

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 7:12 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 N. Bertollo
Council Vice President .....	Frank E. Matthews
Councilman .....	Bruce Bennett
Councilman.....	John Lane
Councilman .....	Dominic Mele
Councilman .....	Garret Sinning
Councilman.....	Joseph Wojtecki
Borough Administrator .....	Eric Maurer
Borough Attorney.....	Michael J. Pasquale
Borough Engineer.....	Stephen T. Boswell
Borough Clerk.....	Lori DiBella
<b>ABSENT:</b>	
Director of Revenue and Finance.....	Mary Jeanne Hewitt

### **FLAG SALUTE**

Council President Bertollo invited all present to join him in the Pledge of Allegiance.

### **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, The 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 18, 2014.

### **APPROVAL OF MINUTES**

Council President Bertollo entertained a motion to approve the Minutes of the Regular Meeting of March 18<sup>th</sup> and April 1<sup>st</sup>, moved by Council Vice President Matthews, seconded by Councilman Bennett. On roll call, all voted yes.

### **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.

#### Elaine Tolomeo – 243 9<sup>th</sup> Avenue

In regards to Ordinance 2135-15 (bandshell amendment), as I understand \$197,000 is going to be the cost to the taxpayers and \$162,000 is going to be borrowed. How long is that going to take to pay back and what's the real cost of that number? Administrator Maurer responded roughly 11 years and \$15-20,000 in interest. Ms. Tolomeo stated she is concerned that where the structure is going to be located, it will be so hidden. She explained when they did the little league dugouts we were concerned about keeping them enclosed, that is why we didn't. It concerns her as to what activities could go on there and of course the added burden to our Police Department as well as garbage. Ms. Tolomeo stated she is all for having some community stuff; however that is a lot of money for one structure. Ms. Tolomeo asked what funds do we have budgeted for concerts and activities that you would like to use for this. Council Vice President Matthews stated the concert we have in the park could now be there and the County sponsors the concerts. Ms. Tolomeo continued, she recalls there was some talk about renting like we do for Hawthorne Day at a cost \$1500 to rent the bandshell, if we had a movable one we could rent it out. Also there was conversation about putting bathrooms down there. Administrator Maurer stated it is still in the works and we do have grant money pending for that. Ms. Tolomeo ended by thanking Councilman Bennett for asking questions on this same topic.

Council President Bertollo asked if anyone else desires to be heard 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:**

### **BOND ORDINANCE NO. 2130-15**

**BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OR REPLACEMENT OF SIDEWALKS AND DRIVEWAY APRONS ON IDENTIFIED SITES ON VARIOUS STREETS AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING ONE HUNDRED AND NINETY THOUSAND (\$190,000) DOLLARS THEREFOR, AUTHORIZING THE ISSUANCE OF BONDS OR NOTES FOR FINANCING PART OF THE COST THEREOF AND DIRECTING SPECIAL ASSESSMENT OF THE COST THEREOF.**

### **Public Hearing**

Council President Bertollo opened the meeting to the public. He stated if anyone desires to be heard regarding Bond Ordinance No. 2130-15 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

### **Debra Mainenti, 46 Park Avenue**

Ms. Mainenti stated her house is on the corner of Park Avenue & 3<sup>rd</sup> Street, there are no sidewalks on 3<sup>rd</sup> which is the front of her house, are they planning to put sidewalks on 3<sup>rd</sup> Street? The Mayor stated they looked at your property today and the feeling was to leave the 3<sup>rd</sup> Street side alone, since there was no sidewalk there and there is no curb it would be even tougher, therefore our plan was to recommend that nothing happen on the 3<sup>rd</sup> Street side.

### **Lanie Cornaxide – 11 Crest Avenue (Corner of Mary Street)**

Ms. Cornaxide wanted to get clarification what is going to be done at her house. Dr. Boswell asked the resident for their name and phone number and will have someone from his company meet her out there and tell her exactly what is going to be done.

### **Kathy Debrock – 79 Braen Avenue**

Ms. Debrock stated her street was not mentioned, does someone drive around to determine what streets needs to be done. Administrator Maurer stated your street is not part of what we are bidding right now, however, your street is planned to be done with a State Grant, which should be done next year. We have not received that money as yet, when we do that is when we will be addressing the sidewalks on Braen Ave. Ms. Debrock asked if she can have an estimate on what it would be to repair her sidewalk. Dr. Boswell took her information.

