

May 18, 2011  
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:00 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Council President Matthews, Vice President Bertollo, Councilpersons Bennett, Lane, Mele, Sinning and Wojtecki. 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 Matthews invited all present to join him in the flag salute.

### **STATEMENT**

Adequate notice of this meeting has been provided by the Annual Schedule of regular meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, emailed to the Hawthorne Press, Herald News, 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 15, 2010.

### **APPROVAL OF MINUTES**

Council President Matthews entertained a motion to approve the minutes of the Regular Meeting of May 4, 2011, moved by Councilman Mele, seconded by Councilman Sinning. On roll call, all said yes with the exception of Councilman Bennett who abstained.

### **ADOPTION OF ORDINANCES**

#### **Ordinance No. 2040-11 for Adoption**

**AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 505 OF THE CODE OF THE BOROUGH OF HAWTHORNE, VEHICLES AND TRAFFIC, SO AS TO DESIGNATE STOP AND YIELD INTERSECTIONS AT VARIOUS LOCATIONS WHERE POSTED, AND TO REVISE ARTICLES VIII AND IX, SCHEDULES, SO AS TO ADD THERETO THE SAID LOCATIONS**

#### **Public Hearing**

Council President Matthews opened the meeting to the public. He stated if anyone desired to be heard regarding Ordinance No. 2040-11 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing no one, Council President Matthews entertained a motion that the public hearing on Ordinance No. 2040-11 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. Motion was moved by Councilman Bennett, seconded by Council Vice President Bertollo. On roll call, all voted yes.

### **PUBLIC COMMENT**

Council President Matthews 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 be for agenda items only.

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

### **OLD BUSINESS**

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

Councilman Bennett addressed Engineer Boswell and asked when Stacey Contracting would return to Washington Avenue to clean the area of equipment, debris, etc., now that repair work there has been completed. Engineer Boswell responded he would get back to Councilman Bennett tomorrow with that information.

Council President Matthews asked if there was any additional old business to discuss. No additional old business was raised.

### **NEW BUSINESS**

Council President Matthews asked if there was any new business to discuss. No new business was raised.

### **ADMINISTRATIVE AGENDA PRESENTED BY THE MAYOR**

Mayor Goldberg reported the Memorial Day service will take place on Monday, May 30<sup>th</sup> at 12 noon followed by the parade at 1:30 p. m. On Flag Day, Tuesday June 14<sup>th</sup>, a ceremony will be held at 2:00 p.m. dedicating a portion of Kingston Avenue to former Hawthorne resident Billy Duchess who died this day in the Vietnam War. On April 27<sup>th</sup> Mayor Goldberg was elected to the Mayors Board of Directors, he looks forward to bringing the needs of the lawmakers to Trenton. The resignation of longtime and dedicated Zoning Board of Adjustments member, Ken Silvestri, has been accepted. The current alternates will move up and a new alternate #2 will be appointed at the second meeting in June. Governor Christie has declared May 15<sup>th</sup> through the 21<sup>st</sup> Public Workers Week; we salute our Department of Public Works as one of the best in the

State. A copy of the Governor's Proclamation will be posted in the Public Works building, thank you to all for a job well done. Tonight's consent agenda includes the foreclosure of the Pyrolac property which is the first step in re-developing the property and getting it back on the tax rolls. Thank you to the Economic Development Committee, the Environmental Commission, the Brownfield's Rehabilitation Resource Interagency Team and Deb Hoffman from Passaic County Economic Development who all helped bring this forward in a cooperative effort between the Borough and the County.

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

Director of Revenue and Finance Hewitt reported on the following:

The tax quarter ended last week and brought in \$12.2 million, this being the lowest quarter due to those who had paid the taxes in advance, they continue to get paid this week. Water bills/shut-off notices have decreased from 695 to 230 with the second and final notices being sent out this week. A reminder that borough policy allows the smallest token of payment to avoid disconnection but State law requires water lien on tax sale.

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

Mayor Goldberg called upon Attorney Pasquale for his report.

Attorney Pasquale reported on the following:

Confirmation of the order entered by Judge Chesler has been received in regards to the dismissal of the Enterprise matter, billboards and signage will not be allowed on Route 208. Thank you to Mayor Goldberg and Council for opposing this activity and remaining steadfast. Stacey Contracting has been sent correspondence advising we will hold them responsible for their delay, who in turn, is claiming entitlement to delay due to the time frame in acquiring approvals to begin project, a response letter opposing this claim will be sent tomorrow. Borough Tax Assessor Tim Henderson and he settled 95% of the eighty-five tax appeals that were heard on May 13<sup>th</sup>, a few were dismissed, and another eighty will be heard this Friday, May 20<sup>th</sup>. Hawthorne resident Michelle Hyams was named Volunteer of the Year at last night's John Girgenti Civic League awards dinner.

This concluded Attorney Pasquale's report.

Mayor Goldberg reported the Ducky Derby has been rescheduled for this Sunday, May 22<sup>nd</sup> as well as the grand re-opening of the train station near the corner of Royal and Diamond Bridge Avenues. Thank you to the Volunteer Railroaders Association (VRA), the Economic Development Committee and Councilman Lane for their hard work and effort on this project.

Mayor Goldberg called upon Engineer Boswell for his report.

Engineer Boswell reported on the following:

UST Underground Monitoring – The proposal to address the additional items requested by the NJDEP is expected to be prepared by next meeting.

Goffle Brook Bank Stabilization – Goffle Brook plans with Steve Edmunds comments, are expected to be assigned and submitted to the NJDEP by the end of this week. We expect the permit shortly thereafter. County has funds to proceed with the project this year as well as one of the two bridges. Council President Matthews inquired as to the projected start date. Engineer Boswell indicated it has to go out to bid first and will provide further details at next meeting.

Brockhuizen Lane/Division Driveway – Brockhuizen Lane punch list items are complete. The Division Street property owners have been notified of a tentative work date of Saturday, May 21<sup>st</sup>, weather permitting to address the driveway/apron.

Christian Health Care Center – Cross examination of site engineering continued and traffic engineering testimony started during the April 25<sup>th</sup> special meeting. The next special meeting is scheduled for May 23<sup>rd</sup>.

Drainage Improvement Project – Stacey Contracting is completing the drainage improvements associated with Washington Avenue, Vincent Street and Wagaraw Road and will be moving to Mohawk Avenue next.

Library Roof – Library Roof ordinance will be introduced at tonight's council meeting. A list of leaks has been provided and all will be addressed with the roof repair.

Stop Sign Investigation – Certifications are being prepared to address the proposed locations for traffic control devices (stop signs). Looking into a signal as well, will discuss at the next meeting.

2011 Road Program – The Bonding Ordinance will be introduced at tonight's council meeting.

Heating System at Municipal Building – A proposal to address additional work for the Borough's heating system has been submitted.

Mohawk Avenue (2011 NJDOT Local Aid) – The project will be bid with the 2011 Road Program. The Bonding Ordinance will be introduced at the tonight's council meeting.

Sanitary Sewer Repair – 888 Goffle Road – the point repair scheduled for May 17<sup>th</sup> by Colonnelli Bros. was cancelled due to weather. SWERP has provided an estimate to line the sewer pipe after the point repair has been addressed.

