

August 17, 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 August 3<sup>rd</sup>, 2011, moved by Councilman Mele, seconded by Councilman Wojtecki. On roll call, all said yes.

### **PUBLIC COMMENT**

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard, please raise your hand to be recognized, come forward to the microphone, and sign the sheet giving your name and address for the record. He stipulated this be for agenda items only.

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

### **ADOPTION OF ORDINANCES**

#### **Ordinance No. 2052-11 for Adoption**

#### **AN ORDINANCE TO AMEND AND SUPPLEMENT THE ZONING ORDINANCE OF THE BOROUGH OF HAWTHORNE**

#### **Public Hearing**

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2052-11 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. 2052-11 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 Councilman Wojtecki. On roll call, all voted yes.

## **OLD BUSINESS**

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

Councilman Wojtecki addressed Engineer Boswell and asked that Smith-Sondy return to apply sealant around the catch basins on the north corner, west side at Lafayette and McKinley Avenue's. Engineer Boswell responded he would take care this.

Councilman Sinning addressed Administrator Maurer and asked if he had contacted PSE&G in regards to the electrical wires resting on the trees. Administrator Maurer responded yes and PSE&G indicated they do not have an issue with the wires resting on the tree, there is slack and the wires go up and over.

Council President Matthews asked if there was any additional old business to discuss. None was raised.

## **NEW BUSINESS**

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

Councilman Wojtecki thanked Administration and Department of Public works for the requested Curb Your Dog sign installed on Lafayette Avenue at McKinley.

Council President Matthews asked if there was any additional new business to discuss. None was raised.

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

Mayor Goldberg reported on August 11<sup>th</sup>, he and Administrator Maurer attended a meeting in Paterson with Mayors from Paterson, Totowa and West Milford to discuss areas to benefit in shared services. Topics discussed included Paterson's Fire Department refusal to be called out on standby in neighboring communities as prescribed by the mutual aid agreement. They do assist Clifton but not neighboring volunteer fire departments. Leadership Camp is underway with one hundred forty 6<sup>th</sup> graders enrolled; the National Guard helicopter landed and visited today, graduation will be Friday at 1:00 p.m. On Friday, September 9<sup>th</sup>, there will be a 9/11 observance at the front steps Municipal Building at 6:30 p.m. The county observance is Thursday and Hawthorne Gospel Church ceremony on Sunday. Hawthorne Day is scheduled for Saturday, October 1<sup>st</sup>; sponsorships opportunity is still available.

## **MAYOR'S APPOINTMENTS** *(With advice and consent of Council)*

Deputy Treasurer

Michael Kaufmann

Council President Matthews entertained a motion to appoint Michael Kaufmann to the position of Deputy Treasurer effective September 6, 2011 until September 6, 2014. Moved by Councilman Wojtecki, seconded by Councilman Lane. On roll call, all voted yes. Mayor Goldberg administered the Oath of Office to Michael Kaufmann.

Board of Health Member

Winnifred Kelly

Council President Matthews entertained a motion to appoint Winnifred Kelly as a Member of the Board of Health to fill an unexpired term until December 31, 2011. Moved by Councilman Wojtecki, seconded by Councilman Lane. On roll call, all voted yes. Mayor Goldberg administered the Oath of Office to Winnifred Kelly.

## **PROCLAMATION**

K-9 Officer Max

WHEREAS, on June 30, 2000 Sergeant James Knepper adopted a ten month old Black Labrador Retriever named Max from a local business man. Max's natural curiosity, bold demeanor and high play drive made him a viable candidate for a Narcotic K-9 Dog. Max the Black Labrador Retriever became to be known as K-9 Officer Max; and

WHEREAS, on July 17, 2000 K-9 Max and Sergeant Knepper entered The Passaic County Police Academy and graduated from the sixteen week Basic Narcotic K-9 Course on October 20, 2000. K-9 Max and Sergeant Knepper established the Hawthorne Police Department's first K-9 Team; and were available to respond to calls twenty-four hours a day to assist in narcotic investigations; and

WHEREAS, K-9 Max worked with various law enforcement agencies such as the United States Customs, Drug Enforcement Agency, Passaic County Narcotic Task Force, Passaic County Sheriff's Department, Paterson Police Department, Glen Rock Police Department and many others. Max assisted in the recovery of illegal narcotics, illegally obtained United States currency and property; and

WHEREAS, K-9 Max participated in the Hawthorne Police Department's Community Policing Programs educating about the dangers of illegal narcotics and use of K-9 Dogs in Law Enforcement. Max performed demonstrations for the Citizens Police Academy, Junior Police Academy, Leadership Camp, R.O.A.R. (Respect, Opportunity, And, Responsibility), and many other organizations within and outside of our community. Max became a recognizable figure; his large appearance accompanied by his even larger docile personality won over people's hearts, and helped some conquer their fear of animals. Max established himself as one of the community's favorite officers; and

WHEREAS, in September 2008 K-9 Max retired from active duty and continued his Community Police activities until 2009. Upon Max's retirement he remained a loyal companion of Sergeant Knepper and member of his family.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Hawthorne do fondly remember K-9 Officer Max and recognize his many years of honorable service to the community.

### **PRESENTATION**

Matt Hoogmoed, PBA President, presented two plaques, one for the municipal building and one for the animal hospital and Dr. Shefki.

