

January 5, 2011
Hawthorne, NJ

The Reorganization Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 7:00 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bennett, Lane, Matthews, Mele, Sinning, Wojtecki, and Bertollo. Also present were Mayor Goldberg, Borough Administrator Maurer, Borough Attorney Pasquale, Borough Engineer Boswell, Director of Revenue and Finance Hewitt, and Borough Clerk Witkowski.

FLAG SALUTE

Council President Bertollo 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, e-mailed 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.

INVOCATION

Council President Bertollo invited Rabbi Jonathon Woll to give the invocation.

INTRODUCTION OF DIGNITARIES

Council President Bertollo introduced the dignitaries in attendance. They were: Superintendent of Schools Robert Mooney, Board of Education Trustees Michelle Hyams and Bob Maggio, Police Chief Robert Scully, Police Captain Rich McAuliffe, Republican Municipal Leader Barbara Zakur, and a few retirees, former Borough Clerk Jean Mele, former Ward One Councilman Joe Metzler, former Superintendent of Schools Dr. Spirito, and Freeholder Mike Barratta.

MAYOR'S ADDRESS

I want to begin by wishing everyone a happy and healthy new year. I look forward to working with new Council President Frank Matthews to continue to move Hawthorne forward.

We are in challenging economic times: the State of New Jersey is in challenging economic times, and the Borough of Hawthorne is in challenging economic times. How we arrived here is irrelevant, how we get out is important. As an early signer on the Governor's 2.5% tax levy cap proposal, I made trips to Trenton and other places in support of this initiative. We now have a 2% cap with 3 exceptions. If you remember, last year the Governor reduced our State Aid in the eleventh hour by \$377,000, making the Borough's state aid allotment the lowest amount in 25 years. At that point, our only choice was a reduction in our workforce by four and a half employees: two in the Police through attrition, two in Department of Public Works by layoffs and a part-time white collar position by layoff.

That was a painful decision for me, not only due to the lives and families affected by layoffs and the moral of Borough employees, but also because of the effect on municipal services with reduced manpower. There is a mantra about doing more with less. Sometimes, doing the same thing with less takes more time.

We began work on the 2011 budget as soon as last year's budget was adopted. We knew that we would have to live within a 2% cap as agreed to by the Governor and the Legislature. Barring a further reduction in State Aid, this is a goal I believe we can meet, doing so without any additional reductions to our workforce, or cuts in services to our residents.

We have labor contracts in place with our three unions through 2011. I want to thank the Unions and their membership for working with us and understanding the Borough's budgetary constraints. As I reported last year, the days of unbridled wage increases are over. I give my thanks to Governor Christie

for reforming binding arbitration. This will hold salary increases for our labor contracts to levels that are more appropriate to the current economic conditions, and will reduce the demand for going to arbitration and speed up the settlement process.

As I stated earlier, there are three exceptions to the tax levy cap: health insurance, pensions and debt service. Solving the problems of rising health insurance premiums and New Jersey's pension system is above my pay grade. We do, however, continue to monitor our local bonding and debt service, spending carefully on infrastructure improvements and other capital items. We understand the need to balance public safety and the need to do business with an eye towards how and who pays.

This Administration is committed to economic development in Hawthorne. We are not, however, wildly chasing ratables. New development must make sense, be a positive for Hawthorne, and not stress our infrastructure. Economic development doesn't happen overnight, it can take years. Please be assured that it has been and will continue to be a priority of my Administration. There are two ways to fund our budget raise taxes or raise ratables. Through the economic development committee we are exploring becoming a state--designated Transit Village. This would make us more attractive for grants and transit projects. If we are successful, we would be the first Transit Village in Passaic County.

There are three areas we want to zero in on for 2011: Wagaraw Road development, the Pyrolac property and the Pan Chemical property. As most of you know, after two years and two letters of intent, talks with Kohl's Department stores broke down. We continue working with the property owners to bring development to that site.

At Pyrolac we have determined the extent of the environmental cleanup costs. We have someone interested in the property, and hopefully the Council will soon declare the site an area in need of redevelopment. This will enable us to move forward and put this piece of property back on the tax roles.

Lastly is the Pan Chemical site. I no longer believe that the developer has the ability or money to develop this site. I believe that the Borough needs to investigate acquiring the property and look for grants for the environmental cleanup costs. We have begun conversations with the state's Brownfields interagency team to discuss our options.

The Economic Development Committee continues to work with business and property owners trying to retain and bring new businesses into the Borough.

These are just some of the issues confronting your Borough government this year. Although there are many other challenges out there, I am confident that we are up to the task.

NOMINATION AND ELECTION OF COUNCIL PRESIDENT

Council President Bertollo then turned the meeting over to Clerk Witkowski, who announced the next order of business. She stated that the names for the Nomination and Election of Council President and Vice President would be called in the order drawn by lots for nomination.

Borough Clerk Witkowski asked for nominations for Council President. Councilman Lane nominated Councilman Matthews, seconded by Councilman Mele. There were no other nominations. On roll call all voted yes. Councilman Matthews abstained.

NOMINATION AND ELECTION OF COUNCIL VICE PRESIDENT

Clerk Witkowski asked for nominations for Council Vice President. Councilman Bennett nominated Councilman Bertollo, seconded by Councilman Sinning. There were no other nominations. On roll call, all voted yes. Councilman Bertollo abstained.

ADMINISTERING OATH OF OFFICE

Mayor Goldberg administered the Oath of Office to Council President Matthews.

Mayor Goldberg administered the Oath of Office to Council Vice President Bertollo.

Council President Matthews thanked everyone for coming out this evening, his colleagues for their support and his wife Susan and children for giving him the additional time that will be required to be President. He thanked Council Vice President Bertollo for the great two years of leadership they've had.

“When I sat to think about what goals we’d like to accomplish this year, the first thing that came to mind were the many residents still out of work and our economy still has not improved. We realize these are difficult times and we will be very prudent in how we spend your money. We will have our normal challenges this year but my first goal will be continued fiscal restraint, in these difficult times we need to do everything we can to keep costs under control. We will be will be challenged again by the preparation of this years budget and complying with the new 2% cap by the Governor, will be a challenge. I want to assure everyone we will not only shoot for the 2%, we’d like to get lower, and we can’t guarantee we will get there, but if you don’t set your targets low, we’ll never know. Reducing costs and finding more ratables with a combination of economic development, fiscal restrain and shared services where possible, are top priorities. We’ll work with the Administration and the Economic Development Committee to explore what is needed to qualify as a Transit Village. As Mayor Goldberg stated this may enable us to get more re-development grants and enhance the area from the train station up toward the library. Much of the early research has been done and Council will do whatever is required to work with the Administration to move the process along.

