

March 6, 2013
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:28 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	Frank E. Matthews
Council Vice President	John Bertollo
Councilman	Bruce Bennett
Councilman	John Lane
Councilman	Dominic Mele
Councilman	Garrett Sinning
Councilman	Joseph Wojtecki
Borough Administrator	Eric Maurer
Borough Attorney	Michael J. Pasquale
Borough Engineer	Dr. Stephen T. Boswell
Acting Borough Clerk	Lori DiBella

Director of Revenue and Finance MaryJeanne Hewitt was absent.

FLAG SALUTE

Council President Matthews invited all present to join him in the flag salute.

STATEMENT

Adequate notice of this meeting has been provided by the Annual Schedule of regular meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, emailed to the Hawthorne Press, Herald News, Record, The Gazette and all persons who have requested the mailing of such schedule, and a copy of said schedule has remained on file in the office of the Borough Clerk from and since December 6, 2012.

APPROVAL OF MINUTES

Council President Matthews entertained a motion to approve the minutes of the Regular Meeting of February 20, 2013 and the Bid Minutes of February 20, 2013 for Vehicle Maintenance and Repairs moved by Councilman Wojtecki, seconded by Councilman Lane. On roll call, all voted yes except Council President Matthews who abstained.

PUBLIC COMMENT (Agenda Items Only)

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

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

ADOPTION OF ORDINANCES:

ORDINANCE NO. 2079-13

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 505, ARTICLE III, SCHEDULE XVI, TIME LIMIT PARKING, OF THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO CREATE SCHEDULE XVIB, TIME LIMIT PARKING, STREET SWEEPING, AND SETTING FORTH LOCATIONS THEREUNDER.

Public Hearing

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2079-13 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing none, Council Matthews entertained a motion that the public hearing on Ordinance No. 2079-13 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted, posted on the borough website

(www.hawthornenj.org) 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.

Moved by Councilman Bennett, seconded by Councilman Sinning. On roll call, all voted yes.

ORDINANCE NO. 2080-13

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 505, ARTICLE III, SECTION 505-19, NO STOPPING OR STANDING, SCHEDULE XIV, OF THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO ADD THERETO CERTAIN ADDITIONAL LOCATIONS: UTTER AVENUE, ON THE SOUTH SIDE FROM THE NYS&W RAILROAD TRACK CROSSING A DISTANCE OF 75 FEET EAST TO THE DRIVEWAYS AT 44 AND 50 UTTER AVENUE.

Public Hearing

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2080-13 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing none, Council President Matthews entertained a motion that the public hearing on Ordinance No. 2080-13 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted, posted on the borough website (www.hawthornenj.org) 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.

Moved by Councilman Mele, seconded by Council Vice President Bertollo. Councilman Lane asked that in addition to the signs, could the curbs also be painted. Council President Matthews responded yes. On roll call, all voted yes.

OLD BUSINESS: None.

NEW BUSINESS: None.

ADMINISTRATIVE AGENDA PRESENTED BY MAYOR GOLDBERG:

Home Serve, a business from Connecticut, will be soliciting the residents offering insurance on their water lines. The coverage offered by them is optional and is not endorsed or recommended by the Borough. Tonight we will be introducing an ordinance to regulate massage parlors in Hawthorne. The Mayor is hoping this will discourage such establishments that participate in illegal activity from opening business in Hawthorne. The Borough will be sending out a Nixle alert regarding the upcoming snow fall. During Hurricane Sandy we learned that we needed a better way to communicate with the residents. Please go to www.hawthornenj.org or Nixle.com to sign up for these official announcements from the Borough. Police Chief Scully is retiring after over 34 years with the police department with no payout and leaving vacation days on the table. The Mayor has hired Chief Scully as the Public Works Superintendent and will start on April 1st. Administration is currently working with the Finance Committee to prepare the 2013 Budget and our plan is for Council to introduce it on April 3rd and adopt May 1st. April 3rd meeting will be a very full agenda.

REPORTS:

Borough Attorney Pasquale

In reference to the massage establishment's ordinance, we will be following State statute which regulates massage establishments through the licensing process. As of this September, licenses are being issued to all persons engaged in massage activities.

