

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:03 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Council President Matthews, Council Vice President Bertollo, Councilpersons Bennett, Lane, Mele, Sinning and Wojtecki. Also present were Mayor Goldberg, Director of Revenue and Finance Hewitt, Borough Administrator Maurer, 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 October 5, 2011, Bid Minutes of October 7th, 2011 for purchase of 2012 Cab and Chassis Roll-off Hoist and Bid Minutes of October 13, 2011 for Snow Plowing 2012-2013, moved by Councilman Mele, seconded by Councilman Wojtecki. On roll call, all said yes.

PUBLIC COMMENT (Agenda Items Only)

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 state your name and address and sign the sheet for the record. He stipulated this be for agenda items only.

Migdalia Lopez, 324 Wagaraw Road

Thanked the council for considering the Blue Acres application, she is a flood victim and not only was her home affected but three families as well. She has flood insurance and has been flooded three times this year. Her house is full of mold and the insurance takes time. Council President Matthews stated the municipality is working with state and federal government and is a slow process, we understand it is not quick enough. She thanked the council for their time.

Michael Aldi, 7 Grandview Drive, Wayne, Owner of 3-11 Passaic Avenue

In regards to the flooding, does the town or Blue Acres do the appraisal? Council President Matthews responded it is an appointed appraisal. He asked if he fills out the blue acres application and submits as the application online and the instructions indicate the town has to approve it. Administrator Maurer explained it is a municipal program we apply for and will look into the process for individuals. Mr. Aldi asked the anticipated turnaround of the application. Administrator Maurer responded it depends on FEMA, different programs have different schedules. Engineer Boswell interjected the application deadline of October 31st is not firm but you should submit by then with the required land survey. Also, the turnaround is an issue in that the funding has already been committed to other towns who suffered greater damage.

John Meuser, MTC Kenworth Sales Rep

His company has bid on the roll off truck and asked if the spec had been reviewed as yet and would the decision be made tonight. Attorney Pasquale indicated only the receipt of the bid is on the agenda and no action will be taken.

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

ADOPTION OF ORDINANCES

ORDINANCE NO. 2054-11:

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE, CHAPTER 540, ZONING, ARTICLE XV, I-1 INDUSTRIAL ZONES, SO AS TO AMEND REGULATIONS PERTAINING TO CONDITIONALLY PERMITTED USES

Public Hearing

Council President Matthews opened the meeting to the public. He stated if anyone desired to be heard regarding Ordinance No. 2054-11 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. 2054-11 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. Council President Matthews asked if there was any discussion. On roll call, all voted yes.

ORDINANCE NO. 2055-11:

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 505 OF THE CODE OF THE BOROUGH OF HAWTHORNE VEHICLES AND TRAFFIC SO AS TO DESIGNATE A STOP INTERSECTION AT FOREST AVENUE AND CENTRAL AVENUE AND REVISE ARTICLE X, SCHEDULES, SO AS TO ADD THERETO THE SAID LOCATION

Public Hearing

Council President Matthews opened the meeting to the public. He stated if anyone desired to be heard regarding Ordinance No. 2055-11 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Henry Roberts, 16-22 Mandon Place, Fairlawn

Mr. Roberts commented this site where two stop signs are planned, is a dangerous site as he was involved in an accident at this intersection on June 11, 201. He cited obstructions such as tall weeds in addition to the crosswalk being three feet out in the roadway. Council President Matthews stated his concern of property maintenance would be forwarded to the property maintenance department and the borough engineer would research the site as well. Any other concerns he can forward to the borough administrator. Mr. Roberts replied he has given most of his material to Mayor Goldberg and thanked the council.

A vote was taken, on roll call, all voted yes.

ORDINANCE No. 2056-11:

AN ORDINANCE TO VACATE A PART OF IRVINGTON AVENUE BETWEEN NORTH TWELFTH STREET TO NORTH ELEVENTH STREET, RUNNING FROM THE MID-POINT OF SAID ROAD 25 FEET TO THE WESTERLY EDGE OF THE SAME IN THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC, NEW JERSEY

Public Hearing

Council President Matthews opened the meeting to the public. He stated if anyone desired to be heard regarding Ordinance No. 2056-11 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. 2056-11 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 Lane, seconded by Council Vice President Bertollo. Council President Matthews asked if there was any discussion. On roll call, all voted yes.

ORDINANCE No. 2057-11:

AN ORDINANCE TO AMEND ORDINANCE 2044-11 HERETOFORE ADOPTED BY THE BOROUGH OF HAWTHORNE 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 BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY AND APPROPRIATING \$120,000.00 THEREFORE AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME, SO AS TO INCREASE THE AMOUNT OF THE FUNDING SET FORTH THEREUNDER TO \$170,000.00 AND INCLUDING WINDOW REPLACEMENT WITHIN THE SCOPE OF WORK SET FORTH THEREIN

Public Hearing

Council President Matthews opened the meeting to the public. He stated if anyone desired to be heard regarding Ordinance No. 2057-11 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. 2057-11 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 Mele. Council President Matthews asked if there was any discussion. On roll call, all voted yes.

