

March 7, 2012
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:00 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Council President Bertollo, Council Vice President Bennett, Councilpersons Lane, Matthews, Mele, Sinning and Wojtecki. Also present were Mayor Goldberg, Borough Administrator Maurer, Director of Revenue and Finance Hewitt, Borough Attorney Pasquale, Borough Engineer Boswell, and Borough Clerk Witkowski.

FLAG SALUTE

Goffle Brook Service Unit, Girl Scout Troop 105

Council President Bertollo invited all present to join the Girl Scouts in the flag salute.

STAR SPANGLED BANNER

Jacquelyn Hampson
Sarah Wisniewski

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 7, 2011.

APPROVAL OF MINUTES

Council President Bertollo entertained a motion to approve the minutes of the Regular Meeting of February 15, 2012 moved by Councilman Wojtecki, seconded by Councilman Sinning. On roll call, all said yes with the exception of Councilman Mele who abstained.

PUBLIC COMMENT (Agenda Items Only)

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

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

PROCLAMATION

Mayor Goldberg read and presented the Proclamation to the Girl Scouts in attendance:

WHEREAS, Monday March 12, 2012, marks the 100th Anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

WHEREAS, throughout its long and distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of character, conduct, and patriotism; and,

WHEREAS, through Girl Scouting girls gain courage, confidence and character who make their communities and the world a better place; and,

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in math, science, health and fitness, technology and community service that expands their horizons; and,

WHEREAS, more than 3.4 million current Girl Scout members nationwide will be celebrating 100 years of this American tradition, with nearly 50 million women who are former Girl Scouts and living proof of the impact of this amazing movement;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hawthorne do hereby applaud the commitment Girl Scouting has made to America's girls and proudly proclaims the week of March 11-17, 2012 as Girl Scout Week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Borough of Hawthorne to be affixed this seventh day of March, 2012.

ADOPTION OF ORDINANCES

ORDINANCE NO. 2059-12

REFUNDING BOND ORDINANCE OF THE BOROUGH OF HAWTHORNE, IN THE COUNTY OF PASSAIC, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL OBLIGATION BONDS OF THE BOROUGH, CONSISTING OF GENERAL IMPROVEMENT BONDS AND WATER UTILITY BONDS, APPROPRIATING \$5,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE BOROUGH OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,200,000 FOR FINANCING THE COST THEREOF

Public Hearing

Council President Bertollo opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2059-12 please raise your hand to be recognized, come forward to the microphone and state your name and address and sign the sheet for the record.

Seeing none, Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2059-12 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 Council Vice President Bennett, seconded by Councilman Matthews. On roll call, all voted yes.

OLD BUSINESS

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

Council Vice President Bennett reported he has received many emails in regards to the development on Wagaraw Road and would like to know why a supermarket would have to be open 24 hours in a small community like Hawthorne. Mayor Goldberg responded the approval gives them the opportunity to be open and does not mean they will be. If so, the Planning Board has set restrictions on what security they would need. This would be an economic model since there are no 24 hour supermarkets in the area but if it does not make economic sense they would not be open. Council Vice President Bennett asked what recourse we had if there is a problem down the road. Attorney Pasquale explained this application was made under existing law, if it was to be modified down the road, it will not affect this site. If the Certificate of Occupancy is violated, i.e. security or traffic, the zoning board and police would get involved. The Council cannot alter what was approved at the site; the ordinance can be changed but not change this property. Council Vice President Bennett asked how this is different from the 24 hour 7-11 store on Wagaraw Road. Attorney Pasquale explained if a crime occurs at that store, it falls under purview of the police department and is not zoning violations which would be addressed differently. Councilman Lane asked if the tenant has to go back to the Planning Board should they decide to stay open 24 hours. Attorney Pasquale replied no because it has been approved to allow for 24 hours.

Councilman Wojtecki commented to Administrator Maurer the pool equipment still remains outside. Administrator Maurer indicated it may stay outside now since pool season is around the corner and would make sure it is put away in the future. Councilman Wojtecki addressed Engineer Boswell and indicated payment to the homeowner at 124 Highview still remains outstanding. Engineer Boswell indicated the contractor had health issues recently and will settle bill as soon as possible. Garbage containers remain full in Eight Acres Woods. Administrator Maurer replied he has discussed this with the Department of Public Works and believes they were emptied and would see that it is done on a more regular basis. Councilman Wojtecki asked if there been communication with the Shade Tree Commissioner in regards to the right-of-way at San Giuseppe. Administrator Maurer replied yes we are communication.

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

NEW BUSINESS

Councilman Lane commented on a newspaper article which reported the Freeholders are seeking aids which they will compensate \$20,000 a year although there is no job description for them at this time. Councilman Lane is asking Council to draft a resolution opposing this action. At the Board of Health meeting a Paterson ordinance was discussed which he is passing on to the Ordinance Committee for their review and recommendation to the Council. Councilman Lane asked Administrator Maurer if he had the vehicle update information he requested. Administrator Maurer replied the director has been unavailable and will continue to follow up.

Council President Bertollo moved onto NB-1.

NB-1 Approval **Wholesale** Car License Renewal for the Year 2012
Big E's Auto Sale (formerly E G Auto, 218 Wagaraw Road)

Council President Bertollo entertained a motion, moved by Councilman Wojtecki, seconded by Council Vice President Bennett. Council President Bertollo asked if there was any discussion. Councilman Wojtecki thanked Mr. Gensinger for cleaning up the property and completing all requests for cleaning of the property. Councilman Matthews stated that he echo's Councilman Wojtecki's comments; Mr. Gensinger heard the requests and did a good job in complying. Council President Bertollo commented that our message was heard loud and clear and we wish you luck in your business. On roll call, all voted yes.

