

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, with the following present:

Mayor.....	Richard S. Goldberg
Council President.....	John Bertollo
Council Vice President.....	Bruce Bennett
Councilman.....	John Lane
Councilman.....	Frank Matthews
Councilman.....	Dominic Mele
Councilman.....	Garrett Sinning
Councilman.....	Joseph Wojtecki
Borough Administrator.....	Eric Maurer
Director of Revenue and Finance.....	MaryJeanne Hewitt
Borough Attorney.....	Michael J. Pasquale
Borough Engineer.....	Dr. Stephen T. Boswell
Deputy Borough Clerk.....	Lori DiBella

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, 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 for the Regular Meeting of April 18, 2012 and May 2, 2012, moved by Councilman Matthews, seconded by Councilman Mele. On roll call, all voted yes with the exception of Councilman Wojtecki 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 Wojtecki, seconded by Councilman Lane. On roll call, all voted yes.

ADOPTION OF ORDINANCES

ORDINANCE NO. 2065-12

AN ORDINANCE TO AMEND CHAPTER 25 OF THE CODE OF THE BOROUGH OF HAWTHORNE, DEPARTMENT OF PUBLIC SAFETY, ARTICLE II, POLICE DEPARTMENT, SECTION 25-9, APPOINTMENTS AND PROMOTIONS, SO AS TO AMEND AND MODIFY THE PROMOTION PROCEDURES AND PROVIDE FOR AN APPEAL PROCESS THEREUNDER

Public Hearing

Council President Bertollo opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2065-12 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2065-12 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 Councilman Mele, seconded by Council Vice President Bennett. On roll call, all voted yes with the exception of Councilman Wojtecki who abstained.

ORDINANCE NO. 2066-12

AN ORDINANCE TO AMEND CHAPTER 25 OF THE CODE OF THE BOROUGH OF HAWTHORNE, DEPARTMENT OF PUBLIC SAFETY, ARTICLE II, POLICE DEPARTMENT, SO AS TO CREATE SECTION 25-12(A) AUXILIARY POLICE

Public Hearing

Council President Bertollo opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2066-12 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2066-12 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 Councilman Matthews, seconded by Council Vice President Bennett. On roll call, all voted yes with the exception of Councilman Wojtecki who abstained.

ORDINANCE NO. 2067-12

BOND ORDINANCE PROVIDING FOR MILLING, PAVING, ROAD RECONSTRUCTION, RESURFACING, DRAINAGE, CURB AND HANDICAPPED RAMP IMPROVEMENTS ON FOREST AVENUE, AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING TWO HUNDRED EIGHTY THOUSAND (\$280,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME

Public Hearing

Council President Bertollo opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2067-12 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2067-12 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 Lane. On roll call, all voted yes.

ORDINANCE NO. 2068-12

BOND ORDINANCE PROVIDING FOR CURBS, SIDEWALKS, HANDICAPPED RAMPS AND SIGNAGE ON WARBURTON AVENUE AT THE NYS&W RAILROAD CROSSING, AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING NINETY-SEVEN THOUSAND (\$97,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME

Public Hearing

Council President Bertollo opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2068-12 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2068-12 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 Mele. On roll call, all voted yes.

OLD BUSINESS

Discussion took place on the desire for higher education requirements for all positions and departments within the Borough. Discussions took place in regards to vehicles parking on the grass in the pool area.

NEW BUSINESS

None.

PUBLIC HEARING:

Liquor License Transfer

PERSON TO PERSON TRANSFER PLENARY RETAIL CONSUMPTION LICENSE NO. 1608-32-044-003 FROM DIAMOND LIQUORS, LLC TO DIAMOND UNLIMITED CORPORATION

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

Ms. Theresa Campbell attorney representative for owners of Diamond Unlimited, LLC expressed the desire of the new owners to update the premises and move the smoking area to the back of the building. Attorney Pasquale explained the liquor license is one of two which are a “package” type being liquor store and bar. It was confirmed smokers had to be fifteen feet away from the front door of the establishment. Council President Bertollo thanked Ms. Campbell and commented we look forward to working with your clients. Motion to close the public hearing made by Councilman Matthews, second by Councilman Mele, on roll call, all voted yes.