OLD BUSINESS

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

Councilman Wojtecki questioned why the brook stabilization project hearing is taking place in Trenton when Hawthorne is a Passaic County municipality. Engineer Boswell responded it is law. Frank Rossi and Steve Edmonds will be attending with a power point presentation as requested. Councilman Wojtecki commented Boswell Engineering representative and SHPO did a walkthrough as well as three more engineers. Engineer Boswell stated SHPO decided to bring the project to the state house agenda, October 20th being the first available agenda. He continued Passaic County has money for these projects, but it is not “shovel ready” until permits are issued. There are no obstacles and it should pass, after the hearing they have 30 – 90 days to make their decision and we should get the permits very soon thereafter. Councilman Wojtecki commented it has been seven years of this property being washed away along the brook. He continued and

asked the status of the May Street stop signs. Mayor Goldberg stated it is still in discussion, all traffic studies have been completed, and final decisions have not been reached as yet.

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

NEW BUSINESS

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

Councilman Lane stated residents on Rea Avenue Extension have inquired as to the speed limit enforcement on that street. The County was contacted and indicated they would consider lowering the speed limit with a request from us. Mayor Goldberg stated we will look into this.

Council Vice President Bertollo addressed Administrator Maurer and asked he research the amount of calls our police department gets on Route 208 and the cost to have a scanner and patrolman on all the time. Also, why we patrol it as much as we do, we could get support from surrounding municipalities that there needs to be state presence on Route 208 as any accident could tie up many of our police cars at once. Administrator Maurer responded he will research and report back.

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

ADMINISTRATIVE AGENDA PRESENTED BY THE MAYOR

Mayor Goldberg reported the passing of Jim Morgan, the father of Doug Morgan who was a crossing guard and auxiliary policeman in the borough. All are invited to the Mayor's Halloween parade on Friday, October 28th at 7:30 p.m. in the high school gym.

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

Director of Revenue and Finance Hewitt reported on the following:

The Munidex issue from the corrective action/audit approval has been addressed and rectified. It was solved on the software end as well as an internal issue which has been explained to the users. We have received the Rock Road and Buena Vista grants which went into the current funds as opposed to the capital funds. The tax sale is Tuesday, October 26th at 10:00 a.m. with 26 line items totaling \$210,602.13, some properties have promised to come in and settle.

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

Mayor Goldberg commented there are a few retirements taking place in the Finance Department at years end and a search for a new tax collector is ongoing.

Mayor Goldberg called upon Attorney Pasquale for his report.

Attorney Pasquale reported on the following:

The Pan Chemical suit will be filed by week's end or beginning of next week. October 27th is next court date in prosecution of the owner of the Pan Chemical site and One Washington Holdings principals. A minor clean-up took place at the property by a local realtor but is not acceptable as yet. John Bleeker, project architect for 55 Westervelt has reported the lending approval is in place and letter to the building department stating the property is ready for permits has been requested. The developer's agreement is still needed and is hoping to close within the next 30 days, cleanup is ongoing at the property and a shovel should be in the ground by year's end. Tax appeals are moving slowly. The two-day softball fundraiser coordinated through Hawthorne Fire Chief Speranza for Hawthorne child was a great success. Thank you to all involved.

This concluded Attorney Pasquale's report.

Mayor Goldberg called upon Engineer Boswell for his report.

Engineer Boswell reported on the following:

Library Roof – Contracts and bonds have been completed and submitted. Shop drawings have been submitted and are being reviewed. Our office met with Paino Roofing on Thursday, October 13 to review options to address the window area. The contractor is expected to begin work on the roof on Monday, October 24th, weather permitting.

Drainage Improvement Project – The project is completed but not closed out as yet. No word from Stacey Contracting in regards to their liquidated damages. Attorney Pasquale reported he received a call from the contractor who expressed their concern in resolving the matter and will discuss some issues with Engineer Boswell's office.

2011 Road Program – The paving portion of the project is complete, as well as striping and pavement markings. Seventy-four feet of curb and some sidewalk replacement should be completed within the next week or two; delay is waiting for sub-contractor availability.

Mohawk Avenue (2011 NJDOT Local Aid) – Mohawk Ave was milled on Tuesday, October 11 and eventually resurfaced on Tuesday, October 18th due to weather conditions. Striping and pavement markings are expected to be completed on or about Friday, October 21st, weather permitting. Punch list items will need to be prepared and addressed.

Christian Health Care Center – The applicant's planner is expected to continue testimony at the October 24th Special Meeting.

Goffle Brook Bank Stabilization – The information requested has been submitted in preparation of the state's Historical Society Commission meeting scheduled for October 20th.