ADMINISTRATIVE AGENDA PRESENTED BY THE MAYOR

Mayor Goldberg gave an update on the supermarket planned for 204 Wagaraw Road. To date there still are no signed leases. In a meeting last week with the developer, another supermarket has expressed interest and was given two weeks to do market research and due diligence. Discussions on financials were minimal except the interest in the concept of who would do the building and how to be structured. Continues to explore all possibilities for the site, a potential tenant is an acceptable tenant who has the right to be open for 24 hours but has yet to indicate they will. The Planning Board kept jurisdiction on lighting and security conditions if open 24 hours and they will monitor. Projected taxes collected on the project now are \$70,000 a year and are projected to be more than \$347,000 once project finished. Has met with and will continue to meet with objectors and those in favor. Hawthorne is a diverse borough with diverse opinions and everyone has a right to an opinion and we should be respectful of everyone.

PRESENTATION

CEL-EARTH-BRATION T-SHIRT WINNER

Bianca Alino

Mayor Goldberg presented this year's winner, Bianca Alino, a kindergartener from Jefferson School with a plaque and gift card. Celebrating the 20th year of Cel-Earth-Bratation on April 28th, this year's theme is "Turn over a New Leaf, and Build a Green Future".

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

Director of Revenue and Finance Hewitt reported on the following:

It's a very busy time of the year working on the budget. Very pleased with her new staff and tax collector, Louise Siano who is designing a new delinquent notice for water bills.

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

Mayor Goldberg called upon Attorney Pasquale for his report.

Attorney Pasquale reported on the following:

Attended the Pan Chemical continuation trial on March 1st regarding notice of violations issued to owner One Washington Holdings. Testimony was heard by Donald Turner, Council President Bertollo and Administrator Maurer. Property continues to be a mess with no effort to clean it up. Judge McGeady has been given pictures of the property and will decide tomorrow. One Washington is being sued for environmental clean-up. We have been working with potential new owner for final development of the parking area working along with and meeting with New Jersey Transit, which has been positive.

This concluded Attorney Pasquale's report.

Mayor Goldberg called upon Engineer Boswell for his report.

Engineer Boswell reported on the following:

Mohawk Avenue - The contractor is expected to be in town Thursday to address the pavement conditions.

Muffin Monster / Southfield Pumping Station - The replacement unit determined and ordered by G.P. Jager did not fit. Hawthorne's original unit which Jager indicated could not be rehabbed because of the change in material of construction of the rotating drum has been sent to their Georgia facility for rehab. This will result in a savings of \$10,000 to \$12,000.

2012 Road Resurfacing Program - Estimates for the list of roads has been prepared and submitted, awaiting Borough decision..

Municipal Pool - All information received by our office has been forwarded to the Borough. Repairs to be done with estimates.

UST Underground Monitoring – The project remains on hold (pending funding).

Christian Health Care Center – Cross examination of the applicant's planner is expected to take place at the next Special meeting which is scheduled for March 12th, 2012.

Lafayette Hills Wetlands Blow Out – The property manager from the Wilkin Management Group has indicated he is reviewing bids received for the fence repair.

Warburton, Rea and Goffle Brook - The Warburton money is not transferrable, it is bridge bond funds. County will look into funding the whole project this year.

Royal Ave Drainage Improvements - On-site meeting will take place with Administrator Maurer, Attorney Pasquale and Project Manager Chris Nash to discuss access and easements for the project.

124 Highview Terrace - Approx. 40 feet of silt fence remains. When the slope becomes stabilized, the last portion of fencing will be removed.

This concluded Engineer Boswell's report.

Mayor Goldberg called upon Administrator Maurer for his report.

Administrator Maurer reported on the following:

Proposals were received last week for the Police Department Renovations as well as proposals for Litter and Recycling Canisters. Proposals for Custodial Services and Landscaping Services are due this Friday, March 9th and should be on next meeting's agenda. IT Services proposal is due at the end of the month and will be awarded in April. Proposal for pool concessions will be forthcoming. Working with the Shade Tree Commission on the bid specs for tree services. Department of Public Works is cleaning up and making aesthetic improvements to the municipal building. SLAP workers from the Sheriff's Department will be here to paint. New carpet will be installed in the high traffic areas, using no or minimal tax dollars. Due to the unexpected nice weather, the tennis courts will be open this weekend also the street sweeper has been out the past few weeks. Speed enforcement on Rea Avenue Extension has been taking place by the Police Department.

This concluded Administrator Maurer's report.

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

Councilman Wojtecki indicated he had also requested traffic and speed enforcement on Rea Avenue between North Eighth and North Ninth. Mayor Goldberg indicated it is on the list. Councilman Wojtecki asked Engineer Boswell how long will the silt fencing remain. Engineer Boswell responded the land needs to be stabilized and weather permitting it may be two weeks up to one month. Councilman Wojtecki asked if Zetron Inc. is an authorized vendor for radio communications as well as telephone communications. It was not known at this time. He asked for an answer by Monday for the Finance Committee meeting.

Council Vice President Bennett asked Administrator Maurer if the finalized list of roads for the 2012 Road Program had been forwarded to Engineer Boswell's office. Administrator Maurer replied yes and they are also evaluating sidewalks and streets which are needed for ordinances for funding and assessments. These should be introduced at the next council meeting.