144 Mountain Ave – our office and Councilman Lane, Mayor Goldberg, Administrator Maurer, and Building Official John Pallotta have met with the property owner. They were instructed the developer can only work on the structure until calculations are submitted and the silk fence repaired. We expect some requested items from his engineer this week.

Pocket Park – plans will be presented to the County to see if they have any questions as they involve a County intersection.

Questions were answered as to the ceiling load capability in the Ambulance Corp building to accommodate boxed file storage.

This concluded Engineer Boswell's report.

Mayor Goldberg called upon Administrator Maurer for his report.

Administrator Maurer reported on the following:

Letter has been received from the New Jersey Treasury Department indicating we have passed the affirmative action program, thank you to staff who assisted in assembling the required information. The Morris County JIF agency conducted a safety inspection of the Department of Public works facility which passed with ninety-nine items of one hundred; thank you to the DPW team. Summer is around the corner, the pool has been filled and details being finalized for summer use. Recreation registration will take place in the lobby of the Municipal Building on May 24<sup>th</sup>, June 6<sup>th</sup> and June 20<sup>th</sup> from 6:30 p.m. to 8:30 p.m. Applications for Leadership Camp at Lincoln Middle School for incoming sixth-grade student's takes place in August and can be picked up at the Police Department. All recreation registration forms can also be found online at [www.hawthornenj.org](http://www.hawthornenj.org).

The pressure reducing valve installed by K.Hovnanian in the Lafayette Hills development has failed resulting in flooding of the pit and damage to the electronic equipment. K.Hovnanian has responded and viewed the damage, and will be repairing at their cost. Temporary operational plans are in place to minimize the effect on the water which would be needed in the event of a major fire. County's 2011 Road Program will pave unfinished side of Goffle Road south of Diamond Bridge Avenue either late 2011 or early 2012 not done by PSE&G. Request for Proposal (RFP) for e-ticketing system for the Police Department will be available this week with due date of June 3<sup>rd</sup>. Students from Columbia University School of Arts will be here filming on Van Winkle Avenue, Rea and Eighth Avenue corners, filming permit has filed and adjoining property owners have been alerted of the filming. One Washington Avenue has been issued summons' for graffiti and an unsecured building, former International Bakery property has been issued summons for painting and an unsecured building, Congress Mills has been issued a summons for weeds and debris and 60 North Eighth has been issued summons for weeds and lack of maintenance. Although 55 Westervelt has been secured, it has been issued a summons for weeds. Burnt building at corner of Rock Road and Goffle Road is in the process of being cleaned up, the roof has been boarded up, and painting will take place once the structure has dried. Inspection of the parade route will take place with clean-up notices being sent to business owners/residents where necessary. Our Public Health Nurse, Jeanine Rowell has resigned and will be leaving at month's end. Those with RN/BSN qualifications and interested in applying for this part-time position may forward their resume to Administrator Maurer or stop in the Clerk's office to fill out an application.

This concluded Administrator Maurer's report.

Mayor Goldberg indicated eighty-four kids have already registered for the Leadership camp.

Council President Matthews asked Council if there were any questions for the Administration.

Councilman Wojtecki thanked Administrator Maurer for organizing the curb painting at Diamond Bridge Avenue and the County park entrance where residents have been complaining of cars parking in front of the fire hydrant. Councilman Wojtecki addressed Engineer Boswell and asked if he could estimate the start of the Brook Stabilization project as the erosion continues behind Brookside Avenue. Engineer Boswell indicated his estimate would be around July 1<sup>st</sup> but is dependent upon the County's schedule of sending it out to bid.

Councilman Sinning addressed Engineer Boswell as asked if leaks on the library roof not in the flat area will be repaired as well. Engineer Boswell indicated Joe Metzler has furnished him with a list of leaks on the roof, whether they are on the flat or slope area, they will be addressed during the repair. Councilman Sinning asked for confirmation of the start time of the Memorial Day Parade so as to determine the time when baseball teams should begin staging. Mayor Goldberg responded the parade is scheduled to begin at 1:30 p.m. and staging should start around 12:45-1:00 p.m., and the memorial will take place at 12:00 noon.

Council Vice President Bertollo addressed Engineer Boswell and asked if Stacey Contracting was still working in town as he had not seen them working for the past three weeks. Engineer Boswell agreed they had not been in town working recently but are now working on Mohawk Avenue and stated an aggressive stance has taken place by both his office and Attorney Pasquale. Council Vice President Bertollo inquired as to the current weight load on the second floor of the Ambulance Corps. building. Engineer Boswell stated the current load on the plans indicates fifty pounds and therefore does not recommend we store file storage boxes there. Council President Matthews stated the TGI support should have been upgraded to 125 pounds as discussed at time of construction. The "as-built" drawings may not match up to the actual structure, therefore would Engineer Boswell perform a structural inspection to confirm the weight load. Engineer Boswell agreed and would get back to Council with results. Council Vice President Bertollo addressed Administrator Maurer if the summons issued on One Washington Place was the second set of summonses, Administrator Maurer responded yes.

Council President Matthews asked Council if there were any other questions for the Administration. No other questions were raised.

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

## **INTRODUCTION OF ORDINANCES**

### **ORDINANCE NO. 2041-11 for Introduction**

#### **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 17, FIRE DEPARTMENT, BY ADDING THERETO ARTICLE IV, CLOTHING ALLOWANCE,**

## **OF THE CODE OF THE BOROUGH OF HAWTHORNE**

BE IT RESOLVED, that Ordinance No. 2041-11 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 June 15, 2011 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 Matthews entertained a motion to approve introduction of Ordinance No. 2041-11, moved by Councilman Mele, seconded by Councilman Bennett. Council President Matthews asked if there were any questions. None were raised. On roll call, all voted yes with the exception of Councilman Wojtecki and Councilman Lane who abstained.

### **ORDINANCE NO. 2042-11 for Introduction**

**AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE, CHAPTER 225, ZONING, ARTICLE XI, I-2 INDUSTRIAL ZONES, SO AS TO ADD NEW AND USED AUTOMOBILE DEALERSHIPS AS A PERMITTED USE IN THE ZONING DISTRICT**

BE IT RESOLVED, that Ordinance No. 2042-11 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 June 15, 2011 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 Matthews entertained a motion to approve introduction of Ordinance No. 2042-11, moved by Council Vice President Bertollo, seconded by Councilman Mele. Council President Matthews asked if there were any questions. None were raised. On roll call, all voted yes.