Ambulance Corps and Police Dept Inspection – See memo dated October 13, 2011, height limit for shelving has to be added.

Ambulance Corps Building

The live load for the second floor could be increased from 50 lb. /sf to 100 lb. /sf with capped stacks at 60" of height to accommodate storage of documents. The library stack room live load of 150 lb./sf cannot be obtained. The estimated cost to upgrade the entire floor is \$50,000 and \$30,000 to upgrade only the area between the HVAC units.

Police Garage

Analysis of Area "A" shows the structure to be capable of supporting a 40 lb/sf live load, which is insufficient for storage use. Due to the framing configuration of this area, an increased load capacity would require reconstruction similar to Area "B" and the estimated cost for structural improvements is \$10,000. This cost does not include any additional costs, including but not limited to HVAC, lighting, fire suppression, etc., depending on the nature of the storage.

Analysis of Area "B" shows the structure to be capable of supporting an 80 lb/sf live load, which is adequate for this area due to the limited space for storage shelving.

Lafayette Hills Wetlands Blow Out – The area has not yet been restored.

Royal Avenue Proposal – Proposal for the Drainage Channel Improvement's between Diamond Bridge and Royal Avenues dated September 29, 2011 has been submitted. Recommendation is 36" pipe in length of 1300 linear feet, no trash rack needed, for an estimated cost of \$130,000.

133 Mohawk Avenue – The broken sprinkler has been fixed. All homes affected by the dump truck catching utility wires have been addressed, with the exception of Mr. Young's house who expressed his unhappiness with the repair, the contractor's insurance company will compensate him and will repair on his own.

Pasadena Curb Reveal – A half-inch was lost on replacement, it can be brought back to 2 ½ - 3". It is not recommended due to the cost, it will be discussed with Administration.

This concluded Engineer Boswell's report.

Mayor Goldberg called upon Administrator Maurer for his report.

Administrator Maurer reported on the following:

Two bids were received for the cab chassis and roll-off hoist as well as 2012 snow plowing and should be awarded at the next meeting. Gasoline bids received last week should be ready for award on November 2. Removal of contents in Congress Mills property continues so that demolition can take place in the next few weeks. The borough's public auction will take place next Tuesday, October 25th at 4:00 p.m. at the DPW building then the municipal building. A list of items can be found on the borough website, www.hawthornenj.org. Leaf season has begun, bagged and loose leaf pick-up will begin the first week of November, and free bags are available for residents at the recycling center. Please do not rake leaves to the curbs any sooner than a week before your scheduled pick-up in order to avoid them ending up in the streets.

This concluded Administrator Maurer's report.

Council President Matthews asked if there were any questions for the Administration. None were raised. Council President Matthews entertained a motion to record the Administrative Agenda, moved by Councilman Sinning, seconded by Council Vice President Bertollo. On roll call, all voted yes.

INTRODUCTION OF ORDINANCES

None.

OFF-CONSENT AGENDA R 215-11

R 215-11 Resolution, introduced by Councilman Bennett

WHEREAS, An emergency has arisen with respect to the athletic fields of the Borough of Hawthorne, and the severe flooding caused by Hurricane Irene, creating a health and safety hazard directly affecting residents of the Borough of Hawthorne, and

WHEREAS, no adequate provision was made in the 2011 Municipal Budget for the aforesaid purpose, and N.J.S.A. 40A:4-45.C provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations in the budget for the year 2011 is \$85,000.00, and, three percent (3%) of the total operating appropriations in the budget for the year 2011 is \$556,942.00.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with N.J.S.A. 40A:4-45.C, petition be made to the Director of the Division of Local Government Services for the creation of an appropriation set forth in the preamble in accordance with the following:

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

Maintenance of Fields	\$35,000.00
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BE IT ALSO RESOLVED, that Said emergency appropriation shall be provided for in full in the 2012 budget, that funds for the appropriation shall be provided from surplus funds on hand, that two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services, and that the statements required by the Local Finance Board have been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government Services.

Council President Matthews entertained a motion to approve Resolution R 215-11, 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 with the exception of Council Vice President Bertollo who abstained.

CONSENT AGENDA R 209-11 through R 214-11, R 216-11 through R 220-11

R 209-11 Resolution, introduced by Councilman Mele

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated October 7, 2011.

CURRENT FUND	WT 888889	\$	244,290.98
WATER OPERATING FUND	WT 888889	\$	39,180.56
OTHER TRUST II FUND	WT 888889	\$	7,870.23
TOTAL PAYROLL		\$	<u>291,341.77</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	8,518.99
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	5,000.00
TOTAL FICA		\$	<u>13,518.99</u>

R 210-11 Resolution, introduced by Councilman Mele

WHEREAS, the semi-annual payment of \$2,895.05 of the 1992 Wastewater Trust loan has 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 1992 Wastewater Trust loan.