Sgt. Knepper came forward and thanked the Mayor, Council and community for their support and all they have done for Max.

### **REPORTS**

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

Director of Revenue and Finance Hewitt reported on the following:

Tax bills were mailed last Friday, August 12<sup>th</sup>, payments are coming in. The incorrect due date is stated on the bills (August 30<sup>th</sup>), correct due date is September 9<sup>th</sup> with interest beginning the 10<sup>th</sup>. Copies of the audit have been delivered to Council and Administration for review, it contains two comments, one by action of council and administration budget, one as soon as tax quarter is done. Corrective action plan will be presented to council at September 7<sup>th</sup> meeting.

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:

Attended court in Hackensack in regards to Pan Chemical, they had been issued twenty-one violations for property maintenance. A lot of time has been spent speaking with property owner and attorney in trying to reach an agreement but did not reach the final stage. Property owner stated he would clean up property within the two week timeframe and judge noted not to issue any more summons during this time. Council President Matthews questioned why we continue to work with them, we need to keep issuing fines until it is cleaned up. Council Vice President Bertollo stated he and Administrator Maurer are documenting the property on a weekly basis.

Administrator Maurer commented there is more graffiti, taller weeds and the fence screening is falling down, pictures are being taken and notices sent out. Council Vice President Bertollo asked if the pictures are sent to the judge, would it expedite the court date. Attorney Pasquale indicated no but we can elect to go forward with a civil lawsuit, administration will consider lawsuit against property owner which could be criminal or civil. Judge McGeady is no nonsense judge, would want to see pictures of site. Councilman Lane asked how often are pictures taken and commented it should be done at least twice a week and documented on a time table. A plan of action will be in place by end of month. Council President Matthews asked if their taxes were current. Attorney Pasquale responded they are not being paid by property owner; whoever bought the tax lien is paying them.

He continued and reported the developer and Mr. Berger at Norma Terrace has signed off on the paperwork.

This concluded Attorney Pasquale's report.

Mayor Goldberg called upon Engineer Boswell for his report.

Engineer Boswell reported on the following:

Drainage Improvement Project – The project has not been closed out due to change orders and the liquidated damages issues. Tonight's resolution R179-11 is for a deduction of \$124,000.

Mohawk Avenue (2011 NJDOT Local Aid) – Project is under construction. There will be a meeting on Monday, August 22<sup>nd</sup> at the site with the DOT to review installation of the handicap ramps as the street has an extreme slope. DOT will sign off on final plan.

2011 Road Program – Contractor will begin concrete work at Eighth and Horton, Rea, Utter and Genevieve Avenue's, and Ninth and Horton, on August 22<sup>nd</sup> through the 26<sup>th</sup>, tree removal will be on the 25<sup>th</sup> and 26<sup>th</sup> at 181, 242, 184 Pasadena Place and 24 Pocomoke Place. Tonight's resolution R180-11 requests an additional two handicap ramps.

Library Roof – The project will be advertised on Monday, August 22<sup>nd</sup> with bids due on September 14<sup>th</sup> at 11:00 a.m. A site visit for potential bidders is scheduled for Tuesday, August 30<sup>th</sup>.

UST Underground Monitoring – Administrator Maurer requested a detailed breakdown of costs of the \$16,900 proposal to close out the project. Numbers are same as proposal submitted on May 17, 2011, with additional details and two options.

Christian Health Care Center – No change. The next special meeting is scheduled for September 26<sup>th</sup>.

Goffle Brook Bank Stabilization – NJDEP has determined the project has to be reviewed by the State Historic Advisory Committee. All paper work has been submitted, it is on the agenda, the committee only meets every other month and we should have the permit the day after the meeting. Councilman Wojtecki asked if the project can be completed in this kind of weather, and stated the severe rain has created two separate islands. Engineer Boswell responded yes, the permit involves three projects, the bank stabilization that can be done in any weather and the two bridges can be done in most any weather. The type of railing to use on the bridges is an issue.

Council President Matthews asked how Diamond Bridge Avenue Bridge approved. Engineer Boswell responded it was not on the register, and this one, Warburton Avenue, is. Council Vice President Bertollo asked if a contractor has been hired as yet. Engineer Boswell indicated no, it has not been out to bid as yet and the county will probably list as separate jobs. Councilman Wojtecki asked how many trees have been lost due to this delay, a few are leaning and many have fallen into the brook. Engineer Boswell responded there is no way around this, we have complied with all regulations, and we are all frustrated.

NJDOT Local Aid Final Payment – Final close-out documentation for both Buena Vista and Rock Road have been reviewed by the NJDOT. Change Order No. 3 for Rock Road has been approved for \$80,000 for the borough.

Lafayette Hills Water Storage Tank – Engineer Boswell has visited the site himself and has received suggestions from the property manager as how to handle the issue. Engineer Boswell does not recommend his suggestion. There will be a meeting on Monday with Hovanian landscapers to look at third wetlands where some work has been done and it will be put back in to original state.

Wall at 60 North Eight Street – Approval letter from Boswell Engineering will be submitted to John Pallotta for issuance of the permit.

This concluded Engineer Boswell's report.

Mayor Goldberg acknowledged and thanked the emergency services, fire and police departments for their swift response to a house fire on Pasadena Place where firefighters revived the family dog and rushed him to Oradell Hospital where he is doing fine and going home soon.