### **Beverly Molchan - 147 Forest Avenue**

Ms. Molchan stated she just had the front sidewalks done this year and now I am on list for the side sidewalk which she feels does not need to be done and it should be noted she does not have an apron and she would like to keep it that way. Dr. Boswell took her information.

### **Peter Flannery – 11 Vincent Street**

Mr. Flannery explained he had two beautiful trees in front of his house where the roots went under the basement floor and broke the basement floor, it took his hot water heater and he had leaking issues. He did the repairs, after he put in a tort claim in order for him to recoup some of his losses and JIF came back with a denial, excluding the borough due to the tree act of 1977. Based on what he sees on the markings in front of his house, it looks like all of his slabs need to be replaced and they were caused by those two trees that did the damage to his basement/foundation. Therefore, through his calculations in addition to the \$2400 that he put out to do the repairs on his house it looks like he will incur another \$2200 to replace the sidewalks/apron. Mr. Flannery stated he understands this is his responsibility; however he is requesting curbs to be put in to avoid people from parking on the grass area and also repair the street. Administrator Maurer stated our plan is to do Vincent Street next year; we received a grant from the County. The curbs are something the town pays for; we heard your concerns and it is something we will consider.

### **Lenore Mendoza – 34 Park Avenue**

She stated she wanted to put her name on Dr. Boswell's list because she wants to know exactly what is happening on our property.

### **Rosemary Patskowski – 76 Elberon Avenue**

Ms. Patskowski stated almost all of the slabs in front of her house have to be repaired due to the fact there are two huge trees, is there any consideration to the home owner for the cost. Councilman Wojtecki stated he will have those trees reviewed by the Shade Tree Commission.

Kevin Krostosky – 2 Vincent Street

Mr. Krostosky stated he understands that Vincent Street won't be touched until next year, however he is financially struggling right now, when we get billed in the next few years and I am in the same financial situation do they offer a payment plan? Administrator Maurer explained you get (5) years to pay. If it's done in 2016 the earliest you would get the bill would be 2017, therefore you would have 2017 through 2021. Mr. Krostosky stated if he is still hurting to make payments would that be added on with interest or a lien. Borough Attorney stated he does become a lien on the property, just like unpaid tax.

Council President Bertollo asked if anyone else desires to be heard regarding Bond Ordinance No. 2130-15. Seeing none; Council President Bertollo entertained a motion that the public hearing on Bond Ordinance No. 2130-15 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted, published in the Hawthorne Press and available on the borough website. 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 Wojtecki, seconded by Councilman Sinning, on roll call, all voted yes.

**OLD BUSINESS:**

Councilman Wojtecki thanked Dr. Boswell for reviewing his cement concerns on May Street during the work session. Regarding the Geese Company, how do we monitor the geese company coming with the dogs? Administrator Maurer stated we have them sign in with the people at the Recycling Shed showing the date & time (which is twice a day) they keep the log for a month and then it comes to me, where I keep it in my files. Councilman added the County has employed geese police to get them out of the parks, however now they are going into our fields and neighborhoods and he has not seen our animal control company, Tyco, out there. Administrator Maurer stated he has seen them; however, he will follow up with the County to see what they are doing and the cost and work involved. Lastly, Councilman stated the PSE&G gas odor continues around Goffle Road, have they finalized anything? Administrator Maurer stated he will follow up.

**NEW BUSINESS:**

Councilman Bennett thanked Administrator Maurer, DPW Director Scully and his staff for taking care of the curb in front of 15 Washington Ave. Secondly, he questioned why we have an ordinance on the books that prohibits parking on a public street for longer than 24 hours without moving, what is the purpose? Mayor Goldberg stated the purpose of it was that the street does not become a parking lot where cars never move and for the street cleaning. Councilman continued; what if a resident goes away for a few days and leaves their car in the street, they will get ticketed. Mayor Goldberg stated if the resident calls the police and tells them they were going away for a few days normally they would get the courtesy of not getting a ticket. In his opinion most people who do not move their cars within a 24 hour period would not get ticketed because it would require someone to chalk the tires. Usually those tickets are issued when there are complaints from neighbors about a car sitting for many days. Council President Bertollo added this is something we can look at with the ordinance committee.