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. This is to ratify the action taken on October 1, 2011.

R 211-11 Resolution, introduced by Councilman Mele

WHEREAS, 2010 Treasury records as stated in the Municipal Audit reflect certain interfund account balances as of the close of the prior fiscal year that require account transfers in order that these interfunds be liquidated in the current 2011 fiscal year.

NOW THEREFORE BE IT RESOLVED, By the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to settle these interfund items as indicated herein:

<u>PAY FROM</u>	<u>PAY TO</u>	<u>AMOUNT</u>	
Current	Assessment Trust	1,512.74	2010 Audit Adj
Current	General Capital	34.93	2010 Audit Adj
Dog Dedicated	OTII Recycling	133.00	2010 Audit Adj
Water Operating	Water Capital	6.13	2010 Audit Adj

R 212-11 Resolution, introduced by Councilman Mele

WHEREAS, 2011 Treasury records reflect certain interfund account balances as of September 30, 2011 that require account transfers in order that these interfunds be liquidated.

NOW THEREFORE BE IT RESOLVED, By the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to settle these interfund items as indicated herein:

<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Description</u>
OTII Recycling	Current	3,892.00	Deposit Error
Payroll	Current	23.76	Transfer Error

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 the above referenced amounts to and from the appropriate funds.

R 213-11 Resolution, introduced by Councilman Mele

WHEREAS, checks drawn against the Magistrates Account-Municipal Court of the Borough of Hawthorne having an issuance date of at least six months which have not been presented for payment prior to this time
Are no longer honored by Columbia Bank and must be cancelled as per the New Jersey requirements of audit.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Court of the Borough of Hawthorne that the following checks which have an issuance date of greater than six months be cancelled and voided and that such funds be returned to the Current Fund as appropriate:

<u>CHECK#</u>	<u>AMOUNT</u>
1171	\$1.00
1172	\$1.00

R 214-11 Resolution, introduced by Councilman Mele

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 \$1,000.00 which item is now available as revenue for the Sustainable NJ Grant Program .

SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS
Sustainable NJ Grant Program - \$1,000.00

pursuant to the provision of the statute; and

SECTION 2

BE IT FURTHER RESOLVED, that a like sum of \$1,000.00 be and is hereby appropriated under the caption of:

OPERATIONS EXCLUDED FROM "CAPS"
PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUE
Sustainable NJ Grant Program \$1,000.00

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 216-11 Resolution, introduced by Councilman Mele

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 2011 SUSTAINABLE JERSEY GRANT FROM THE NJLM EDUCATIONAL FOUNDATION, INC.

WHEREAS, the Environmental Commission of the Borough of Hawthorne has submitted an application to the NJLM Educational Foundation, Inc. for a 2011 Sustainable Jersey Grant Small Grant to fund local Green Team programs activities; and

WHEREAS, having reviewed the aforementioned application, the NJLM Educational Foundation, Inc., has offered the Borough a Small Grant in the amount of \$1,000.00; 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 is hereby authorized to execute a grant agreement with the NJLM Educational Foundation, Inc., for acceptance of the 2011 Sustainable Jersey Small Grant in the amount of \$1,000.00.

R 217-11 Resolution, introduced by Councilman Mele

RESOLUTION ESTABLISHING THE COMPENSATION FOR WARD COMMISSIONERS

WHEREAS, *N.J.S.A.40:44-9 et seq.*, known as the Municipal Ward Law, applies to all municipalities that are divided into wards; and

WHEREAS, in accordance with the provisions of *N.J.S.A. 40:44-11* the members of the County Board of Elections and the Municipal Clerk shall constitute the Ward Commissioners; and

WHEREAS, *N.J.S.A.40:44-12* provides that the Ward Commissioners shall be reimbursed for necessary expenses incurred in the performance of their duties and to such compensation as the Governing Body may provide by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Hawthorne, that the compensation for the 2011 Ward Commissioners is hereby established at a maximum of \$150.00 per commissioner.

R 218-11 Resolution, introduced by Councilman Mele

WHEREAS, the Borough of Hawthorne solicited quotations for reconditioning and reseeded of the fields located at the Wagaraw Road athletic complex, the same having been damaged as a result of Hurricane Irene; and

WHEREAS, the Borough solicited quotations for the work from three reputable contractors capable of performing that work with the lowest quotation being submitted by Downes Tree Service, Inc., a firm well-known to the Borough as capable of performing such work; and

WHEREAS, the amount of the quotation was less than the bid threshold set forth in the Local Public Contracts Law of \$36,000 but was more than the \$17,500 threshold set forth in the Pay to Play Law in effect in the State of New Jersey; and

WHEREAS, the amount of the quotation from Downes Tree Service was determined by the Borough Administration, in consultation with the Municipal Engineer and Department of Public

Works Director, to be fair and reasonable under all circumstances and in fact well below earlier estimates suggested by the Municipal Engineer; and