Mayor Goldberg called upon Administrator Maurer for his report.

Administrator Maurer reported on the following:

Final tube and movie night at the pool is Friday August 26<sup>th</sup>, the movie is Despicable Me. Maintenance on the drainage easement adjacent to residents' property has been addressed by cleaning the driveway and making temporary repair. Borough Engineer recommends a more permanent repair which will be done by in-house crew in the next two weeks. In response to our complaints, the DOT reports they have work orders in for the weeds and debris on ramps at Goffle Road and 208 but have not been addressed as yet and as well as repair of previously reported inop traffic lights. Councilman Lane interjected the highway had been cleaned up but is still a mess as the litter has been chopped up with the weeds and mess remains along the whole length of the highway by Dunkin Donuts and Route 208. He suggested Administrator Maurer seek clean-up by the state prisoners who usually do this type of cleanup on the weekends. Administrator Maurer continued and reported the DOT bridge project is delayed as they decide whether to use the original design or develop a new design to reduce need for detours and accompanying overtime police costs. The project should have been to bid by now with on-site construction by Spring, we do not know new time frame. County open space committee visited Wag fields in review for grants. We will have opportunity to apply for lights at Wag 4 again in September. Plans to demolish flood-damaged portion of building at Congress Mills is moving slowly. Letter was received yesterday from the consultant stating asbestos was found in the roof. Contents will need to be tested and decision how to handle contents if infected. Owners have been issued another summons for high weeds. The Police Departments E-ticketing installation should be complete and operational by September 1<sup>st</sup>. County has pushed back date for final decision in participating in the PCIA solar panel project in September. Councilman Bennett will report on Hawthorne's participation in that program.

This concluded Administrator Maurer's report.

Councilman Bennett addressed Administrator Maurer and requested a list be compiled of the projects Engineer Boswell spoke of that have come in under budget. The Public Works Committee would like to see a list of projects and accomplishments.

Council Vice President Bertollo addressed Engineer Boswell and asked if there was a completion date for the Mohawk Avenue project/paving. Engineer Boswell responded he will have the date next week and will be tight to have completed by Labor Day / school opening due to the difficulty of the ramps. If all goes smoothly, it may be done by school opening, if not, he will see that the road is not closed for bus and car access and will work together with the police.

Councilman Sinning addressed Engineer Boswell in regards to the residents on Pasadena Place who spoke at last meeting requesting to be put on list of sycamore trees be removal. Engineer Boswell responded they have met will all residents who requested a meeting and will accommodate all requests. Council Vice President Bertollo commented to refer to residents from last meeting to be sure they are on the list.

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 Bennett. On roll call, all voted yes.

**INTRODUCTION OF ORDINANCES**

**ORDINANCE NO. 2053-11 for Introduction**

AN ORDINANCE TO AMEND CHAPTER 25 OF THE CODE OF THE BOROUGH OF HAWTHORNE, DEPARTMENT OF PUBLIC SAFETY, ARTICLE V, LENGTH OF SERVICE AWARDS PROGRAM, SCHEDULE B, HAWTHORNE VOLUNTEER AMBULANCE CORPS, SO AS TO MODIFY THE LOSAP POINT SYSTEM SET FORTH THEREIN.

BE IT RESOLVED, that Ordinance No. 2053-11 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 September 21, 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. 2053-11, moved by Council Vice President Bertollo, seconded by Councilman Bennett. Council President Matthews asked if there were any questions. On roll call, Councilman Lane and Councilman Wojtecki abstained, all others voted yes.

**CONSENT AGENDA R 174-11 through R 180-11:**

**R 174-11 Introduced by Councilman Wojtecki**

To ratify actions of the Municipal Council of the Borough of Hawthorne payroll dated August 12, 2011

CURRENT FUND	WT 888889	\$	250,720.21
WATER OPERATING FUND	WT 888889	\$	38,513.31
OTHER TRUST II FUND	WT 888889	\$	13,023.93
			\$ 302,257.45
TOTAL PAYROLL			
OTHER TRUST II FUND TO PAYROLL/FICA	WT 888889	\$	13,700.00
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	899.23
			\$ 14,599.23
TOTAL FICA			

**R 175-11 Introduced by Councilman Wojtecki**

WHEREAS, Tax Sale Certificate #2008-16 was sold on November 12, 2008 in the amount of \$269.87 on Block 197 Lot 7 then assessed to JKH Properties c/o J. Kucharski and said lien was originally purchased by ABT- TEC, P.O. Box 6161, West Orange, NJ 07052, and

WHEREAS, said lien was redeemed on August 1, 2011 in the amount of \$327.27, said lienholder is entitled to a refund including the amount of the lien \$269.87, penalty of \$5.40 , search and recording fee of \$52.00, for a total of \$327.27 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 ABT- TEC in the

amount of \$327.27 to reimburse the lienholder for the lien, penalty, fees and a check from the Other Trust I account for \$100.00 for Premium paid.

**R 176-11      Introduced by Councilman Wojtecki**

WHEREAS, the semi-annual payment of the 1992 Wastewater Treatment Trust Loans in the amount of \$2,895.05 have become due and payable as of October 1, 2011

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to wire funds in the amount of \$2,895.05 from the Current Fund in payment of the Wastewater Trust Loans.