**ADMINISTRATIVE AGENDA PRESENTED BY MAYOR GOLDBERG:**

Mayor Goldberg reported that last week a parent thought they overheard a potential threat at the Boys & Girls Club and reported it to the police. The Police issued a Nixle alert message and locked down the Boys & Girls Club. After an investigation the parent was incorrect, however I stand by the decision of Police Department to close down Boys & Girls Club and send the children home given the scope of things going on around the country. I would rather apologize for someone to be inconvenienced than to apologize to someone for a loss of a child because we didn't take a threat seriously. We take all threats seriously and investigate them thoroughly. It shows how the Nixle messages works; we were able to inform the public so we didn't have to worry about rumors; we were ahead of the game. I am pleased our Nixle subscriber list keeps growing and we can get out important messages. We have a busy weekend ahead; opening day of the Hawthorne Baseball/Softball season starts at 10am on Saturday, also on Saturday from 9am-1pm at the Borough Hall is our Annual Shredding Day and 10am-2pm is our Annual Cel-Earth-Bratton at the high school. Wednesday April 22<sup>nd</sup> we are having dinner and play the Seniors Citizens at the high school, reservations call 973-427-5555 ext. 600. Friday, April 24<sup>th</sup> is Arbor Day; the Shade Tree Commission will be planting a tree at Roosevelt School with the students at 1:45 pm.

**REPORTS:**

**Attorney Michael Pasquale**

InSpa filed a request for an emergency stay with the appellant division. They are asking for permission to stay open while the appellant division considers their appeal. The emergency was denied therefore they filed a regular motion to remain open. We have opposed that, he sent a brief in, which was submitted to the Council earlier this week. He went to court last week regarding the Nexus application; the ZBA had denied the application to raise a portion of their roof to allow installation of new equipment. Judge Brogan overturned the ZBA's decision. Attorney Pasquale stated he thought the Judge did a thorough review, he drove around the property himself to see what the visible impact was that people were talking about. The Judge felt the Board should have not denied variance but should have granted it. He will be meeting Monday night with the ZBA to discuss with them the impact of the decision and what to do from here, if anything. Regarding COAH – Mr. Burgis is working on our Fair Share Housing Element, which will be completed within the time period the Supreme Court has allotted, which is the beginning of June. Attorney thanked everyone who attended the Lions Club Beefsteak Dinner, over \$10,000 was raised.

### **Boswell Engineering - Dr. Stephen T. Boswell**

#### **Washington Avenue (2014 NJDOT)**

Our office is resolving the assessments with Eric.

#### **2014 Road Resurfacing Program and Mohawk Avenue.**

Our office is resolving the assessments with Eric.

#### **Rock/Braen/Goffle Intersection.**

Waiting for the County's review and evaluation of the various alignments proposed.

#### **Library Roof.**

Paino Roofing documents have been provided to the Borough for final payment.

#### **Streetscape Project.**

Signed permission slips from property owners impacted by work outside of the public ROW are required from the Borough. We are also waiting for final approval from the DOT. A meeting with property owners to discuss work outside of the public ROW was today Wednesday, April 15<sup>th</sup>, at 3:30 pm.

#### **Wagaraw Road Pump Station.**

Colonnelli Brothers completed the concrete encasement removal on or before Monday, April 13<sup>th</sup>. Our Structural Dept. inspected the exposed beams on April 13<sup>th</sup> and is determining, structurally, if painting the beams instead re-applying concrete encasement is acceptable. Colonnelli was asked for a quote to address the painting, which is \$3,750.00. Colonnelli currently has scaffolding in place, which they would use, or they would like to remove from the Wagaraw Road Pump Station.

#### **2015 Road Resurfacing Program.**

Our constructability review has been completed and revisions to plans are being prepared. Our office needs to discuss a tentative bid schedule with the Administrator. We can be ready to advertise the week of April 20<sup>th</sup>.

#### **SCADA Upgrades.**

The Borough is expected to authorize our proposal to address the required bidding documents for upgrading the SCADA equipment associated with the Borough's Sewer and Water Systems on April 15<sup>th</sup>.

#### **Cracked ADA Ramps.**

The handicap ramps at the Maitland Avenue and May Street intersection and the Llewellyn and May Street were inspected. We are reviewing the date of the Maintenance Bond, and if appropriate, will prepare a letter to the contractor to address.