### **ORDINANCE NO. 2043-11 for Introduction**

**BOND ORDINANCE PROVIDING FOR SANITARY SEWER MAIN IMPROVEMENTS ON PASADENA PLACE, WASHINGTON AVENUE, AND GOFFLE ROAD, FROM IVAN PLACE TO GOFFLE HILL ROAD, ROOF REPLACEMENT AT THE WAGARAW ROAD PUMP STATION, CAD SYSTEM MAPPING OF SEWER MAINS AND THE INSTALLATION OF PUMPS, MOTORS, GRINDERS, MECHANICAL EQUIPMENT AND LIGHTNING PROTECTION AT VARIOUS SEWER PUMPING STATIONS, INCLUDING ELECTRICAL INSTALLATION AND RELATED WORK IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE**

**ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME.**

BE IT RESOLVED, that Ordinance No. 2043-11 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 June 15, 2011 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 Matthews entertained a motion to approve introduction of Ordinance No. 2043-11, moved by Councilman Wojtecki, seconded by Councilman Bennett. Council President Matthews asked if there were any questions. Administrator Maurer explained the eight ordinances on tonight's agenda: three ordinances include changes in the language only for the purpose of the existing ordinances. Five new ordinances will appropriate over \$1,015,000 for various capital purposes and will not result in debt of that same dollar amount to the Borough. With \$225,000 in grants and a down payment of \$50,000, the bonds would amount to \$740,000 with \$120,000 coming from assessments to property owners for sidewalks. The Borough will repay \$100,010,000 in principal on bonds this year in the current fund budget and additional principal being paid in full as part of the environmental infrastructure cost loans. Despite this borrowing, we will end up with less net debt than what the year started with.

Council President Matthews asked if there were any other questions. None were raised. On roll call, all voted yes.

**ORDINANCE NO. 2044-11 for Introduction**

**BOND ORDINANCE PROVIDING FOR REMOVAL AND REPLACEMENT OF THE EXISTING ROOF, INCLUDING REMOVAL, REPLACEMENT OR REPAIR OF DECKING, SOFFITS, GUTTERS AND OTHER RELATED COMPONENTS OF THE ROOF OR ROOF DRAINAGE SYSTEM AT THE LOUIS BAY II LIBRARY IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$120,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME.**

BE IT RESOLVED, that Ordinance No. 2044-11 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 June 15, 2011 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 Matthews entertained a motion to approve introduction of Ordinance No. 2044-11, moved by Councilman Mele, seconded by Council Vice President Bertollo. Council

President Matthews asked if there were any questions. None were raised. On roll call, all voted yes.

**ORDINANCE NO. 2045-11 for Introduction**

**AN ORDINANCE TO AMEND ORDINANCE 1994-09 HERETOFORE ADOPTED BY THE BOROUGH OF HAWTHORNE, PROVIDING FOR REPLACEMENT AND THE ACQUISITION OF VARIOUS ITEMS OF WATER DEPARTMENT CAPITAL EQUIPMENT AND THE MAKING OF SPECIFIED IMPROVEMENTS, ALL AS SET FORTH HEREIN IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY AND APPROPRIATING \$495,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME, SO AS TO INCLUDE AS PART OF THE SCOPE OF WORK AN UPGRADE OF THE SCADA COMMUNICATION SYSTEM BETWEEN THE NORTH PUMP STATION AND OTHER FACILITIES.**

BE IT RESOLVED, that Ordinance No. 2045-11 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 June 15, 2011 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 Matthews entertained a motion to approve introduction of Ordinance No. 2045-11, moved by Councilman Wojtecki, seconded by Council Vice President Bertollo. Council President Matthews asked if there were any questions. None were raised. On roll call, all voted yes.

**ORDINANCE NO. 2046-11 for Introduction**

**BOND ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION, CURBING, RESURFACING AND DRAINAGE IMPROVEMENTS ON VARIOUS STREETS AND PROPERTIES DESCRIBED HEREIN OR HEREAFTER IDENTIFIED, ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING TWO HUNDRED THOUSAND (\$200,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME.**

BE IT RESOLVED, that Ordinance No. 2046-11 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 June 15, 2011 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 Matthews entertained a motion to approve introduction of Ordinance No. 2046-11, moved by Councilman Bennett, seconded by Councilman Lane. Council President Matthews asked if there were any questions. Administrator Maurer stated the streets included in this ordinance are Pasadena Place, Pocomoke Place, Lucille Drive, Sunrise Drive, and Minerva Avenue. On roll call, all voted yes.

**ORDINANCE NO. 2047-11 for Introduction**

**BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OR REPLACEMENT OF SIDEWALKS AND DRIVEWAY APRONS ON PASADENA PLACE AND MOHAWK AVENUE, AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING ONE HUNDRED TWENTY THOUSAND (\$120,000) DOLLARS THEREFOR, AUTHORIZING THE ISSUANCE OF BONDS OR NOTES FOR FINANCING PART OF THE COST THEREOF AND DIRECTING SPECIAL ASSESSMENT OF THE COST THEREOF.**

BE IT RESOLVED, that Ordinance No. 2047-11 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 June 15, 2011 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 Matthews entertained a motion to approve introduction of Ordinance No. 2047-11, moved by Councilman Mele, seconded by Councilman Bennett. Council President Matthews asked if there were any questions. None were raised. On roll call, all voted yes.

**ORDINANCE NO. 2048-11 for Introduction**

**BOND ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION, RESURFACING, DRAINAGE, DRIVEWAY APRON, CURB AND SIDEWALK IMPROVEMENTS ON MOHAWK AVENUE, AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING THREE HUNDRED THIRTY THOUSAND (\$330,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME**

BE IT RESOLVED, that Ordinance No. 2048-11 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 June 15, 2011 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 Matthews entertained a motion to approve introduction of Ordinance No. 2048-11, moved by Councilman Wojtecki, seconded by Councilman Bennett. Council President Matthews asked if there were any questions. None were raised. On roll call, all voted yes.

**ORDINANCE NO. 2049-11 for Introduction**

**AN ORDINANCE TO AMEND ORDINANCE 2008-10, HERETOFORE ADOPTED BY THE BOROUGH OF HAWTHORNE, PROVIDING FOR ROAD RECONSTRUCTION, CURBING, RESURFACING AND DRAINAGE IMPROVEMENTS ON VARIOUS STREETS AND PROPERTIES DESCRIBED THEREIN OR LATER IDENTIFIED, ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING SIX HUNDRED THOUSAND (\$600,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME, SO AS TO MODIFY THE SCOPE OF WORK BY INCLUDING PASADENA PLACE AND SUNRISE DRIVE AS ADDITIONAL LOCATIONS THEREUNDER**

BE IT RESOLVED, that Ordinance No. 2049-11 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 June 15, 2011 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 Matthews entertained a motion to approve introduction of Ordinance No. 2049-11, moved by Councilman Lane, seconded by Council Vice President Bertollo. Council President Matthews asked if there were any questions. None were raised. On roll call, all voted yes.

**ORDINANCE NO. 2050-11 for Introduction**

**AN ORDINANCE TO AMEND ORDINANCE 1976-09, HERETOFORE ADOPTED BY THE BOROUGH OF HAWTHORNE, PROVIDING FOR ROAD RECONSTRUCTION, CURBING, RESURFACING AND DRAINAGE IMPROVEMENTS ON VARIOUS STREETS AND PROPERTIES DESCRIBED THEREIN OR LATER IDENTIFIED, ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING SIX HUNDRED THOUSAND (\$600,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME, SO AS TO MODIFY THE SCOPE OF WORK BY INCLUDING PASADENA PLACE AND SUNRISE DRIVE AS ADDITIONAL LOCATIONS THEREUNDER**

BE IT RESOLVED, that Ordinance No. 2050-11 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 June 15, 2011 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 Matthews entertained a motion to approve introduction of Ordinance No. 2050-11, moved by Councilman Mele, seconded by Council Vice President Bertollo. Council President Matthews asked if there were any questions. None were raised. On roll call, all voted yes.