Councilman Lane asked Administrator Maurer if he has the emergency action plan for the pool and the customer service survey he requested. Administrator Maurer replied not as yet. He also asked to call for mark outs for the 911 monument area by the Rescue Building as the Shade Tree Commission may be replanting trees there soon. Administrator Maurer replied yes. Was there any feedback from the County regarding cameras at the intersection of Warburton Avenue and Lafayette Avenue? Administrator Maurer replied there is no commitment for that intersection; it is county road in both directions.

Council President Bertollo indicated to Engineer Boswell that he would like to be at the meeting at Royal Avenue in regards to the piping and head wall. Administrator Maurer commented he will also be discussing the easements with Engineer Boswell. Install of the piping, new head wall and a custom-made trash rack were discussed.

Council President Bertollo commented the homeowner on Keith Court with the easement is still experiencing flooding in his backyard. He believes only the heads were changed on the existing catch basins along the railroad tracks which are tied into the man hole system thereby changing the pitch of his property. Engineer Boswell commented we had lowered the elevation of grates to get more water into them and he would contact the homeowner to set up a meeting.

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

ORDINANCES FOR INTRODUCTION

There are no ordinances for introduction.

CONSENT AGENDA R 45-12 through R 47-12; R 49-12 through R 52-12:

R 45-12 Resolution, introduced by Councilman Matthews

To ratify actions of the Municipal Council of the Borough of Hawthorne payroll dated February 24, 2012

CURRENT FUND	WT 888889	\$	237,119.33
WATER OPERATING FUND	WT 888889	\$	40,277.84
OTHER TRUST II FUND	WT 888889	\$	18,055.20
TOTAL PAYROLL			<u>\$ 295,452.37</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	13,508.14
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	-
TOTAL FICA			<u>\$ 13,508.14</u>

R 46-12 Resolution, introduced by Councilman Matthews

WHEREAS, the Borough of Hawthorne Shade Tree Commission has solicited bids for a Certified Tree Expert; and

WHEREAS, the Commission received bids from two individuals both having the requisite qualification to perform services as a Certified Tree Expert; and

WHEREAS, the bids received were each for the same rate of \$65 per hour for non-emergency work with one bidder submitting a price of \$110 per hour for emergency work whereas the other set forth no price differential between non- emergency and emergency services; and

WHEREAS, it would appear that the price set forth by one of the bidders is lower than the price set forth by the other, based strictly upon the emergency rate contained in one of the bids, however the Shade Tree Commission has determined that as it has never encountered an emergency situation, the distinction between the contracts does not realistically create a difference; and

WHEREAS, the Commission notes that the contract to be awarded is for an amount less than the bid threshold, therefore allowing for an award of contract to either bidder; and

WHEREAS, the Commission finds that Mr. Schuckman served as CTE in 2011, that his work was well-received by the DPW Director, Joseph Clementi, that he has a very extensive and impressive background in the field and as an instructor, and that Mr. Schuckman never billed the Borough at his emergency rate in 2011 and is not likely to do so in 2012, making the contracts more or less equivalent; and

WHEREAS, the contract, while being less than the bid threshold, may exceed the New Jersey Pay to Play Law, however as a fair and open process was utilized, there has been compliance with the strictures of the same;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does endorse an award of contract for performance of Certified Tree Expert services to Steven Schuckman, based upon the facts set forth herein and in communications from the Hawthorne Shade Tree Commission in support of the appointment.

R 47-12 Resolution, introduced by Councilman Matthews

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

WHEREAS, Zetron, Inc. has been awarded New Jersey State Contract Nos. A69908 and A53824 and WPSC International, Inc. is Zetron's authorized dealer under said contracts for the equipment to be purchased as follows:

Equipment	Amount	Contract#
E911 Telephony Installation	\$21,995.00	A69908, T1044
SNV-12 Voter Comparator	\$13,165.00	A53824, T-1019

And,

WHEREAS, the administration recommends the utilization of this contract and the actual cost for the purchase of the listed equipment is \$35,160.00.

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

R 49-12 Resolution, introduced by Councilman Matthews

RESOLUTION ACCEPTING AN OPEN SPACE GRANT IN THE AMOUNT OF \$75,000 FROM THE COUNTY OF PASSAIC FOR THE INSTALLATION OF LIGHTS AT WAGARAW FIELD #4 AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT

WHEREAS, the County of Passaic, using funding from the County's Open Space Tax paid by property owners in Passaic County, offers grants to the County's Municipalities for both acquisition of open space and rehabilitation or development of recreational facilities; and

WHEREAS, the Borough of Hawthorne made application to the County for a grant in the amount of \$75,000 for field lighting at Wagaraw Field #4 that would benefit the Borough by increasing the hours that this field can be used; and

WHEREAS, pursuant to the above-mentioned application, the County of Passaic has offered to the Borough of Hawthorne a grant of \$75,000 for Wagaraw Road Field #4 lighting with terms and conditions as specified in the attached grant agreement;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne that the Mayor and Borough Clerk are hereby authorized to execute the attached grant agreement accepting \$75,000 in County Open Space funds from the County of Passaic for to be used for installing field lighting at Wagaraw Field #4 .

R 50-12 Resolution, introduced by Councilman Matthews

RESOLUTION AUTHORIZING APPLICATIONS TO THE COUNTY OF PASSAIC FOR THE COUNTY'S 2012 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the County annually receives Community Development Block Grant Funds from the United State Department of Housing and Urban Development to allocate to eligible projects within participating county municipalities; and

WHEREAS, the Borough of Hawthorne is a participating municipality in the County of Passaic's Community Development Block Grant Program; and

WHEREAS, the Borough of Hawthorne as identified eligible projects which require funding, as follows: 1) Ethel Avenue Repaving and Curb Improvements; and 2) Handicapped Curb Ramps – Phase IV; and

WHEREAS, it is in the best interest of the Borough of Hawthorne to apply for grant funds for these two projects;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne that the Borough Administrator is hereby authorized to submit applications to the County of Passaic for Community Development Block Grant funding for both Ethel Avenue Repaving and Curb Improvements and Handicapped Curb Ramps – Phase IV and, if awarded funds, the Borough shall implement activities in accordance with all applicable federal, state and local laws and regulations.