### **Administrator Maurer**

We met today with the Mayor, Chris Nash from Boswell Engineering and several business owners regarding the Downtown Streetscape Project. There were some concerns, which we were able to address. We promised to communicate with them as this project gets underway so there is minimal disruption to their business. We continue to work with the State on our Generator Grant. Lastly, he is getting ready to set up a meeting with the Unions to look over some of the health benefit options which we have been exploring with the Insurance Committee.

### **Questions for the Administration**

Councilman Wojtecki thanked Barry Huston for keeping him informed with the County Projects. He addressed Dr. Boswell and asked that he take a look at some of the dropped curbs and driveways along

Lafayette Avenue as the County was coming down Lafayette Avenue with their milling machine some dropped curbs and aprons were cracked. Dr. Boswell will follow up.

Council Vice President Matthews asked Attorney Pasquale why have a Zoning Board if a Judge is just going to pick what he thinks is best in the town. What is the point, even with our Fair Housing obligations; we are spending money to have a plan, why don't we just have a Judge decide what it should be? Borough Attorney stated he does not have an answer as to why. The law says Judges are supposed to give deference to the decisions of Zoning Boards because they are local; the town should have the right to know what is good for the town. Attorney Pasquale has a meeting with the ZBA and we will see how they would like to proceed.

Councilman Lane asked Dr. Boswell to have Ed Senkevich from his office call him as he still has questions regarding the generators at the pumping station.

Council President Bertollo asked if there were any other questions. Seeing none, Council President Bertollo entertained a motion to record the Administrative Agenda, moved by Councilman Mele, seconded by Councilman Lane. On roll call, all voted yes.

### **INTRODUCTION OF ORDINANCES:**

#### **ORDINANCE NO. 2134-15**

**AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY.**

BE IT RESOLVED, that Ordinance No. 2134-15 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 May 4, 2015, 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 and posted on the borough website, 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.

Council President Bertollo entertained a motion to approve Ordinance No. 2134-15 moved by Councilman Bennett, seconded by Councilman Lane. On roll call, all voted yes.

#### **BOND ORDINANCE NO. 2135-15**

**AN ORDINANCE TO AMEND BOND ORDINANCE 2103-14 PROVIDING FOR THE CONSTRUCTION OF A BANDSHELL AT THE POOL COMPLEX PROPERTY IN AND BY THE BOROUGH OF HAWTHORNE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$295,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$280,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, INCREASING THE AMOUNT APPROPRIATED THEREUNDER FROM \$295,000 TO \$315,000 AND INCREASING THE AMOUNT OF THE DOWN PAYMENT FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH OF HAWTHORNE FROM \$14,750 TO \$34,750.**

BE IT RESOLVED, that Bond Ordinance No. 2135-15 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 May 4, 2015, 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 and posted on the borough website, 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.

Council President Bertollo entertained a motion to approve Bond Ordinance No. 2135-15 moved by Councilman Mele, seconded by Councilman Sinning. Discussion: Councilman Bennett stated his opinion has not changed since the work session, he watched the cost of this go up since we first discussed. It was supposed to be paid largely out of grant money and now it won't be and now we are putting the tax payers on the hook for \$197,000 which will have to be paid off over 15 years. In his opinion it is not worth it for the people. On roll call, all voted yes, with the exception of Councilman Bennett who voted no.

#### **ORDINANCE NO. 2136-15**

Council President Bertollo recused himself from this ordinance as it has to do with a lease agreement

between the Borough of Hawthorne and the Boy & Girls Club and turned it over to Council Vice President Matthews. Council Vice President Matthews continued:

**AN ORDINANCE MODIFYING THE LEASE AGREEMENT BETWEEN THE BOROUGH OF HAWTHORNE AND THE HAWTHORNE BOYS AND GIRLS CLUB FOR PROPERTY KNOWN AS LOT 8 IN BLOCK 48, AND OTHER RELATED LOTS AND BLOCKS THAT FORM A PART OF THE BOYS AND GIRLS CLUB PROPERTY, ALL AS REFLECTED ON THE TAX MAP OF THE BOROUGH OF HAWTHORNE, SO AS TO PERMIT MORTGAGE FINANCING.**

BE IT RESOLVED, that Ordinance No. 2136-15 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 May 4, 2015, 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 and posted on the borough website, 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.

Council Vice President Matthews entertained a motion to approve Ordinance No. 2136-15 moved by Councilman Mele, seconded by Councilman Sinning. Discussion: Councilman Wojtecki asked Attorney Pasquale when he will issue the blocks and lots for this property. Attorney Pasquale stated he will confirm the blocks and lots with Tax Assessor Tim Henderson tomorrow and e-mail the council through the Clerk in the next couple of days. On roll call, all voted yes, with the exception of Council President Bertollo who abstained.