**CONSENT AGENDA MR 15-11, MR 16-11, R 91-11 through R 103-11, R 105-11, R107-11**

**MR 15-11 Resolution, Introduced by Councilman Lane**

**HANDICAP PARKING SPACE**

BE IT RESOLVED by the Mayor and Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that:

1. The words and phrases used herein shall have the same meaning respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey.
2. Pursuant to the Authority granted under N.J.S.A. 39:4-197.6, the following location is hereby designated as a restricted parking space for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles. No other person shall be permitted to park in this space.
3. The parking space will be located on the north curblineline of Warren Avenue beginning forty feet (40') west of the northwest corner of Buena Vista and Warren Avenues and extending twenty-two feet (22') west adjacent to the residence known as Block 94 Lot 10 (also known as 58 Buena Vista Avenue) as shown on the Borough Tax Map.
4. The Police Department is hereby directed to have proper signs calling attention to the provisions of the resolution erected or placed upon said street.

This resolution shall take effect on adoption and posting of the signs required above.

**MR 16-11 Resolution, Introduced by Councilman Lane**

WHEREAS, the Municipal Council of the Borough of Hawthorne previously approved the appointment of Michael J. Pasquale as Borough Attorney in the Borough of Hawthorne; and

WHEREAS, in accordance with his appointment and contract, Michael J. Pasquale has been authorized to represent the Borough of Hawthorne in matters of litigation as the same may arise from time to time; and

WHEREAS, the Mayor has determined, based upon a preliminary assessment previously undertaken through the County of Passaic, meetings with the New Jersey Department of Environmental Protection Brownfield's Initiative Program, and representatives of the Environmental Commission and Economic Development Committee that it would be prudent and appropriate to undertake the redevelopment of the property formerly located by Pyrolac Corporation, located at Schoon Avenue in the Borough of Hawthorne; and

WHEREAS, as part of the redevelopment process it is the recommendation of the Administration that foreclosure based upon unpaid taxes and assessments should be considered and instituted by the Borough, subject to additional due diligence including a title search of the property;

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne, that it does authorize the Borough Attorney to commence preliminary proceedings regarding the foreclosure process and, if determined appropriate by the Mayor and Attorney, institute a foreclosure action on behalf of the Borough; and

BE IT FURTHER RESOLVED, that the Municipal Council authorizes such action with the understanding that the cost of the same shall not exceed \$5,000 without further approval by the Municipal Council.

**R 91-11 Resolution, Introduced by Councilman Lane**

To ratify actions of the Municipal Council of the Borough of Hawthorne payroll dated May 6, 2011

CURRENT FUND	WT 888889	\$	226,925.01
WATER OPERATING FUND	WT 888889	\$	37,975.88
OTHER TRUST II FUND	WT 888889	\$	8,861.67
ORDINANCE TOTAL	WT 888889	\$	-
	TOTAL PAYROLL	\$	<u>273,762.56</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	2,673.93
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	10,000.00
	TOTAL FICA	\$	<u>12,673.93</u>

**R 92-11 Resolution, Introduced by Councilman Lane**

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MORRIS COUNTY JOINT INSURANCE FUND TO PROVIDE ASSISTANCE FOR THE HAWTHORNE POLICE DEPARTMENT TO OBTAIN ACCREDITATION BY THE NEW JERSEY STATE ASSOCIATION OF CHIEFS OF POLICE.**

WHEREAS, the Borough of Hawthorne is member for the Morris County Joint Insurance Fund (MCJIF); and

WHEREAS, the MCJIF has offered to the Borough of Hawthorne a grant in the amount of \$50,000.00 to provide administrative services, training, advice and guidance to assist the Hawthorne Police Department to obtain such certification; and

WHEREAS, a police department meeting the standards for accreditation by the New Jersey State Association of Chiefs of Police creates reduced liability on the part of the municipality; and

WHEREAS, no matching funds are required of the Borough of Hawthorne; and

WHEREAS, it is in the best interest of the Borough to accept said grant;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne, that the Mayor, The Borough Administrator and the Chief of Police are hereby authorized to execute a grant agreement with the Morris County Joint Insurance Fund, in the form attached hereto, for acceptance of a grant in the amount of \$50,000.00 to provide services what will assist the Hawthorne Police Department to obtain accreditation by the New Jersey State Association of Chiefs of Police.

**R 93-11 Resolution, Introduced by Councilman Lane**

WHEREAS, Tax Sale Certificate #2009-08 was sold on December 1, 2009 in the amount of \$4,182.59 on Block 51 Lot 5 then assessed to Mustafa & Mete Dogan and said lien was originally purchased by US Bank Cust for CCTS Capital, TLSG 2 LP 50 S 16<sup>th</sup> St. , Philadelphia, PA 19102, and

WHEREAS, said lien was redeemed on April 19, 2011 in the amount of \$21,719.40, said lienholder is entitled to a refund including the amount of the lien \$4,182.59, penalty of \$83.65 , search and recording fee of \$55.00, subsequent taxes of \$15,044.59 and interest of \$2,353.57 for a total of \$21,719.40 and

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 US Bank Cust for CCTS Capital in the amount of \$21,719.40 to reimburse the lienholder for the lien, penalty, fees, subsequent taxes and interest and a check from the Other Trust I account for \$3,800.00 for Premium paid.

**R 94-11 Resolution, Introduced by Councilman Lane**

WHEREAS, Tax Sale Certificate #2010-09 was sold on September 28, 2010 in the amount of \$9,458.73 on Block 141 Lot 2 then assessed to Gjemlle Sulejamani and said lien was originally purchased by Robert Del Vecchio Pension Trust, P.O. Box 196 , Hawthorne, NJ 07507, and

WHEREAS, said lien was redeemed on May 4, 2011 in the amount of \$21,030.19, said lienholder is entitled to a refund including the amount of the lien \$9,458.73, penalty of \$378.35 , search and recording fee of \$45.00, subsequent taxes of \$10,213.91 and interest of \$934.20 for a total of \$21,030.19 and

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 Robert Del Vecchio Pension Trust in the amount of \$21,030.19 to reimburse the lienholder for the lien, penalty, fees, subsequent taxes and interest and a check from the Other Trust I account for \$4,000.00 for Premium paid.

**R 95-11      Resolution, Introduced by Councilman Lane**

WHEREAS, Tax Sale Certificate #2010-24 was sold on September 28, 2010 in the amount of \$714.98 on Block 187 Lot 16 then assessed to Scott & Gina Kuenzle and said lien was originally purchased by Superior Tax Liens LLC 74 Two Bridges Rd., Fairfield, N.J. 07004, and

WHEREAS, said lien was redeemed on May 5, 2011 in the amount of \$788.85, said lienholder is entitled to a refund including the amount of the lien \$714.98, penalty of \$14.30, interest of \$4.57, search and recording fee of \$55.00 for a total of \$788.85 and

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 Superior Tax Liens LLC in the amount of \$788.85 to reimburse the lienholder for the lien, penalty, fees, and interest.