R 51-12 Resolution, introduced by Councilman Matthews

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES FOR PERSONNEL MATTERS

WHEREAS, the Borough of Hawthorne, through its Administration, is charged with administering matters pertaining to personnel in the Borough; and

WHEREAS, several matters have arisen with respect to personnel issues which, in the opinion of the Borough Attorney and the Borough's Labor Counsel, require the hiring of independent counsel to represent the Borough with regard to the same; and

WHEREAS, the Borough Attorney and Labor Counsel have recommended to the Administration the hiring of Susan E. Volkert, Esq., of the firm DeCotiis, FitzPatrick & Gluck to serve as independent counsel for such purpose; and

WHEREAS, the Administration has agreed with that recommendation and has received a quotation from Ms. Volkert for the provision of such representation, with an hourly rate of \$185 per hour, that it finds to be acceptable; 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, Ms. Volkert has vast experience in matters similar to the matter at hand and neither Ms. Volkert nor the firm of DeCotiis, FitzPatrick & Gluck has any prior experience with the Borough, making her representation to be completely independent; and

WHEREAS, the anticipated value of the contract does not exceed the so-called New Jersey Pay to Play Law, but in any event, neither Ms. Volkert nor the firm of DeCotiis, FitzPatrick & Gluck has made any reportable contributions to a political or candidate committee in the Borough of Hawthorne in the previous one year and agrees not to do so 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, does agree to retain Susan E. Volkert, Esq., as independent counsel with regard to various proceedings involving personnel matters in the Borough; and

BE IT FURTHER RESOLVED that 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. A copy of the award is to be published in the official newspaper within 10 days of passage as required.

R 52-12 Resolution, introduced by Councilman Matthews

WHEREAS, the Borough of Hawthorne solicited proposals for Police Department Renovations, specifically renovations to Police Department Offices, based upon plans and an estimate prepared by the Edward Easse, R.A.; and

WHEREAS, the Borough received seven submissions through a fair and open process, with the lowest responsive quotation being submitted by Daskal, LLC, of Wallington, New Jersey, in the amount of \$29,500 as to the base bid and \$4,500 as to alternate B; and

WHEREAS, the Borough has determined that it cannot award Alternate A as separate from the remainder of the contract and has further determined that the combined bid of Daskal, whether as to the base bid and Alternate A and B or the base bid and just Alternate B, is the lowest submission by a substantial margin; and

WHEREAS, the Borough has therefore determined that the most prudent course is to award the base bid and Alternate B in terms of cost and in terms of the scope of work; and

WHEREAS, the Borough has concluded, based upon references supplied and comments from its professionals that Daskal is able to perform the work and is a responsible contractor;

WHEREAS, the net result of the process was the submission of a proposal that falls below the bid threshold applicable to public contracts from a responsible bidder that the Administration deems capable of performing the work; and

WHEREAS, the Borough Attorney has advised that as the original process utilized was a fair and open process, exempting the contract from the strictures of the Pay to Play Laws and as such the Borough may award a contract under the circumstances; and

WHEREAS, the Chief Financial Officer has determined that funds sufficient to pay for the work is available through duly adopted ordinance;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does award a contract to Daskal, LLC, with place of business located at 21 Stevens Road, Wallington, New Jersey 07057 for the work set forth above.

Council President Bertollo entertained a motion to approve Resolutions R45-12 through R47-12, and R49-12 through R52-12, moved by Councilman Matthews, seconded by Council Vice President Bennett. On roll call, all voted yes with the exception of Councilman Wojtecki who voted no on R46-12.

OFF CONSENT AGENDA: R 48-12

R 48-12 Resolution, introduced by Councilman Matthews

WHEREAS, an emergency has arisen with respect to the amounts allocated in the 2012 Temporary Operating Budget and/or the 2012 Temporary Water Operating Budget other expenses due to the permanent budget not yet being adopted, and the 2012 temporary appropriations are inadequate to provide for these expenses for the aforesaid reason, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2012 pursuant to the provision of N.J.S.A. 40A:4-20 including this resolution total \$1,659,351.00.

NOW, THEREFORE, BE IT RESOLVED, by Municipal Council of the Borough of Hawthorne (not less than two-thirds of the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20, emergency temporary appropriations are hereby made for the following line items in the listed amount:

Emergency temporary appropriation be and is hereby made for the following line items in the listed amount:

Administration	
Salaries & Wages	9,800.00

Mayor/Council	
Salaries & Wages	2,700.00
Municipal Clerk	
Salaries & Wages	6,700.00
Financial Administration	
Salaries & Wages	4,800.00
Revenue Collection	
Salaries & Wages	1,600.00
Legal Services	
Salaries & Wages	4,600.00
Planning Board	
Salaries & Wages	1,100.00
Zoning Board of Adjustment	
Salaries & Wages	900.00
Construction Code	
Salaries & Wages	4,900.00
Code Enforcement	
Salaries & Wages	1,000.00
Uniformed Police	
Salaries & Wages	243,400.00
PEOSHA	
Salaries & Wages	500.00
Fire Department	
Salaries & Wages	500.00
Fire Safety	
Salaries & Wages	3,800.00
Prosecutor	
Salaries & Wages	800.00
Sewer System	
Salaries & Wages	8,300.00
Swimming Pool	
Salaries & Wages	5,000.00
Municipal Court	
Salaries & Wages	5,500.00
Administration	
Postage	5,000.00
Financial Administration	
Other Expenses	3,000.00
Local Code	
Other Expenses	500.00
Construction Code	
Pension Benefits	2,000.00
Group Insurance	200,000.00
Sewer System	
Other Expenses	5,000.00
Garbage Pickup	80,000.00
DPW Administration	
Other Expenses	10,000.00
Vehicle Maintenance	
Police	4,000.00
Fire	4,000.00
Streets	15,000.00
Sewer	2,000.00
Animal Control	5,000.00
Board of Health	
Other Expenses	2,000.00
Environmental Commission	2,000.00
Swimming Pool	
Other Expenses	5,000.00
Board of Recreation	

