

August 4, 2010  
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:35 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, Director of Revenue and Finance Hewitt, 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 July 21, 2010, Bid Minutes for Veterans Field of July 30, 2010 and the Bid Minutes for Snow Plowing 2010-2011 of November 5, 2009, moved by Councilman Wojtecki, seconded by Councilman Matthews. On roll call, all said yes.

### **PUBLIC COMMENT**

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

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

### **ADOPTION OF ORDINANCES**

There were no ordinances adopted.

### **OLD BUSINESS**

Councilman Bennett asked Administrator Mauer the status of the final easement for the drainage project. Administrator Mauer said that he has not received the document, there have been conversations with the owner, concerns are trying to be addressed and there is some progress.

Councilman Lane stated that Administrator Mauer reported at the last meeting, the homeowner was reviewing the documents and asked if the homeowner had more concerns. Administrator Mauer said the homeowner raised seven or eight questions, which most of them have been addressed. Attorney Pasquale stated they raised some drainage issues that we need to address and asked what would happen during the course of construction because their property would be interrupted. Councilman Lane asked if it was clearly explained to them with regard to uprooting their property and how it would be put back to its original state. Attorney Pasquale said yes, this was addressed, however, their question was during this process will there be a water runoff issue which we are addressing. Engineer Boswell said that a manhole was removed and a fused plastic chamber will be used in order to create an angle point, by doing this procedure, it will also save the borough money.

Councilman Lane asked the status of Crist Street and Mazur Place. Administrator Mauer did not have the answer.

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

### **NEW BUSINESS**

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

Councilman Wojtecki thanked Administrator Mauer for resolving the following issues: parking on McKinley and Arlington, street sweeping is being conducted on Arlington Avenue, stop sign enforcement at the Wagaraw Road ball field has been enforced and tickets have been issued for overnight parking on Lafayette Avenue.

Councilman Bennett asked about the Special Board of Education election. Clerk Witkowski stated the Board of Education is conducting a special election on September 28, 2010. The election will be run as a regular School Board Election. It is a referendum for repairs to the school including a roof and boiler. Clerk Witkowski said she will be receiving the proposal on August 10<sup>th</sup> which will have the details. Councilman Bennett asked if we pay the bill for this election and Council President Bertollo said yes.

There was no other new business to discuss.

### **ADMINISTRATIVE AGENDA**

Mayor Goldberg said it was pleasure to meet Peruvian Congresswoman Keiko Fugimori last month. She is a candidate for the President of Peru and has ties to New Jersey, as her

husband is from New Jersey. The reception gave Mayor Goldberg the opportunity to meet and discuss topics of mutual interest with other Passaic County mayors.

Mayor Goldberg thanked Senator Girgenti who hosted a forum of mayors in his senatorial district with the Commissioner of the DCA, Lori Grifa. Again, it brought the mayors together where they discussed interests that affected all of them. This might be a good time to try to revive the Passaic County Mayors Association. There has been good feedback from some of the mayors to try to start to meet again and discuss the challenges that face us, especially with what looks to be another tough budget year out of Trenton. Mayor Goldberg questioned Commission Grifa how does 2.5 and 2.9 settle a 2.0 and she said that when compromises are made, it gets to be a work in progress. Mayor Goldberg does not believe this will not have any more negative effect than it has and Administrator Mauer has started budget projections for next year.

Mayor Goldberg thanked Tax Collector, Barbara Crowley, Director of Revenue and Finance, Mary Jeanne Hewitt, and everyone in the Finance Office for their efforts in getting the tax bills out. He asked Council to approve the resolution in this evening's meeting to extend the tax deadline to August 30<sup>th</sup> so people will have plenty of time to pay their taxes.

Leadership Camp is beginning on August 16<sup>th</sup> at 8:30 a.m. and the current enrollment is 129 students. Enrollment is still open and applications are available on the borough website at [www.hawthornenj.org](http://www.hawthornenj.org) and at the police headquarters. Parents who have enrolled their children can pick up supplies at the Municipal Building on the following dates: Monday, August 9<sup>th</sup> from 6:00 p.m. to 8:00 p.m., Wednesday, August 11<sup>th</sup> from 5:00 p.m. to 8:00 p.m., and Saturday, August 14<sup>th</sup> from 9:00 a.m. to 12:00 noon. Parents that are unable to pick up supplies on these dates will pick them up on the first day of camp. Mayor Goldberg has been assured that the helicopter is coming from the National Guard.

### **APPOINTMENT**

Appoint of Registrar of Vital Statistics

Carol Chamberlin

By virtue of the power and authority vested in me as Mayor of the Borough of Hawthorne, I hereby appoint Carol Chamberlin to fill a three year term as Registrar of Vital Statistics of the Borough of Hawthorne that will expire on July 31, 2013.

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

Mayor Goldberg administered the oath of office to Carol Chamberlin.

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By virtue of the power and authority vested in me as Mayor of the Borough of Hawthorne, I hereby appoint Phyllis Wooldridge to fill a three year term as Deputy Registrar of Vital Statistics of the Borough of Hawthorne that will expire on July 31, 2013.