**R 96-11      Resolution, Introduced by Councilman Lane**

**RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159), P.L. 1948)**

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

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

**SECTION 1**

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

Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$3,000.00 which item is now available as revenue for the 2011 Green Communities Grant – Community Forestry Management Plan

SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS  
2011 Green Communities Grant Program      \$3,000.00

pursuant to the provision of the statute; and

SECTION 2

BE IT FURTHER RESOLVED, that a like sum of \$3,000.00 be and is hereby appropriated under the caption of:

OPERATIONS EXCLUDED FROM “CAPS”  
PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUE  
2011 Green Communities Grant Program      \$3,000.00

SECTION 3

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Hawthorne, from the State of New Jersey, that were not available at the time of the adoption of the 2011 budget and are now available by law.

**R 97-11      Resolution, Introduced by Councilman Lane**

**RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159), P.L. 1948)**

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

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

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Borough of Hawthorne hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$27,835.43 for the Clean Communities Grant.

SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS  
Clean Communities Grant Program      \$27,835.43

pursuant to the provision of the statute; and



SECTION 3

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Hawthorne, from the State of New Jersey, that were not available at the time of the adoption of the 2011 budget and are now available by law.

**R 99-11 Resolution, Introduced by Councilman Lane**

WHEREAS, Tax Sale Certificate #2010-21 was sold on September 28, 2010 in the amount of \$211.18 on Block 131 Lot 8 then assessed to Jalajeh, Omran & Hanaa and said lien was originally purchased by Superior Tax Liens, LLC 74 Two Bridges Rd., Fairfield, N.J. 07004, and

WHEREAS, said lien was redeemed on May 13, 2011 in the amount of \$270.40, said lienholder is entitled to a refund including the amount of the lien \$211.18, penalty of \$4.22, search and recording fee of \$55.00 for a total of \$270.40, and

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 Superior Tax Liens LLC in the amount of \$270.40 to reimburse the lienholder for the lien, penalty and fees.

**R 100-11 Resolution, Introduced by Councilman Lane**

**RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159), P.L. 1948)**

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

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

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Borough of Hawthorne hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$4,000.00 which item is now available as revenue for the Click-it-or-Ticket Safety Program.

SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS	
Click-it-or-Ticket Program	\$4,000.00

pursuant to the provision of the statute; and

SECTION 2

BE IT FURTHER RESOLVED, that a like sum of \$4,000.00 be and is hereby appropriated under the caption of:

OPERATIONS EXCLUDED FROM "CAPS"  
PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUE  
Click-it-or-Ticket Program \$4,000.00

SECTION 3

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Hawthorne from the State of New Jersey that were not available at the time of the adoption of the 2011 budget and are now available by law.

**R 101-11      Resolution, Introduced by Councilman Lane**

WHEREAS, the annual principal and semi-annual interest payments for the General Serial Bonds of 2004 have become due and payable on June 1, 2011, and

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 \$300,000.00 in Principal and \$107,611 in Interest from the Current Fund, and \$50,000.00 in Principal and \$10,889.00 in Interest from the Water Operating Fund, made payable to Chase Bank, Account #066027306.

**R 102-11      Resolution, Introduced by Councilman Lane**

WHEREAS, the Borough of Hawthorne has entered into a contract with Future Sanitation for the pick-up of solid waste and recyclable materials in the Borough of Hawthorne; and

WHEREAS, as part of the bid process, the Borough of Hawthorne solicited prices, as an alternate to the base contract, for the pick-up of solid waste and recyclable material at the schools operated by the Hawthorne Board of Education; and

WHEREAS, the successful low bidder, Future Sanitation, offered to pick-up solid waste and recyclable materials at the schools operated by the Board of Education at no additional cost, thus providing a significant savings to the School Board and the taxpayers of the Borough of Hawthorne; and

WHEREAS, the only cost to the Borough in connection with the pick-up of solid waste and recyclable materials is the cost associated with the disposal of solid waste at the disposal site; and

WHEREAS, the cost is on a per ton basis and therefore not capable of precise determination by the Borough and the School Board; and

WHEREAS, the parties have agreed to utilize an estimated cost for such disposal of \$772 per month for the ten months in the year the schools are open and a per pick-up charge of \$9 for a 3 cubic yard dumpster and \$25 for an 8 cubic yard dumpster during the months of July and August; and

WHEREAS, the benefit to the citizens of the Borough in reduced pick-up cost is the essential objective of the Interlocal Services Act, NJSA 40:SA-1, et. seq.; and

WHEREAS, the agreement, while not an Interlocal agreement is nevertheless a shared services agreement between two independent governmental entities and in keeping with the intent of the legislation;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that it does authorize and approve of the execution of the shared services agreement made part of this resolution and incorporated herein by reference.

**R 103-11 Resolution, Introduced by Councilman Lane**

WHEREAS, the Tax Assessor has recommended the settlement of a real estate tax appeal case now pending in the Tax Court of New Jersey, by adjustment of the assessment for the tax years in dispute, and the same appears to be fair and reasonable;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that the following settlement of cases pending in the Tax Court of New Jersey be, and hereby is, approved, and the Borough Attorney is hereby authorized and directed to execute a Stipulation of Settlement, and any other document necessary or appropriate to effectuate the same:

Owner: Rosario Gancitano Tax Year: 2010

<u>Property</u>	<u>Original Assessment</u>	<u>Proposed Settlement</u>
30 Peach Tree Court	Land: \$ 158,900	Land: \$ 158,900
Block 275, Lot 22	Improvements: 156,700	Improvements: 121,100
	Total \$ 315,600	Total \$ 280,000

**R 105-11 Resolution, Introduced by Councilman Lane**

**RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT WITH THE CITY OF PATERSON FOR HEALTH SERVICES**

WHEREAS, the Borough of Hawthorne desires to enter into a contract with the City of Paterson for the furnishing of certain health services for July 2010 through June 2011, pursuant to N.J.S.A. 26:3A2-1 et seq. and N.J.S.A. 40:8A-1 et seq.; and

such services have been satisfactorily provided by the City of Paterson in previous years.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Hawthorne shall enter into a contract for the provision of certain public health services, all as set forth in a contract for the same, which is on file with the Borough Clerk, the terms and provisions of which are hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk shall be and hereby are authorized and directed to execute said contract for and on behalf of the Borough of Hawthorne.