My second goal would be to comprise a number of many small projects that fall into a Project Pride category. How we see our community is a reflection on all of us. We want a neat and clean community and it’s up to all of us to make it reality. Sometimes we wait for the county or state to maintain their properties in our Borough instead of just doing what needs to be done. Through the Project Pride Committee we would like to accomplish the following:

- 1) clean-up the tree beds along our main streets and plant mulch around the bases of the trees for a more finished look
- 2) clean-up entrances to the highways, mulch the islands or plant low maintenance plantings where possible
- 3) work with the Administration to have the roads in center of town swept more frequently and empty garbage cans more often
- 4) start and finish “Project Park”
- 5) solicit donations and/or sponsorships to replace the “Welcome to Hawthorne” signs

My third goal would be to continue to address the illegal-housing issue. We have met with different professionals and the public last year and heard concerns of both sides. The Administration is doing a great job of covering unsafe or over-developed conditions with the tools it already has without additional legislation. We’ll provide any assistance we can going forward, while respecting the individual property owners rights

My fourth goal would be to look for more recreational opportunities for children and Seniors. We completed lighting at Veteran’s Field this year to fill one void, but it is always important to look for more opportunities where you can.

We will look at the possibility of enhancing our pool services and work with various groups in town in scheduling different events. We are here to represent you and make your government experiences most efficient and pleasant as possible. We’ll continue to work with Administration to improve our customer communication; we do an excellent job in resolving issues but we can always improve our lines of communication to make the lives of our residents better. In conclusion, I welcome the challenges ahead this year; look forward to working with Administration and my fellow council members on whatever comes our way. Once again thank you for coming tonight and have a Happy and Healthy New Year”.

Council Vice President Bertollo thanked his fellow Council Members, the Administration and Mayor, the Borough Administrator and all Borough employees that he’s had the opportunity to interface with over the last two years as tenure as Council President. “I am not going far as Council Vice President. It is very challenging to be the Council President and as we talk about success or failure of this Council, there is no “I” in team, this is a team effort, it is the person who has to sit in this chair and lead this group of talented people through the process of running the Borough of Hawthorne and we have that talent. Frank, I wish you well, you will do a great job and we wont I’m sure we will not skip a beat. I am honored to serve as Council Vice President and look forward to the challenges that lie ahead for 2011 and beyond. Moving forward this year obviously will be more challenging than ever given today’s economic woes and the financial crisis that face the federal, state, and county governments. I believe that our Mayor and Administration along with this Council are prepared again this year to step up to these economic challenges as we prepare 2011 Municipal budget and continue to provide municipal services to our community in the most cost effective manner, this won’t be an easy task but you can all feel very confident this Mayor and Council will always spend our tax dollars wisely. As you heard previously from Mayor Goldberg and Council President Matthews, we have all set a very aggressive agenda for the upcoming year and I look forward to meeting these challenges

head on. By working together in a continued spirit of cooperation with Mayor Goldberg, my fellow Council members, Superintendent of Schools Bob Mooney and the Board of Education, our Borough employees and the residents of our fine community, there is no reason why Hawthorne cannot continue to be one of the nicest, most desirable communities in the state of New Jersey. I wish you and all the citizens of this great town, a happy and healthy New Year, God bless you all and God bless the Borough of Hawthorne”.

Council President Matthews asked if any other Council member had remarks. Councilman Bennett responded:

One of the newspapers I read regularly commented that, as far as local government was concerned, it was “hard to point to any major accomplishments” in 2010. I suppose that all depends on your definition of “major accomplishments.”

Last year, through some of the toughest economic times this country has seen since the Great Depression, this governing body – both administration and council – functioned as one cohesive unit. We didn’t always agree with each other, but we worked with each other to overcome each new challenge and continue to provide the level of service and security our residents have come to expect. Those who recall days gone by when personal or political agendas and relationships often impeded progress might call that a major accomplishment.

The acquisition and reconstruction of Brockhuizen Lane, a problem that confronted several previous councils and administrations, was essentially solved last year. I’m sure the residents who live there, not to mention some of the Highview at Hawthorne Association members, might consider that a major accomplishment. Another problem that has plagued the town for years – serious flooding on streets like Washington Ave. and Goffle Road at North 8th Street – took a major step toward solution when we put the necessary bonding in place, bid the project, and awarded the contract. Granted, the project did not start on schedule, through no fault of our own, but our borough engineer has informed the contractor in no uncertain terms that it will be completed on schedule in April, or we will enforce our right to collect liquidated damages from them. Not a major accomplishment in 2010, granted, but I can assure you it will be considered one of the major accomplishments of 2011.

As promised during last year’s reorganization meeting, Hawthorne acquired a new street sweeper in 2010. Also on the public works front, we essentially completed several years worth of renovations to the Hawthorne pool, one of the crown jewels of our community; we installed lighting at Veterans Field; and with the help of Kevin Downes, one of the most civic-minded members of this community, we’ve hopefully solved the drainage problems that have plagued Veterans Field since its construction. Major accomplishments? Some might not think so. But the merchants whose businesses were affected by dirty streets, the many families who enjoy the pool during the hot summer months, and the parents of children enrolled in our town’s recreational soccer program, might have a different opinion.

And how could anyone who participated in last October’s Hawthorne Day celebration not consider that a major accomplishment?

In the end, though, does it really matter whether they’re considered major or minor accomplishments? They were accomplishments – not failures – and that means we’re doing the job you elected us to do. Nothing is ever perfect, mainly because in a community of 18,000 people, just try getting everyone to agree on what constitutes perfection. But for the most part I’d say we managed to keep everything running relatively smoothly in 2010. Let’s be honest, when the biggest campaign issue both parties could come up with was whether a water rate increase can be considered a tax or not, your town is running relatively smoothly. That, in my book, constitutes a significant accomplishment.

It also encompasses my primary goal for 2011. Working hand-in-hand with the mayor, the administration, and all of my colleagues up here on the council, I plan to do my best to make things run as smoothly as possible in Hawthorne, regardless of what challenges may confront us, so that our residents can continue to enjoy the level of services and quality of life they’ve come to expect from us. When you come right down to it, isn’t that what good government is all about? If we can achieve that, I, for one, will be quite satisfied that we’ve done our jobs. I’ll leave it to you people, the ones whose lives are affected every day by what we do here, to decide whether that constitutes a major or minor accomplishment.

With that said, I’d like to wish everyone a happy, healthy, and prosperous New Year, and may God bless the people of Hawthorne.

Councilman Lane remarked he would like to echo the words of his colleagues and the Mayor with regards to the accomplishments of last year. A major accomplishment he would like to see this year

would be the Transit Village where he and the Economic Development Committee, especially Chairman Carl Schmidt, are working very diligently to see it through to make this a very prosperous community. A tremendous amount of work will go into the Village, not just the area in the ½ mile from the train station but eventually other parts of the community which will also enhance the aesthetics of Hawthorne to keep it a beautiful community that we can be proud of and to call our own. The goals set forth by the Council President are very challenging and there is no reason why they cannot accomplish any of them. We are here to serve you and do not hesitate to contact me should you have any concerns. He continued that he looks forward to working with his colleagues and the Administration this year. He wished all a happy, healthy and prosperous new year.