**RESOLUTIONS...**

**CONSENT AGENDA: R 81-15 through R 95-15:**

**R 81-15 Introduced by Councilman Bennett**

Borough of Hawthorne payroll dated April 2, 2015.

CURRENT FUND	WT888889	\$264,618.80
WATER OPERATING FUND	WT 888889	\$ 45,670.75
OTHER TRUST II FUND	WT 888889	\$ 2,324.70
GENERAL CAPITAL FUND	WT 888889	\$ -
TOTAL PAYROLL		<u>\$312,614.25</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$ 8,887.63
WATER OPERATING FUND TO PAYROLL/FICA	WT 888889	\$ 5,000.00
TOTAL FICA		<u>\$ 13,887.63</u>

**R 82-15 Introduced by Councilman Bennett**

WHEREAS: Tax Sale Certificate #2012-04 was sold on October 23, 2012 in the amount of \$7,735.66 on Block 67 Lot 4 then assessed to Castillo, Oswaldo and said lien was originally purchased by Stonefield Investment Fund II, LLC 21 Robert Pitt Dr. #202, Monsey, NY 10952, and

WHEREAS: said lien was redeemed on March 19, 2015 in the amount of \$49,323.03 said lienholder is entitled to a refund including the amount of the lien \$7,735.66, penalty of \$309.43, search and recording fee of \$55.00, legal fees of \$1,257.00, subsequent taxes of \$31,550.57 and interest of \$8,415.37 for a total of \$49,323.03 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 Stonefield Investment Fund II, LLC in the amount of \$49,323.03 to reimburse the lienholder for the lien, penalty, fees, subsequent taxes and interest and a check from the Other Trust I account for \$10,000.00 for Premium paid.

**R 83-15 Introduced by Councilman Bennett**

WHEREAS: Tax Sale Certificate #2014-04 was sold on October 16, 2014 in the amount of \$4,886.55 on Block 165 Lot 13 then assessed to Leone, Alberino & Lucy said lien was originally purchased by US Bank-Cust for PC 4 Firstrust Bank 50 South 16<sup>th</sup> St. Ste 2050, Philadelphia, PA 19102, and

WHEREAS: said lien was redeemed on March 25, 2015 in the amount of \$11,288.67, said lienholder is entitled to a refund including the amount of the lien \$4,886.55, penalty of \$97.73, interest \$437.35, search and recording fee of \$55.00, subsequent taxes \$5,469.82 and interest on subsequent taxes of \$342.22 for a total of \$11,288.67 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 US Bank-Cust for PC 4 Firstrust Bank in the amount of \$11,288.67 to reimburse the lienholder for the lien, penalty, subsequent taxes and interest.

**R 84-15 Introduced by Councilman Bennett**

WHEREAS: Tax Sale Certificate #2014-05 was sold on October 16, 2014 in the amount of \$8,013.69 on Block 165 Lot 14 then assessed to Leone, Alberino Etals said lien was originally purchased by US Bank-Cust for PC 4 Firstrust Bank 50 South 16<sup>th</sup> St. Ste 2050, Philadelphia, PA 19102, and

WHEREAS: said lien was redeemed on March 25, 2015 in the amount of \$18,747.62, said lienholder is entitled to a refund including the amount of the lien \$8,013.69, penalty of \$320.55, interest \$717.23, search and recording fee of \$55.00, subsequent taxes \$9,073.47 and interest on subsequent taxes of \$567.68 for a total of \$18,747.62 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 US Bank-Cust for PC 4 Firstrust Bank in the amount of \$18,747.62 to reimburse the lienholder for the lien, penalty, subsequent taxes and interest.

**R 85-15 Introduced by Councilman Bennett**

WHEREAS: Tax Sale Certificate #2013-03 was sold on October 17, 2013 in the amount of \$8,470.98 on Block 90 Lot 1 then assessed to Patriot Dev. Corp. c/o Bertolino and said lien was originally purchased by Stonefield Investment Fund III, LLC 21 Robert Pitt Dr. #202, Monsey, NY 10952, and

WHEREAS: said lien was redeemed on March 27, 2015 in the amount of \$37,813.69 said lienholder is entitled to a refund including the amount of the lien \$8,470.98, penalty of \$338.84, search and recording fee of \$55.00, subsequent taxes of \$24,884.83 and interest of \$4,064.04 for a total of \$37,813.69 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 Stonefield Investment Fund III, LLC in the amount of \$37,813.69 to reimburse the lienholder for the lien, penalty, fees, subsequent taxes and interest and a check from the Other Trust I account for \$10,600.00 for Premium paid.