BE IT ALSO RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to wire funds in the amount of \$2,452.50 from the Current Fund to The Bank of New York in payment of the New Jersey Wastewater Treatment Trust semi-annual Administration Fee.

**R 177-11      Introduced by Councilman Wojtecki**

WHEREAS, interfunds, one in the amount of \$28,749.99, and one in the amount of \$200.00, created by a transfer error, between the General Capital Fund and the Current Fund, and Builders Escrow Fund and the Current Fund, respectively.

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 interfunds by transferring \$28,749.99 from the Current Fund to the General Capital Fund for debt service and \$200.00 from the Builders Escrow Fund to the Current Fund for a deposit error.

**R 178-11      Introduced by Councilman Wojtecki**

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12 and the Borough of Hawthorne wishes to purchase of a 2012 Ford Explorer 4X2 for the Police Department under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, Winner Ford of Cherry Hill, New Jersey has been awarded New Jersey State Contract No. A78761 for the 2012 Ford Explorer 4X2; and

WHEREAS, the administration recommends the utilization of this contract and the actual cost for the purchase of a 2012 Ford Explorer 4X2 is \$23,220.00.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the above-cited state contract subject to the certification of availability of funds from the Chief Financial Officer, and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a contract between the Borough of Hawthorne and Winner Ford of Cherry Hill in a form approved by the Borough Attorney when these conditions have been met.

**R 179-11      Introduced by Councilman Wojtecki**

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with Stacey Contracting, Inc. for Improvements to Drainage in the Borough of Hawthorne authorized by ordinance #1956-09,

WHEREAS, the municipal engineer has recommended approval of the following change orders:

Change Order No. 4	
As built-quantities	<\$123,764.53>

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No. 4 decreasing the amount of the payment required under said contract by the sum of <\$123,764.53>, shall be and hereby is approved, and

the Mayor is hereby authorized and directed to execute the same for and on behalf of the Borough of Hawthorne.

**R 180-11      Introduced by Councilman Wojtecki**

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with AJM Contractors, Inc. for 2011 Road Improvements Program authorized by ordinance #2046-11, and

WHEREAS, the municipal engineer has recommended approval of the following change order:

Change Order No. 1	
Additional Handicap Ramps	\$5,737.50

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No. 1 increasing the amount of the payment required under said contract by the sum of \$5,737.50, shall be and hereby is approved, and the Mayor is hereby authorized and directed to execute the same for and on behalf of the Borough of Hawthorne.

Council President Matthews entertained a motion to approve Resolutions R 174-11 through R180-11, moved by Councilman Wojtecki, seconded by Councilman Mele. Council President Matthews asked if there was any discussion. None was raised. On roll call, all voted yes.

**REPORTS OF SPECIAL COUNCIL COMMITTEES**

Councilman Wojtecki

The annual pruning plan has been established with Administration and set in place. Next Shade Tree Commission meeting is scheduled for Wednesday, September 7<sup>th</sup> at 7:30 p.m. in the 2<sup>nd</sup> floor conference room.

Councilman Sinning

Library Board met last week and has hired the interim director Kathie O'Dowd as full-time director effective August 22<sup>nd</sup>.

Council Vice President Bertollo

The Finance Committee will not be meeting with the auditor but he will meet with Council in the work session of the September 7<sup>th</sup> meeting to meet Joe Kelly's replacement and discuss contents and recommendations. The Finance Committee is requesting a yearly budget along with the pruning plan from the Shade Tree Commission which will be more proactive than in the past, covering ten to twelve sections in town, concentrating on sycamore trees in Reid Place and Norma Terrace areas. Councilman Wojtecki commented there are thirteen sections in accordance with the ward and districts.

Councilman Mele

Project Pride met and discussed along with Administration the desire to switch out containers around town to be uniform. The fence and pavers have been installed at the Pocket Park and are now awaiting irrigation installation. A tour was taken of the pool with DPW Administrative Coordinator Ellen Brogno where requests were made and noted for next year's project list.

Councilman Lane

The Ambulance Corps would like to thank the Council for introduction of LOSAP ordinance. Board of Health meets September 15<sup>th</sup> at 7:00 p.m.

Councilman Bennett

The Public Works Committee met Monday evening where the main topic was the solar panel project with PCIA. All numbers were compiled by feedback from residents and committee members. Recommendation to the Council is to test the program with installation of canopy panels at the pool which will allow us to see 1) cost savings and 2) provide shaded area and minimize our risk before installing on other buildings. Requirements state should roof leak and we have to repair, it will be borough cost and we reimburse contractor for lost revenue. As reported by Councilman Mele, a checklist of improvements for the pool has been compiled and received by the committee. The drainage improvement program is moving along, we've had

success with no flooding at Royal and Washington Avenue's and residents there have expressed their pleasure with the results.

Council Vice President Bertollo addressed Engineer Boswell and commented now may be a good time to take a look at Royal Avenue's head wall where the grading has been destroyed over the years, leaving a bottleneck. The situation by Kirker's Inn on Diamond Bridge Avenue has not been rectified, there are no easements for the drainage and we need to get the grade straightened out to allow flow of water into it. There should be funds in the ordinance for this work. Engineer Boswell responded if necessary, the borough will take the easements to do the work. Attorney Pasquale remarked it was a paper street back then that ran through parts of it. Council Vice President Bertollo –remarked yes, it was a small portion that ends at Diamond Brook Hollow. Engineer Boswell stated they will take a look at it and report back to the Public Works Committee as soon as possible. Council Vice President Bertollo continued and commented those who volunteer for both Fire Department and Ambulance Corps and meet their requirements are unable to receive LOSAP from both, you have to pick one. Mayor Goldberg commented it is state law. Council Vice President Bertollo responded yes and perhaps we can prepare a resolution to ask our state legislators to take a look at it.