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

Phyllis Wooldridge was not present to be sworn in this evening.

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

Director of Revenue and Finance Hewitt thanked the staff for their efforts in getting out the tax bills and she apologized to the residents for the late issuance of the bills, which were held up by the state. The state must certify the rates before the county can strike the rate and the rate was received one week ago. The bills are not due until August 30<sup>th</sup>, 25 days from the date of mailing is required in order to pay the bill. Interest will revert back to August 1<sup>st</sup> if payment is made after August 30<sup>th</sup>.

Correspondence is in everyone's packets regarding a bond anticipation note sale for \$2.3 million. This was awarded to TD Securities at 1.25%, which is an excellent rate. This was for our drainage project, the installation of new water meters, the street sweeper and our road program.

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

Mayor Goldberg called upon Borough Attorney Pasquale for his report.

Attorney Pasquale has been working on the housing ordinance with the ordinance committee. He commended the committee for their attempts in tackling a very difficult issue and believes this is a problem that needs to be addressed.

With regard to the Gialanella matter, discovery is continuing which involves the police department and this is an on-going matter.

Depositions are scheduled to begin in two weeks for the Enterprise matter.

There was an issue with regard to the removals of trees and damage caused at Mr. Morrissey's property at 55 Westervelt. Mr. Bleeker planted some trees, however he planted 4 foot trees where 10 foot trees existed, and did not ask for Mr. Morrissey's approval to go on to his property. Attorney Pasquale is hopeful that the situation will be rectified and if not, this will be addressed through Administration.

This concludes Attorney Pasquale's report.

Mayor Goldberg reported that the Economic Development Committee has begun discussions regarding the borough obtaining Transit Village status. We met with members of the Department of Transportation to discuss the pros and cons. Mayor Goldberg has reached out to Mayor Hipp of Rutherford to see what pitfalls there might be since Rutherford is a Transit Village, and is sending us a copy of their application. Mayor Goldberg is meeting with someone from Mr. Burgis' office on August 5<sup>th</sup> to discuss the process. We will be seeking an RFP. When we apply for grants, it makes the borough more attractive. There are no Transit Village towns in Passaic County, we would be the fist.

Mayor Goldberg called upon Borough Engineer Boswell for his report.

Engineer Boswell reported on the following:

Leaf Compost Facility Permit – Plans are being prepared.

UST Groundwater Monitoring – Water results should be received by the middle of August.

Oil/Water Separator – Plans are being prepared.

Veteran's Field Lighting Specs – This will be awarded this evening and we are happy with the low bidder. We have worked with him in the past, his work is good and he was 30% less than the second low bidder.

Van Winkle Avenue, Section 2 – Work should begin the week of August 23<sup>rd</sup>.

2010 Road Improvement Program – The concrete work should be completed on August 12<sup>th</sup>. The first area to be paved will be Cornell and Florence.

Brockhuizen Lane – Public Service will begin lowering the gas main on Monday, August 9<sup>th</sup>, and the work will take approximately one week. There will be a change order on this project because Passaic County is requiring the installation of draining as part of our permit. The change order is approximately \$8,000.00, we will still be under the bond amount.

2009 Road Program – Mr. King's sidewalk at 66 Eklings will be replaced next week and Mr. King will be notified of this.

Goffle Hill Force Main – The project is going well, approximately 300 linear feet of new force main has been installed. The police are happy with the detour.

Christian Health Care Center – No scheduled hearings at the Wyckoff Board of Adjustment.

Goffle Brook Bank Stabilization – We are in the final stages of this project and are hopeful for approval.

Drainage Improvement Project – One final easement is needed.

Ridgewood Water Proposal – We heard there has been a personnel change in Ridgewood Water, however, Engineer Boswell needs to confirm.

A meeting was conducted on August 5<sup>th</sup> at Veteran's Field regarding drainage. A proposal will be presented to council. Engineer Boswell was told by Mayor Goldberg that Open Space funds remain which would enable the installation of drainage. The timing to install this drainage would be in November, which is the completion of the soccer season.

That concludes Engineer Boswell's report.

Mayor Goldberg called on Borough Administrator Maurer for his report.

Administrator Maurer reported on the following:

He has begun work on the 2011 budget, department requests will be the end of September.

He is working with the Public Works and Police Departments to coordinate street sweeping according to the schedule.

This is the last week of summer recreation. The field trip to the Bronx Zoo last week was successful. This was a successful summer and due to the size of the program this year, considerations will be made to the Board of Recreation and Finance Department as to how the program will be conducted in future years.

That concludes Administrator Maurer's report.

Mayor Goldberg stated there are joys of being Mayor, however the toughest part of the job is receiving a telephone call in the middle of night alerting him of a working house fire. The first question he always asks, are there any injuries? He goes to the fire to support the fire fighters who are awake in the middle of the night and putting their lives on the line. The effect of the firefighters and EMTs bringing the people out of the fire that occurred on May Street will be with them for a long time. The hope of the ordinance committee is that we do not do this in the future. He thanked the ordinance committee in their attempts in creating the ordinance. He encourages discussion.