Other Expenses	5,000.00
Field & Park Maintenance	10,000.00
Library	
Pension Benefits	70,500.00
Bond Administration Fees	2,000.00
IT Services	7,000.00
Storm Water Management	5,000.00
Street Lighting	15,000.00
North Haledon Sewers	1,250.00
DCRP	300.00
PERS	156,333.00
Social Security	30,000.00
PFRS	504,368.00
Municipal Court	
Other Expenses	2,000.00
WATER OPERATING	
Salaries & Wages	68,200.00
Group Insurance	50,000.00
Social Security	25,000.00
PERS	57,000.00

Council President Bertollo entertained a motion to approve Resolution R48-12, moved by Councilman Matthews, seconded by Councilman Lane. Council President Bertollo asked for discussion. There was none, on roll call, all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Lane

March is Autism Awareness month; on Sunday, March 25th from 11-4pm at the Ambulance Corps building you can get a blue hair extension for \$10.

Councilman Mele

Municipal Alliance Committee has received \$25,000 from County to fund projects. Hawthorne High School will host the Seniors for dinner and dress rehearsal on April 24th. BOE has sent budget at 2% cap to the County. 52 students attend technical high school at a cost of \$11,500 to the taxpayers, 80 kids are expected to attend next year. Superintendent Mooney and School Board President Duffy met with Freeholders to discuss.

Council Vice President Bennett

Public Works Committee has finalized the 2012 Road Program and submitted to Boswell Engineering. Royal Avenue culvert and easements continue to be discussed as cost could run \$250,000 or \$427,000 to go around. Custom trash rack will cost \$10,000. Council President Bertollo makes good point to re-design the head wall and install trash rack before proceeding on culvert as a whole. The Legislative Committee is in receipt of new legislation being proposed on OPRA regulations, strongly opposes and would request a resolution as such. Council President Bertollo agrees and asked to prepare for the next meeting.

Councilman Matthews

The Finance Committee has completed budget meetings with the department heads. The preliminary budget is on schedule for introduction at March 21st meeting. The Planning Board issued three certificates of occupancy, a medical billing company, a contractor in last suite on 9th Avenue and Food for Less Supermarket in the old International Bakery location.

Councilman Sinning

The Ordinance Committee discussed information received from the Police Department and traffic officer on traffic issues. No final ordinances as yet. The ordinance for R-1 zone will change to avoid variances needed in the past due to “non-conforming” R-1 zone.

Councilman Wojtecki

Shade Tree Commission will be changing meeting times to 4:30 p.m. in order to include a member of the Administration. The clerk will send notices.

Council President Bertollo

Request to change ordinance pertaining to Council meeting start times. Work session begins at 7:00 p.m. and proposes to begin regular immediately following as work session may only last 10 to 15 minutes. Residents would not have to wait until 8:00 p.m. for regular meeting to begin and meeting would adjourn earlier. Andrew Cruz, St. Anthony’s Eagle Scout Troop 30, receives recognition for his project, the newly designed ticket booths at the high school.

CORRESPONDENCE

C-1 Accept resignation letter received from the Fire Board Commissioners for Fire Fighter Zachary Hines, Tower 2.

Council President Bertollo entertained a motion to approve the C-1 correspondence, moved by Councilman Matthews, seconded by Councilman Mele. On roll call, all voted yes, with the exception of Councilman Wojtecki who abstained.

MISCELLANEOUS

None recorded.

BILLS

Council President Bertollo entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion moved by Councilman Mele, seconded by Council Vice President Bennett. Council President Bertollo asked if there was any discussion. On roll call, all voted yes. Council President Bertollo abstained from check #13234. Councilman Lane and Councilman Wojtecki abstained from checks #13213, 13214, 13224, 13230, 13237, 13238, 13239, 13248, 13257, 13270, 13280, 13296, and 13301.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
A T & T	13213	48.94	TELEPHONE CHARGES
ACE SECURITY INC	13214	180.00	FIRE DEPT O/E
ACORN TERMITE & PEST CONTROL	13215	100.00	PUB WORKS ADMIN O/E
AGL WELDING SUPPLY CO, INC	13216	197.34	VARIOUS
ALL AMERICAN FORD	13217	4,759.07	VARIOUS
AMERICAN HOSE CO INC	13218	57.50	VEHICLE MAINT ROAD
AMERICAN WASTE & TEXTILE CO	13219	172.50	STREETS & ROADS O/E
BEACHSTONE SEPTIC	13220	2,000.00	SEWER SYSTEM O/E
BOB'S STORES	13221	85.00	STREETS & ROADS O/E
BOROUGH OF NO HALEDON	13222	1,242.82	NORTH HALEDON SEWERS
BRAEN STONE INDUSTRIES, INC	13223	297.44	STREETS & ROADS O/E
BULLEX DIGITAL SAFETY	13224	2,337.40	FIRE DEPT O/E
CARROLL NET, INC.	13225	51.00	GENERAL ADMIN O/E
CINTAS FIRST AID AND SAFETY	13226	366.00	VARIOUS
COLLECTORS-TREASURERS ASSN OF	13227	240.00	VARIOUS
D FANTAUZZI	13228	250.00	VARIOUS
DAVE STERN INC	13229	3,391.92	VARIOUS
DELL GARDEN CENTER	13230	213.14	VARIOUS
DELLA RICA & SONS	13231	2,080.00	VARIOUS
DELUXE INTERN'L TRUCKS, INC	13232	28.50	VEHICLE MAINT ST
DIESEL TRUCK SERVICE, INC	13233	2,107.00	VARIOUS
DOWNES TREE SERVICE, INC.	13234	4,885.00	VARIOUS
EARTHLINK BUSINESS	13235	1,815.41	VARIOUS