#### Council President Matthews

Chamber of Commerce Farmer's Market behind the library continues until the end of October. The Fishing Derby is scheduled for September 17<sup>th</sup>; donations are still being accepted please contact Joanne at the Chamber. The Planning Board has approved two new businesses, one on Royal Avenue and one on Lincoln Avenue. The re-examination of the Master Plan has been memorialized.

#### CORRESPONDENCE

C-1 Accept resignation of Kenneth Kotran, Engine 4, Edward Majury, Radio, and Donald Kinarr III, Radio, letter received from the Fire Board of Commissioners.

Council President Matthews entertained a motion to approve correspondence C-1, moved by Council Vice President Bertollo, seconded by Councilman Mele. On roll call, Councilman Lane and Councilman Wojtecki abstained, all others voted yes.

#### MISCELLANEOUS

None recorded.

#### BILLS

Councilman Wojtecki inquired about the coding of checks and descriptor noted on the printout that does not include all codes/charges. Director of Revenue and Finance Hewitt explained the software has limitations and the report cannot print all listed in that field, but accounts have been coded and charged correctly.

Council Vice President Bertollo addressed Administrator Maurer and asked if the bill of \$1,700.00 for boarding up of Pan Chemical will be reimbursed. Attorney Pasquale responded yes, it was discussed with the property owner and agreed that they will reimburse us.

Council President Matthews entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion moved by Councilman Mele, 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 checks 12303 and 3122. Councilman Lane and Councilman Wojtecki abstained from checks 12285, 12288, 12305, 12314, 12318, 12321, 12326, 12334, 12336, 12341, 12349, and 12357. On roll call, all voted yes.

<b>VENDOR</b>	<b>CHECK#</b>	<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>CURRENT FUND</b>			
ROBERT HIZA	12284	1,414.77	OPERATIONS
A T & T	12285	47.74	TELEPHONE CHARGES

ACORN TERMITE & PEST CONTROL	12286	100.00	PUB WORKS ADMIN O/E
AMSTERDAM PRINTING	12287	72.09	FINANCIAL ADMIN O/E
BILL FOX CO, LLC	12288	903.80	FIRE DEPT O/E
BOB'S TIRES & WHEELS INC	12289	681.36	VARIOUS
BOSWELL ENGINEERING, INC	12290	698.77	ENGINEERING SERVICES O/E
BRAEN STONE INDUSTRIES, INC	12291	1,011.14	STREETS & ROADS O/E
BRUNAN WELDING LLC	12292	75.00	SWIMMING POOL O/E
CABLEVISION	12293	203.68	VARIOUS
CHARLENE ELVIN	12294	91.70	PUBLIC EVENTS O/E
CINTAS CORP	12295	274.56	PUB WORKS ADMIN O/E
CITY WIDE MAINTENANCE	12296	2,700.00	PUB WORKS ADMIN O/E
CLEAN FLOW CHIMNEY	12297	1,750.00	PUB WORKS ADMIN O/E
CMRS-FP	12298	2,000.00	GENERAL ADMIN O/E
CONEXION PRINTING	12299	319.00	GENERAL ADMIN O/E
DELL GARDEN CENTER	12300	79.99	SWIMMING POOL O/E
DENISE PARCELLS	12301	10.00	CONTRA REVENUE
DON'S AUTO REPAIR SERVICE LLC	12302	678.36	VEHICLE MAINT FIRE DEPT
DOWNES TREE SERVICE, INC.	12303	1,800.00	SHADE TREE COMMISSION O/E
EXTEL COMMUNICATIONS, INC	12304	150.00	PUB WORKS ADMIN O/E
FIRESTONE COMPLETE AUTO CARE	12305	691.67	VEHICLE MAINT FIRE DEPT
FIRST MOUNTAIN ARBORICULTURE L	12306	1,200.00	SHADE TREE COMMISSION O/E
FUTURE SANITATION INC	12307	39,375.00	VARIOUS
GARDEN STATE HGWY PROD, INC	12308	874.00	VARIOUS
GET A CAN	12309	19,200.00	RECYCLING PRO O/E
GILL ASSOCIATES	12310	442.50	SWIMMING POOL O/E
HAWTHORNE AUTO LAB	12311	1,251.54	VEHICLE MAINT POLICE
HAWTHORNE BOARD OF EDUCATION	12312	2,695,531.00	SCHOOL TAX
HAWTHORNE CAR WASH, INC	12313	89.00	VEHICLE MAINT ROAD
HAWTHORNE FIRE DEPT	12314	1,064.35	VARIOUS
HAWTHORNE PRESS INC	12315	403.94	VARIOUS
HESS CORPORATION	12316	6,314.18	VARIOUS
HEWLETT-PACKARD CORP	12317	761.72	PUB WORKS ADMIN O/E
HFD #3	12318	1,595.00	VARIOUS
HOME SUPPLY & LUMBER CO., INC.	12319	104.84	STREETS & ROADS O/E
IF IT'S WATER, INC	12320	450.00	SWIMMING POOL O/E
JARED VAN EK	12321	30.00	TELEPHONE CHARGES
JAYNE TEN KATE	12322	425.93	BOARD OF REC O/E
JET-VAC INC	12323	701.71	SEWER SYSTEM O/E
JORDAN TRANSPORTATION,INC	12324	630.00	BOARD OF REC O/E
JUNGLE LASERS LLC	12325	1,730.00	FEES PAYABLE JUNGLE LASERS
KEN'S AUTO ELECTRIC, LLC	12326	347.60	VARIOUS
KNAPP, TRIMBOLI & PRUSINOWSKI	12327	930.00	LEGAL SERV& COSTS O/E
LANGUAGE LINE SERVICES	12328	3.40	POLICE DEPT O/E
LOUIS BAY 2nd LIBRARY	12329	17,500.00	FREE PUBLIC LIBRARY O/E
LUK OIL	12330	10,305.94	BULK PURCHASE GASOLINE
M & B SEPTIC SERVICE, LLC	12331	80.00	BOARD OF REC
MARIO'S PIZZERIA	12332	2,030.00	BOARD OF REC O/E
MARY JEANNE HEWITT	12333	179.76	VARIOUS
MES, INC	12334	92.00	FIRE DEPT O/E
MGL PRINTING SOLUTIONS	12335	310.00	REVENUE COLLECTION O/E
MICRO CENTER	12336	1,569.88	FIRE DEPT O/E
MONSEN ENGINEERING CO	12337	644.00	PUB WORKS ADMIN O/E
NEWTEL PAYPHONE OPERATIONS	12338	50.00	PUB WORKS ADMIN O/E
OFFICE CONCEPTS GROUP INC	12339	62.49	STREETS & ROADS O/E
ONE COMMUNICATIONS	12340	1,576.28	TELEPHONE CHARGES
P & A AUTO PARTS, INC	12341	810.00	VARIOUS
PERFORMANCE TRAILER INC	12342	8,103.00	VARIOUS