Councilman Mele wished all a happy, healthy and safe New Year. He congratulated Council President Matthews and Council Vice President Bertollo. He thanked the Administration, as a business owner, for the snow removal on Lafayette Avenue this week, and is happy to see the Borough is business friendly in these tough times.

Councilman Sinning remarked we should not look back on the past year and as the Mayor stated it will be a tough year ahead. Living within the 2% cap will be difficult in maintaining the level of services we had. He asked Hawthorne be patient as we do what we can to maintain and provide the best service possible with our number one concern being public safety. Times are tough all around and though we may not be able to see new programs this year please bear with us as we provide the best level of service we can. He wished all a happy, healthy and safe New Year.

Councilman Wojtecki congratulated Council President Matthews and Council Vice President Bertollo.

Council President Matthews recognized the attendance of a few more dignitaries: Former Superintendent of Schools, Dr. Spirito and Freeholder Mike Barratta.

APPROVAL OF MINUTES:

Council President Matthews entertained a motion to approve the minutes of the Special Meeting and Closed Session of December 10, 2010, Regular Meeting and Closed Session of December 15, 2010, Special Meeting and Closed Session of December 17, 2010, moved by Councilman Mele, seconded by Councilman Wojtecki. On roll call, Councilman Bennett abstained from the Special Meetings of December 10 and 17, Councilman Lane abstained from the Special Meetings of December 17. Councilpersons Bertollo, Mele, Sinning, Wojtecki and Matthews all voted 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 and state your name and address. He stipulated this be for agenda items only. Seeing none, Council President Matthews entertained a motion to close the public portion, moved by Council Vice President Bertollo seconded by Councilman Wojtecki. On roll call, all voted yes.

ADOPTION OF ORDINANCES

There were no ordinances to be adopted.

OLD BUSINESS

Councilman Wojtecki addressed Administrator Maurer and asked for updates on the following, mold on the pool cover, employee evaluations, parking issues at Congress Textiles, and contact with Paterson animal control officer. Administrator Maurer responded there is not a mold problem with the pool cover as of now and should there be once it is removed and opened, it will be corrected at that time. He continues to work on the employee evaluations. The police have been notified several times to check on the parking issue at Congress Textiles. He continues to place phone calls to Paterson animal control officer. Mayor Goldberg interjected that a letter has been sent to Paterson indicating we will seek other services once our contract expires. In addition, he's had a conversation with Paterson Mayor Jones in regards to unsuccessful responses to Administrator Maurer's phone calls. Mayor Jones indicated their office is very busy working on the budget to continue to try. Council President Matthews suggested a certified letter be sent over so we know it is getting to the right people. Councilman Wojtecki had no further questions.

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

Council Vice President Bertollo thanked the Administration and the Department of Public Works for the response to the snow storm this week. Amid criticism and complaints, these guys step up to the plate in adverse conditions and did a great job in putting the Borough back together. Their proactive approach along Lafayette Avenue and areas around the schools is a tribute to what they have done. The system is not perfect and the Department of Public Works met tonight and discussed improvements in service for the next snow storm.

Council President Matthews asked if there was any other old business to discuss. No other issues were raised.

ADMINISTRATIVE AGENDA PRESENTED BY THE MAYOR

Mayor Goldberg commented that all residents should be in receipt of the Borough Community Calendar and with that and the Borough website any information one needs about the Borough can be found in these places. He urged all to read the calendar and visit the website at www.hawthornenj.org.

Mayor Goldberg indicated there were a lot of appointments tonight and he would begin with the advice and consent appointments.

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

Court Administrator	Christine Oravetz
Deputy Court Administrator	Joyce Comerro
Prosecutor	Ralph Fava
Public Defender	Joseph DeMarco

Council President Matthews entertained a motion, moved by Councilman Lane, seconded by Council Vice President Bertollo. On roll call all voted yes. Mayor Goldberg administered the Oaths of Office. Not present was Prosecutor Ralph Fava.

Member/Environmental Commission	Rayna Lynn Laiosa
Member/Environmental Commission	Robert Maggio
Member/Environmental Commission	Michael Mariani
Member/Board of Health	Lucy Pataki
Member/Board of Health	Thomas Saraffian
Member/Board of Health	Joan Terry
Member/Library Board of Trustees	P. Jean Mele
Member/Library Board of Trustees	Dr. Richard Spirito

Council President Matthews entertained a motion for advice and consent, moved by Councilman Wojtecki, seconded by Councilman Sinning. On roll call all voted yes. Mayor Goldberg administered the Oaths of Office.

Member/Zoning Board of Adjustment	Scott Chamberlin
Member/Zoning Board of Adjustment	Jack B. De Ritter

Council President Matthews entertained a motion for advice and consent, moved by Councilman Mele, seconded by Council Vice President Bertollo. On roll call all voted yes. Mayor Goldberg administered the Oaths of Office.

MAYOR'S APPOINTMENTS:

Members/Municipal Alliance Committee	JoAnne Graziano
	John Magna
	Michael Jarvis
	Robert Mooney
	Lorraine Powell
	Robert Scully
	Jayne TenKate
	Emily Spina
	Diego Cruz
	Christopher Connelly
	Michael Padilla
	Rachael Dully

Lindsey Savoie
Clark Barhoorst

Members/Economic Development Committee

John Lane
Victor Terraglia
Anthony Spanedda
Carl Schmidt
Frank Coppolla
Evangeline Gomez

Council President Matthews entertained a motion to record, moved by Councilman Wojtecki, seconded by Councilman Mele. On roll call all voted yes. Mayor Goldberg administered the Oaths of Office.

Member/Shade Tree Commission Alt #2
Member/Shade Tree Commission
Member Shade Tree Commission

Declan Madden
Philip Savoie
David Seller

Council President Matthews entertained a motion to record, moved by Councilman Mele, seconded by Councilman Sinning. On roll call all voted yes. Mayor Goldberg administered the Oaths of Office.

Class 2 Member/Hawthorne Planning Board
Alt. #1 Member/Hawthorne Planning Board

Gene De Augustines
Norman Kowalski

Council President Matthews entertained a motion to record, moved by Councilman Sinning, seconded by Councilman Bertollo. On roll call all voted yes. Mayor Goldberg administered the Oaths of Office.

Member/Board of Recreation

Chip Miller

Council President Matthews entertained a motion to record, moved by Councilman Wojtecki, seconded by Council Vice President Bertollo. On roll call all voted yes. Mayor Goldberg administered the Oaths of Office.

Chief of the Ambulance Corps
LEPC Rep
LEPC Council President

Andrew Metzler
Andrew Metzler
Frank Matthews

Mayor Goldberg appointed Council President Matthews as LEPC Council President. Council President Matthews entertained a motion to record, moved by Councilman Lane, seconded by Councilman Sinning. On roll call all voted yes. Mayor Goldberg administered the Oath of Office to Andrew Metzler.