WHEREAS, there is a need to proceed immediately with the work in question, which was necessitated by Hurricane Irene, as to delay in undertaking the work would likely deprive the youth of the community the ability to make use of the facility during 2012 and greatly impact Little League Baseball and Soccer in the Borough; and

WHEREAS, the work is also required as a matter of public health and safety as the fields in question were flooded by the Passaic River, again requiring expeditious and effective remediation; and

WHEREAS, the Borough Attorney has rendered an opinion noting the fact that the damage occurred as a result of Hurricane Irene, the fact that there is a resultant public safety and health concern and the fact that time is a critical element in the undertaking and completion of the work in question has resulted in an emergency condition, warranting a deviation from strict compliance with the Pay to Play regulations of the State of New Jersey and that the Borough may, as a result, enter into a contract with Downes Tree Service, Inc., for performance of such work; and

WHEREAS, the Municipal Council, in adopting this resolution, agrees that an emergency situation does in fact exist warranting deviation from the strictures of the New Jersey Pay to Play Law as noted herein; and

WHEREAS, the Chief Financial Officer has determined that funds sufficient to pay for the required reconditioning and reseeding of the fields are available through the 2011 Municipal Budget of the Borough of Hawthorne;

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 or contract to Downes Tree Service, Inc., based upon the quotation submitted.

R 219-11 Resolution, introduced by Councilman Mele

WHEREAS, the Department of Community Affairs of the State of New Jersey (DCA) has proposed a change to its rules and regulations that would permit contractors, working on behalf of landlords or proposed tenants, to outfit commercial properties for new tenants before receipt of permits for such work from local inspectors; and

WHEREAS, as a result, work will be undertaken and completed before any inspections can be performed, often times resulting in plumbing, electrical or fire safety work being hidden from inspectors, putting the public at grave risk of harm and damage; and

WHEREAS, the proposed rule changes would vest in contractors the ability to review their own work, thereby encouraging non-compliance with established codes designed to protect owners, occupants and users of commercial properties alike; and

WHEREAS, contractors have grossly exaggerated the supposed delay caused by inspections of work, with most delay caused by the contractors themselves, who fail to timely schedule inspections or complete work and then blame the local inspector when called to answer for delay by the owner or proposed tenant; and

WHEREAS, the proposed rule changes can only lead to non-compliance with established construction codes and elevates expediency over safety, treating the days or hours to be gained as outweighing the long-term right of the public and even building owners to be assured that work has been properly and safely performed;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Hawthorne hereby opposes the rule changes proposed by the Department of Community Affairs as being improvidently considered, based upon anecdotal evidence without basis in actual fact

and undermining a system that has worked for decades to ensure the safety of the citizens of this State; and

BE IT FURTHER RESOLVED that a true copy of this Resolution be forwarded to the DCA, which is soliciting comments regarding the same and the Governing Bodies of all Passaic County and contiguous municipalities.

R 220-11 Resolution, introduced by Councilman Mele

GREEN ACRES ENABLING RESOLUTION

WHEREAS, the Borough of Hawthorne desires to further the public interest by obtaining funding in the amount of \$217,500 from the State to fund the following project:

Acquisition of flood-prone property along the Passaic River at a cost of \$870,000.00

NOW THEREFORE, BE IT RESOLVED that Mayor Richard S. Goldberg is hereby authorized to:

- a) make application for such grant,
- b) provide additional application information and furnish such documents as may be required, and
- c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the States funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE Borough Council of the Borough of Hawthorne that:

1. That the Mayor of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as Acquisition of flood-prone property along the Passaic River;
2. That the applicant will be applying for FEMA funds for its matching share of the project.
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project.
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

Council President Matthews entertained a motion to approve Resolutions R209-11 through R214-11 and R216-11 through R220-11, moved by Councilman Mele, seconded by Councilman Wojtecki. Council President Matthews asked if there was any discussion. Councilman Bennett asked Attorney Pasquale in regards to R219-11, does the Department of Community Affairs have jurisdiction over the construction matters in the borough. Attorney Pasquale replied they do have jurisdiction over the matter; they regulate all building inspectors who are employed by the borough but report to them. On roll call, all voted yes. Council Vice President Bertollo abstained from R 218-11.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Wojtecki

The IT Committee and United Computer met today to discuss ongoing problems with the systems. They will submit a 2012 quote for a replacement server and repairs to the spam filter. We will continue to look at all options. He also attended the cable TV committee meeting which will be reported on by Councilman Lane.

Councilman Sinning

General discussion took place at today's ordinance committee meeting. Attorney Pasquale and Engineer Boswell will further discuss possible changes to the soil movement ordinance. Possible traffic changes coming in regards to curbing and yellow lines. Attorney Pasquale commented any ordinances pertaining to funding would have to be submitted by next meeting.