PUBLIC SERV ELEC & GAS	12343	21,423.40	VARIOUS
RD LANDSCAPING & CONSTRUCT INC	12344	125.00	STREETS & ROADS O/E
RT OFFICE PRODUCTS	12345	376.44	VARIOUS
SERVPRO OF TEANECK/ENGLEWOOD	12346	2,244.52	SEWER SYSTEM S&W
SHOTMEYER BROS FUEL CO	12347	7,202.26	BULK PURCHASE GASOLINE
SIR SPEEDY, INC	12348	30.00	PUB WORKS ADMIN O/E
SOME'S UNIFORM CO. INC	12349	132.50	FIRE DEPT O/E
SUPLEE, CLOONEY & COMPANY	12350	31,500.00	VARIOUS
TANIS HARDWARE	12351	231.72	VARIOUS
TEE-FX SCREEN PRINTING, LLC	12352	1,650.00	BOARD OF REC O/E
TILCON NEW YORK, INC	12353	37.21	STREETS & ROADS O/E
TYCO ANIMAL CONTROL SERVICES	12354	244.00	ANIMAL CONTROL O/E
US MUNICIPAL SUPPLY, INC.	12355	700.05	VARIOUS
VERIZON	12356	379.70	VARIOUS
VERIZON WIRELESS (N)	12357	998.35	VARIOUS
VITAL COMMUNICATIONS, INC.	12358	500.00	TAX ASSESSMENT O/E
WASTE MANAGEMENT OF NJ	12359	<u>34,620.34</u>	TRANSFER STATION
<b>TOTAL CURRENT</b>		<b>\$ 2,934,918.18</b>	
 <b>GENERAL CAPITAL</b>			
BOSWELL ENGINEERING, INC	3121	11,311.50	VARIOUS
DOWNES TREE SERVICE, INC.	3122	690.00	INSTALL DRAIN & STORM IMPROV
HAWTHORNE PRESS INC	3123	127.14	VARIOUS
S & M ENTERPRISES	3124	3,675.00	HOUSING REHABILITATION
STACEY CONSTRUCTION, INC	3125	<u>143,517.86</u>	VARIOUS
<b>TOTAL GENERAL CAPITAL</b>		<b>\$ 159,321.50</b>	
 <b>WATER OPERATING</b>			
AMSTERDAM PRINTING	8635	8.00	WATER UTILITY O/E
BOB'S TIRES & WHEELS INC	8636	154.00	WATER UTILITY O/E
CABLEVISION	8637	82.63	WATER UTILITY O/E
CMRS-FP	8638	1,500.00	WATER UTILITY O/E
HESS CORPORATION	8639	41,045.20	WATER UTILITY O/E
INTEGRATED PROCESS SOLUTIONS	8640	614.00	WATER UTILITY O/E
LUK OIL	8641	785.20	WATER UTILITY O/E
MARY JEANNE HEWITT	8642	49.11	VARIOUS
OFFICE CONCEPTS GROUP INC	8643	62.50	WATER UTILITY O/E
ONE CALL CONCEPTS, INC.	8644	86.24	WATER UTILITY O/E
ONE COMMUNICATIONS	8645	525.00	WATER UTILITY O/E
PASSAIC CO ROAD DEPT	8646	200.00	WATER UTILITY O/E
PUBLIC SERV ELEC & GAS	8647	24,631.49	WATER UTILITY O/E
RT OFFICE PRODUCTS	8648	113.36	WATER UTILITY O/E
SHOTMEYER BROS FUEL CO	8649	387.22	WATER UTILITY O/E
SUPLEE, CLOONEY & COMPANY	8650	6,000.00	VARIOUS
TANIS HARDWARE	8651	31.47	WATER UTILITY O/E
VERIZON WIRELESS (N)	8652	<u>196.93</u>	WATER UTILITY O/E
<b>TOTAL WATER OPERATING</b>		<b>\$ 76,472.35</b>	
 <b>WATER CAPITAL</b>			
RIO SUPPLY, INC	1027	<u>11,400.00</u>	CAPITAL EQUIPMENT
<b>TOTAL WATER CAPITAL</b>		<b>\$ 11,400.00</b>	
 <b>OTHER TRUST II</b>			
STATE OF NJ - DEPT OF LABOR	4266	6,349.86	TRUSTEE
ABT-TEC	4267	327.27	TRUSTEE
BALDI & MAROTTA ESQ	4268	300.00	PUBLIC DEFENDER
VERIZON WIRELESS (N)	4269	70.13	UCC PENALTIES