Risk Management Consultant
LEPC Council President

David Vozza – Vozza Agency
Frank Matthews

2011 Solid Waste Advisory Committee Representative(s)

Joseph Clementi
Eric Maurer (Alt)

Council President Matthews entertained a motion to record moved by Council Vice President Bertollo, seconded by Councilman Mele. On roll call all voted yes. Mayor Goldberg administered the Oaths of Office.

Mayor Goldberg stated he would call upon his management team for their reports.

Mayor Goldberg called upon Attorney Pasquale for his report.

Attorney Pasquale reported on the following:

Looking forward to working with Council President Matthews and Council Vice President Bertollo. He indicated the litigation matter concerning garbage pickup has been thrown out by Judge Brogan and the contract re-bidding process has begun again. Hoping for pricing to come back in around the same as the first bids. Looks forward to items as outlined by Council President Matthews and Mayor Goldberg as points to concentrate on this year with heavy emphasis on redevelopment and cleaning up a few long-standing problems. Looks forward to a positive New Year and all the best to Council President Matthews as he moves forward in this position.

This concluded Attorney Pasquale's report.

Mayor Goldberg called upon Engineer Boswell for his report.

Engineer Boswell reported on the following:

Congratulations to Council President Matthews and Council Vice President Bertollo.

Oil/Water Separator – working on the requested heating and lighting retrofit for the building, should be available at next meeting.

Leaf Compost Facility Permit – waiting for a signed application and check form from the Borough. Once received, the application will be submitted to Hudson-Essex-Passaic County Soil Conservation District.

UST Groundwater Monitoring – The contractor just submitted the Tank Disposal Receipt, Sludge Disposal Receipt and Clean Fill Certification. Chris Arntz is considering submitting the remediation information under the DEP's UHOT program rather than as an LSRP. The Borough should receive a No Further Action faster. Chris hopes to have the completed report and forms to the Borough on Wednesday for submission at the meeting.

Goffle Brook Bank Stabilization – Passaic County has approved our proposal. The consultant has been contacted to begin the Historical and Archaeological Survey. Revised landscape plans are also expected to be prepared.

2010 Road Improvement Program – The contractor has not yet submitted the Maintenance Bond. The curb improvements for Cornell have been completed. The driveway on Division Street will be addressed in the Spring.

Goffle Hill Force Main – The project is completed and finalized. The Contractor has not yet submitted the Maintenance Bond.

Brockhuizen Lane – Punch list items need to be addressed and project finalized. Verizon has relocated their pole. Some restorations will take place in the spring. A credit Change Order for approximately \$25,000 will be forthcoming at the next meeting.

Christian Health Care Center – Wyckoff began hearing the application on Monday, December 13. The next special meeting is scheduled for Monday, February 7. The application could take a year to be heard.

Drainage Improvement Project – Stacey Contracting has completed some test pits. Work is still planned to begin on or about February 7th. Our office expressed concern that the project would be completed by April 29, the contract completion date. At the meeting, the contractor was informed the Borough would assess liquidated damages should they fail to complete the project on time.

Library Roof - A proposal has been submitted for plans and specs for a new roof.

Rea and Third Drainage Improvement – awaiting approval this year for the drainage repair at Rea and Third Avenue's (in front of the church).

Resolution R4-11 is another credit change order in the amount of \$8,200 for Van Winkle Avenue.

This concluded Engineer Boswell's report.

Mayor Goldberg called upon Administrator Maurer for his report.

Administrator Maurer reported on the following:

Congratulated incoming Council President Matthews and Council Vice President Bertollo, he looks forward to working with them and the rest of the Council in the upcoming year. Thanked the residents for their patience during the recent snow storm and their cooperation in staying off the roads during the height of the blizzard. Out of pocket costs for the snow storm is approximately \$49,000, with the total cost, including straight time and vehicle cost, of \$79,000. A FEMA reimbursement request will be submitted in which we should be able to receive a 75% cost reimbursement. Thanks to Luscher's Automotive for their emergency truck repairs during the storm, thanks to the Sheriff for their reverse 911 calls to notify residents to move their cars and clear sidewalks. Alternate side parking last week helped in making wider lanes in the snow on the residential streets. Salt dome is 80% full with 225

tons on order to prepare for the snow storm forecasted for this Friday and Saturday. In the process of completing repair for those trucks which went down in the last snow storm. Department of Public Works also had to deal with two water main breaks in the aftermath of the storm. Christmas tree pickup is now underway throughout the Borough. Services under the interim contract of garbage recycling with Future Sanitation are now underway. The re-bid of the five-year contract has been advertised and we've had several prospective bidders pick up the packet. Water meter replacement program is 73% complete with 648 installed, projected completions by end of first quarter this year. Soon to have testing data on removed meters which will guide us in proceeding with future phases of the meter replacement program.

This concluded Administrator Maurer's report.

Mayor Goldberg asked Council President Matthews in light of tonight being a reorganization meeting he ask to wave any questions Administration may have to answering them offline or during the week so we can move on and this would complete the Administrative reports.

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

COUNCIL APPOINTMENTS

CA-1 Appointment and Award of Contract of the Municipal Auditor for the year 2011, Joseph Kelly, CPA, RMA with the firm Suplee, Clooney & Company

Council President Matthews entertained a motion to approve, moved by Councilman Wojtecki, seconded by Councilman Mele. On roll call all voted yes. Mayor Goldberg administered the Oath of Office to Municipal Auditor Joseph Kelly.

CA-2 Council appointment of Frank Matthews to Council Representative to the Planning Board

Council President Matthews entertained a motion to record, moved by Councilman Mele, seconded by Councilman Lane. On roll call all voted yes. Mayor Goldberg administered the Oaths of Office.

CONSENT AGENDA: R 01-11 through R 17-11:

R-1 Resolution, introduced by Councilman Mele

RESOLVED: TO RATIFY THE ACTIONS OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF HAWTHORNE PAYROLL DATED 12/16/10.

CURRENT FUND	WT 888889	247,298.96
WATER OPERATING FUND	WT 888889	37,302.17
OTHER TRUST II FUND	WT 888889	17,214.34
TOTAL PAYROLL		<u>\$ 301,815.47</u>
CURRENT OPERATING FUND TO PAYROLL/FICA	WT 888889	13,710.32
WATER OPERATING FUND TO PAYROLL/FICA	WT 888889	0.00
TOTAL FICA		<u>\$ 13,710.32</u>

And also for the payroll dated 12/30/10.