In Spa- Issued a notice revoking their Certificate of Occupancy which the client is fighting in court. Attorney Pasquale was in court on Friday and was informed of a delay of 6-8 more weeks for our case. In Spa continues to employ the employee that was arrested on site and charged with illegal activities. We will continue to pursue the closing of this business because they have broken the rules.

One Washington Holdings- still asking owners to clean up their property. They are appealing more determinations by Judge McGready to hold them in violation of our ordinances. They have paid there fines since the last report.

204 Wagaraw Road – In court last week regarding motions filed by both parties. Judge Chiocca has been relocated to Essex County. Judge A. Graziano will be taking over his files. Judge Chiocca's final ruling did rule in favor of the Borough. There will be no discovery until the end of March. He denied the motion filed by the plaintiff seeking to hold Hawthorne in contempt of its obligation to provide discovery, finding that we acted in good faith and are seeking to appeal. Attorney Pasquale expects to hear from the appellate division by the end of the month. The motion to dismiss the second lawsuit will be heard by Judge Graziano in about three weeks. Reminder that the Lions Club is holding a dinner on March 21st at the Boys and Girls Club to fund Hawthorne High School Scholarships and their Beefsteak is April 6th.

Borough Engineer, Dr. Stephen T. Boswell

Library Roof - A leak was detected in a section of a metal flat roof and this section was not part of the original roof replacement project. An estimate from Paino Roofing has been requested to address this.

Washington/Royal Drainage - All County Pipeline, Paving & Site Excavation has completed the slot drains. Remaining concrete work consisting of a driveway apron and sidewalk will be completed when weather conditions are appropriate. Site restoration will also be completed at that time.

Cornell Avenue Sewer Repairs - The Borough is securing funds to replace and line the sanitary sewer pipe.

Goffle Brook Bank Stabilization - The contractor continues to trim and remove trees as directed south of Rea Avenue. Bio-engineering is expected to continue south of Rea Avenue as materials are received. The pond is still being dredged.

Water System Improvements - Some, if not all, of the proposed improvements are to be funded in 2013.

2012 Road Resurfacing Program - Site restoration including top soil and seeding has to be addressed as well as repair of a few sprinkler heads.

UST Groundwater Monitoring - Analysis of the contingency sample has not been completed. The laboratory indicated the sample has been extracted and testing should be performed soon.

Christian Health Care Center - The project was approved unanimously on Monday, March 4, with 54 conditions. The building must be constructed of non-combustible materials and include a NFPA 13 fire sprinkler system and a standpipe system.

May Street (2013 NJDOT Local Aid) - The construction design plans for May Street have started but cannot proceed until the exact award amount is known which will determine the actual limits for the project.

Well Field Parking - This project will be completed as part of the 2013 Road Resurfacing Program.

Old County Building – Contractor AJM will address this item.

Rock/Braen/Goffle Intersection - A meeting was held on February 7, 2013. Design and construction estimates have been prepared and submitted to the Borough.

Tuxedo Truncated Dome Matt - The truncated dome matt has been made safe. The entire ramp will be addressed as part of the May Street Local Aid project.

Wagaraw Field 4 Lighting - The contractor has mobilized and started working on the installation of the light pole foundations.

Library Parking Lot - A budget number of \$50 to 60K was provided to the Borough. Partial reconstruction and some drainage improvements are required.

Warburton and Forest - The contractor will return in the Spring to infrared the pavement high spots.

Utter Avenue Pump Station - The Borough received quotes but has not yet authorized or approved a contractor.

Wagaraw/Goffle Intersection - Our office was informed signal pre-emption equipment for the firehouse was previously installed. Therefore, this equipment just needs to be activated.

The County is expected to prepare the signal pre-emption design for the Lincoln/Wagaraw signal.