**R 86-15 Introduced by Councilman Bennett**

WHEREAS: Tax Sale Certificate #2013-04 was sold on October 17, 2013 in the amount of \$9,815.56 on Block 90 Lot 2.01 then assessed to Patriot Dev. Corp. c/o Bertolino and said lien was originally purchased by Stonefield Investment Fund III, LLC 21 Robert Pitt Dr. #202, Monsey, NY 10952, and

WHEREAS: said lien was redeemed on March 27, 2015 in the amount of \$43,743.34 said lienholder is entitled to a refund including the amount of the lien \$9,815.56, penalty of \$392.62, search and recording fee of \$55.00, subsequent taxes of \$28,780.00 and interest of \$4,700.16 for a total of \$43,743.34 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 Stonefield Investment Fund III, LLC in the amount of \$43,743.34 to reimburse the lienholder for the lien, penalty, fees, subsequent taxes and interest and a check from the Other Trust I account for \$13,500.00 for Premium paid.

**R 87-15 Introduced by Councilman Bennett**

WHEREAS: Certificate of Sale #2014-01 was issued to the Borough of Hawthorne, for delinquent taxes on Block 89 lot 6 for 530 Goffle Road Rear assessed to Patriot Dev. Corp. c/o Bertolino, at a tax sale held on October 16, 2014; and

WHEREAS: the assessed owner, Patriot Dev. Corp. c/o Bertolino, have redeemed Certificate #2014-01 by paying the full amount of the delinquency, which included the lien \$2,565.21, penalty of \$51.30,

interest \$229.59, search and recording fee of \$23.00, subsequent taxes of \$2,713.88 and interest of \$343.02 for a total of \$5,926.00.

NOW, THEREFORE, BE IT RESOLVED: that the Mayor and Municipal Clerk of the Borough of Hawthorne are hereby authorized to endorse Certificate of Sale #2014-01 for cancellation.

**R 88-15 Introduced by Councilman Bennett**

WHEREAS, an appeal was filed with the New Jersey State Tax Court for a reduction of the assessed value of property and a settlement was agreed upon as follows:

<u>Block/Lot</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
<b>2013</b>				
98/16	\$300,000.	\$270,000.	\$30,000.	\$1,585.20
Terraglia Realty Company, Inc. c/o McKirdy & Risken, P.A. 352 Lafayette Ave.				
<b>2014</b>				
98/16	\$300,000.	\$270,000.	\$30,000.	\$1,612.20
Terraglia Realty Company, Inc. c/o McKirdy & Risken, P.A. 352 Lafayette Ave.				
<b>2012</b>				
104/19	\$1,000,000.	\$950,000.	\$50,000.	\$2,588.50
S.B.G. Realty c/o Michael Schneck, Esq. 290 Lafayette Ave.				
<b>2013</b>				
104/19	\$1,000,000.	\$950,000.	\$50,000.	\$2,642.00
S.B.G. Realty c/o Michael Schneck, Esq. 290 Lafayette Ave.				
<b>2014</b>				
104/19	\$1,000,000.	\$950,000.	\$50,000.	\$2,687.00
S.B.G. Realty c/o Michael Schneck, Esq. 290 Lafayette Ave.				

**TOTAL: \$11,114.90**

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be authorized to issue a refund for the overpayment of taxes for 2012-2014 in accordance with the state judgment.

**R 89-15 Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne distributes school taxes to the Hawthorne Board of Education on a monthly basis; and

WHEREAS, the Hawthorne Board of Education has requested that these funds be transferred directly to their bank account in Columbia Bank, ABA# 221271935.

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be and is hereby authorized to make the above referenced transfer in the amount of \$2,860,519.00 from the Current Fund and charged to School Taxes Payable for April 2015.

**R 90-15 Introduced by Councilman Bennett**

WHEREAS, there exists a need for engineering services for SCADA Upgrades for the Water and Sewer Systems the Borough of Hawthorne at a cost not to exceed \$7,500.00.