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

Councilman Lane asked Director of Revenue and Finance about the sale of bonds. Director of Revenue and Finance Hewitt said they were Bond Anticipation Notes which are temporary bonds. Councilman Lane asked how many outstanding existing ordinances are left. Director of Revenue and Finance Hewitt said that completed ordinances are cancelled every three years. Councilman Lane stated he asked this question because of

the interest rate that was just received. Director of Revenue and Finance Hewitt said this has no effect because these would be ordinances that a portion was either unfunded or already bonded. If ordinances are bonded and we cancel, the additional money, which is called improvement authorization, would go into a payment of debt fund and this offsets the debt service.

Councilman Lane asked Attorney Pasquale the status of the cleanup at 55 Westervelt and if we can get Mr. Bleeker to get some additional people to clean the premises to some state of civility. Attorney Pasquale said that is the goal, and that the development at the property is on hold and will be that way for a while due to internal issues and financing. We are anticipating that the property will be kept in a better condition or summonses will continue to be issued if no action is taken. Councilman Mele asked Attorney Pasquale if they would have to reappear before the Planning Board. Attorney Pasquale stated they would have to return if their approvals expire and permits are not issued. They have approval for three years to pull a permit and they have not done this. They can request an extension under the Permit Extension Act. Councilman Lane asked if they still have time to do this and Attorney Pasquale said yes.

Councilman Mele asked Engineer Boswell how long will it take to receive the final approval regarding the Goffle Brook project, Engineer Boswell said he did not know. Engineer Boswell has met with the Commissioner of the DEP to resolve it. Councilman Mele asked if the work could be performed during the winter months, Engineer Boswell said yes.

Councilman Wojtecki asked if taxes are based on property size. The property goes to the center of the brook, the brook has moved closer to their property, has the owner lost property. Engineer Boswell said he is not a tax assessor and cannot answer this. Attorney Pasquale stated you would have to go to the tax assessor with a survey in order to demonstrate that the size of the property has decreased and the assessor could adjust the property record card to show that you have less land. The land value on any piece of property is usually the less significant of the numbers. Engineer Boswell said that if the deed states it goes to the center, in most cases there are a metes and bounds which gives specific bearings and distances. Even if the stream moves, you revert back to the original line in most cases. Councilman Wojtecki asked if this could be used to motivate the State, Attorney Pasquale said no.

Councilman Wojtecki asked if the tree contractors returned to repair the items. Administrator Mauer stated he did not know

Councilman Wojtecki asked Attorney Pasquale for an update regarding the letter from Mr. Pallotta dated July 23<sup>rd</sup> to Nissan. Attorney Pasquale did not have an update, however he has had discussions with Messrs. Monahan and Collins regarding interpretation of the ordinance to determine whether or not this is a use variance or a site plan issue with regard to the parking of the vehicles. Mayor Goldberg stated that Nissan was requested to prepare two applications, one for each Board, determination will be made as to which Board this belongs to and Nissan will not have lost any time in waiting

to apply. Nissan was told to stop due to the fact that there was a pre-existing use for cars on the site and we would allow them to store at the level they are at this time until they are heard. They were told they could not add any cars to the amount that was there, and not to unload their vehicles on the street because it was impacting the traffic. Nissan has agreed to do this. The banner has been removed. In order to get the dealership, Nissan required that 100 cars be bought. Attorney Pasquale stated that they had previously used this property as storage with alleged knowledge of municipal officials. The Zoning Board is to make an interpretation of whether this is a use variance or if it should go before the Planning Board as a site plan. Attorney Pasquale has spoken with Mr. Collins who will present it to his Board to decide if it is a use variance or not.

Councilman Sinning asked Engineer Boswell if the gas line being installed by Public Service on Goffle Road will continue to Diamond Bridge Avenue. Engineer Boswell said he did not know but will find out. Councilman Wojtecki stated he asked this and was told that it would. Councilman Sinning said that K. Hovnanian recently paved Diamond Bridge Avenue which is in good condition and will have it to be redone. Councilman Bertollo said this was looked at and it will be crown to curb. They were given stimulus money to do this job and we are getting old gas lines replaced.