Borough Administrator Maurer

In reference to tonight's storm, residents are reminded to clear their sidewalks of snow and ice. The switch over to Sunoco as our new gas supplier went smoothly. Chief Scully will be the Public Works Superintendent as of April 1st and Jonathan Corrada, a seasonal employee, has been hired full-time in the DPW water department. Joyce Comerro our Deputy Court Administrator will be retiring May 1st. Administration is working on the health benefit plans to make sure we are going forward with the best option for the Borough. Administration is awaiting information from The Vozza Agency then they can meet with the Insurance Committee to discuss these options sometime in April.

Questions for the Administration

Councilman Lane asked Engineer Boswell if the manholes on Forest Ave are included in the repairs. Engineer Boswell replied yes, they are all on the punch list. In reference to Washington Ave, Council Vice President Bertollo requested we keep in contact with the resident whose sidewalk and driveway needs to be repaired due to equipment being stored on her property. Engineer Boswell replied that we are still holding the bond so they will make sure that it gets repaired as soon as the weather breaks. Councilman Sinning asked when the bank stabilization project is complete, will the land behind the high school football field still be a flood plain. Engineer Boswell replied there will be no change in the flood elevation, will confirm and report back but also the flooding will be lessened due to the stabilization of the banks.

Council President Matthews asked if there were any other questions or discussion. Council President Matthews entertained a motion to record the Administrative Agenda, moved by Councilman Mele, seconded by Councilman Bennett. On roll call, all voted yes.

INTRODUCTION OF ORDINANCES

ORDINANCE NO. 2081-13

BOND ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION, CURBING, RESURFACING AND DRAINAGE IMPROVEMENTS ON VARIOUS STREETS AND PROPERTIES DESCRIBED HEREIN OR HEREAFTER IDENTIFIED, ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING SEVEN HUNDRED SEVENTY FOUR THOUSAND AND NINETY ONE (\$774,091) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME.

BE IT RESOLVED, that Ordinance No. 2081-13 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 April 3, 2013, and 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.

Moved by Councilman Bennett, seconded by Councilman Lane. On roll call, all voted yes.

ORDINANCE NO. 2082-13

BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OR REPLACEMENT OF SIDEWALKS AND DRIVEWAY APRONS ON SECOND AVENUE, SIXTH AVENUE, SEVENTH AVENUE, SYLVESTER AVENUE, MAY STREET AND VARIOUS SITES DAMAGED DURING HURRICANE SANDY AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING EIGHTY FIVE THOUSAND (\$85,000) DOLLARS THEREFOR, AUTHORIZING THE ISSUANCE OF BONDS OR NOTES FOR FINANCING PART OF THE COST THEREOF AND DIRECTING SPECIAL ASSESSMENT OF THE COST THEREOF.

BE IT RESOLVED, that Ordinance No. 2082-13 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 April 3, 2013, and 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.

Moved by Councilman Bennett, seconded by Councilman Mele. On roll call, all voted yes.

ORDINANCE NO. 2083-13

BOND ORDINANCE PROVIDING FOR PURCHASE OF A DUMP TRUCK IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY,

APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME

BE IT RESOLVED, that Ordinance No. 2083-13 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 April 17, 2013, and 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.

Moved by Councilman Wojtecki, seconded by Councilman Bertollo. On roll call, all voted yes.

ORDINANCE NO. 2084-13

AN ORDINANCE CREATING CHAPTER 320, TITLED "MASSAGE ESTABLISHMENTS" OF THE CODE OF THE BOROUGH OF HAWTHORNE.

BE IT RESOLVED, that Ordinance No. 2084-13 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 April 17, 2013, and 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.

Moved by Councilman Bertollo, seconded by Councilman Sinning. On roll call, all voted yes except Councilman Lane who abstained due to having a tenant that owns a massage business in town.

ORDINANCE NO. 2085-13

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 540, ZONING, ARTICLE I, GENERAL PROVISIONS, SECTION 540-8(R), IMPERVIOUS COVERAGE, SO AS TO PROVIDE THAT IN ALL RESIDENTIAL ZONES, NOT LESS THAN 75% OF EVERY FRONT YARD, EXCLUSIVE OF DRIVEWAYS AND SIDEWALKS BUT NOT WALKWAYS, SHALL CONSIST OF VEGETATIVE OR PLANTED MATERIALS, IN THE BOROUGH OF HAWTHORNE.