FED EX	13236	10.80	STREETS & ROADS O/E
FEDERATED EMERGENCY SERVICES	13237	5,832.44	VARIOUS
FIRE COMPANIES. COM	13238	931.89	FIRE DEPT O/E
FIRST RESPONDER NEWSPAPER	13239	80.00	FIRE DEPT O/E
G T B M, INC	13240	313.60	POLICE DEPT O/E
G.F.O.A. OF NEW JERSEY	13241	270.00	VARIOUS
GARDEN STATE HGWY PROD, INC	13242	252.00	STREETS & ROADS O/E
GILL ASSOCIATES	13243	8.00	SWIMMING POOL O/E
HAWTHORNE AUTO LAB	13244	2,010.91	VARIOUS
HAWTHORNE HITCH AND TRAILER	13245	90.83	STREETS & ROADS O/E
HAWTHORNE PRESS INC	13246	174.72	VARIOUS
HAYLEY ENCARNACION	13247	195.00	MUNI COURT
INSURANCE RESTORATION SPECIALI	13248	309.43	VARIOUS
INTERNATIONAL ASSOCIATION OF	13249	120.00	POLICE DEPT O/E
INTERNATIONAL SALT CO LLC	13250	13,063.82	STREETS & ROADS O/E
JAMES BAKKER	13251	555.00	GROUP INSURANCE O/E
JAMES SODER	13252	100.00	GROUP INSURANCE O/E
JERSEY ELEVATOR INC	13253	150.65	PUB WORKS ADMIN O/E
JET-VAC INC	13254	346.46	VEHICLE MAINT SEWER
JOSHUA MARCUS GROUP	13255	595.50	ENVIRONMENTAL COMMITTEE O/E
KAREN VITALE	13256	75.00	MUNI COURT
KEN'S AUTO ELECTRIC, LLC	13257	205.00	VEHICLE MAINT FIRE DEPT
KNAPP, TRIMBOLI & PRUSINOWSKI	13258	3,067.50	LEGAL SERV& COSTS O/E
KRAFT ROOFING, INC.	13259	1,098.00	PUB WORKS ADMIN O/E
LISA SLOOTMAKER	13260	50.00	GROUP INSURANCE O/E
LORRAINE POWELL	13261	205.38	MUNICIPAL ALLIANCE
LUK OIL	13262	9,954.82	BULK PURCHASE GASOLINE
M & B SEPTIC SERVICE, LLC	13263	84.00	BOARD OF REC
MARY JEANNE HEWITT	13264	88.97	VARIOUS
METLIFE	13265	300.25	GROUP INSURANCE O/E
MONSEN ENGINEERING CO	13266	3,220.00	VARIOUS
MONTCLAIR STATE UNIVERSITY	13267	90.00	MUNICIPAL ALLIANCE
MUNIDEX, INC	13268	393.00	BOARD OF HEALTH O/E
NEWTEL PAYPHONE OPERATIONS	13269	50.00	PUB WORKS ADMIN O/E
NFPA	13270	950.00	UNIFORM FIRE SAFETY O/E
NJ ASSOC OF CHIEFS OF POLICE	13271	200.00	POLICE DEPT O/E
NJ MEADOWLANDS COMMISSION	13272	1,520.51	TRANSFER STATION
NJ POLICE TRAFFIC OFC ASSOC	13273	35.00	POLICE DEPT O/E
NO JERSEY COURT ADMIN ASSOC	13274	60.00	MUNI COURT
NO JERSEY MUNI EMPL BNFT FUND	13275	189,924.00	GROUP INSURANCE O/E
NORTHEAST WATER TECHNOLOGY	13276	250.00	VEHICLE MAINT ROAD
NY SUSQUEHANA & WESTERN RAILWA	13277	1,903.62	SEWER SYSTEM O/E
OFFICE BUSINESS SYSTEMS, INC	13278	215.72	VARIOUS
P & A AUTO PARTS, INC	13279	77.77	VEHICLE MAINT ROAD
PASSAIC COUNTY MUTUAL AID ASSO	13280	75.00	FIRE DEPT O/E
PATERSON PAPERS	13281	241.85	FINANCIAL ADMIN O/E
PREFERRED BUSINESS SYSTEMS	13282	1,365.00	PUB WORKS ADMIN O/E
PRINTMASTERS	13283	497.50	VARIOUS
PROCOPY INC	13284	1,590.00	VARIOUS
R & R PUMP & CONTROL	13285	1,962.50	VARIOUS
RICOH AMERICAS CORPORATION	13286	293.12	VARIOUS
RT OFFICE PRODUCTS	13287	567.65	VARIOUS
RUTGERS UNIVERSITY	13288	716.00	MUNICIPAL CLERK O/E
SHOTMEYER BROS FUEL CO	13289	9,341.68	BULK PURCHASE GASOLINE
STANDARD SPRINGS, INC	13290	430.00	STREETS & ROADS O/E
STAPLES	13291	116.96	VARIOUS