**R 107-11 Resolution, Introduced by Councilman Lane**

**RESOLUTION AUTHORIZING APPROVAL OF MEMBERSHIP APPLICATION TO THE N.J. STATE FIREMEN'S ASSOCIATION FOR SALEH F. KOJAK**

WHEREAS, application for Saleh F. Kojak was submitted and accepted by the Borough of Hawthorne Board of Fire Commissioners, to Engine No. 4, at regular meeting held on June 1, 2004; and

WHEREAS, Saleh F. Kojak signed the roster on July 7, 2004 and has been an active firefighter for the Borough of Hawthorne since such date; and

WHEREAS, a completed application was to be submitted for approval to the Governing Body however, due to a clerical error or oversight, was never transmitted to the Governing Body for approval; and

WHEREAS, an approved application must be on file with the municipality and the N.J. State Firemen's Association for a period of seven years in order for a firefighter to be eligible to apply to the Relief Association; and

WHEREAS, the failure to sooner approve the application of firefighter Kojak was as a result of administrative error or oversight and he has, in fact, been an active firefighter and member of volunteer Company Number 4 since July 7, 2004;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne, that the Municipal Clerk is hereby authorized to certify municipal approval of this applicant for active membership in the department, effective as of July 7, 2004.

Council President Matthews entertained a motion to approve Resolutions MR15-11, MR16-11, R91-11 through R103-11, R105-11, and R107-11, moved by Councilman Lane, seconded by Council Vice President Bertollo. Council President Matthews asked if there were any questions. None were raised. On roll call, all said yes with the exception of Councilman Wojtecki who voted no on R105-11 and abstained on R107-11 and Councilman Lane who abstained on R107-11.

**OFF CONSENT AGENDA R 104-11, R 106-11**

**R 104-11 Resolution, Introduced by Councilman Bennett**

WHEREAS, an unsafe condition exists with regard to sanitary sewers in the Borough of Hawthorne due to the collapse of sewer mains, and

WHEREAS, no adequate provision has been made in the 2011 Capital Budget for the aforesaid purpose, and

WHEREAS, the total amount of temporary emergency resolutions adopted in the year 2011 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20 including this resolution total \$1,959,489.00.

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:

1. An emergency temporary appropriation be and the same is hereby made for:

Deferred Charges Capital Improvements Repairs to Sewer Mains \$35,000.00

2. Said emergency appropriation shall be funded in full by a capital ordinance to be adopted no later than December 31, 2011.

Council President Matthews entertained a motion to approve Resolution R104-11, moved by Councilman Bennett, seconded by Councilman Mele. Council President Matthews asked if there were any questions. None were raised. On roll call, all said yes.

**R 106-11 Resolution, Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne maintains a sanitary sewer system serving properties located in the Borough of Hawthorne; and

WHEREAS, an failure in the system has occurred resulting in the discharge of effluent from the system on Goffle Road near its intersection with Ivan Place creating a health emergency requiring emergency repair; and

WHEREAS, as a result of the emergency condition, the Borough, through its Engineer, obtained quotations from two contractors capable of making the repair on an emergency basis; and

WHEREAS, the estimate for the work as determined by the Engineer is in excess of \$17,500 but less than \$36,000, meaning that a contract can be awarded by the purchasing agent without formal bidding in accordance with the Local Public Contracts Law, however the expenditure will exceed the limitation of the New Jersey Pay-to-Play regulations; and

WHEREAS, the two quotations for the work were reviewed by the Municipal Engineer and he has determined that the same are within his own estimate for the work and he has therefore determined that the lowest of the two quotations was presented by a contractor capable of effectuating the repair on an emergency basis and the cost therefore is reasonable given the nature and scope of the same; and

WHEREAS, the Borough Attorney has rendered an opinion to the Borough that given the significant risk posed to person and property, the experience and expertise of the two companies submitting quotations and the reasonableness of its cost estimates, the Borough may enter into an agreement for the making of emergency repairs as the same would represent an exception to the Pay-to-Play regulations of the State of New Jersey; and

WHEREAS, the Chief Financial Officer has determined that funds sufficient to pay for the required improvement are available through the Capital Improvement Fund of the Borough of Hawthorne as a Temporary Capital Emergency;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does agree that an emergency situation does exist and does therefore authorize the emergency award of purchase order by the Purchasing Agent.

Council President Matthews entertained a motion to approve Resolution R106-11, moved by Councilman Mele, seconded by Council Vice President Bertollo. Council President Matthews asked if there were any questions. Councilman Lane addressed Engineer Boswell and asked if the entire two-hundred-fifty feet was getting lined. Engineer Boswell responded all areas affected will be lined. On roll call, all said yes.

## **REPORTS OF SPECIAL COUNCIL COMMITTEES**

### **Councilman Bennett**

Board of Recreation meeting took place last Wednesday, May 11<sup>th</sup>. Summer Rec 2011 registration takes place on May 24<sup>th</sup>, June 6<sup>th</sup> and June 20<sup>th</sup> in the Municipal Building from 6:30 p.m. to 8:30 p.m. This year Rec will be held at Roosevelt Elementary School, hours are 8:30 a.m. to 1:00 p.m. Session One is June 27<sup>th</sup> through July 15<sup>th</sup>, Session Two is July 18<sup>th</sup> through August 5<sup>th</sup> and cost with pre-registration is \$20 per week, \$40 per session. Proof of residency will required at registration, acceptable documents are child's report card and parent driver license. The Summer Youth Tennis Clinic registration will also take place at the same location, dates and time.

### **Councilman Lane**

Thank you to Dr. Boswell for sending his engineers to the Mountain Avenue site and reporting findings back to him. The Cable TV committee has investigated and researched a new speaker system for the court/council room and met with two vendors who submitted quotes. After receipt of a refined second quote, the committee recommends our current vendor, Office Business Systems (OBS), receive the order and contract which stays within budget. Administrator Maurer will start the purchase order process; the vendor has indicated the system

could be installed early June. Thank you to Borough Clerk Witkowski for her work investigating, researching and working with the vendors.

The Transit Village Committee has a “Vision” meeting scheduled for June 8<sup>th</sup> at 8:00 p.m. with the Economic Development Committee, the Planning Board, Administration, Council, Department Heads and the County Planning Board. The public and business owners are encouraged to attend to contribute and discuss ideas for the Transit Village. A second meeting has been scheduled for June 28<sup>th</sup> at 7:30 p.m. in order to recap the June 8<sup>th</sup> discussions. Special thanks to Economic Development Committee Chairman Carl Schmidt for his work and effort, his position has been filled temporarily by Barbara Zakur.

#### Council Vice President Bertollo

Last night seventy 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grade students graduated from Hawthorne’s Junior Police Academy at the Boys and Girls Club. Thank you to Sargent Knepper, Detective King and Patrolman Spohn for their time and work with this program. Thank you to the Police Department, Municipal Alliance and the Boys and Girls Club who have partnered together for thirteen years for this program. The High School Senior Awards took place earlier tonight where local scholarships were awarded to sixty-six recipients.

#### Councilman Sinning

The Ordinance Committee met this afternoon where discussions included changes to timed parking on Warburton and Lafayette, and Diamond Bridge Avenue and Lafayette Avenue extending to Arlington. The committee will recommend one-hour parking on these streets/areas. Traffic/speed reports from May Street speed trailer did not warrant installation of a stop sign. The Ordinance Committee feels due to the heavy traffic travelling to the surrounding recreation facilities, they will proceed with the installation of one or two stop signs based on feedback from the residents of May Street. Residents are encouraged to attend the Work Session of the June 15<sup>th</sup> Council meeting where this topic will be discussed. Changes to the Administrative Code governing the qualified purchasing agent, will need to be codified. Library Board met and discussed the roof repair, the new director was introduced where she shared a report of ideas for the library and its staff.