Council Vice President Bertollo

Attended the Passaic County Brownfield Commission meeting Economic Development Committee member Barbara Zakur where county representative Debbie Hoffman commented the Borough of Hawthorne is heads and shoulders above the other communities in the county in being aggressive and progressive going after our brownfields areas, specifically Pyrolac and Pan Chemical. Congratulations and compliments to Rayna Laiosa, the Environmental Committee and Administration on their work and efforts. Attended the Cubs 50th Anniversary celebration on Saturday night where past members were recognized. Congratulations to the coaches, players, parents, and cheerleaders who have volunteered in the organization the past fifty years and those who currently volunteer.

Councilman Mele

The Pocket Park is three-fourths complete; planting took place on Saturday, sprinklers and lighting remain to be installed. Next Project Pride project is the pool and tennis courts where Administration will apply for grants.

Councilman Lane

Cable TV meeting took place today, a new UPS is needed for the audio-visual equipment, budget allows for a person for video-taping the council meetings, he will be employed for this purpose only through year's end, then will require approval with the Finance Committee for 2012. Looking at U-streaming for council meetings which require video cameras which can be utilized by others, i.e., Board of Education, etc. Clerk Witkowski will research other towns currently using this method.

Councilman Bennett

Board of Recreation met on October 12th where an emergency appropriation was authorized for the cleanup of the ball fields. Twenty-eight coaches were certified at the certification program on September 28th. Summer Recreation program had 365 kids participate; next summer may require a second site. The Lacrosse program is moving well and may accept kids from North Haledon which would allow play on their fields as well. The Public Works Committee reports the pool is still leaking, troubleshooting is ongoing.

Council President Matthews

Chamber of Commerce Farmer's Market takes place on Sundays through October from 9:30 a.m. until 2:00 p.m. There will be an antique car show present on October 30th. The Planning Board heard two certificates of compliance; details of the supermarket will be presented at the next meeting.

CORRESPONDENCE

None recorded.

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 Council Vice President Bertollo, seconded by Councilman Sinning. Council President Matthews asked if there was any discussion. On roll call, all voted yes. Councilman Lane and Councilman Wojtecki abstained from checks #12554, 12562, 12578, 12579, 12580, 12581, 12582, 12584, 12585, 12587, 12588, and 12618.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
SUSAN WITKOWSKI	12545	25.00	CHANGE FUND
ACORN TERMITE & PEST CONTROL	12546	100.00	PUB WORKS ADMIN O/E
AGL WELDING SUPPLY CO, INC	12547	73.88	VARIOUS
AGRA ENVIRONMENTAL SVC	12548	50.00	MAINTEN OF PARKS
ALL AMERICAN FORD	12549	1,444.27	VEHICLE MAINT ROAD
AMERICAN HOSE CO INC	12550	114.54	STREETS & ROADS O/E
ASBURY ENTERTAINMENT LLC	12551	2,000.00	PUBLIC EVENTS O/E
BCB JANITORIAL SUPPLY CO INC	12552	109.95	PUB WORKS ADMIN O/E
BOSWELL ENGINEERING, INC	12553	8,993.00	VARIOUS
BOUBLIS ELECTRIC INC	12554	300.00	PUB WORKS ADMIN O/E
BRAEN SUPPLY INC	12555	77.44	STREETS & ROADS O/E
CABLEVISION	12556	255.87	VARIOUS
CHIEF FIRE EQUIP CO	12557	80.50	POLICE DEPT O/E
CINTAS FIRST AID AND SAFETY	12558	366.36	VARIOUS
COACHMAN INT'L TOURS INC	12559	1,650.00	VARIOUS
D & M TOURS, INC	12560	8,676.00	BOARD OF REC O/E
DANIEL TEDESCHI	12561	190.56	PUBLIC EVENTS O/E
DC ELECTRIC	12562	295.00	FIRE DEPT O/E
DELL MARKETING LP	12563	144.00	POLICE DEPT O/E
ELLEN BROGNO	12564	62.80	PUB WORKS ADMIN O/E
ENFORSYS POLICE SYSTEMS, INC	12565	10,000.00	POLICE DEPT O/E
FEDERATED EMERGENCY SERVICES	12566	1,803.00	VEHICLE MAINT FIRE DEPT
FREMGEN POWER EQUIPMENT INC	12567	435.00	VARIOUS
FUTURE SANITATION INC	12568	39,375.00	VARIOUS
G T B M, INC	12569	7,500.00	POLICE DEPT O/E
HAWTHORNE AUTO BODY, INC	12570	3,959.57	VEHICLE MAINT POLICE
HAWTHORNE BOARD OF EDUCATION	12571	2,695,531.00	SCHOOL TAX
HAWTHORNE CAR WASH, INC	12572	213.00	VEHICLE MAINT POLICE
HAWTHORNE HITCH AND TRAILER	12573	104.48	VEHICLE MAINT ROAD
HAWTHORNE PRESS INC	12574	1,015.56	VARIOUS
HAWTHORNE SOCCER ASSOCIATION	12575	200.00	CONTRA REVENUE
HENRY'S PLUMBING & HEATING INC	12576	185.83	VARIOUS
HESS CORPORATION	12577	5,918.48	VARIOUS
HFD #1	12578	1,595.00	VARIOUS
HFD #2	12579	1,595.00	VARIOUS
HFD #3	12580	1,595.00	VARIOUS
HFD #4	12581	1,595.00	VARIOUS
HFD #5 RESCUE	12582	495.00	VARIOUS
INFOGROUP	12583	350.00	POLICE DEPT O/E
JAMES COUNSELLOR	12584	30.00	TELEPHONE CHARGES
JARED VAN EK	12585	30.00	TELEPHONE CHARGES
JERSEY ELEVATOR INC	12586	370.00	PUB WORKS ADMIN O/E
JOHN TRIPICCHIO	12587	30.00	TELEPHONE CHARGES
JOSEPH SPERANZA	12588	30.00	TELEPHONE CHARGES
KEN'S AUTO ELECTRIC, LLC	12589	292.50	VEHICLE MAINT FIRE DEPT
KNAPP, TRIMBOLI & PRUSINOWSKI	12590	1,896.00	LEGAL SERV& COSTS O/E
LAB SAFETY SUPPLY	12591	157.89	STREETS & ROADS O/E
LORRAINE POWELL	12592	198.45	MUNICIPAL ALLIANCE
LOUIS BAY 2nd LIBRARY	12593	8,659.00	RES LIBR STATE AID
LUK OIL	12594	12,197.13	BULK PURCHASE GASOLINE
M & B SEPTIC SERVICE, LLC	12595	80.00	BOARD OF REC
MAIN POOL & CHEMICAL CO, INC	12596	5,802.50	BOARD OF REC O/E
MICRO CENTER	12597	349.99	POLICE DEPT O/E
MOORE WALLACE NORTH AMERICA IN	12598	312.50	BOARD OF HEALTH O/E