BE IT RESOLVED, that Ordinance No. 2085-13 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 April 17, 2013, and 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.

Moved by Councilman Mele, seconded by Councilman Bertollo. On roll call, all voted yes except Councilman Bennett and Councilman Wojtecki who voted no.

ORDINANCE NO. 2086-13

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 505, ARTICLE VIII, SECTION 505-47, MUNICIPAL PARKING, OF THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO RESTRICT PARKING IN AND ABOUT THE MUNICIPAL LIBRARY OF THE BOROUGH OF HAWTHORNE AS LIBRARY PARKING ONLY AND SO AS TO RESTRICT PARKING IN THE AREA OF THE HAWTHORNE MUNICIPAL BUILDING SO AS TO LIMIT THE SAME TO EMPLOYEE PARKING ONLY

BE IT RESOLVED, that Ordinance No. 2086-13 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 April 17, 2013, and 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.

Moved by Councilman Bertollo, seconded by Councilman Mele. Councilman Lane added that he feels the sign should designate specific hours for employee parking. Discussion followed regarding changes to the ordinance. Motion to table the ordinance moved by Councilman Wojtecki, seconded by Councilman Bennett. On roll call to table the ordinance, Councilman Wojtecki, Councilman Bennett and Councilman Lane voted yes and Councilman Sinning, Councilman Mele, Councilman Bertollo and Councilman Matthews voted no. (defeated 4/3) Roll call on first motion, all voted yes except Councilman Bennett, Councilman Lane and Councilman Wojtecki who voted no.

ORDINANCE NO. 2087-13

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 505, ARTICLE III, SECTION 505-21, TIME LIMIT PARKING, SCHEDULE XVI, OF THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO ADD THERETO CERTAIN ADDITIONAL LOCATIONS

BE IT RESOLVED, that Ordinance No. 2087-13 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 April 17, 2013, and 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.

Moved by Councilman Wojtecki, seconded by Councilman Sinning. On roll call, all voted yes.

ORDINANCE NO. 2088-13

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 505, ARTICLE II, and SECTION 505-8, PROHIBITED TURNS AT INTERSECTIONS, SCHEDULE V, SECTION 505-57, OF THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO ADD THERETO ADDITIONAL LOCATIONS

BE IT RESOLVED, that Ordinance No. 2088-13 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 April 17, 2013, and 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.

Moved by Councilman Bertollo, seconded by Councilman Lane. Council Vice President Bertollo added this is for the drop off and pick up traffic pattern at Washington School and a meeting will be scheduled prior to the public hearing. On roll call, all voted yes.

RESOLUTIONS...

CONSENT AGENDA: R41-13 through R43-13, R45-13 through R47-13 and R49-13:

R 41-13 Introduced by Councilman Bennett

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated February 22, 2013.

CURRENT FUND	WT 888889	\$	271,277.47
WATER OPERATING FUND	WT 888889	\$	39,200.08
OTHER TRUST II FUND	WT 888889	\$	5,918.63
TOTAL PAYROLL			<u>\$ 316,396.18</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	14,870.04
WATER OPERATING FUND TO PAYROLL/FICA	WT 888889	\$	-
TOTAL FICA			<u>\$ 14,870.04</u>

R 42-13 Introduced by Councilman Bennett

WHEREAS: Tax Sale Certificate #2012-13 was sold on October 23, 2012 in the amount of \$10,883.23 on Block 258 Lot 13 then assessed to Estate of Donna Schutte and said lien was originally purchased by Robert DelVecchio Pension Trust, P.O. Box 196, Hawthorne, NJ 07507, and

WHEREAS: said lien was redeemed on February 4, 2013 in the amount of \$10,883.23, said lienholder is entitled to a refund including the amount of the lien \$2,307.76, penalty of \$46.16, search and recording fee of \$45.00, subsequent taxes of \$8,057.29 and interest of \$427.02 for a total of \$10,883.23 and

NOW, THEREFORE, BE IT RESOLVED: that the Collector of Taxes recommends that a check be issued by the Treasurer from the Other Trust II/Trustee Account to Robert DelVecchio Pension Trust in the amount of \$10,883.23 to reimburse the lienholder for the lien, penalty, fees, subsequent taxes and interest and a check from the Other Trust I account for \$10,300.00 for Premium paid.