#### Councilman Wojtecki

The next Shade Tree Commission meeting is scheduled for June 7<sup>th</sup> at 7:30 p.m. The Harvest Vegetable Group began meetings last night; purchases through this shared kitchen service are now available for pickup.

#### Council President Matthews

The Planning Board heard applications for a barber shop to locate on Lafayette Avenue in the former Shasay Wigs store that was damaged by fire. Eric’s Auto World approval is expiring this week and was granted an extension until May 31<sup>st</sup>. All plumbing and water trenching has taken place; the connection into the trailer needs to be made operable. The Chamber of Commerce is holding a full membership meeting at the Library on June 21<sup>st</sup> at 7:30 p.m. where they will be discussing their new “shop local” initiative and the benefits of joining their new website which can be a starting point for launching your own website or simply uploading a business card.

Trudy Innes from Second Glance on Lincoln Avenue is contact person and leader in spearheading the website changes.

It was stated that June 21<sup>st</sup> was graduation.

The Farmer's Market begins the third week of June and runs until the last week of October.

### **CORRESPONDENCE**

C-1 Approve application received from the Fire Board Commissioners for membership to Engine Company #4, Christopher Geier, 15 Forest Avenue. Council approval is required on the application for the New Jersey State Fireman's Association.

Council President Matthews entertained a motion to approve application, moved by Council Vice President Bertollo, seconded by Councilman Mele. On roll call, all voted yes with the exception of Councilman Wojtecki and Councilman Lane who abstained.

### **MISCELLANEOUS**

None recorded.

### **BILLS**

Council President Matthews entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion moved by Councilman Wojtecki, seconded by Councilman Sinning. Council President Matthews asked if there was any discussion. On roll call, all voted yes. Council Vice President Bertollo abstained from Downes Tree Service check #11820. Councilman Lane and Councilman Wojtecki abstained from checks #11808, 11811, 11822, 11824, 11826, 11831, 11832, 11835, 11839, 11852, 11854, and 11865.

<b>VENDOR</b>	<b>CHECK#</b>	<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>CURRENT FUND</b>			
AAA EMERGENCY SUPPLY CO INC	11808	1,793.83	VARIOUS
ACORN TERMITE & PEST CONTROL	11809	100.00	PUB WORKS ADMIN O/E
AIG-VALIC	11810	68,055.75	RESERVE FOR LOSAP
ALL HANDS FIIRE EQUIPMENT	11811	195.98	FIRE DEPT O/E
AMERICAN MOBILE GLASS	11812	209.91	VEHICLE MAINT ROAD
BCB JANITORIAL SUPPLY CO INC	11813	202.13	VARIOUS
BOB'S TIRES & WHEELS INC	11814	286.90	VEHICLE MAINT POLICE
CABLEVISION	11815	203.68	VARIOUS
CHARLENE ELVIN	11816	226.08	VARIOUS
COACHMAN INT'L TOURS INC	11817	675.00	BOARD OF REC
CONEXION PRINTING	11818	478.00	MUNICIPAL ALLIANCE
DELL GARDEN CENTER	11819	52.05	VARIOUS
DOWNES TREE SERVICE, INC.	11820	102.00	VEHICLE MAINT ST

DRUG-FREE ACTION ALLIANCE	11821	279.40	MUNICIPAL ALLIANCE
FEDERATED EMERGENCY SERVICES	11822	7,684.94	VARIOUS
FELDMAN BROS. ELECTRIC SUPPLY	11823	161.82	PUB WORKS ADMIN O/E
FIRE SERV SAFETY TESTING, INC	11824	983.15	FIRE DEPT O/E
FIRST MOUNTAIN ARBORICULTURE L	11825	750.00	SHADE TREE
FIRST RESPONDER NEWSPAPER	11826	80.00	FIRE DEPT O/E
FREMGEN POWER EQUIPMENT INC	11827	89.00	STREETS & ROADS O/E
FUTURE SANITATION INC	11828	39,375.00	VARIOUS
GAGE-IT, INC	11829	99.59	SEWER SYSTEM O/E
GET A CAN	11830	9,600.00	RECYCLING PRO O/E
GODWIN TOOL & HARDWARE SUPPLY	11831	1,371.89	VARIOUS
GRAINGER, INC	11832	443.47	FIRE DEPT O/E
HAWTHORNE BOARD OF EDUCATION	11833	2,620,524.00	SCHOOL TAX
HAWTHORNE CHEVROLET	11834	571.75	VEHICLE MAINT ROAD
HAWTHORNE HITCH AND TRAILER	11835	464.63	VARIOUS
HAWTHORNE PRESS INC	11836	195.94	VARIOUS
HAYLEY ENCARNACION	11837	230.00	MUNI COURT O/E
HESS CORPORATION	11838	7,483.25	VARIOUS
HFD #3	11839	1,595.00	VARIOUS
JARED VAN EK	11840	30.00	TELEPHONE CHARGES
JERSEY CHEMICALS INC	11841	4,839.00	VARIOUS
JORDAN TRANSPORTATION,INC	11842	630.00	BOARD OF REC
KEN'S AUTO ELECTRIC, LLC	11843	170.00	VEHICLE MAINT SEWER
KNAPP, TRIMBOLI & PRUSINOWSKI	11844	1,062.00	LEGAL SERVICES
LORCO PETROLEUM SERVICES	11845	63.67	STREETS & ROADS O/E
LUK OIL	11846	11,741.93	BULK PURCHASE
MARY JEANNE HEWITT	11847	161.71	VARIOUS
MICRO CENTER	11848	9.99	POLICE DEPT O/E
MONSEN ENGINEERING CO	11849	644.00	PUB WORKS ADMIN O/E
NJ MEADOWLANDS COMMISSION	11850	1,150.50	TRANSFER STATION
NJ STATE LEAGUE MUNICIPALITIES	11851	90.00	GENERAL ADMINISTRATION O/E
NJ STATE VOL FIREMAN'S ASSN	11852	25.00	FIRE DEPT O/E
ONE COMMUNICATIONS	11853	2,142.70	TELEPHONE CHARGES
PASSAIC COUNTY MUTUAL AID ASSO	11854	75.00	FIRE DEPT O/E
PUBLIC SERV ELEC & GAS	11855	18,300.54	VARIOUS
R & R PUMP & CONTROL	11856	334.00	SEWER SYSTEM O/E
RT OFFICE PRODUCTS	11857	77.77	MUNI COURT O/E
SHOTMEYER BROS FUEL CO	11858	7,000.33	VARIOUS
SIR SPEEDY, INC	11859	64.30	MUNICIPAL ALLIANCE
SPRINT-WIRELESS	11860	319.92	POLICE DEPT O/E
STATE OF NJ: BUREAU BOILER AND	11861	390.00	PEOSHA
STEELFAB	11862	119.80	VEHICLE MAINT ROAD
SUSAN WITKOWSKI	11863	51.97	VARIOUS