ADMINISTRATIVE AGENDA PRESENTED BY THE MAYOR

Mayor Goldberg presented EMS members John Lane, Andy Metzler and Dan Van der Hook with a Proclamation recognizing EMS Week. Mayor Goldberg commented he was proud of them and grateful they serve the community. Andy Metzler accepted the proclamation and thanked Mayor Goldberg, Council and the community for their continued support. The Ambulance Corps has been in service for 80 years with some members serving 40 years. Zania Tia of Hawthorne is one of fifteen state finalists in the League of Municipalities essay contest for the Mayor Louis Bay II scholarship. Prostitution arrest was made at the InSpa on Lincoln Ave, certificate of occupancy pulled and the business closed down. Team Hawthorne United will be participating in the Walk Now for Autism on Sunday, May 20th, at Bergen Community College; opening ceremonies begin at 10:00 a.m. Last year they raised \$21,000 and this year has already raised \$14,000. Anyone interested in participating or donating, please call Johanna Burke 973-907-6231 or email EdBurke66@yahoo.com.

REPORTS

Director of Revenue and Finance Mary Jeanne Hewitt

The tax quarter ended May 10, staff did outstanding job. Delinquent notices went out yesterday. Water shut-off notice, first stage in annual tax sale, will go out in next week or two. Pending special assessment approval, bills will go out in ten days. Half-way through audit which is going very well.

Borough Attorney Michael Pasquale

One Washington Holdings has not filed answer to our complaint, default application will be filed. Prior owner has asked for another extension, set for May 25. The 7-11 matter has not received conference date from Judge as yet. A third amended complaint has been filed on 204 Wagaraw Road to add an additional count due to error in the hydro-geology of the site. Engineer Boswell will expand in his report. One hundred five tax appeals for next Monday, more than half are settled.

Borough Engineer Dr. Stephen T. Boswell

2012 Road Resurfacing Program - Bids were received on May 8, 2012, A.J.M. Contractors of Clifton, NJ was lowest bidder. Tonight's resolution R 107-12 is to award contract in the amount of \$630,799.50 to A.J.M. A pre-construction meeting has been tentatively scheduled for Thursday, May 24th. All resident sidewalk assessments have been resolved and all residents who have contacted our office have had their questions answered and/or we have met with them on site.

Forest Avenue (2012 Local Aid Project) - Plans are being prepared and the project is expected to be bid in late May and awarded in June. The Ordinance for funding was introduced in April.

UST Groundwater Monitoring - The project remains on hold (pending funding).

Christian Health Care Center - Both the Applicant's and Opposition's Attorneys are to provide the Wyckoff Board with their briefs on the Inherently Beneficial Use (IBU) issue by June 4th. The Board is going to decide on the IBU matter at the next special meeting, which is scheduled for June 18th, 2012. The hearings will continue after that with July 23rd as being the next "tentatively" scheduled special meeting.

Lafayette Hills Fence - The Borough Attorney is expected to provide a letter requesting the installation of a fence between the wetland ponds and the residential property.

Warburton, Rea and Goffle Brook - The County is reviewing the plans submitted for Rea Avenue and Goffle Brook. The County has not provided a revised schedule for bidding Warburton Avenue.

Drainage Improvements Project (Stacey) - Once the Borough has provided final payment to Stacey Contracting for the Drainage Improvement Project, the project will be closed out and paperwork submitted for reimbursement.

Railroad Crossings Sidewalk Project - The design of the sidewalk project(s) associated with the various railroad crossing improvements will be completed once the railroad crossings have been constructed and final grades established.

Borough Administrator Eric Maurer

Online auction at GovDeals.com netted \$8,468; police vehicles not sold will remain for a second auction concluding May 31st. Approved sale of sweeper to Bound Brook was picked up last after receiving their payment of \$7,500. Summer Recreation and swimming pool applications are available online at www.hawthornenj.org, evening registration will take place on May 22nd, June 5th, and June 18th in the lobby of municipal building. Leadership Camp applications for incoming 6th graders are also available online. One hundred eighty cats and dogs were vaccinated at the boroughs rabies clinic on May 8th; cat license renewals are due by end of May. One Washington Holding appealed their guilty finding on property maintenance issues, the appeal will be heard by the Superior Court, trial on new summonses is scheduled for June 21st. Meetings with County have taken place to discuss CDBG disaster recovery funds, a portion of funding for the three flood-damaged residential properties should be part of the first round of funds.

Questions for the Administration

Councilman Wojtecki commented the rabies clinic took place in the rain and the area was too small for the crowd. Administrator Maurer indicated next year the clinic will take place at a new location.

Councilman Matthews asked Engineer Boswell if the fence was on the original drawings of the K. Hovanian project and if so, how we released the holding if the fence was not put up. Engineer Boswell replied yes the fence was on the drawings and was an oversight.

Engineer Boswell explained the hydro-geology of the property at 204 Wagaraw Road, 100-year flood plan, elevations, over-estimation of the flood hazard elevation, requirements of the DEP, etc.