R 43-13 Introduced by Councilman Bennett

WHEREAS: There appears on the tax record an overpayment caused by an erroneous payment; and

WHEREAS: the Collector of Taxes recommends the refund of said overpayment,

NOW, THEREFORE, BE IT RESOLVED: By the Municipal Council of the Borough of Hawthorne that the Treasurer be authorized to issue a refund to the taxpayer listed below:

<u>Blk/Lot</u>	<u>Name and Address</u>	<u>Amount</u>	<u>Qtr./Year</u>
258/13	Robert DelVecchio 12 Hutchinson Ave.	\$ 1,888.33	1/2013

R 45-13 Introduced by Councilman Bennett

RESOLUTION AUTHORIZING AN APPLICATION TO THE COUNTY OF PASSAIC FOR OPEN SPACE FUNDS TO CONSTRUCT RESTROOMS AND MAKE OTHER IMPORVMENTS IN CONJUNCTION WITH A BANDSHELL BEING CONSTRUCTED AT THE MUNICPAL POOL PROPERTY

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 applied for a received a Passaic County Open Space grant in 2012 for construction of a bandshell at the Borough's municipal pool property; and

WHEREAS, the Borough of Hawthorne has identified construction of restrooms as an adjunct to the bandshell as a project eligible for this funding that would be beneficial to the Borough; and

WHEREAS, the estimate for the total cost of the project, including design, inspection, and construction is \$200,000; and

WHEREAS, the Borough commits to matching funds of \$50,000, or 25% of the total cost of the project, making the grant request \$150,000; and

WHEREAS, the Borough Council will hold a public hearing on this application on March 20, 2013;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne that the Borough Administrator is hereby authorized to submit an application for an application for a \$150,000 Open Space Grant to the County of Passaic for the construction of restrooms and related improvements.

R 46-13 Introduced by Councilman Bennett

RESOLUTION AUTHORIZING APPLICATIONS TO THE COUNTY OF PASSAIC FOR THE COUNTY'S 2013 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 47-13 Introduced by Councilman Bennett

WHEREAS, on February 20,2013, the Borough of Hawthorne received bids for repairs of trucks, vehicles and equipment for the public works and police departments for the year 2013 subject to renewal for 2014, and;

WHEREAS, the Borough and Public Works administrations recommend the acceptance of the following bid:

All-American Ford, Inc
520 River Street, Hackensack, NJ 07601

In the amounts as follows:

Labor Rates:

Passenger Vehicles & Light Trucks	68.00 per hour
Heavy Trucks & Equipment	68.00 per hour
Diagnostic Labor	68.00 per hour
Emergency Off-hour Work	68.00 per hour

Oil Change:

Passenger Vehicles & Light Trucks	25.00 (up to 5 qts of oil)
Light Trucks	27.00 (up to 6 qts of oil)
Police Vehicles w/synthetic oil	60.00 (up to 7 qts of oil)

Parts:

Discount from retail	25.1%
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Contractor will pick-up and deliver vehicles.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the above-cited responsible bidder, and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a contract between the Borough of Hawthorne and All-American Ford, Inc. in a form approved by the Borough Attorney.

R 49-13 Introduced by Councilman Bennett

WHEREAS, elected and appointed officials of the County of Passaic and the Borough of Hawthorne have met and conferred about the need to make improvements to the intersection at Goffle Road, Rock Road and Braen Avenue in the Borough of Hawthorne; and

WHEREAS, as a result of such meetings the County of Passaic has indicated a willingness to make improvement to the intersection with the Borough of Hawthorne sharing in a portion of the cost thereof specifically related to design services; and

WHEREAS, the County of Passaic has introduced a budget setting forth therein a line item for such improvement which is awaiting hearing and final adoption; and

WHEREAS, the Borough of Hawthorne wishes to express its support of such project and willingness to address the funding of its portion of the project upon commitment of funds by the County of Passaic;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, does express its support for this important project and its willingness to address funding of its portion of the project at such time as County of Passaic funding is in place for the same.