CURRENT FUND	WT 888889	230,147.20
WATER OPERATING FUND	WT 888889	38,457.91
OTHER TRUST II FUND	WT 888889	24,431.41
TOTAL PAYROLL		<u>\$ 293,036.52</u>

CURRENT OPERATING FUND TO PAYROLL/FICA	WT 888889	13,089.07
WATER OPERATING FUND TO PAYROLL/FICA	WT 888889	0.00
		\$ 13,089.07
TOTAL FICA		

R-2 Resolution, introduced by Councilman Mele

APPROVAL OF THE 2010 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides that where contracts, commitments of payments are to be made prior to the final adoption of the 2011 budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, this resolution will take effect on the first day of January 2011; and

WHEREAS, the said temporary appropriations are limited to 26.25% of the total appropriation in the 2010 budget, exclusive of any appropriations for Debt Service, Public Assistance and Capital Improvement Fund in the said 2010 budget.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the following temporary appropriations be made and that a certified copy of this resolution be transmitted to the Treasurer for her records:

TEMPORARY BUDGET
MUNICIPAL OPERATIONS

Salaries & Wages

General Administration	\$ 36,000.00
Mayor/Council	9,000.00
Municipal Clerk	24,000.00
Financial Administration	36,000.00
Revenue Collection	18,000.00
Tax Assessment	18,000.00
Legal Services	10,800.00
Planning Board	6,000.00
Zoning Board of Adjust	6,000.00
Construction Code	39,000.00
Code Enforcement	15,000.00
Uniform Police	816,000.00
Police Dispatchers	39,000.00
PEOSHA	6,000.00
Fire	6,000.00
Uniform Fire	25,200.00
Prosecutor	7,200.00
Streets	246,000.00
Sewer	39,000.00
Recycling	45,000.00
DPW Admin	30,000.00
Board of Health	24,000.00
Board of Recreation	18,000.00
Library	180,000.00
Municipal Court	30,000.00
Public Defender	1,800.00
S&W Total	<u>1,731,000.00</u>

OTHER EXPENSES

Administration	5,000.00
Admin/Postage	5,000.00
Mayor/Council	1,400.00
Municipal Clerk	10,000.00
Finance	10,000.00
Revenue Collection	10,000.00
Assessor	7,000.00
Legal	10,000.00
Engineering	15,000.00
Planning	500.00
Zoning Board of Adjustment	500.00
Uniform Construction Code	8,000.00
Local Code Enforcement	1,500.00
Municipal Insurance	250,000.00
Group Insurance	640,000.00
Workers Comp	30,000.00
Uniformed Police	25,000.00
PEOSHA	3,000.00
Emergency Mgmt	2,000.00
Fire	30,000.00
Uniform Fire Safety	1,000.00
Streets	80,000.00
Shade Tree	8,000.00
Sewer	14,500.00
Recycling	100,000.00
Garbage Pickup	120,000.00
DPW Administration	10,000.00
Vehicle Maintenance	32,000.00
Board of Health	4,000.00
Environmental Commission	1,500.00
Board Of Recreation	10,000.00
Field/Park Maintenance	10,000.00
Library	85,000.00
Public Events	5,000.00
Bond Fees	5,000.00
Electric/Gas	97,500.00
Street Lighting	50,000.00
Telephone	18,000.00
Passaic Valley Sewer Commission	300,000.00
Gasoline	75,000.00
Tipping Fees	130,000.00
Social Security	110,000.00
PERS	133,770.00
PFRS	136,000.00
Municipal Alliance	5,000.00
Municipal Court	3,500.00

Other Expense Total 2,608,670.00

Current Temporary Appropriations \$4,339,670.00

Current**Debt Service**

Bond Principal	\$1,010,000.00
Bond Interest	458,286.00
Note Interest	42,170.00
NJEIT Loan	151,740.00
Wastewater Loans	<u>261,017.00</u>

Debt Service Appropriations \$1,923,213.00

TEMPORARY BUDGET

Water Utility

Salaries & Wages	\$246,000.00
Other Expense	277,926.00
Lab Testing	8,000.00
Group Insurance	50,000.00
Municipal Insurance	20,000.00
Workers Comp	<u>15,000.00</u>
Total	<u>\$616,926.00</u>

WATER UTILITY

Debt Service

NJEIT 2003 Loan	186,375.00
Note Interest	6,200.00
Bonds	50,000.00
Interest on Bonds	<u>20,749.00</u>
Total	<u>\$263,324.00</u>

COMPUTATION OF MAXIMUM FOR TEMPORARY BUDGET

(Exclusive of Debt Service)

CURRENT BUDGET

2010 Budget as Adopted	\$18,359,524.00
Add:	
Amend 159	<u>158,275.00</u>
	18,517,799.00
Less:	
Capital Improvement Fund	100,000.00
Public Assistance	0.00
Debt Service	<u>1,885,722.00</u>
	1,985,722.00
Net Basis for Computation	<u>\$16,532,077.00</u>

26.25% of Net Basis for Maximum
Computation and Maximum for
Temporary Budget

\$4,339,670.21

WATER UTILITY BUDGET

2010 Budget as Adopted	\$2,607,320.00
Add:	
Amendments (40A:4-87)	<u>0.00</u>
	2,607,320.00
Less:	
Capital Improvement Fund	0.00
Debt Service	<u>257,124.00</u>
	257,124.00
Net Basis for Computation	<u>\$2,350,196.00</u>

26.25% of Net Basis for Maximum
Computation and Maximum for
Temporary Budget

\$ 616,926.45

R-3 Resolution, introduced by Councilman Mele

ESTABLISHMENT OF PETTY CASH FUND

WHEREAS, the Petty Cash Funds for the Treasury is returned to general funds as of December 31, 2010 and must be reestablished.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to draw a check on the Current Fund and as follows:

<u>Department</u>	<u>Custodian</u>	<u>Amount</u>	<u>Fund</u>
Treasury	Mary Jeanne Hewitt	\$300.00	Current

R-4 Resolution, introduced by Councilman Mele

APPROVE CHANGE ORDER #2 AND FINAL, FOR AS BUILT QUANTITIES FOR VAN WINKLE AVENUE – SECTION 2, BUCKLER ASSOCIATES, DECREASING THE AMOUNT OF THE PAYMENT BY <\$8,216.50>

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with Buckler Associates for Improvements to Van Winkle Ave-Section 2 authorized by ordinance #2010-10,

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

Change Order No. 2 and Final	
As built-quantities	<\$8,216.50>

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No. 2 and final decreasing the amount of the payment required under said contract by the sum of <\$8,216.50>, 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.

R-5 Resolution, introduced by Councilman Mele

A RESOLUTION NAMING OFFICIAL DEPOSITORIES FOR THE BOROUGH OF HAWTHORNE, NEW JERSEY FOR THE YEAR 2011

WHEREAS, N.J.S.A. 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository of its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state.