Council President Bertollo requested Engineer Boswell survey the Diamond Bridge railroad crossings and submit letter with his recommendations to Administrator Maurer.

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

INTRODUCTION OF ORDINANCES:

ORDINANCE NO. 2069-12

AN ORDINANCE TO AMEND ORDINANCE 1994-09 HERETOFORE ADOPTED BY THE BOROUGH OF HAWTHORNE, PROVIDING FOR THE ACQUISITION OF VARIOUS ITEMS OF WATER DEPARTMENT CAPITAL EQUIPMENT AND THE MAKING OF SPECIFIED IMPROVEMENTS, ALL AS SET FORTH HEREIN IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY AND APPROPRIATING \$495,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME SO AS TO INCREASE THE AMOUNT OF THE FUNDING SET FORTH THEREUNDER TO \$1,215,000 AND INCLUDING ROOF REPLACEMENT AT WELL HOUSES AND WATER TREATMENT FACILITIES WITHIN THE SCOPE OF WORK SET FORTH THEREIN.

BE IT RESOLVED, that Ordinance No. 2069-12 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Governing Body in the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, on June 20, 2012, at 7:00 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Hawthorne Press once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Motion was moved by Councilman Lane, second by Councilman Mele. Council President Bertollo asked if there was any discussion. On roll call, all voted yes.

ORDINANCE NO. 2070-12

AN ORDINANCE TO AMEND ORDINANCE 2063-12, HERETOFORE ADOPTED BY THE BOROUGH OF HAWTHORNE, PROVIDING FOR REPLACEMENT OF SIDEWALKS AND DRIVEWAY APRONS ON DIXIE AVENUE, EAST PROSPECT STREET, GLEN COURT, HORIZON TERRACE, SUMMER STREET, UNION STREET, UTTER AVENUE, FOREST AVENUE AND NINTH AVENUE AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW, APPROPRIATING ONE HUNDRED TEN THOUSAND (\$110,000) DOLLARS THEREFOR, AUTHORIZING THE ISSUANCE OF BONDS OR NOTES FOR FINANCING PART OF THE COST THEREOF AND DIRECTING SPECIAL ASSESSMENT OF THE COST THEREOF SO AS TO INCREASE THE AMOUNT APPROPRIATED THEREUNDER TO ONE HUNDRED FORTY THOUSAND (\$140,000) DOLLARS AND INCREASING THE EXPENSE PERMITTED UNDER SECTION 40A:2-20 FROM TWENTY-FIVE THOUSAND (\$25,000) DOLLARS TO FORTY THOUSAND (\$40,000) DOLLARS.

BE IT RESOLVED, that Ordinance No. 2070-12 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Governing Body in the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, on June 20, 2012, at 7:00 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Hawthorne Press once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Motion was moved by Councilman Matthews, second by Councilman Sinning. Council President Bertollo asked if there was any discussion. On roll call, all voted yes.

RESOLUTIONS

CONSENT AGENDA: MR 32-12, R 98-12 through R 109-12:

MR 32-12 Introduced by Council Vice President Bennett

The Click It or Ticket Mobilization of May 21 – June 3, 2012

Whereas, there were 633 motor vehicle fatalities in New Jersey in 2011; and

Whereas, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

Whereas, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

Whereas, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

Whereas, the State of New Jersey will participate in the nationwide *Click It or Ticket* safety belt mobilization from May 21 – June 3, 2012 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

Whereas, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 94.51% to 100%; and

Whereas, a further increase in safety belt usage in New Jersey will save lives on our roadways;

Therefore, be it resolved that the Borough of Hawthorne declares its support for the *Click It or Ticket* safety belt mobilization both locally and nationally from May 21 – June 3, 2012 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

R 98-12 Introduced by Council Vice President Bennett

RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH NORTH HALEDON FOR THE USE OF THE HAWTHORNE MUNICIPAL POOL

WHEREAS, the Borough of Hawthorne is the owner and operator of a Municipal swimming pool, available to its residents through the purchase of passes for use on an annual basis; and

WHEREAS, the Borough of North Haledon has in past years made use of a Municipal swimming facility available to its residents but is not currently able to do so; and

WHEREAS, the Borough of Hawthorne has offered the Borough of North Haledon use of the Hawthorne Memorial Swimming Pool by offering its residents use of the pool upon the same terms and at the same rates it offers its own residents; and

WHEREAS, the Borough of Hawthorne and the Borough of North Haledon entered into an interlocal services agreement in 2008 whereby North Haledon residents could become members of the Hawthorne municipal pool; and

WHEREAS, the experience from the 2011 interlocal services agreement was positive;

WHEREAS, residents of both communities will continue to benefit through the shared use of the facility by residents of the two communities;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hawthorne that it does authorize the execution of an Interlocal Services Agreement with the Borough of North Haledon for 2012, a copy of a proposed form of agreement being annexed hereto, subject to such reasonable modification to the form of the same as may be approved by the Borough Attorney, as a matter of true mutual assistance and cooperation for the benefit of all.