Council President Matthews entertained a motion to approve resolutions R 41-13 through R 43-13, R 45-13 through R 47-13 and R 49-13, moved by Councilman Bennett, seconded by Councilman Bertollo. Council President Mathews asked if there was any discussion. On roll call, all voted yes.

OFF CONSENT AGENDA: R44-13

R 44-13 Introduced by Councilman Sinning

WHEREAS, an emergency has arisen with respect to the amounts allocated in the 2013 Temporary Operating Budget and/or the 2013 Temporary Water Operating Budget other expenses due to the permanent budget not yet being adopted, and the 2013 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 2013 pursuant to the provision of N.J.S.A. 40A:4-20 including this resolution total \$1,391,790.00.

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	11,100.00
Mayor/Council	
Salaries & Wages	2,900.00
Municipal Clerk	
Salaries & Wages	6,000.00
Financial Administration	
Salaries & Wages	11,200.00
Revenue Collection	
Salaries & Wages	2,000.00
Tax Assessor	
Salaries & Wages	1,400.00

Legal Services	
Salaries & Wages	8,000.00
Planning Board	
Salaries & Wages	1,200.00
Zoning Board of Adjustment	
Salaries & Wages	800.00
Construction Code	
Salaries & Wages	8,500.00
Code Enforcement	
Salaries & Wages	1,200.00
Uniformed Police	
Salaries & Wages	138,600.00
PEOSHA	
Salaries & Wages	1,000.00
Police Dispatchers	
Salaries & Wages	25,500.00
Fire Department	
Salaries & Wages	3,500.00
Fire Safety	
Salaries & Wages	5,000.00
Prosecutor	
Salaries & Wages	800.00
Shade Tree	
Salaries & Wages	500.00
Sewer System	
Salaries & Wages	11,500.00
DPW Administration	
Salaries & Wages	2,000.00
Board of Health	
Salaries & Wages	1,600.00
Swimming Pool	
Salaries & Wages	5,000.00
Library	
Salaries & Wages	35,600.00
Municipal Court	
Salaries & Wages	6,800.00
Administration	
Postage	2,000.00
Mayor/Council	
Other Expenses	1,300.00
Municipal Clerk	
Other Expenses	2,000.00
Financial Administration	
Other Expenses	2,000.00
Shade Tree	
Other Expenses	15,000.00
DPW Administration	
Other Expenses	5,000.00
Vehicle Maintenance	
Police	5,000.00
Streets	10,000.00
Shade Tree	16,000.00
Board of Health	
Other Expenses	20,000.00
Animal Control	2,500.00
Swimming Pool	
Other Expenses	5,000.00
Field & Park Maintenance	15,000.00
Library	
Benefits & Costs	70,500.00
Bond Admin Fees	4,000.00
IT Services	15,000.00
North Haledon Sewers	1,000.00
PERS	133,535.00

Social Security	15,000.00
PFRS	570,255.00
DCRP	200.00
WATER OPERATING	
Salaries & Wages	70,800.00
PERS	57,000.00

Council President Matthews entertained a motion to approve resolution R 44-13, moved by Councilman Sinning, seconded by Councilman Mele. Council President Matthews asked if there was any discussion. On roll call, all voted yes except Councilman Wojtecki and Councilman Lane who abstained from those pertaining to the fire department.

REPORTS OF SPECIAL COUNCIL COMMITTEES:

Councilman Wojtecki

Thanked Councilman Mele for attending the Shade Tree Committee meeting.

Councilman Sinning

Ordinance Committee met yesterday to finalize the ordinances being introduced tonight.

Council Vice President Bertollo

Finance Committee has begun department meetings as they build the budget. The budget book has been placed in the Council room and will be updated with any changes.

