning and Zoning Boards.

Council President Bertollo asked if any one else wished to be heard. Seeing no one, Council President Bertollo entertained a motion to close the public comment portion of the meeting, moved by Councilman Matthews, seconded by Councilman Sinning. On roll call, all voted yes.

ADJOURNMENT

Council President Bertollo entertained a motion to adjourn the meeting at 9:43 p.m., moved by Councilman Matthews, seconded by Councilman Wojtecki. On roll call, all voted yes.

Council President Bertollo indicated that the next regular council meeting will be on March 17, 2010. The work session will begin at 7:00 p.m. and the regular meeting will begin at 8:00 p.m.

John Bertollo
Council President

Susan Witkowski
Borough Clerk