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

## **INTRODUCTION OF ORDINANCES**

### **Ordinance 2025-10 For Introduction**

AN ORDINANCE TO AMEND BOND ORDINANCE NUMBER 1989-09, PROVIDING FOR ROAD RECONSTRUCTION INCLUDING THE INSTALLATION OF STORMWATER CONVEYANCE IMPROVEMENTS, CURBING AND OTHER SUBSURFACE AND SURFACE IMPROVEMENTS ON BROCKHUIZEN LANE, FOR ITS ENTIRE LENGTH FROM GOFFLE ROAD TO THE TERMINUS THEREOF, AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING FOUR HUNDRED THOUSAND (\$400,000) DOLLARS THEREFO, AUTHORIZING THE ISSUANCE OF BONDS OR NOTES FOR FINANCING PART OF THE COST THEREOF AND DIRECTING SPECIAL ASSESSMENT OF A PORTION OF THE COST THEREOF

BE IT RESOLVED, that Ordinance No. 2025-10 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 September 1, 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 Bennett, seconded by Councilman Mele. Attorney Pasquale stated that when the ordinance was done for Brockhuizen Lane, we did not specify that a portion of the project will be by way of special assessment and the rest would be through the general improvement. In Director of Revenue and Finance Hewitt's books, this would carry as specially assessed and would be a problem going forward. We are setting forth the approximate amount to be assessed versus the approximate amount to be part of general. Attorney Pasquale has reviewed this with Joe Kelly, Auditor and Bond Counsel. On roll call, all voted yes.

### **Ordinance 2026-10 For Introduction**

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 210, ARTICLE VII, SCHEDULE XVI, TIME LIMIT PARKING, OF THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO ADD THERETO CERTAIN ADDITIONAL LOCATIONS

BE IT RESOLVED, that Ordinance No. 2026-10 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 September 1, 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 Matthews, seconded by Councilman Lane. Councilman Lane asked Attorney Pasquale if the area of parking would be by the gymnasium. Attorney Pasquale said this is near the gymnasium close to the driveway that comes out in front of the high school. Councilman Lane read the verbiage from the ordinance, "...a distance of 466' from the curb return on Warburton Avenue and running south." Councilman Lane asked if it should be running north. Attorney Pasquale said he took it from the furthest distance which would be 468' and went south towards Warburton to a distance point of 422'. Looking at the map, the measure from the curb return from Warburton to Florence is 422' to the nearest point. It is the same distance whether you went from 422' to 468' north or 468' to 422' south. A discussion ensued. Councilman Bennett asked why parking restrictions were needed there. Mayor Goldberg stated this was done at the request of the residents of Parmelee Avenue. Parents will be able to park and not double park or park on the wrong side when picking up a sick child or for an early school dismissal. These spaces were selected by the high school principal. Councilman Bennett asked who

currently utilizing these parking spaces and Councilman Lane stated currently there are no designated parking on the east side of Parmelee Avenue, the residents are complaining that people are parking their cars to go into the high school to pick up a sick student or drop something off at the high school, the car is parked for 10 to 15 minutes and if the police come by, sometimes a ticket is issued. The neighbors requested parking on the high school side, which is the west side of the street. Administration said this was an area whereby there is not much parking and yellow curbing exists. The east side of the street is narrow. Administrator Mauer stated once you get into the school parking lot, there is no close parking near the school. Parking would be a few blocks away or illegally. On roll call, all voted yes.

**CONSENT AGENDA – R145-10- through R153-10**

**R145-10 Resolution, Introduced by Councilman Matthews**

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated July 30 2010.

CURRENT FUND	WT 888889	\$246,517.03
WATER OPERATING FUND	WT 888889	\$37,870.38
OTHER TRUST II FUND	WT 888889	\$2,864.32
TOTAL PAYROLL		<u>\$287,251.73</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$9,606.32
WATER OPERATING FUND TO PAYROLL/FICA	WT 888889	\$5,000.00
TOTAL FICA		<u>\$14,606.32</u>

**R146-10 Resolution, Introduced by Councilman Matthews**

WHEREAS: Tax Sale Certificate #2008-12 was sold on November 12, 2008 in the amount of \$1,566.49 on Block 282 Lot 6 then assessed to Geoffrey & Barbara Castello and said lien was originally purchased by Protective Investment Corp., c/o Altor Title, 145 North Franklin Tpke., Ramsey, NJ 07446, and

WHEREAS: said lien was redeemed on July 20, 2010 in the amount of \$27,675.38, said lienholder is entitled to a refund including the amount of the lien \$1,566.49, penalty of \$31.33, search and recording fee of \$52.00, subsequent taxes of \$21,913.59 and interest of \$4,111.97 for a total of \$27,675.38, and

WHEREAS: there was a shortage in the interest due to the lienholder,

NOW, THEREFORE, BE IT RESOLVED: that the Collector of Taxes recommends that a check be issued by the Treasurer from the Other Trust II/Trustee Account to Protective Investment Corp. in the amount of \$27,675.38 to reimburse the lienholder for the lien and a check from the Other Trust I account for \$14,100.00 for Premium paid.

**R147-10 Resolution, Introduced by Councilman Matthews**

WHEREAS, N.J.S.A. 54-4-67 permits the Mayor and Council of each municipality to fix the rate of interest to be charged for the nonpayment of taxes on or before the date when they would become delinquent; and

WHEREAS, the Municipal Council of the Borough of Hawthorne set forth said interest rate by resolution at the regular Council Meeting of January 4, 1995; and

WHEREAS, the Borough of Hawthorne was unable to mail its 2010/2011 property tax bills on or before June 14<sup>th</sup> as required by N.J.S.A. 54:4-66 due to the failure on the part of the State of New Jersey to certify state aid funding for inclusion on the tax bills in a timely manner; and

WHEREAS, this delay will result in the late mailing of the 2010/2011 tax bills to Borough property owners.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, County of Passaic, State of New Jersey that the interest rate for the nonpayment of 3<sup>rd</sup> quarter 2010 property taxes shall be fixed at zero (0%) until August 30, 2010.