STONE INDUSTRIES	13292	530.72	STREETS & ROADS O/E
TEAM LIFE, INC.	13293	484.00	BOARD OF REC O/E
TOWNSHIP OF RANDOLPH	13294	650.00	PUB WORKS ADMIN O/E
TREASURER, STATE OF NJ	13295	368.00	PUB WORKS ADMIN O/E
TURNOUT UNIFORMS	13296	191.96	FIRE DEPT O/E
UNITED COMPUTER	13297	4,400.00	VARIOUS
US MUNICIPAL SUPPLY, INC.	13298	283.68	VEHICLE MAINT ROAD
US SECURENET PUBLIC SAFETY DIV	13299	40.00	POLICE DEPT O/E
VERIZON	13300	1,895.95	VARIOUS
VERIZON WIRELESS (N)	13301	120.52	TELEPHONE CHARGES
VITAL COMMUNICATIONS, INC.	13302	500.00	TAX ASSESSMENT O/E
W. E. TIMMERMAN INC	13303	244.98	VEHICLE MAINT ROAD
WURTH	13304	<u>98.60</u>	STREETS & ROADS O/E
TOTAL CURRENT		\$ 293,341.24	
GENERAL CAPITAL			
COMMUNITY GRANTS & PLANNING, I	3150	386.80	VARIOUS
HAWTHORNE PRESS INC	3151	<u>148.20</u>	VARIOUS
TOTAL GENERAL CAPITAL		\$ 535.00	
WATER OPERATING			
AGRA ENVIRONMENTAL SVC	8831	2,197.00	VARIOUS
ALL AMERICAN FORD	8832	1,421.50	VARIOUS
BOB'S STORES	8833	549.31	WATER UTILITY O/E
CAPITOL SUPPLY CONSTR PRODS IN	8834	165.12	WATER UTILITY O/E
CINTAS FIRST AID AND SAFETY	8835	56.52	WATER UTILITY O/E
E S C ENTERPRISES, INC	8836	1,249.04	WATER UTILITY O/E
EARTHLINK BUSINESS	8837	525.00	WATER UTILITY O/E
HAWTHORNE CHEVROLET	8838	139.30	WATER UTILITY O/E
KRAFT ROOFING, INC.	8839	583.50	WATER UTILITY O/E
L&P INTEGRATORS	8840	4,500.00	WATER UTILITY O/E
LUK OIL	8841	989.20	WATER UTILITY O/E
ONE CALL CONCEPTS, INC.	8842	79.52	WATER UTILITY O/E
PROCOPY INC	8843	95.00	WATER UTILITY O/E
PUBLIC WORKS ASSOCIATION OF NJ	8844	70.00	WATER UTILITY O/E
RT OFFICE PRODUCTS	8845	25.46	WATER UTILITY O/E
SHOTMEYER BROS FUEL CO	8846	456.60	WATER UTILITY O/E
STAPLES	8847	74.21	VARIOUS
SUBURBAN GENERATOR	8848	180.00	WATER UTILITY O/E
TOWNSHIP OF RANDOLPH	8849	450.00	WATER UTILITY O/E
VERIZON	8850	<u>1,486.10</u>	WATER UTILITY O/E
TOTAL WATER OPERATING		\$ 15,292.38	
OTHER TRUST II			
CARL MOTTOLA	4361	70.89	UCC PENALTIES
DAVE STERN INC	4362	49.50	RECYCLING
DELUXE INTERN'L TRUCKS, INC	4363	254.55	RECYCLING
GILBEY'S EMBROIDERY CO	4364	470.00	RECYCLING
PRINTMASTERS	4365	37.50	RECYCLING
STAPLES	4366	8.18	RECYCLING
VITAL COMMUNICATIONS, INC.	4367	<u>75.00</u>	UCC PENALTIES
TOTAL OTHER TRUST II		\$ 965.62	
TOTAL BILL LIST		<u>\$ 310,134.24</u>	
<u>PUBLIC COMMENT</u>			

Council President Bertollo opened the meeting to the public. He stated if anyone desired to be heard, please raise your hand to be recognized, come forward to the microphone, state your name and sign the sheet for the record. Council President Bertollo asked if anyone wished to be heard.

Bob Kurdock, 15 Rhodes Court

Opposes Freeholders aids and applauds Councilman Lane for bringing attention to it. Request to re-examine the need for fencing in pool / tennis court area. Thanked Council for their time.

Joe Osborne, 112 Cedar Avenue

Thanked all who have communicated. Strongly opposes a 24-hour supermarket. Questioned if the ordinance can be repealed. Has collected 611 signatures in opposition of the project.

Tim Monahan, 38 Elberon Avenue

Agrees with Mr. Osbourne, seeking clarification on issues. Grateful for ability to exchange communications with Council. Questioned what the security requests were to Walmart/developer. Public safety is his main concern. Mayor Goldberg explained the requests include security cameras in the parking lot, security guards inside and outside from 7am - 7pm which coincides with our police officers shifts.

Bob Genuario, 144 May Street

Walmart bad choice, 24-hour market introduces crime, speeding, local businesses undercut and falling home values. Requests repeal of 24-hour rule.

Eugene Barbieri, 70 Rea Avenue

Former Glen Rock and Ridgewood resident, agrees with other speakers, opposes Wal-Mart in Hawthorne, please consider repeal.