TANEUM	11864	110.00	MUNI COURT O/E
TANIS HARDWARE	11865	148.70	FIRE DEPT O/E
TEAM LOGIC IT	11866	738.00	POLICE DEPT O/E
THOR GUARD INC.	11867	400.00	VARIOUS
TRIANGLE TROPHY	11868	180.00	PUBLIC EVENTS O/E
UNITED RENTALS, INC	11869	536.96	STREETS & ROADS O/E
VALLEY HEALTH MEDICAL GROUP	11870	217.00	VARIOUS
VALLEY HOSPITAL	11871	93.04	BOARD OF HEALTH
VERIZON	11872	221.41	VARIOUS
VERIZON WIRELESS (N)	11873	736.70	TELEPHONE CHARGES
VITAL COMMUNICATIONS, INC.	11874	500.00	TAX ASSESSOR
WASTE MANAGEMENT OF NJ	11875	35,392.31	TRANSFER STATION
WEIGHTS & MEASURES FUND	11876	<u>190.00</u>	POLICE DEPT O/E
<b>TOTAL CURRENT</b>		<b>\$ 2,853,522.39</b>	

#### **WATER OPERATING**

AGRA ENVIRONMENTAL SVC	8532	600.00	LAB TESTING
AQUARIUS IRRIGATION SUPPLY,INC	8533	43.26	WATER UTILITY
BCB JANITORIAL SUPPLY CO INC	8534	35.22	WATER UTILITY
CABLEVISION	8535	82.63	WATER UTILITY
FREMGEN POWER EQUIPMENT INC	8536	471.00	VARIOUS
HESS CORPORATION	8537	19,993.58	VARIOUS
KAISER CORROSION CORP	8538	1,200.00	WATER UTILITY
LORCO PETROLEUM SERVICES	8539	63.67	WATER UTILITY
LUK OIL	8540	965.47	WATER UTILITY
LUSCHER'S AUTO INC	8541	67.77	WATER UTILITY
ONE CALL CONCEPTS, INC.	8542	82.88	WATER UTILITY
POSTMASTER-PATERSON	8543	600.00	WATER UTILITY
PUBLIC SERV ELEC & GAS	8544	10,000.19	WATER UTILITY
SHOTMEYER BROS FUEL CO	8545	361.28	WATER UTILITY
TREASURER, STATE OF NJ	8546	200.00	WATER UTILITY
VERIZON WIRELESS (N)	8547	<u>198.65</u>	WATER UTILITY
<b>TOTAL WATER OPERATING</b>		<b>\$ 34,965.60</b>	

#### **OTHER TRUST II**

FAIRVIEW LAKE YMCA CAMP	4226	312.00	MUNICIPAL ALLIANCE
GILBEY'S EMBROIDERY CO	4227	2,655.00	RECYCLING
LORCO PETROLEUM SERVICES	4228	63.66	RECYCLING
MARY JEANNE HEWITT	4229	10.00	RECYCLING
ROBERT U DEL VECCHIO	4230	21,030.19	TRUSTEE
SUPERIOR TAX LIENS LLC	4231	1,059.25	VARIOUS

THOMAS ZACONIE	4232	71.91	UCC PENALTIES
US BANK CUST-CCTS CAPITAL	4233	21,719.40	TRUSTEE
VERIZON WIRELESS (N)	4234	70.04	UCC PENALTIES
VITAL COMMUNICATIONS, INC.	4235	<u>75.00</u>	UCC PENALTIES
<b>TOTAL OTHER TRUST II</b>		<b>\$ 47,066.45</b>	
<b>DOG DEDICATED</b>			
HAWTHORNE ANIMAL HOSPITAL	6037	180.00	RABIES CLINIC
JESSICA CHAMBERLIN	6038	30.00	RABIES CLINIC
NJ DEPARTMENT OF HEALTH	6039	<u>158.40</u>	STATE OF NEW JERSEY
<b>TOTAL DOG DEDICATED</b>		<b>\$ 368.40</b>	
<b>OTHER TRUST I ESCROW</b>			
ROBERT U DEL VECCHIO	7023	4,000.00	TAX SALE
US BANK CUST-CCTS CAPITAL	7024	<u>3,800.00</u>	TAX SALE
<b>TOTAL OTHER TRUST I ESCROW</b>		<b>\$ 7,800.00</b>	
<b>TOTAL BILL LIST</b>		<b><u>\$ 2,943,722.84</u></b>	

## **PUBLIC COMMENT**

Council President Matthews 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. Council President Matthews asked if anyone wished to be heard.

Joe Rooney, 84 Braen Avenue, inquired who maintains the culvert under Grand Avenue as it is filled with debris and rock. Engineer Boswell responded the Department of Public Works maintains this and asked Administrator Maurer to forward the request to Director Clementi. Mr. Rooney also inquired who maintains the tank at Lafayette Hills as it seems to be over-flowing quicker. Engineer Boswell responded it is maintained by the homeowner's association, it could be clogged or simply volume filled by recent rains, he will see that an inspection gets done there. Council Vice President Bertollo commented there may be a deed restriction or language in place that requires proof that the tank is being maintained. Attorney Pasquale responded the deed restriction references a berm/wall issue and physical improvements and we asked, as part of approvals, for reports that someone is inspecting the tanks. Attorney Pasquale will look into the details.

Robert Kurdock, 15 Rhodes Court, questioned the location(s) where used car lots are allowed. Council President Matthews explained the clover leaf entrances and exits of Route 208 are the only areas where I-2 dealerships are allowed, the current lot now is O'Brien Nissan, there is a possible buyer for the active property that is within the clover leaf entrance that includes the restaurant area, the 208 exit up to Paul's Motors on the corner of Goffle Road and Lafayette Avenue. Mr. Kurdock asked if there were any other areas in town with this designation and is it permanent. Council President Matthews responded yes it is permanent; Goffle Road up to Rock Road is being analyzed for a more uniform designation now and in the future.

Mr. Kurdock mentioned sixty speeder cars will be present Sunday at the grand re-opening of the new (old) train station, as well as personalized pavers for purchase.

Council President Matthews entertained a motion to close the public comment portion of the meeting, moved by Councilman Mele, seconded by Council Vice President Bertollo. On roll call, all voted yes.

### **ADJOURNMENT**

Council President Matthews entertained a motion to adjourn the meeting at 9:22 p.m., moved by Council Vice President Bertollo, seconded by Councilman Mele. On roll call, all voted yes.

COUNCIL PRESIDENT MATTHEWS INDICATED THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE ON **JUNE 1, 2011**. THERE WILL NOT BE A WORK SESSION. THE REGULAR MEETING WILL BEGIN AT 8:00 P.M. PERSONS WITH DISABILITIES WHICH REQUIRE AIDES SUCH AS: SIGN LANGUAGE INTERPRETER, TELECOMMUNICATIONS, BRAILLE, TAPES OR LARGE PRINT, THE BOROUGH CLERK'S OFFICE SHOULD BE NOTIFIED TEN DAYS PRIOR TO ATTENDANCE AT A MEETING SO ACCOMMODATIONS MAY BE MADE.

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Frank E. Matthews  
Council President

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Susan Witkowski  
Borough Clerk