R 99-12 Introduced by Council Vice President Bennett

WHEREAS, the owner of 188 Westervelt Avenue, known as Block 67 Lot 6 on the Tax Duplicate, has requested tax exempt status, and

WHEREAS, said property owner has been deemed 100% disabled by the Department of Veterans Affairs, has supplied all necessary paperwork and the Tax Assessor has approved the exempt status as of January 31, 2012,

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be authorized by the Municipal Council of the Borough of Hawthorne to refund partial taxes for 2012 1st quarter in the amount of \$1,384.36 and to cancel taxes for 2012 2nd quarter in the amount of \$2,076.53.

R 100-12 Introduced by Council Vice President Bennett

WHEREAS, the Memorial Day Parade in the Borough of Hawthorne will take place this year on Monday, May 28, 2012, and organizations that will be performing in the parade require payment immediately following the parade.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized to draw checks against the Current fund in the amounts, and for the organizations, listed below, and that these checks be distributed after their services have been performed.

Hawthorne Caballeros Alumni	1,100.00
Hawthorne Caballeros	1,100.00
Hawthorne High School Band	700.00
NY Skyliners Drum & Bugle Corps	2,500.00
Reilly Raiders Drum & Bugle Corps	2,500.00
Bridgemen Alumni Drum & Bugle Corps	2,500.00
Uptown String Band	1,500.00
Passaic High School Marching Band	1,500.00
6 th New Hampshire Volunteers	300.00
Military Transport Association	650.00
Passaic High School Naval ROTC	200.00
Passaic County Tech ROTC	200.00

R 101-12 Introduced by Council Vice President Bennett

WHEREAS, 2012 Treasury records reflect certain interfund account balances as of May 10, 2012 that require account transfers in order that these interfunds be liquidated.

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

From	To	Amount	
Current	Payroll	346.00	Posting Error
Current	Water Operating	14,064.19	Deposit Errir
General Capital	Current Fund	169.95	Passaic Cty Ck Error
General Capital	Water Operating	29.70	Passaic Cty Ck Error

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the Treasurer be and is hereby authorized, to liquidate said interfunds by transferring the above referenced amounts to and from the appropriate funds.

R 102-12 Introduced by Council Vice President Bennett

WHEREAS, the annual principal and semi-annual interest payments for the General Serial Bonds of 2004 have become due and payable on June 1, 2012, and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer is hereby authorized to wire funds in the amount of \$370,000.00 in

Principal and \$25,439.00 in Interest from the Current Fund, and \$60,000.00 in Principal and \$9,860.00 in Interest from the Water Operating Fund.

R 103-12 Introduced by Council Vice President Bennett

To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated May 4, 2012.

WATER OPERATING FUND	WT 888889	\$	39,823.73
OTHER TRUST II FUND	WT 888889	\$	15,835.79
TOTAL PAYROLL		\$	<u>297,919.26</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	8,542.68
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	5,000.00
TOTAL FICA		\$	<u>13,542.68</u>

R 104-12 Introduced by Council Vice President Bennett

WHEREAS, there exists a need for engineering services for the design and inspection phases of the 2012 Road Improvement Program, in the Borough of Hawthorne at a cost not to exceed \$50,000.00 for design and \$50,000.00 for inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that Boswell Engineering be awarded a contract in the amount not to exceed \$100,000.00, and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a contract, in a form approved by the Borough Attorney subject to certification by the Chief Financial Officer.

R 105-12 Introduced by Council Vice President Bennett

WHEREAS, there is a need to establish a change fund in connection with the selling of badges for the Municipal Pool.

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 against the Current Fund as follows:

Sarah Sexton \$150.00

BE IT FURTHER RESOLVED, that the change fund so established is to be turned over to the Treasurer immediately following the termination of duties in this connection.

R 106-12 Introduced by Council Vice President Bennett

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

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

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

SECTION 1

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

Government Services to approve the insertion of an item of revenue in the budget of the year 2012 in the sum of \$27,381.07 for the Clean Communities Grant.

SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS	
Clean Communities Grant Program	\$27,381.07

pursuant to the provision of the statute; and

SECTION 2

BE IT FURTHER RESOLVED, that a like sum of \$27,381.07 be and is hereby appropriated under the caption of:

OPERATIONS EXCLUDED FROM "CAPS"	
PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUES	
Clean Communities Grant Program	\$27,381.07

SECTION 3

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Hawthorne from the State of New Jersey that were not available at the time of the adoption of the 2012 budget and are now available by law.

R 107-12 Introduced by Council Vice President Bennett

WHEREAS, on May 8, 2012, the Borough of Hawthorne received bids for the 2012 Road Improvement Program in the Borough of Hawthorne authorized by Ordinances #2062-12 and 2063-12; and

WHEREAS, the bids have been received and reviewed by Boswell Engineering and they have recommended the low, responsive bid of:

A.J.M. Contractors, Inc.
300 Kuller Road
Clifton, NJ 07011

in the amounts as follows: Base Bid - \$557,712.50
Alternate A - \$34,360.00
Alternate B - \$38,727.00

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the above-cited lowest responsive bidder, in the total amount of \$630,799.50, 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 Arnold's Roads, Inc. in a form approved by the Borough Attorney when these conditions have been met.

R 108-12 Introduced by Council Vice President Bennett

WHEREAS, application has been made by Diamond Unlimited Corporation by Manuel Antigua, President, for a person to person and/or transfer of Plenary Retail Consumption Liquor License 1608-32-044-003; and

WHEREAS, the owner of the license, Diamond Liquors, LLC by Robert Roncone, Managing Member, has consented to the said transfer; and

WHEREAS, the applicant has submitted, in support of its application, all required documentation so as to support the transfer, said documentation having been reviewed and approved as to form and content by the Borough Attorney; and

WHEREAS, the Hawthorne Police Department has conducted a background check and has determined there to be no impediment to the transfer of said liquor license to the applicant; and

WHEREAS, the applicant caused to be published and served notice of a hearing wherein the said transfer was to be considered by the Municipal Council of the Borough of Hawthorne, the same being satisfactory in the opinion of the Borough Attorney; and

WHEREAS, the Municipal Council conducted a public hearing regarding the transfer of the said liquor license on May 16, 2012, taking testimony at such time from a duly appointed representative of the applicant; and

WHEREAS, the Municipal Council finds, based upon the testimony presented, documentation received, opinion of the Borough Attorney and findings of the Hawthorne Police Department that it may approve the transfer of the aforesaid liquor license;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that it does hereby approve the person to person transfer of plenary retail consumption license number 1608-32-044-003 from Diamond Liquors, LLC to Diamond Unlimited Corporation, subject to compliance with all rules and regulations established by the State of New Jersey and Borough of Hawthorne pertaining to such license.

R 109-12 Introduced by Council Vice President Bennett

WHEREAS, the Borough of Hawthorne has solicited bids for the purchase of a new pump and motor for installation at the Fairview and Goffle Hill Road pump station; and

WHEREAS, the Borough received 2 proposals in response to the Request for Proposals, the lowest being submitted by Precision Electric Motor Works of Clifton, New Jersey; and

WHEREAS, the Administration, through its Department of Public Works, is satisfied that the said vendor is qualified and capable of providing the equipment in question and that the bid, at \$19,500, is fair and reasonable and within the expectation of the solicitation; and

WHEREAS, the amount of the bid is less than the bid threshold established by the Local Public Contracts Law but in excess of the limitation of the so-called Pay to Play Law of the State of New Jersey; and

WHEREAS, the process utilized by the Borough was not a fair and open process, thereby requiring compliance with the provisions of such law; and

WHEREAS, the Borough is satisfied that the vendor in question is eligible to provide such equipment however its documentation attesting to the same was not received within 10 days of the date the matter is to be acted upon; and

WHEREAS, the Borough Attorney has indicated that in his opinion a contract may be awarded at this time but held in abeyance by the Administration until the passage of the requisite time period called for in the statute;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does authorize an award of contract for the purchase of a new pump and motor to Precision Electric Motor Works, 14 Sebago Street, Clifton, New Jersey, at a contract price of \$19,500, in accordance with the quotation submitted; and

IT DOES FURTHER RESOLVE that the award shall be subject to compliance with applicable law or regulation under the New Jersey Pay to Play Act as well as certification of availability of funds by the Chief Financial Officer.