John Baahrs, 130 Cedar Avenue

All Wal-Mart's open 24-hours, enough traffic in Hawthorne certain hours of the day and in the summer. Opposes Wal-Mart coming to Hawthorne.

Alex Clavejo, 33 Westervelt Avenue

Read study from Institute for Local Self-Reliance which examined the community impact of Wal-Mart and other large retail chains. Tax benefits of Wal-Mart did not materialize and had effect on property values, benefit was short-term. Please keep in mind when considering Wal-Mart for Hawthorne.

Bradley Campbell, 8 Tuxedo Avenue

Grew up in Texas around Wal-Mart. Has extensive experience in retail and Wal-Mart operations. Aware Wal-Mart allows RV overnight parking. Offered his knowledge and help if needed.

Colleen Hanson, 61 Mountain Avenue

Insulted by editors remarks about her in the Hawthorne Press. Has faith in our elected officials. Suggests a community park on the Wagaraw Road site or tenant without weekend hours and one that will properly maintain the property.

Leah Donoghue, 193 4th Avenue

Loves Hawthorne, a Wal-Mart creates a stigma, no one will want to buy here. Volunteers and officials work hard here to improve the borough. 24-hour supermarket will be playground for Paterson.

Patrick Scully, 185 South Avenue

Against Wal-Mart and 24-hour supermarket, people will come from all over. Does not believe security will be adequate, patrolling parking lot, etc. Worried about kids going to pool with strangers across the street and our teenagers running across street. Small town feel will be gone.

Erin Scully, 185 South Avenue

Disagree we (the opposing side) represent the minority and that a 24-hour Walmart is welcome in Hawthorne. Appreciate Council representation but have not met anyone nor seen anyone come here tonight in favor of Wal-Mart.

Heidi Ehman, 112 Cedar Avenue

Given the fight over 7-11 market on other side of town, expected the Council not to go the 24/7 route here. People overcoming fears and speaking out tonight, this needs to be repealed and reversed.

Cassandra Fetchik, 33 Westervelt Avenue

Senior at Hawthorne High, whole family moved here from Paterson. Opposes Wal-Mart, will feel unsafe.

George Alvarez, 118 Cedar Avenue

Concerned about what other businesses may want to follow the 24/7 option. What this same developer has done at the Rag Shop Center with certain types of businesses, the Wal-Mart center will follow suit with a certain quality of people which would be detrimental to Ward 1.

Steve Donaldson, 112 Maitland Avenue

Opposes Wal-Mart, it will bring problems with unions.

Christine Iovino, 175 Third Avenue

Trying to understand the benefit of Wal-Mart here and why 24/7. It is unsafe, please reconsider.

Judith Williams-Runz, 21 May Street

Opposes 24/7. Has worked at Wal-Mart, did not like what was going on around her, quit. Half the employees there were on public assistance. Familiar with Wal-Mart's security, should be concerned. RV's and overnight parking was allowed, they stayed for days. Crime on Wagaraw Road area is from Paterson. Endangering residents in the area.

Teresa Vojack, 84 Metro Vista

Loves sense of community, schools and friends here. Her children 8 and 11 questioned why a Wal-Mart would come to Hawthorne, she did not have answers. Security a big issue, stigma and direction it would take the town.

Mariah Moreno, 167 Wagaraw Road

7th graders with younger siblings, feels unsafe if a Wal-Mart came to town, especially in the summer. Cars speeding on Wagaraw Road and teenagers running across.

Brent Sjaardema, 15 Vreeland Avenue

Concerned about 24/7, look at 7-11 store open 24/7. Further problems would be encountered in Ward 1. Where does it stop, take a stand to maintain character of community and small town/family community in Hawthorne.

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

Mayor Goldberg thanked all for coming, appreciates the passion and concern in keeping Hawthorne a small town feel. We listen and have brought in another supermarket to meet with the developer. Not intending on becoming a defender of Wal-Mart, not comfortable position to take. Application is for marketplace, none in New Jersey, this would be the first of its kind. The concept has been endorsed by First Lady Michelle Obama. If it is a Wal-Mart, it will be a union built project with non-union inside once open. Rents are very high; other tenants will not be cheap. The developer is working to upgrade this site and old Rag Shop Center where many are in long-term leases with low rents he is having trouble attracting better tenants. Wal-Mart requested super center to developer who said no. He wants to work with the town and do what is best. They didn't look for the one with deepest pockets, they have standards. Remember Grand Union from 30+ years ago, it would be nice to bring back a supermarket. Believes the Council, Planning and Zoning Boards would not do something they did not believe was in best interest of Hawthorne, we all live here and all are invested in the community. Nice to see your passion, we

usually do not get feedback, it is important. One reason we set up the Economic Development Committee is the criticism of too many empty stores in Hawthorne. Unhappy hardware stores closed and Paterson got all tax revenues. The new MacDonald's on Route 20 may challenge our lunch places. If someone was drive out a business in town, better they are in town to see the faces of their neighbor they drove away. Walmart has no signed lease with the developer. We went through two years with Kohl's who said they were coming here. Am trying to find a business that would off-set the taxes, they are only one knocking on the door. Whoever comes here we want them to be a good neighbor, treat us right, and do not change our way of life - we work to keep our town safe, affordable and small town feel. Need to adapt to the times. Will talk to the developer again and express the concerns from some of the town. Willing to carry the fight to the developer but the 24/7 can only be changed voluntary by the developer.

ADJOURNMENT

Council President Bertollo entertained a motion to adjourn the meeting at 10:36 p.m., moved by Councilman Wojtecki, seconded by Councilman Sinning. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE ON MARCH 21, 2012. 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.

John Bertollo
Council President

Susan Witkowski
Borough Clerk