MUNIDEX, INC	12599	244.80	PEOSHA
NEWTEL PAYPHONE OPERATIONS	12600	50.00	PUB WORKS ADMIN O/E
NJLCA	12601	165.00	STREETS & ROADS O/E
NORTH JERSEY MEDIA GROUP INC	12602	114.85	MUNICIPAL CLERK O/E
OFFICE CONCEPTS GROUP INC	12603	136.74	PEOSHA O/E
ONE COMMUNICATIONS	12604	207.56	TELEPHONE CHARGES
PASSAIC VALLEY SEWER COM	12605	270,750.29	VARIOUS
PETE TERRIZZI	12606	450.00	STREETS & ROADS O/E
PROFESSIONAL GOV EDUCATORS INC	12607	180.00	VARIOUS
PUBLIC SERV ELEC & GAS	12608	28,457.99	VARIOUS
R & R PUMP & CONTROL	12609	2,612.00	VARIOUS
RICCIARDI BROTHERS INC	12610	1,737.50	MAINTEN OF PARKS
RIDGEWOOD PRESS	12611	88.00	UNIFORM FIRE SAFETY O/E
RT OFFICE PRODUCTS	12612	614.26	VARIOUS
RTD PRODUCTIONS	12613	800.00	PUBLIC EVENTS O/E
SCOTT GEIER	12614	400.00	GROUP INSURANCE O/E
SHOTMEYER BROS FUEL CO	12615	8,820.58	VARIOUS
SIGNAL CONTROL PRODUCTS	12616	184.00	STREETS & ROADS O/E
STAPLES	12617	46.00	SEWER SYSTEM O/E
STATE LINE FIRE & SAFETY INC	12618	915.00	VARIOUS
STONE INDUSTRIES	12619	940.08	STREETS & ROADS O/E
TANIS HARDWARE	12620	108.69	STREETS & ROADS O/E
THE NERDS	12621	2,700.00	PUBLIC EVENTS O/E
TREASURER, ST OF NEW JERSEY	12622	880.00	SEWER SYSTEM O/E
TREASURER, STATE OF NEW JERSEY	12623	1,225.00	FEES PAY MARRIAGE
TREASURER, STATE OF NEW JERSEY	12624	80.00	STREETS & ROADS O/E
TREASURER, STATE OF NJ	12625	2,803.00	FEES PAY UCC
UNITED COMPUTER	12626	1,851.00	VARIOUS
VERIZON	12627	189.64	VARIOUS
VERIZON WIRELESS (N)	12628	727.54	TELEPHONE CHARGES
VITAL COMMUNICATIONS, INC.	12629	697.40	VARIOUS
W. E. TIMMERMAN INC	12630	479.10	VEHICLE MAINT ROAD
WASTE MANAGEMENT OF NJ	12631	46,234.66	TRANSFER STATION
ZEP MANUFACTURING	12632	<u>658.00</u>	STREETS & ROADS O/E
TOTAL CURRENT		\$ 3,205,459.73	
 GENERAL CAPITAL			
BOSWELL ENGINEERING, INC	3130	44,365.79	VARIOUS
HAWTHORNE PRESS INC	3131	97.50	VARIOUS
MCMANIMON & SCOTLAND LLC	3132	<u>1,516.76</u>	2010 ROAD PROGRAM
TOTAL GENERAL CAPITAL		\$ 45,980.05	
 WATER OPERATING			
AGRA ENVIRONMENTAL SVC	8701	2,530.00	LAB TESTING WATER
ALL AMERICAN FORD	8702	4,469.56	WATER UTILITY O/E
AP CERTIFIED TEST	8703	35.00	WATER UTILITY O/E
CABLEVISION	8704	82.63	WATER UTILITY O/E
CAPITOL SUPPLY CONSTR PRODS IN	8705	6,983.27	VARIOUS
CINTAS FIRST AID AND SAFETY	8706	61.59	WATER UTILITY O/E
COMMERCIAL BUSINESS FORMS,INC.	8707	482.00	WATER UTILITY O/E
DAVID MAHER	8708	150.00	WATER UTILITY O/E
E S C ENTERPRISES, INC	8709	900.00	WATER UTILITY O/E
HAWTHORNE HITCH AND TRAILER	8710	104.48	WATER UTILITY O/E
HENRY'S PLUMBING & HEATING INC	8711	171.97	WATER UTILITY O/E
HESS CORPORATION	8712	36,515.97	WATER UTILITY O/E
L&P INTEGRATORS	8713	600.00	WATER UTILITY O/E