Councilman Mele

Shade Tree Committee - On Arbor Day a tree will be planted at the Hawthorne Pool to replace one destroyed during Hurricane Sandy. Seedlings will be handed out on Earth Day. 75 trees for planting are in this year's budget. Anyone who would like a tree planted on their property should contact the Public Works Department to be added to the list.

Municipal Alliance- Adopting a drop box for medical waste. Mayor Goldberg added the request has passed to him and the police department and they are investigating where it can be placed to meet the requirements. April 21st is the meeting of United for Prevention at William Paterson University. Our peer counselors from Hawthorne High School will be attending. Mayor Goldberg has been re-elected as President for the year.

CORRESPONDENCE: None.

MISCELLANEOUS: None.

BILLS

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
10-75 EMERGENCY LIGHTING, LLC	15013	\$ 1,120.00	VEHICLE MAINT FIRE DEPT
A T & T	15014	\$ 28.48	TELEPHONE CHARGES
ACTION DATA SERVICES	15015	\$ 1,517.64	VARIOUS
ALLAN BRITWAY ELECTRIC CO INC	15016	\$ 2,598.00	STREETS & ROADS O/E
AMERICAN HOSE CO INC	15017	\$ 385.00	STREETS & ROADS O/E
ANJEC	15018	\$ 400.00	ENVIRONMENTAL COMMITTEE O/E
ATLANTIC TACTICAL OF NJ, INC	15019	\$ 484.80	POLICE DEPT O/E
BCB JANITORIAL SUPPLY CO INC	15020	\$ 279.80	DPW ADMIN O/E
BOB'S TIRES & WHEELS INC	15021	\$ 1,056.00	VARIOUS
BOROUGH OF NO HALEDON	15022	\$ 980.62	NORTH HALEDON SEWERS
BOUBLIS ELECTRIC INC	15023	\$ 151.92	DPW ADMIN O/E
CABLEVISION	15024	\$ 165.05	DPW ADMIN O/E
CHARLENE ELVIN	15025	\$ 143.97	POLICE DEPT O/E
DOWNES TREE SERVICE, INC.	15026	\$ 125.00	SHADE TREE COMMISSION
EARTHLINK BUSINESS	15027	\$ 1,892.49	VARIOUS
ED MAHONEY	15028	\$ 299.00	GROUP INSURANCE O/E
FIREFIGHTER ONE LLC	15029	\$ 38.00	FIRE DEPT O/E
FIRST MOUNTAIN ARBORICULTURE L	15030	\$ 650.00	SHADE TREE COMMISSION
GARY TAMBURRO	15031	\$ 180.00	GROUP INSURANCE O/E
GENERAL CODE PUBLISHERS, INC	15032	\$ 1,195.00	MUNICIPAL CLERK O/E