BE IT FURTHER RESOLVED, that if the payment of the 3<sup>rd</sup> quarter 2010 property tax is not made on or before August 30, 2010 the time period set forth above, then the interest rate for nonpayment of the 3<sup>rd</sup> quarter 2010 property tax shall revert back to the original interest established by resolution on January 4, 1995 and charged from the statutory payment date for 3<sup>rd</sup> quarter property taxes of August 1.

**R148-10 Resolution, Introduced by Councilman Matthews**

WHEREAS, the annual principal payment and the semi-annual interest payment for the General Serial Bonds of 2005 becomes due and payable on August 16, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer is hereby authorized to wire funds in the amount of \$320,000.00 in payment of principal and \$35,619.00 in payment of interest from the Current Fund to Chase Bank NY Account #066027306.

**R149-10 Resolution, Introduced by Councilman Matthews**

WHEREAS: There was a Veteran who filed for a deduction in the Tax Assessor's office after the close of the Assessor's book, and

WHEREAS: She was entitled to receive the deduction for 2009,

THEREFORE, BE IT RESOLVED: By the Municipal Council of the Borough of Hawthorne that the Treasurer be authorized to issue a check to the taxpayer listed below:

**VETERANS OR WIDOWS DEDUCTION**

<u>BLOCK &amp; LOT</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
100/9	Dorothy Grosser	82 Warren Avenue	\$250.00

**R150-10 Resolution, Introduced by Councilman Matthews**

WHEREAS, the Borough of Hawthorne has an obligation to install SCADA related equipment at sewer locations so as to comply with state mandated monitoring requirements; and

WHEREAS, the Clerk has determined and certified in writing that the value of the contract will in aggregate sum likely exceed \$17,500; and

WHEREAS, the value of the contract is in an amount less than the bid threshold set forth in statute, thereby permitting the award of such contract without formal bid process; and

WHEREAS, based upon the skill of the vendor and prior work experience and need to integrate the equipment and facilities with existing infrastructure improvement, the Municipal Council, based upon recommendation of the DPW Director and Administration has determined to award the contract without formal bid and without a fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the vendor has submitted a Business Entity Disclosure Certification for non fair and open contracts and Political Contribution Disclosure Form;

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne, County of Passaic, State of New Jersey, as follows:

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with ESC Enterprises, for radio and communications for Sewer Stations for the year 2010, at the rate set forth in the attached proposal.
2. The contract is entered into without competitive bidding as "Professional Service," pursuant to the Local Public Contract Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

**R151-10 Resolution, Introduced by Councilman Matthews**

WHEREAS, an interfund in the amount of \$200,000 was created by an interfund loan between the Current Fund and the Water Capital Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to liquidate said interfund by transferring \$200,000.00 from the Water Capital Fund into the Current Fund.

**R152-10 Resolution, Introduced by Councilman Matthews**

WHEREAS, on July 30, 2010, the Borough of Hawthorne received bids for the Veteran's Field Lighting in the Borough of Hawthorne authorized by the Municipal Budget, Open Space Grant Program; and

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

Quality Electrical Construction Co., Inc.  
290 Laurel Avenue  
West Keansburg, NJ 07734-3022

in the amount of \$68,400.00

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the above-cited lowest responsive bidder subject to the certification of availability of funds from the Chief Finance Officer and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a

contract between the Borough of Hawthorne and Quality Electrical Construction Co., Inc. in a form approved by the Borough Attorney when these conditions have been met.

### **R153-10 Resolution, Introduced by Councilman Matthews**

WHEREAS, the Recycling Enhancement Act, P.L.2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Borough of Hawthorne that Borough of Hawthorne hereby certifies a submission of expenditures for taxes paid pursuant to P.L. 2007, Chapter 311, in 2009 in the amount of \$17,704.59. Documentation supporting this submission is available at 445 Lafayette Ave., Hawthorne, New Jersey 07506 and shall be maintained for no less than five years from this date.

Council President Bertollo entertained a motion to approve Resolutions R145-10 through R153-10 moved by Councilman Matthews, seconded by Councilman Mele. Council President Bertollo asked if there were any questions. There were no questions. On roll call all voted yes.

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

Councilman Wojtecki – The Shade Tree Commission meeting is scheduled for August 10<sup>th</sup>. There has been no meeting since the last council meeting.

Councilman Sinning – The ordinance committee has been meeting every Tuesday.

Councilman Matthews – The Planning Board met on August 3<sup>rd</sup>. A used car dealer is seeking request at the old Spinelli lot. The dealer was deficient in supplying the information requested by the Planning Board. He will be applying to Council for a used car license. A working bathroom is an issue on the Planning Board level as in the past. The applicant's landowners believe that hand sanitizers would be the only option. He was told that would not be the issue.