Council President Bertollo entertained a motion to approve resolutions MR32-12, R98-12 through R109-12 moved by Council Vice President Bennett, seconded by Councilman Matthews. Council President Bertollo asked if there was any discussion. On roll call, all voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Lane

This Sunday a Memorial service will be held at 9:30 a.m. at the First Reformed Church. Life member Paul Cifelli, deacon from the First Reformed Church has accepted the Chaplain role for the Ambulance Corps. Thank you for the EMS Proclamation. The Ambulance Corps responded to calls 154 and 376 hours in April. Thank you to Dr. Shefski and Tyco Animal Control Officers who donated their services for the rabies clinic. 9-11 committee moving forward, plans donated by LAN Associates are completed, pool company has offered their expertise and input.

Economic Development is working on rezoning of Goffle Road corridor; the ordinance has been drafted by planners and forwarded to the Ordinance Committee for review.

Councilman Mele

Project Pride completed mulch on Lafayette Avenue. Pocket Park is near completion.

Council Vice President Bennett

Public Works meeting is Monday, May 21st at 6:30 p.m.

Councilman Matthews

Planning Board granted two certificates of compliance, a Software Company on Royal Ave which will bring thirty-five to forty-five to the borough and a wholesale florist on Goffle Road bringing six employees. The Chamber of Commerce will sponsor a town-wide event next month for the vendors. The Farmer’s Market starts June 24th. Insurance Committee will have their quarterly meeting on May 23rd. Finance Committee discussed questions of funding of line items in a departments budget, items in last years budget that were assumed to be new, working to restore and resolve.

Councilman Sinning

The Ordinance committee discussed final touches on re-zoning of Goffle Road from Lafayette Ave to the Ridgewood and Wyckoff borders, traffic and parking ordinance, meeting with County on Rock Road and necessary approvals for Warburton and Lafayette Avenues. Also discussed materials used on space between sidewalk and curb, front yard coverage. Library Board working on local agreement with Prospect Park. Library Open House takes place on June 1st from 4:00 p.m. on.

Councilman Wojtecki

Shade Tree Commission meeting is scheduled for 4:30 p.m. on Administrator Maurer and Shade Tree Chair to discuss Administrative Assistant for the board.

Council President Bertollo

Accidents, complaints and traffic concerns at Warburton and Hawthorne Avenues continue, Police Chief and traffic division have recommended a 4-way stop; Administrator Maurer has forwarded information to County who are willing to discuss. Public forum to discuss traffic concerns at Washington School took place last night, low turnout; June 4 to June 15 will be trial period of new traffic pattern

Mayor Goldberg announced the Memorial Day parade and service will take place on Monday, May 28th. The Memorial service takes place at 12 noon on the borough steps and the parade will step off at 1:30 p.m.

CORRESPONDENCE

None recorded.

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. Councilman Lane and Councilman Wojtecki abstained from checks 13559 and 13565.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
6TH NEW HAMPSHIRE VOLUNTEERS	13550	300.00	PUBLIC EVENTS O/E
A PLUS TOWING AND RECOVERY INC	13551	590.00	POLICE DEPT O/E
ACORN TERMITE & PEST CONTROL	13552	100.00	DPW ADMIN O/E