NOW, THEREFORE, BE IT RESOLVED on the 5th day of January, 2011, by the Council of the Borough of Hawthorne, County of Passaic, State of New Jersey, that:

1. Bank of America, Hawthorne, N.J.; Valley National Bank, Fair Lawn, N.J.; Chase Bank, Hawthorne, N.J.; Atlantic Stewardship, Hawthorne, N.J.; Wachovia Bank/Wells Fargo, Hawthorne, N.J.; TD Bank, Hawthorne, N.J.; Hudson United Bank, Franklin Lakes and Mendham, N.J.; Columbia Savings Bank, Hawthorne, N.J.; New Jersey Cash Management Fund, Division of Investment, Department of Treasury, Trenton, N.J.; be and are hereby designated as depositories for the Borough of Hawthorne for the year 2011.
2. Prior to the deposit of any municipal funds in the above-mentioned depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered under the Government Units Deposit Protection Act (R.S. 17:9-41).

R-6 Resolution, introduced by Councilman Mele

DESIGNATION OF LEGAL NEWSPAPERS

WHEREAS, as per N.J.S.A. 40:53 1-2, the Borough of Hawthorne designates the following newspapers as legal papers for the year 2011:

The Hawthorne Press
The Herald News
The Record
The Newark Star Ledger

R-7 Resolution, introduced by Councilman Mele

REAFFIRMATION OF ALL PREVIOUSLY ADOPTED PROCEDURAL RULES, PROTOCOLS AND RESOLUTIONS FOR 2010

WHEREAS, the Municipal Council of the Borough of Hawthorne has previously adopted rules, protocols and resolutions setting forth procedural matters for the conduct and operation of the Council meetings and business; and

WHEREAS, the Municipal Council wishes to extend and continue all such rules and resolutions;

NOW THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne does hereby ratify and reaffirm all previously adopted procedural rules, protocols and resolutions for the year 2011.

R-8 Resolution, introduced by Councilman Mele

DESIGNATION OF THE PUBLIC AGENCY COMPLIANCE OFFICER, ERIC MAURER, BOROUGH ADMINISTRATOR.

WHEREAS, it is deemed necessary that the Public Agency (the Borough of Hawthorne) shall designate an officer or employee to serve as Public Agency Compliance Officer (P.A.C.O.), whose name title, business address, telephone number and fax number shall be forwarded to the State Affirmative Action Office by January 10, of every year; and

WHEREAS, the P.A.C.O. is the liaison official for matters concerning P.L. 1975, c. 127 (N.J.A.C. 17:27) and should have the authority to make the appropriate correction(s) to the Borough of Hawthorne's contracting procedures if required; and

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council that the Borough Administrator be and is hereby designated as Compliance Officer and the Clerk is hereby directed to file a copy of this resolution with the Department of the Treasury, Affirmative Action Office, CN-209, Trenton, New Jersey 08625-0209.

COMPLIANCE OFFICER DESIGNATION FOR THE BOROUGH OF HAWTHORNE: ERIC MAURER

R-9 Resolution, introduced by Councilman Mele

A RESOLUTION RATIFYING AND AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO BURGIS ASSOCIATES

WHEREAS, the Borough Council of the Borough of Hawthorne will require professional services of a professional planner and has determined to award the same as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

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

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised;

WHEREAS, the Borough Council of the Borough of Hawthorne has previously retained the services of Joseph Burgis of Burgis Associates, to serve as planning consultant in a number of contexts, including, most recently, the preparation of a Housing Element and Fair Share Plan in satisfaction of Hawthorne's obligation under the Fair Housing Act;

WHEREAS, the Borough of Hawthorne is obligated to complete preparation of its third round Housing Element and Fair Share Plan in accordance with the Fair Housing Act and COAH rule and regulation and adopt ordinances consistent therewith;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Joseph Burgis and Burgis Associates, for professional planning services so as to undertake a preparation of a third round Housing Element and Fair Share Plan, in accordance with the written estimate for such work previously submitted by Mr. Burgis and at the rates established therein. Funds shall be allocated from the municipal budget as well as the Housing Trust established in the Borough of Hawthorne in accordance with COAH regulation. The final phase of the Housing Element and Fair Share Plan, as well as ordinances related to the same, authorized by this resolution, shall be at a cost not to exceed \$10,000.00 without further authorization of the Council.
2. The contract is entered into without competitive bidding as "Professional Service," pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

R-10 Resolution, introduced by Councilman Mele

A RESOLUTION RATIFYING AND AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO KNAPP, TRIMBOLI & PRUSINOWSKI, LLC

WHEREAS, the Borough Council of the Borough of Hawthorne will require professional services of Labor and Employment Counsel for legal services and has determined to award the same as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, the Clerk has determined and certified in writing that the value of the contract will not exceed \$17,500; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised;

WHEREAS, the Borough Council of the Borough of Hawthorne has previously retained the services of Frederic M. Knapp, Esq., to serve as legal counsel in connection with employment matters;

WHEREAS, Frederic M. Knapp, Esq., has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification, which certifies that Frederic M. Knapp, Esq. and Knapp, Trimboli & Prusinowski, LLC have not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit Frederic M.

Knapp, Esq. and Knapp, Trimboli & Prusinowksi, LLC from making any reportable contributions during the term of the contract

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Frederic M. Knapp, Esq., of the law firm of Knapp, Trimboli & Prusinowski, L.L.C., for legal services as Labor and Employment Counsel for the period of January 1, 2011, through December 31, 2011, in accordance with the attached contract. The scope of services shall be as determined by the Administration on a case-by-case or assigned basis. Compensation shall be at the rate set forth in the contract as annexed, it being understood that billing for services shall not include travel time as any part thereof.
2. The contract is entered into without competitive bidding as "Professional Service," pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

R-11 Resolution, introduced by Councilman Mele

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO JOSEPH KELLY AND SUPLEE, CLOONEY & COMPANY

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the services of a Registered Municipal Accountant for the purpose of performing the 2011 Annual Audits pursuant to NJSA 40A:5-4, et seq., has been determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

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

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised;

WHEREAS, Joseph Kelly, CPA, RMA, PSA. And the firm of Suplee, Clooney & Company, has submitted a proposal and contract for said accounting services, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, Joseph Kelly has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that Joseph Kelly and Suplee, Clooney & Company. Has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit Joseph Kelly and Suplee, Clooney & Company from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Joseph Kelly and Suplee, Clooney & Company, for accounting services for the year 2011, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.

2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

R-12 Resolution, introduced by Councilman Mele

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO DAVID VOZZA AND THE VOZZA AGENCY FOR RISK MANAGEMENT SERVICES

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the services of a Risk Management consultant, as required by the Morris County Joint Insurance Fund and Municipal Excess Liability Joint Insurance Fund and has determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

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

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised;

WHEREAS, David Vozza and the firm of The Vozza Agency, Inc., has submitted a proposal and contract for said risk management services, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, David Vozza has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that David Vozza and The Vozza Agency, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit David Vozza and The Vozza Agency, Inc. from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with David Vozza and the Vozza Agency, Inc., for risk management services for the year 2011, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

R-13 Resolution, introduced by Councilman Mele

A RESOLUTION RATIFYING AND AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO COMMUNITY GRANTS AND PLANNING, L.L.C.