The Chamber of Commerce is sponsoring a fishing derby on September 18<sup>th</sup>. Sponsorship is being sought in order to offset the costs for prizes. Anyone interested should call JoAnn at the Chamber of Commerce.

Councilman Mele – Had no report.

Councilman Lane – Thanked Mayor Goldberg for his assistance in the Economic Development report. The meeting on July 30<sup>th</sup> was very positive. The Committee met with representatives from the Department of Transportation and New Jersey Transit with regard to making the borough a Transit Village. We are seeking a planner. There is money available for planning projects, architectural fees and is a shorter process than a grant process.

The Hawthorne Volunteer Ambulance Corp. will be having a Beefsteak Dinner on September 24<sup>th</sup> at the Boys & Girls Club.

Councilman Bennett – Spoke about a recent article in the Bergen Record regarding the lightning detection systems being installed in surrounding towns as well as in County facilities, such as the golf course, and the benefits of this system. Hawthorne was not mentioned in the article but we have had this system for the past two or three years, it has been working very well, and Hawthorne was ahead of the curve of the installation of these devices. Councilman Sinning asked what the distance is of these devices and was told two miles. Councilman Sinning stated at a baseball game in June, lightning could be seen in the distance but the alarms did not work. Mayor Goldberg stated the lightning detection system does not detect lightning, it detects atmospheric condition that is conducive to lightning. Engineer Boswell said it does not detect lightning, it predicts lightning.

Council President Bertollo – Had no report.

## CORRESPONDENCE

C-1 Certification of Determination and Award, Bond Anticipation Note (2010-1)

Council President Bertollo entertained a motion to accept correspondence C-1, moved by Councilman Sinning, seconded by Councilman Lane. On roll call, all voted yes.

C-2 Approve application from Board of Fire Commissioners for membership to Rescue Five, Karen Arsenault, 870 Lafayette Avenue. Council approval is required on the application for the New Jersey State Fireman's Association.

Council President Bertollo entertained a motion to approve correspondence C-2, moved by Councilman Matthews, seconded by Councilman Mele. On roll call, all voted yes. Councilmen Lane and Wojtecki abstained.

C-3 Approve application from Board of Fire Commissioners as Radio Communicator members to Rescue Five for Glenn Rees and Robert Stonier. Council approval is required on these applications.

Council President Bertollo entertained a motion to approve correspondence C-3, moved by Councilman Matthews, seconded by Councilman Sinning. On roll call, all voted yes. Councilmen Lane and Wojtecki abstained.

**MISCELLANEOUS**

There was no miscellaneous to discuss.

**BILLS**

Council President Bertollo entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion moved by Councilman Bennett, seconded by Councilman Mele. On roll call, all voted yes. Councilman Wojtecki abstained on check numbers 10349, 10354, 10372 and 10398. Councilman Lane abstained on check numbers 10407, 10350, 10354. Both Councilmen abstained on check numbers 10367, 10368, 10369, 10373, 10376, 10377 and 10407.

VENDOR	CHECK#	TOTAL	DESCRIPTION
<b>CURRENT FUND</b>			
A T & T	10341	46.39	TELEPHONE CHARGES
ALLAN BRITWAY ELECTRIC CO INC	10342	4,484.19	MUNICIPAL INSURANCE O/E
AMERICAN TRAFFIC & STREET SIGN	10343	36.00	STREETS & ROADS O/E
AQUARIUS IRRIGATION SUPPLY,INC	10344	109.99	VARIOUS
AYDIN BUDAY	10345	20.00	SWIMMING POOL O/E
B & C COMMUNICATIONS, INC	10346	10,434.30	VARIOUS
BOB'S TIRES & WHEELS INC	10347	111.50	VEHICLE MAINT POLICE
BOSWELL ENGINEERING, INC	10348	5,675.50	VARIOUS
BRIAN WARNER	10349	30.00	TELEPHONE CHARGES
CARL MOTTOLA	10350	75.50	UNIFORM FIRE SAFETY O/E
CMRS-FP	10351	3,000.00	GENERAL ADMIN O/E
COACHMAN INT'L TOURS INC	10352	785.00	BOARD OF REC O/E
DAVID MAHER	10353	220.00	GROUP INSURANCE O/E
DELL GARDEN CENTER	10354	53.50	VEHICLE MAINT FIRE DEPT
E S C ENTERPRISES, INC	10355	750.00	SEWER SYSTEM O/E
EXTEL COMMUNICATIONS, INC	10356	145.00	IT SERVICES
FARRIER SPORTING GOODS INC	10357	288.00	BOARD OF REC O/E
FIFTH AVENUE LANDSCAPING	10358	765.00	VARIOUS
FRANCOTYP-POSTALIA, INC	10359	194.85	PUB WORKS ADMIN O/E
FREMGEN POWER EQUIPMENT INC	10360	81.95	VARIOUS
GIANT TIRE SERVICE INC	10361	123.50	RECYCLING PRO