VITAL COMMUNICATIONS, INC.	4270	<u>75.00</u>	UCC PENALTIES
<b>TOTAL OTHER TRUST II</b>		<b>\$ 7,122.26</b>	
<b>DOG DEDICATED</b>			
NJ DEPARTMENT OF HEALTH	6042	16.80	STATE OF NEW JERSEY
TYCO ANIMAL CONTROL SERVICES	6043	<u>2,096.00</u>	DOG POUND
<b>TOTAL DOG DEDICATED</b>		<b>\$ 2,112.80</b>	
<b>BUILDERS ESCROW</b>			
BOSWELL ENGINEERING, INC	5103	14.75	RER, LLC
BOSWELL ENGINEERING, INC	5104	1,238.00	JOSE RODRIGUEZ
BOSWELL ENGINEERING, INC	5105	2,052.00	FULVIO GROSSO
BOSWELL ENGINEERING, INC	5106	753.70	RIVERA 9/2
BOSWELL ENGINEERING, INC	5107	53.50	LAUREN ENTERP 53/8
BOSWELL ENGINEERING, INC	5108	<u>7,289.64</u>	CHRISTIAN HEALTH CARE
<b>TOTAL BUILDERS ESCROW</b>		<b>\$ 11,401.59</b>	
<b>OTHER TRUST I ESCROW</b>			
ABT-TEC	7027	<u>100.00</u>	TAX SALE PREMIUMS
<b>TOTAL OTHER TRUST I ESCROW</b>		<b>\$ 100.00</b>	
<b>TOTAL BILL LIST</b>		<b><u>\$ 3,202,848.68</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.

### Scott Eaves, 133 Mohawk Avenue

Thanked Councilman Wojtecki for taking care of the tree that was falling down in the woods behind his house, it is now safe for his son to play in the backyard. He inquired whether his curbs would be repaired as part of the improvements program as the latest letter he received from Boswell Engineering did not mention curbs. Engineer Boswell replied yes they will be replaced, the letter you received did not mention curbs because it is a borough cost, and you are only responsible for the cost of the sidewalk. Mr. Eaves continued and asked what changes the DOT has made for handicap ramps. Engineer Boswell responded the NJDOT and all counties are removing the word "practical" from the ADA law. What changes is that most curb reveals are six inches and most medians between the curb and sidewalk are four feet, using this term "where practical". They have connected the handicap ramp from the sidewalk to the street which is four feet where you drop six inches, strict interpretations is that you can only drop one inch per foot, now you have to go back with the sidewalk and chase it back to get one on twelve slope and bring it down that way. This is brand new, DOT is starting to enforce it, we do not know the impact to those in wheelchairs and there has not been any complaints however the DOT is measuring the slope and if you exceed one on twelve, they will not pay for it. Council President Matthews commented ANSI laws has exclusion if curbs are less than six inches, you can be steeper than one on twelve. The ANSI laws are federal and supersede the DOT state laws, DOT may say they will not fund it if not done their way. Engineer Boswell stated the DOT is enforcing this because federal will not fund, in turn the DOT will not give to county or municipality level if they do not comply. Discussion ensued on these laws and changes and the slope of Mohawk Avenue. Mr. Eaves continued and asked if that is also why they went from single red platform to one going each way. Engineer Boswell responded no, this is another change where one ramp cannot serve both directions, they have to be separate ramps. Another new change is the removal of a fire hydrant and/or pole if they are in the way. Mr. Eaves asked if the one by the school was a new one, it has a crosswalk coming at it and one coming the other way, they put only a single one there where others have two. Engineer Boswell stated the DOT will be going up there on Monday and he will have a look at it as well. Councilman Wojtecki stated the address was Prospect Avenue, North 17<sup>th</sup> and Mohawk Avenue. Mr. Eaves continued

and stated the way they have cut back they removed three or four slabs and now have a foot drop from the height of his lawn down to the new sidewalk. Boswell it will be cut back and sloped into your yard. Councilman Wojtecki asked should there be concern about drainage into his property. Engineer Boswell stated it will be taking drainage off his property as it will slope down to the sidewalk. Mr. Eaves thanked all for their time.