AGL WELDING SUPPLY CO, INC	13553	30.71	STREETS & ROADS O/E
BOB'S TIRES & WHEELS INC	13554	2,331.00	VEHICLE MAINT POLICE
BOLTZER LANDSCAPING INC	13555	1,938.00	MAINTEN OF PARKS
BOSWELL ENGINEERING, INC	13556	4,928.00	VARIOUS
BRIDGEMEN ALUMNI DRUM & BUGLE	13557	2,500.00	PUBLIC EVENTS O/E
CABLEVISION	13558	177.53	VARIOUS
CNP FITTEST OF NJ LLC	13559	100.00	FIRE DEPT O/E
CONEXION PRINTING	13560	318.00	GENERAL ADMIN O/E
DECOTIIS, FITZPATRICK & COLE	13561	3,557.20	LEGAL SERV& COSTS O/E
DINO LEMME	13562	1,384.36	TAX OVERPAY
EARTHLINK BUSINESS	13563	212.11	TELEPHONE CHARGES
FELDMAN BROS. ELECTRIC SUPPLY	13564	45.00	BOARD OF REC O/E
FIREFIGHTER ONE LLC	13565	2,199.00	FIRE DEPT O/E
FUTURE SANITATION INC	13566	39,375.00	VARIOUS
GET A CAN	13567	8,250.00	RECYCLING PRO O/E
HAWTHORNE BOARD OF EDUCATION	13568	2,695,531.00	SCHOOL TAX
HAWTHORNE CABALLEROS	13569	1,100.00	PUBLIC EVENTS O/E
HAWTHORNE CABALLEROS ALUMNI	13570	1,100.00	PUBLIC EVENTS O/E
HAWTHORNE CAR WASH, INC	13571	211.00	VARIOUS
HAWTHORNE HIGH SCHOOL BAND	13572	700.00	PUBLIC EVENTS O/E
HAWTHORNE PAINT CO INC	13573	47.00	VARIOUS
HAWTHORNE PRESS INC	13574	829.14	VARIOUS
HENRY'S PLUMBING & HEATING INC	13575	57.50	SWIMMING POOL O/E
HESS CORPORATION	13576	5,571.20	VARIOUS
JET-VAC INC	13577	1,085.35	VEHICLE MAINT SEWER
JOHN DEERE LANDSCAPE	13578	65.31	MAINTEN OF PARKS
JUNGLE LASERS LLC	13579	1,400.00	FEES PAYABLE JUNGLE LASERS
KNAPP, TRIMBOLI & PRUSINOWSKI	13580	1,069.50	LEGAL SERV& COSTS O/E
LANGUAGE LINE SERVICES	13581	8.50	POLICE DEPT O/E
LOUISE SIANO	13582	13.26	REVENUE COLLECTION O/E
LUK OIL	13583	11,456.20	BULK PURCHASE GASOLINE
M & B SEPTIC SERVICE, LLC	13584	84.00	BOARD OF REC
MARK MICHALSKI	13585	60.00	POLICE DEPT O/E
MGL PRINTING SOLUTIONS	13586	51.00	BOARD OF HEALTH O/E
MIKE SHANNON SPORTS	13587	3,780.50	BOARD OF REC O/E
MILITARY TRANSPORT ASSOC	13588	650.00	PUBLIC EVENTS O/E
MOORE WALLACE NORTH AMERICA IN	13589	187.50	BOARD OF HEALTH O/E
NY SKYLINERS DRUM	13590	2,500.00	PUBLIC EVENTS O/E
PASSAIC COUNTY TECH ROTC	13591	200.00	PUBLIC EVENTS O/E
PASSAIC HS MARCHING BAND	13592	1,500.00	PUBLIC EVENTS O/E
PASSAIC HS NAVAL ROTC	13593	200.00	PUBLIC EVENTS O/E
POST & KELLY ELECTRIC CO, INC	13594	625.00	MUNICIPAL ALLIANCE
PRINTMASTERS	13595	210.00	PUBLIC EVENTS O/E
PROCOPY INC	13596	123.75	VARIOUS
PROFESSIONAL ACCOUNTANTS	13597	250.00	FINANCIAL ADMIN O/E
PUBLIC SERV ELEC & GAS	13598	56.02	ELECTRIC CHARGES
PUZO'S RESTAURANT	13599	474.30	PUBLIC EVENTS O/E
REILLY RAIDERS DRUM &	13600	2,500.00	PUBLIC EVENTS O/E
RIDGEWOOD PRESS	13601	240.00	POLICE DEPT O/E
RT OFFICE PRODUCTS	13602	77.24	POLICE DEPT O/E
SHOTMEYER BROS FUEL CO	13603	7,631.60	BULK PURCHASE GASOLINE
ST JOSEPH'S REG MED CENTER	13604	150.00	EMERGENCY MGMT O/E
SUBURBAN GENERATOR	13605	206.25	DPW ADMIN O/E
TEE-FX SCREEN PRINTING, LLC	13606	2,799.50	BOARD OF REC O/E
THE BODY WORKS INC	13607	1,549.57	VEHICLE MAINT FIRE DEPT
TYCO ANIMAL CONTROL SERVICES	13608	2,280.00	ANIMAL CONTROL O/E
UNITED COMPUTER	13609	2,274.00	VARIOUS
UPTOWN STRING BAND	13610	1,500.00	PUBLIC EVENTS O/E