GILL ASSOCIATES	10362	500.00	SWIMMING POOL O/E
HAMMER HEAD EMERGENCY	10363	247.00	VEHICLE MAINT POLICE
HAWTHORNE CAR WASH, INC	10364	266.00	VEHICLE MAINT POLICE
HAWTHORNE PRESS INC	10365	356.46	VARIOUS
HAYLEY ENCARNACION	10366	195.00	MUNI COURT
HFD #1	10367	1,595.00	VARIOUS
HFD #3	10368	1,595.00	VARIOUS
HFD #5 RESCUE	10369	495.00	VARIOUS
HIGHVIEW AT HAWTHORNE	10370	23,387.40	MUNI SERV FOR CONDOS
HOME SUPPLY & LUMBER CO., INC.	10371	77.43	VARIOUS
JAMES COUNSELLOR	10372	30.00	TELEPHONE CHARGES
JARED VAN EK	10373	30.00	TELEPHONE CHARGES
JERSEY ELEVATOR INC	10374	145.00	PUB WORKS ADMIN O/E
JOHN DEERE LANDSCAPE	10375	1,101.34	MAINTEN OF PARKS
JOHN TRIPICCHIO	10376	30.00	TELEPHONE CHARGES
JOSEPH SPERANZA	10377	30.00	TELEPHONE CHARGES
JPSC, INC	10378	161.70	VARIOUS
KIEFER	10379	155.79	SWIMMING POOL O/E
KRISTINA LEHMBECK	10380	40.00	CONTRA REVENUE
LAFAYETTE HILLS CONDO ASSOC	10381	4,426.18	MUNI SERV FOR CONDOS
MAIN POOL & CHEMICAL CO, INC	10382	2,203.45	VARIOUS
MARY JEANNE HEWITT	10383	143.36	VARIOUS
METLIFE	10384	317.43	GROUP INSURANCE O/E
MGL PRINTING SOLUTIONS	10385	72.00	BOARD OF HEALTH O/E
NO JERSEY MUNI EMPL BNFT FUND	10386	108,867.98	VARIOUS
NY SUSQUEHANA & WESTERN RAILWA	10387	403.00	SEWER SYSTEM O/E
OFFICE CONCEPTS GROUP INC	10388	107.63	VARIOUS
ONE COMMUNICATIONS	10389	1,409.39	TELEPHONE CHARGES ENVIRONMENTAL COMMITTEE O/E
PATRICIA HUTZELMAN	10390	83.63	O/E
PROCOPY INC	10391	127.25	VARIOUS
RECREATION SUPPLY COMPANY	10392	55.64	SWIMMING POOL O/E
RIDGEWOOD PRESS	10393	206.30	POLICE DEPT O/E
RUTGERS UNIVERSITY	10394	1,094.00	STREETS & ROADS O/E
SAMUEL MONACO	10395	212.81	BOARD OF REC O/E
SHOTMEYER BROS FUEL CO	10396	708.17	VARIOUS
STAPLES	10397	173.58	VARIOUS
SUCCESSORIES	10398	102.41	FIRE DEPT O/E
SUPERIOR DISTRIBUTORS	10399	238.21	STREETS & ROADS O/E
TEE-FX SCREEN PRINTING, LLC	10400	975.00	BOARD OF REC O/E
THE BIKE PAD	10401	228.60	POLICE DEPT O/E
TREASURER, STATE OF NJ	10402	85.00	BOARD OF HEALTH O/E
TREASURER, STATE OF NJ	10403	450.00	STORMWATER MANDATE

TYCO ANIMAL CONTROL SERVICES	10404	2,340.00	ANIMAL CONTROL O/E
UNITED COMPUTER	10405	1,650.00	IT SERVICES
VALLEY HEALTH MEDICAL GROUP	10406	42.00	PEOSHA O/E
VERIZON	10407	2,555.24	VARIOUS
VITAL COMMUNICATIONS, INC.	10408	100.00	REVENUE COLLECTION O/E
WAGNER TOURS, INC	10409	700.00	BOARD OF REC O/E
WATER ENVIRONMENT FEDERATION	10410	<u>190.00</u>	SEWER SYSTEM O/E
<b>TOTAL CURRENT</b>		<b>\$ 188,136.55</b>	

**GENERAL CAPITAL**

BOSWELL ENGINEERING, INC	3064	12,432.20	VARIOUS
MCMANIMON & SCOTLAND LLC	3065	<u>3,041.35</u>	VARIOUS
<b>TOTAL GENERAL CAPITAL</b>		<b>\$ 15,473.55</b>	