LUK OIL	8714	1,129.78	WATER UTILITY O/E
MEASUREMENT SPECIALTIES INC	8715	2,008.92	WATER UTILITY O/E
POST & KELLY ELECTRIC CO, INC	8716	345.00	WATER UTILITY O/E
PUBLIC SERV ELEC & GAS	8717	23,227.13	WATER UTILITY O/E
RT OFFICE PRODUCTS	8718	16.45	WATER UTILITY O/E
SHOTMEYER BROS FUEL CO	8719	459.96	WATER UTILITY O/E
TANIS HARDWARE	8720	35.20	WATER UTILITY O/E
VERIZON WIRELESS (N)	8721	<u>196.93</u>	WATER UTILITY O/E
TOTAL WATER OPERATING		\$ 80,505.84	

WATER CAPITAL

PRECISION ELECTRIC MOTOR WORKS	1030	<u>8,994.00</u>	CAPITAL EQUIPMENT
TOTAL WATER CAPITAL		\$ 8,994.00	

OTHER TRUST II

BOB'S STORES	4290	124.99	RECYCLING
CAMBRIA AUTOMOTIVE CO INC	4291	2,438.75	RECYCLING
CARL MOTTOLA	4292	54.57	UCC PENALTIES
DAVE STERN INC	4293	578.75	RECYCLING
EBF ENTERPRISES LLC	4294	52.08	RECYCLING
GIANT TIRE SERVICE INC	4295	313.50	RECYCLING
HENRY'S PLUMBING & HEATING INC	4296	290.40	RECYCLING
POSTMASTER-PATERSON	4297	1,500.00	RECYCLING
SIGNS BY TOMORROW	4298	289.00	RECYCLING
THOMAS ZACONIE	4299	63.75	UCC PENALTIES
VERIZON WIRELESS (N)	4300	70.13	UCC PENALTIES
VITAL COMMUNICATIONS, INC.	4301	75.00	UCC PENALTIES
WORK'N GEAR, INC	4302	<u>125.00</u>	RECYCLING
TOTAL OTHER TRUST II		\$ 5,975.92	

DOG DEDICATED

NJ DEPARTMENT OF HEALTH	6047	10.80	STATE OF NEW JERSEY
TYCO ANIMAL CONTROL SERVICES	6048	<u>2,160.00</u>	MISCELLANEOUS
TOTAL DOG DEDICATED		\$ 2,170.80	

TOTAL BILL LIST

\$ 3,349,086.34

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

Nicolette Fortenberry, 108 8th Avenue

Ms. Fortenberry inquired why there are sidewalks on one side of the block and not the other and who would be responsible for installing a sidewalk. Council President Matthews stated there are many streets in town that do and do not have sidewalks, the older homes were not required to have sidewalks and now the newer homes are required. It is an ongoing debate and issue with pros and cons not easily nor quickly resolvable.

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 Council Vice President Bertollo, seconded by Councilman Sinning. On roll call, all voted yes.

ADJOURNMENT

Council President Matthews entertained a motion to adjourn the meeting at 9:22 p.m., moved by Councilman Bennett, 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 **NOVEMBER 2, 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.

Frank E. Matthews
Council President

Susan Witkowski
Borough Clerk