Bob Kurdock, 15 Rhodes Court

Commented it was very nice to give tribute to Max as the policemen became very close to him. Mr. Kurdock remarked on the ordinance requiring garbage bags be put in a container. Mayor Goldberg stated Christmas time is the one time of the year where you can put out bags for pick up. Mr. Kurdock stated they are still picking up bags from Lafayette Hills and now animals are ripping open the bags, why hasn't this been enforced. Mayor Goldberg stated the inspectors will be sent over to check it. Mr. Kurdock commented on the Pan Chemical issue which he spoke about a few weeks ago, and does the judge have the authority in that system to tell us not to write any more summonses. Mayor Goldberg stated it was his order. Attorney Pasquale commented the judge has the matter before him to make the decision, we are limited to write summonses for new violations only. Mr. Kurdock continued the judicial system is over-reaching and isn't the judge subject to interpretation. Attorney Pasquale remarked there is not any interpretation. Councilman Wojtecki remarked could we find other violations there. Council President Matthews stated he agrees with what Mr. Kurdock is saying the judge is a no nonsense judge, and he is not happy with waiting until October. Attorney Pasquale commented if he only took the time to clean the grass and weeds. Mr. Kurdock, can't believe we have to wait until October to seek remedy. Attorney Pasquale remarked we are looking at other avenues. Council Vice President Bertollo interjected we have spoken of a game plan and the Council will have by next meeting, we are all just as frustrated as the public is. In the past we have been down to meet with NJ Transit where their (Pan Chemical) legal and financial problems were well documented but didn't do in good faith. Mr. Kurdock remarked it is selective enforcement and does not believe our attorney or another judge would be that lenient on a random resident, they are taking advantage of our town. Council Vice President Bertollo responded we have been after this guy for years and had met with him personally; many summonses were issued years ago. We don't control the judicial system, we want them fined the maximum, and are not happy they consolidate fines and just slap their hands. We have to ask the question are we satisfied with Bergen County, should it be heard in a different county. Two sitting lawyers are principals in this. As far as enforcement, this is not selective enforcement, we are careful to enforce the laws for them as we would any other business. Mr. Kurdock thanked the Council.

Ian Keller, 202 May Street

Questioned if it was fair to say the town makes money on recycling and trash waste is a cost. Council President Matthews stated we make money and Mayor Goldberg remarked it is cost avoidance; it is cheaper to recycle than to put it in the trash thus you are not making money but avoiding a cost. Councilman Wojtecki interjected cardboard is a commodity, along with plastic we will be making money off recycling products as long as the commodity is doing well. Mr. Keller continued, he walks around town near bulky waste pick up days, he sees a lot of items that are recyclable material, such as steel wheelbarrows, plastic yard toys, out in the trash for pick up. An environmentalist would hate to see the waste and as a taxpayer he hates to see dozens of people just putting stuff out when they should be recycling as he does so diligently. Council President Matthews commented the vendor should not be picking it up. Mr. Keller stated he does not see anything get left behind and asked whether they got paid by the tonnage they pick up. Administrator Maurer responded they get paid a flat monthly amount not based on tonnage. Mr. Keller remarked he thinks they are very liberal in what they pick up as long as no one complains. Council Vice President Bertollo commented he agrees there is an enforcement issue with the garbage company in what they are picking up. We have had complaints from the garbage company who won't pick up items because they have been turned away at the transfer station for having recyclable material. It does not benefit the hauler to have larger loads if not acceptable at the dump site, they would be turned away to sort the load then return to the transfer station. Mr. Keller remarked they must factor in an amount into their flat fee. Council President Matthews asked Administrator Maurer to send a memo to the hauler to be selective in the pickup of recyclables. Mr. Keller asked exactly what is recyclable. Councilman Wojtecki –commented the steel wheelbarrow would not be picked up, it would have to be taken down to the recycling center, and Little Tikes yard toys are recyclable, as are only the number ones and twos of plastics. Mr. Keller remarked that he did not know these specifics until he did

some research and feels most residents do not realize there is a cost to putting all this out for pickup. This time of year when taxes are due, many are complaining about taxes but this is action they can take to make the town more effective but he has not seen this information communicated to us. Mayor Goldberg responded the borough calendar explains recycling materials and where and how they are collected. Administrator Maurer commented this information will be communicated to the residents by posting it on our website, [www.hawthornenj.org](http://www.hawthornenj.org), and our cable channel 77. Mr. Keller thanked the Council.

Council President Matthews asked if anyone else wished to be heard. Seeing none, Council President Matthews entertained a motion to close the public comment portion of the meeting, moved by Councilman Mele, seconded by Councilman Wojtecki. On roll call, all voted yes.

### **ADJOURNMENT**

Council President Matthews entertained a motion to adjourn the meeting at 9:41p.m., moved by Councilman Mele, seconded by Council Vice President Bertollo. On roll call, all voted yes.

COUNCIL PRESIDENT MATTHEWS INDICATED THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE ON **SEPTEMBER 7, 2011**. THE WORK SESSION WILL BEGIN AT 7:00 PM AND THE REGULAR MEETING WILL BEGIN AT 8:00 P.M. PERSON 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