**WATER OPERATING**

AQUARIUS IRRIGATION SUPPLY, INC	8253	31.67	WATER UTILITY O/E
BOSWELL ENGINEERING, INC	8254	581.00	VARIOUS
CMRS-FP	8255	3,000.00	WATER UTILITY O/E
CR INDUSTRIAL SERVICES INC	8256	1,586.70	WATER UTILITY O/E
EXTEL COMMUNICATIONS, INC	8257	145.00	WATER UTILITY O/E
MARY JEANNE HEWITT	8258	20.20	WATER UTILITY O/E
NO JERSEY MUNI EMPL BNFT FUND	8259	50,000.00	GROUP INSURANCE EMPLOYEES
OFFICE CONCEPTS GROUP INC	8260	38.99	WATER UTILITY O/E
ONE CALL CONCEPTS, INC.	8261	127.33	WATER UTILITY O/E
ONE COMMUNICATIONS	8262	143.95	WATER UTILITY O/E
PASSAIC CO ROAD DEPT	8263	200.00	WATER UTILITY O/E
PRINTMASTERS	8264	135.00	WATER UTILITY O/E
ROUTE 23 AUTO MALL	8265	1,393.09	WATER UTILITY O/E
SHOTMEYER BROS FUEL CO	8266	39.75	WATER UTILITY O/E
TREASURER, STATE OF NEW JERSEY	8267	1,580.00	WATER UTILITY O/E
VERIZON	8268	<u>793.01</u>	WATER UTILITY O/E
<b>TOTAL WATER OPERATING</b>		<b>\$ 59,815.69</b>	

**OTHER TRUST II**

CHARLENE ELVIN	4078	10.00	MUNICIPAL ALLIANCE
HAWTHORNE PRESS INC	4079	385.00	RECYCLING TRUST
LAVELLE REPAIR SERVICE, INC	4080	1,276.20	RECYCLING TRUST
PROTECTIVE INVESTMENT CORP	4081	27,675.38	TRUSTEE
RICOH BUSINESS SYSTEMS, INC	4082	232.83	UCC PENALTIES
ROUTE 23 AUTO MALL	4083	1,196.33	VARIOUS
WASTE & RECYCLING NEWS	4084	<u>69.00</u>	RECYCLING TRUST
<b>TOTAL OTHER TRUST II</b>		<b>\$ 30,844.74</b>	

**OTHER TRUST I ESCROW**

PROTECTIVE INVESTMENT CORP	7008	<u>14,100.00</u>	TAX SALE PREMIUMS
<b>TOTAL OTHER TRUST I ESCROW</b>		<b>\$ 14,100.00</b>	

**HOUSING TRUST**

PASSAIC COUNTY REGISTER	2006	<u>3.00</u>	HOUSING REHAB PROGRAM
<b>TOTAL HOUSING TRUST</b>		<b>\$ 3.00</b>	

**TOTAL BILL LIST** **\$ 308,373.53**

**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.

Joe Rooney, 84 Braen Avenue asked if the drainage project on Braen Avenue is on hold and if funding was received for this project. Engineer Boswell said the project is on hold. Mayor Goldberg stated a bond ordinance was passed in order to fund the project if we chose to. The money is in the ordinance, we opted not to do the drainage project so that portion of the ordinance is not being funded. Mr. Rooney asked if this project is still on the table and he was told yes. Mr. Rooney said the drawings are not good for Braen Avenue. Mr. Rooney thanked Council.

Robert Kurdock, 15 Rhodes Court asked the status of the area of Goffle Road and North 8<sup>th</sup> Street. Councilman Wojtecki stated soil testing is being conducted. The sign is inaccurate and should list what they are testing for, a vehicle continues to be parked behind the fence, and tires were stored on the side and collecting water. Administrator Mauer addressed the tire issue. The tires are now lying down and brought to the back of the property. Councilman Wojtecki said that he continues to stay on top of this. He also stated with regard to North 8<sup>th</sup> Street, the plans are being completed in order to do the paving from the county. The wall has been adjusted, it was moved back, the tarp has been repaired, which we have to pay for, and it is safer for those who travel down Mohawk Avenue, there is the ability to see in both directions on North 8<sup>th</sup> Street. Mayor Goldberg stated the contractor was in court two weeks ago. Council President Bertollo said the contractor was granted another period time in order to make amends on the money and this is an on-going court case. Mr. Kurdock thanked Council and the Ordinance Committee for the public forum on the housing ordinance.

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

**CLOSED SESSION**

Council President Bertollo continued that pursuant to N.J.S.A. 10:4-13 and the Attorney General's formal opinion 29-1976 moved that the public be excluded from the remaining portion of the regular meeting in order that the council discusses personnel. Items to be discussed in closed session can be disclosed to the public when a course of action is determined or a decision has been reached. Motion was made by Councilman Sinning, seconded by Councilman Wojtecki. On a roll call vote, all voted yes. Council went into closed session at 9:41 p.m.

**ADJOURNMENT**

Council President Bertollo entertained a motion to adjourn the meeting at 9:45p.m., moved by Councilman Mele, seconded by Councilman Matthews. On roll call, all voted yes.

Council President Bertollo indicated that the next regular council meeting will be on August 18, 2010. The work session will begin at 7:00 p.m. and the regular meeting will begin at 8:00 p.m.

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John Bertollo  
Council President

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Susan Witkowski  
Borough Clerk