WHEREAS, the Borough of Hawthorne is obligated to achieve compliance with the Fair Housing Act and satisfy its obligation to provide the realistic opportunity for the development of low and moderate income housing including the rehabilitation of existing substandard units of housing in the Borough of Hawthorne; and

WHEREAS, in accordance with the Fair Housing Act, the Borough has engaged the services of Community Grants and Planning, Inc., to serve as administrator of its Rehabilitative Housing Program; and

WHEREAS, the Borough Council of the Borough of Hawthorne has determined to award a contract for administration of its Rehabilitative Housing Program as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Community Grants and Planning has agreed to continue to serve in such capacity in accordance with the same terms and conditions previously set forth in a proposal submitted by said entity; and

WHEREAS, the provision of such services is not subject to the Local Public Contracts Law as such services are professional in nature, therefore not requiring the solicitation of bids; and

WHEREAS, the anticipated cost of such services, as certified by the Municipal Clerk, is not anticipated to exceed \$17,500 per year, thereby exempting the same from the terms of NJSA 19:44-20.5, et seq.;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does retain

Community Grants and Planning, Inc.,
569 Abbington Drive,
East Windsor, NJ 08520

to serve as administrator of its Rehabilitative Housing Program in accordance with the Professional Services Agreement previously submitted; and

BE IT FURTHER RESOLVED, that the Municipal Council does authorize the Mayor and Clerk to execute and deliver the aforesaid contract as and for the act of the Borough of Hawthorne, subject to receipt of a Business Disclosure Entity Certification and Determination of Value, the same to be placed on file with a true copy of this resolution.

R-14 Resolution, introduced by Councilman Mele

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO STEPHEN BOSWELL AND BOSWELL MC CLAVE ENGINEERING

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the services of a Borough Engineer for the purpose of performing the engineering services for year 2011, pursuant to NJSA 40A:5-4, et seq., has been determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

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

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised;

WHEREAS, Stephen Boswell, Ph.D. and the firm of Boswell McClave Engineering has submitted a proposal and contract for said accounting services, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, Stephen Boswell, Ph.D. has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that the firm of Boswell McClave Engineering has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit Boswell McClave Engineering from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Stephen Boswell, Ph. D. for services for the year 2011, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as "Professional Service," pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

R-15 Resolution, introduced by Councilman Mele

A RESOLUTION RATIFYING AND AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO MCMANIMON AND SCOTLAND, L.L.C.

WHEREAS, the Borough Council of the Borough of Hawthorne will require professional services of Bond Counsel for legal services and has determined to award the same as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, the Clerk has determined and certified in writing that the value of the contract will not exceed \$17,500; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised;

WHEREAS, the Borough Council of the Borough of Hawthorne has previously retained the services of McManimon and Scotland, to serve as legal counsel in connection with bond matters;

WHEREAS, McManimon and Scotland has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification, which certifies that the firm and its individual members have not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit McManimon and Scotland and its members from making any reportable contributions during the term of the contract

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with McManimon and Scotland for legal services as Bond Counsel for the period of January 1, 2011, through December 31, 2011, in accordance with the attached contract. The scope of services shall be as determined by the Administration on a case-by-case or assigned basis but nevertheless subject to approval by the council. Compensation shall be at the rate set forth in the contract as annexed.

2. The contract is entered into without competitive bidding as “Professional Service,” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

R-16 Resolution, introduced by Councilman Mele

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES AS GRANT WRITER

WHEREAS, the Municipal Council of the Borough of Hawthorne previously undertook a search so as to identify and retain the services of a grant writer having expertise in researching availability of funds, identifying needs of the Borough and pursuing the same on behalf of the Borough; and

WHEREAS, as a result of such search, the Municipal Council awarded a contract to Capital Alternatives of New Milford to serve as grant writers in the Borough of Hawthorne; and

WHEREAS, the Borough, based upon recommendation of the Borough Attorney, had determined that it may award a contract without necessity of public bidding in accordance with the Local Public Contracts Law, it being the opinion of the Borough Attorney that the same constitutes Extraordinary Unspecified Services, that being services that are specialized in nature, requiring expertise, training and experience, including a proven track record in the area in question; and

WHEREAS, of the Borough of Hawthorne has determined to continue its relationship with Capital Alternatives and has determined to award a contract for grant writing as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated cost of such services, as certified by the Municipal Clerk, is anticipated to exceed \$17,500 per year, thereby requiring compliance with the terms of NJSA 19:44-20.5, et seq.;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does retain

Capital Alternatives Corporation,
Demarest House
618 River Road,
New Milford, NJ 07646

to provide grant writing and related services, all in accordance with the proposal submitted by the said company annexed hereto and incorporated by reference; and

BE IT FURTHER RESOLVED, that the Municipal Council does authorize the Mayor and Clerk to execute and deliver the aforesaid contract as and for the act of the Borough of Hawthorne, subject to receipt of a Business Disclosure Entity Certification and Determination of Value, the same to be placed on file with a true copy of this resolution as well as compliance with all terms of NJSA 19:44-20.5, et seq; and

BE IT FURTHER RESOLVED, that the award of contract is subject to review of the contract by the Borough Attorney and modification as he may determine appropriate as well as verification of funds as may be required by the Chief Financial Officer.

R-17 Resolution, introduced by Councilman Mele

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO MICHAEL J. PASQUALE, ESQ.

WHEREAS, the Municipal Council of the Borough of Hawthorne has the need for the services of a Borough Attorney for the purpose of performing legal services for year 2011, pursuant to NJSA 40A:5-4, et seq., has been determined to award the same as a non-fair and open contract pursuant to the provisions of NJSA 19:44A 20.5; and

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

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised;

WHEREAS, Michael J. Pasquale, Esq. and the firm of Law Offices of Michael J. Pasquale, Esq. has submitted a proposal and contract for said legal services, said contract to be available for inspection in the office of the Borough Clerk; and

WHEREAS, Michael J. Pasquale, Esq. has submitted to the Borough of Hawthorne a duly completed Entity Disclosure Certification which certifies that the Law Offices of Michael J. Pasquale, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and that the contract will prohibit Law Offices of Michael Pasquale Esq. from making any reportable contributions during the term of the contract;

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

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with Michael Pasquale Esq. for services for the year 2011, in accordance with the attached contract and at the rate of compensation as set forth in the contract as annexed.
2. The contract is entered into without competitive bidding as "Professional Service," pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

Council President Matthews entertained a motion to approve the Consent Agenda, moved by Councilman Mele, seconded by Council Vice President Bertollo. Council President Matthews asked for discussion. Councilman Wojtecki addressed Administrator Maurer on R6-11 and asked if the legal notices could include online postings. Borough Attorney Pasquale responded by law we only can post in the newspaper at this time. Council President Matthews asked if there was any other discussion. On roll call, all voted yes.