HAWTHORNE FIRE DEPT	15033	\$	146.95	FIRE DEPT O/E
HAWTHORNE PRESS INC	15034	\$	524.16	VARIOUS
HESS CORPORATION	15035	\$	1,123.90	ELECTRIC CHARGES
HOME DEPOT SUPPLY	15036	\$	66.69	PUBLIC EVENTS O/E
ID CHECKING GUIDE	15037	\$	118.70	POLICE DEPT O/E
INTERNATIONAL ASSOCIATION OF	15038	\$	120.00	POLICE DEPT O/E
J J KELLER & ASSOC INC	15039	\$	239.00	PEOSHA O/E
JUNGLE LASERS LLC	15040	\$	1,560.00	FEES PAYABLE JUNGLE LASERS
LANGUAGE LINE SERVICES	15041	\$	32.30	POLICE DEPT O/E
M & B SEPTIC SERVICE, LLC	15042	\$	168.00	BOARD OF REC
MEDICAL LABORATORY DIAGNOSTICS	15043	\$	1,147.00	BOARD OF HEALTH O/E
METLIFE	15044	\$	309.36	GROUP INSURANCE O/E
NJ STATE LEAGUE MUNICIPALITIES	15045	\$	1,254.00	MAYOR & COUNCIL O/E
PASCACK DATA SERVICES	15046	\$	3,410.00	VARIOUS
PASS COUNTY TRAFFIC OFF ASSOC	15047	\$	35.00	POLICE DEPT O/E
PASSAIC COUNTY MUTUAL AID ASSO	15048	\$	75.00	FIRE DEPT O/E
PENGUIN MANAGEMENT, INC	15049	\$	828.00	FIRE DEPT O/E
PRINTMASTERS	15050	\$	410.00	VARIOUS
ROBERT DELVECCHIO PENSION	15051	\$	1,888.33	TAX OVERPAY
RT OFFICE PRODUCTS	15052	\$	328.07	VARIOUS
SETCON INDUSTRIES INC	15053	\$	940.00	STREETS & ROADS O/E
STAPLES	15054	\$	163.72	MUNI COURT
STATE OF NJ-STATE TOXICOLOGY L	15055	\$	180.00	POLICE DEPT O/E
T SLACK ENVIRONMENTAL SERV,INC	15056	\$	7,540.00	DPW ADMIN O/E
TANIS HARDWARE	15057	\$	148.31	FIRE DEPT O/E
VALLEY HEALTH MEDICAL GROUP	15058	\$	460.00	FIRE DEPT O/E
VERIZON	15059	\$	<u>1,662.81</u>	VARIOUS
TOTAL CURRENT		\$	38,570.07	
GENERAL CAPITAL				
ALL COUNTY PIPELINE & EXCAVATI	3267	\$	37,814.77	VARIOUS
BOUBLIS ELECTRIC INC	3268	\$	2,348.08	IMPROVEMENTS TO HVAC
SIMPLEX GRINNELL LP	3269	\$	2,508.25	SAFETY COMMUNICATIONS
THE HON COMPANY	3270	\$	<u>721.46</u>	SAFETY COMMUNICATIONS
TOTAL GENERAL CAPITAL		\$	43,392.56	
WATER OPERATING				
EARTHLINK BUSINESS	9218	\$	525.00	WATER UTILITY O/E
HOME DEPOT SUPPLY	9219	\$	209.58	VARIOUS
VERIZON	9220	\$	<u>570.12</u>	WATER UTILITY O/E
TOTAL WATER OPERATING		\$	1,304.70	
OTHER TRUST II				
ACE REPROGRAPHIC SERV, INC	4539	\$	150.00	UCC PENALTIES
ROBERT DELVECCHIO PENSION	4540	\$	<u>10,883.23</u>	TRUSTEE
TOTAL OTHER TRUST II		\$	11,033.23	
OTHER TRUST I ESCROW				
ROBERT DELVECCHIO PENSION	7043	\$	<u>10,300.00</u>	TAX SALE PREMIUMS
TOTAL OTHER TRUST I ESCROW		\$	10,300.00	
TOTAL BILL LIST		\$	<u>104,600.56</u>	

Council President Matthews entertained a motion to approve the bills and forward them to the Treasurer for payment moved by Council Vice President Bertollo, seconded by Councilman Sinning. Council President Matthews asked if there was any discussion. On roll call, all voted yes. Council Vice President Bertollo abstained from check 15026. Councilman Wojtecki and Councilman Lane abstained from checks 15013, 15029, 15033, 15048, 15049, 15057, and 15058.

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

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

ADJOURNMENT

At 9:28 p.m., Council President Matthews entertained a motion to adjourn the regular meeting, moved by Councilman Bennett, seconded by Councilman Sinning. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE ON **WEDNESDAY, MARCH 20, 2013**. THE WORK SESSION WILL BEGIN AT 7:00 P.M. WITH THE REGULAR MEETING IMMEDIATELY THEREAFTER. PERSONS WITH DISABILITIES WHICH REQUIRE AIDES SUCH AS: SIGN LANGUAGE INTERPRETER, TELECOMMUNICATIONS, BRAILLE, TAPES OR LARGE PRINT, SHOULD NOTIFY THE BOROUGH CLERK'S OFFICE TEN DAYS PRIOR TO ATTENDANCE AT A MEETING SO ACCOMMODATIONS MAY BE MADE.

Frank E. Matthews
Council President

Lori DiBella
Acting Borough Clerk