VALLEY HOSPITAL	13611	94.90	BOARD OF HEALTH O/E
VERIZON	13612	295.89	VARIOUS
VERIZON WIRELESS (N)	13613	745.31	TELEPHONE CHARGES
VITAL COMMUNICATIONS, INC.	13614	500.00	TAX ASSESSMENT O/E
WALDWICK PRINTING COMPANY	13615	530.00	GENERAL ADMIN O/E
WASTE MANAGEMENT OF NJ	13616	36,601.67	VARIOUS
CABLEVISION	13617	<u>229.94</u>	TELEPHONE CHARGES
TOTAL CURRENT		\$ 2,859,738.81	
GENERAL CAPITAL			
HAWTHORNE PRESS INC	3161	1,138.02	VARIOUS
WPCS INTERNATIONAL, INC	3162	<u>9,293.05</u>	VARIOUS
TOTAL GENERAL CAPITAL		\$ 10,431.07	
WATER OPERATING			
AGRA ENVIRONMENTAL SVC	8916	2,525.00	LAB TESTING WATER
BROADHURST SHEET METAL INC	8917	20.00	WATER UTILITY O/E
FIRESTONE COMPLETE AUTO CARE	8918	640.92	WATER UTILITY O/E
FOOTAGE TOOLS INC	8919	863.50	WATER UTILITY O/E
HENRY'S PLUMBING & HEATING INC	8920	25.28	WATER UTILITY O/E
HESS CORPORATION	8921	23,014.98	WATER UTILITY O/E
LUK OIL	8922	1,076.42	WATER UTILITY O/E
PASSAIC CO ROAD DEPT	8923	200.00	WATER UTILITY O/E
SHOTMEYER BROS FUEL CO	8924	334.69	WATER UTILITY O/E
UNITED COMPUTER	8925	55.00	WATER UTILITY O/E
VERIZON WIRELESS (N)	8926	<u>203.82</u>	WATER UTILITY O/E
TOTAL WATER OPERATING		\$ 28,959.61	
OTHER TRUST II			
ALLIED CARPET	4400	9,816.60	RECYCLING
CONEXION PRINTING	4401	103.00	RECYCLING
GILBEY'S EMBROIDERY CO	4402	2,284.00	RECYCLING
HAWTHORNE PAINT CO INC	4403	23.50	RECYCLING
PUZO'S RESTAURANT	4404	109.50	RECYCLING
SWANA NJ CHAPTER	4405	125.00	RECYCLING
UNITED COMPUTER	4406	330.00	RECYCLING
VERIZON WIRELESS (N)	4407	70.71	UCC PENALTIES
VITAL COMMUNICATIONS, INC.	4408	<u>75.00</u>	UCC PENALTIES
TOTAL OTHER TRUST II		\$ 12,937.31	
DOG DEDICATED			
NJ DEPARTMENT OF HEALTH	6057	<u>74.40</u>	STATE OF NEW JERSEY
TOTAL DOG DEDICATED		\$ 74.40	
BUILDERS ESCROW			
ANGELO FOSCHINI	5152	316.00	FOSCHINI
BOSWELL ENGINEERING, INC	5153	4,100.50	PAPAS 24/13.03
BOSWELL ENGINEERING, INC	5154	968.00	PATRIOT DEVELOP 90/1
BURGIS ASSOCIATES, INC	5155	250.00	204 WAGARAW ROAD LLC
MICHAEL J. PASQUALE, ESQ	5156	<u>780.00</u>	PAPAS 24/13.03
TOTAL BUILDERS ESCROW		\$ 6,414.50	
TOTAL BILL LIST		<u>\$ 2,918,555.70</u>	

PUBLIC COMMENT

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.

Karen Kleinfeld-Peters, 116 3rd Avenue

Ms. Kleinfeld-Peters congratulated the EMS and the students who participated in Youth Day. A trustee and the Vice President of Hawthorne Deserves Better, Inc. she expressed her concern for what was in the best interest for Hawthorne residents and not an out of town developer. Believes the one resident who spoke in favor of the project was a business associate of the developer. Thanked Council and fellow supporters of Hawthorne Deserves Better, Inc.

Nicole Threlfall, 66 Llewellyn

Thanked mayor and council for opportunity to speak. A trustee and the secretary with Hawthorne Deserves Better, she expressed her passion for keeping Hawthorne the type of place generations and families return to. The organization has collected over one thousand signatures against the proposed development of 204 Wagaraw Road and has surpassed 350 members. Ms. Threlfall thanked the Council.

Joe Osborne, 112 Cedar Ave

Trustee and President of Hawthorne Deserves Better, Inc. Spoke of ordinances and variances. Inquired as to further discussions being placed on future agendas. Expressed desire to continue work on opposing development on Wagaraw Road.

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

CLOSED SESSION:

Pursuant to N.J.S.A. 10:4-13 and Attorney General's Formal Opinion 29-1976, I move that the public be excluded from this portion of the meeting in order that the Council may discuss personnel. Items to be discussed in the Closed Session can be disclosed to the public when a course of action is determined, or a decision has been reached.

Council President Bertollo entertained a motion to adjourn the regular meeting and enter into closed session at 10:07 p.m., moved by Councilman Sinning, seconded by Councilman Wojtecki. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE ON JUNE 6, 2012. THE WORK SESSION WILL BEGIN AT 7:00 PM AND THE REGULAR MEETING WILL BEGIN IMMEDIATELY FOLLOWING. 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

Lori DiBella
Deputy Borough Clerk