NEW BUSINESS

NB-1 Approval of Used Car License Renewals for the Year 2011

- M & P Foreign Used Cars, Inc. II
- Hawthorne Auto Sales
- Nissan of Hawthorne, LLC
- Paul's Motors
- Triangle Auto Sales

NB-2 Approval Wholesale Car License Renewal for the Year 2011

- E G Auto

Councilman Wojtecki indicated that the word “Wholesale” was left off the application filed by EG Auto with the Planning Board. Council President Matthews remarked that an amendment will be issued with their backup. Councilman Wojtecki continued that he still has issues with this item, plans still have not been submitted to Council or the Planning Board. Council President Matthews indicated that EG Auto has a temporary conditional license until end of February to comply with terms of the resolution. Assuming conditions are met, they would be granted permit approval by the Planning Board.

NB-3 Approval of Amusement Device Renewals for the Year 2011

- Lorano Services db at Diamond Liquors – 1 device
- Lorano Services db at Rumors – 2 devices
- Wayne Vending db at Front Porch – 2 devices
- Wayne Vending db at R.D. Benders – 1 devices
- David G. Neeb db at Jiggles – 1 device
- American Family Fun db at Skuffy’s – 3 devices
- Twinbrook Vending, Inc. db at Shortway’s – 1 device

Clerk Witkowski interjected that as of today, Twinbrook Vending has removed their device at Shortway’s and Lorano Services has removed an unreported third device from Rumors.

Council President Matthews entertained a motion to approve NB-1, NB-2, and NB-3, moved by Councilman Bertollo, seconded by Councilman Mele. On a roll call, Councilman Wojtecki, Mele and Lane voted yes on NB-1, NB-3 and no on NB-2. Councilman Sinning, Bertollo, Bennett and Matthews voted yes on all.

MISCELLANEOUS

There was no discussion.

BILLS

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
MARY JEANNE HEWITT	11144	300.00	PETTY CASH
MORRIS COUNTY MUNI JT INS FUND	11145	213,773.63	MUNICIPAL INSURANCE
NO JERSEY MUNI EMPL BNFT FUND	11146	129,730.00	GROUP INSURANCE
VOZZA AGENCY	11147	<u>10,197.00</u>	MUNICIPAL INSURANCE
TOTAL CURRENT		\$ 354,000.63	
GENERAL CAPITAL			
BUCKLER ASSOCIATES	3095	<u>2,512.19</u>	
TOTAL GENERAL CAPITAL		\$ 2,512.19	
WATER OPERATING			
MORRIS COUNTY MUNI JT INS FUND	8404	35,000.00	MUNICIPAL INSURANCE
NO JERSEY MUNI EMPL BNFT FUND	8405	<u>50,000.00</u>	GROUP INSURANCE
TOTAL WATER OPERATING		\$ 85,000.00	
TOTAL BILL LIST		<u>\$ 441,512.82</u>	

Council President Matthews entertained a motion to approve the bills and forward them to the Treasurer for payment, moved by Councilman Mele, seconded by Councilman Sinning. On roll call, all said yes. Councilman Wojtecki abstained from any requiring Fire Department payment.

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.

Mary Mahon, 64 Emeline Drive, Hawthorne, thanked those who attended the Christian Health Care Center meeting in December before Christmas, specifically Councilman Bennett, Bertollo, Sinning and Matthews, Phil Savoie of the Shade Tree Commission and Rayna Laiosa of the Environmental Commission. Ms. Mahon stated her surprise when it was reported that the Christian Health Care Center plans to use Hawthorne water. She recalled Engineer Boswell stating at previous meetings that Hawthorne water was off the table for use by Christian Health Care Center. Borough Engineer Boswell remarked this was not the case and explained there are actually two separate issues pertaining to the water at the Christian Health Care Center. First, Hawthorne offered giving Ridgewood the opportunity to use Hawthorne water thereby not having to build their own water tank and agreeing to pay for certain drainage improvements in Hawthorne. Second, water to the Christian Health Care Center is a decision made by this governing body and is conversations he has not been involved in. His previous discussion on this issue involved the water tank vs. supplying water for fire protection to the Township of Wyckoff. Ms. Mahon asked if this conversation will take place at some time. Council President Matthews commented they have not come forward with anything and the implication they had a conversation was misleading by the attorney for the applicant, there has not been any conversation with this governing body regarding the sale of water to them regarding this specific project. Council Vice President Bertollo interjected that Councils position has been very clear, there are drainage improvements that need to be done on the Wyckoff side of our border which will not allow any negotiations with Wyckoff until those issues are addressed. Mayor Goldberg continued that we have told the Christian Health Care Center and the Township of Wyckoff that we have the capacity to sell them water if we choose and would not sell any water to any facility in Wyckoff until they correct the flooding on Ravine Street in Wyckoff, which has tripled our flood plane area to approximately 4 tons. Ms. Mahon asked if Wyckoff does use our water, would that change the water pressure. She shared comments from a neighbor whom the water tower is directly behind and experiences low water pressure. She lives on Emeline and is concerned whether her water pressure would be affected. Mayor Goldberg remarked our Engineer explained there wouldn't be any issues with water pressure should we sell water to Wyckoff or provide them fire protection. Engineer Boswell explained the reason for low water pressures to residents in the area of the water tank. He explained Wyckoff has high and low pressure zones with a valve that prevents the two from mixing so the pressure level has to be stepped down otherwise pressure would be too high and fittings would be blown in their homes. He continued that he was unaware of any residents with low water pressure problems but the solution for the few, would be a booster pump in their home. Ms. Mahon continued that she was aware of a few neighbors who had to install the booster pump. Engineer Boswell commented that is the most cost effective method rather than adjust the entire system. Ms. Mahon asked in the future if this project proceeds and water pressure issues occur for 50 residents, would the Borough of Hawthorne be responsible. Engineer Boswell responded the Council and Borough of Hawthorne would not vote for any project that would in any way impair the delivery of water to their residents and they would be able to see and know where and what would be affected.

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

BENEDICTION

Council President Matthews invited Rabbi Jonathon Woll to give the Benediction.

Council President Matthews thanked Rabbi Woll for joining us tonight and bringing his spiritual wisdom and we look forward to seeing him many times again in Hawthorne.

ADJOURNMENT

Council President Matthews entertained a motion to adjourn the meeting at 8:36 p.m., moved by Council Vice President Bertollo, seconded by Councilman Mele. On roll call all voted yes.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE ON WEDNESDAY, **JANUARY 19th, 2011**. WORK SESSION TO BEGIN AT 7:00 P.M. AND REGULAR MEETING AT 8:00 P.M. IF A PERSON WITH DISABILITIES REQUIRES 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