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 \$7,500.00, 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 91-15 Introduced by Councilman Bennett**

WHEREAS, 2015 Treasury records reflect certain interfund account balances as of April 15, 2015 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:

<b>From</b>	<b>To</b>	<b>Amount</b>	
Current Fund	General Capital	196,553.00	NJDOT Grant
OTII-Trustee	Current Fund	5,926.00	Deposit Error

Current	OTI Escrow	50.00	Received Check Error
OTI Escrow	Current	25.00	Payment 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 92-15 Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with Rockborn Trucking & Excavation, Inc. for the 2014 Road Improvements Program in the Borough of Hawthorne authorized by Ordinance #2105-14, and,

WHEREAS, and Boswell Engineering has recommended approval of the following change order:

**Change Order No. 2-A & Final**  
**AS Built Quantities** **\$6,955.67**

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No. 2-A increasing the amount of the payment required under said contract by the sum of \$6,955.67 shall be and hereby are approved, and the Mayor and Borough Clerk are hereby authorized and directed to execute the same for and on behalf of the Borough of Hawthorne.

**R 93-15 Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with Rockborn Trucking & Excavation, Inc. for the 2014 Road Improvements Program in the Borough of Hawthorne authorized by Ordinance #2105-14, and,

WHEREAS, and Boswell Engineering has recommended approval of the following change order:

**Change Order No. 2-C & Final (CDBG)**  
**AS Built Quantities** **(\$743.11)**

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No. 2-C decreasing the amount of the payment required under said contract by the sum of (\$743.11) shall be and hereby are approved, and the Mayor and Borough Clerk are hereby authorized and directed to execute the same for and on behalf of the Borough of Hawthorne.

**R 94-15 Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne has heretofore entered into a contract with Paino Roofing Co., Inc., for partial roof replacement at the Louis Bay 2<sup>nd</sup> Library in the Borough of Hawthorne authorized by Ordinance #2123-14, and,

WHEREAS, and Boswell Engineering has recommended approval of the following change order:

**Change Order No. 1**  
**Install Poly Carbonate Snow Guards** **\$4,185.00**

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that the above-cited Change Order No.1 increasing the amount of the payment required under said contract by the sum of \$4,185.00, shall be and hereby is approved, and the Mayor and Borough Clerk are hereby authorized and directed to execute the same for and on behalf of the Borough of Hawthorne.

**R 95-15 Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne has designated the Hawthorne Volunteer Fire Department as its provider of fire fighting services and owns and maintains firefighting apparatus which requires servicing and maintenance from time to time; and

WHEREAS, the Borough of Fair Lawn, through is Department of Public Works, has a Vehicle Maintenance Division that is capable of providing labor, maintenance and service for firefighting apparatus; and

WHEREAS, the Interlocal Services Act, NJSA 40A: 8A-1, et. Seq., authorizes agreements between local government units in furtherance of the underlying principles of the Act; and

WHEREAS, the Borough of Hawthorne and the Borough of Fair Lawn previously entered into an Interlocal Services Agreement for the maintenance and repair of firefighting apparatus; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn has authorized an extension of the said Interlocal Services Agreement with the Borough of Hawthorne; and

WHEREAS, the Borough of Hawthorne would continue to derive substantial benefit through receipt of vehicle maintenance service from a neighboring community at a favorable cost that would in turn represent tax savings to the taxpayers of the Borough of Hawthorne by entering into such agreement; and

WHEREAS, the Borough of Fair Lawn would similarly continue to derive substantial benefit through the receipt of revenues associated with such vehicle maintenance and would derive additional benefit through efficiencies to be gained in its own vehicle maintenance operations by entering into such agreement; and

WHEREAS, such mutual benefit is in furtherance of the objectives of the Interlocal Services Act;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that it does authorize and approve of the execution of a renewal of the Interlocal Services Agreement with the Borough of Fair Lawn for maintenance and repair of fire apparatus in accordance with the Interlocal Services Agreement annexed hereto and made a part hereof.

Council President Bertollo entertained a motion to approve consent agenda resolutions R81-15 through R95-15 moved by Councilman Bennett, seconded by Council Vice President Matthews. Discussion: Councilman Lane asked Administrator Maurer regarding the interlocal agreement with Fair Lawn have you looked into our DPW equipment? Administrator Maurer stated he will follow up. Councilman Wojtecki asked Dr. Boswell if Rockborn Trucking has any outstanding items that need to be repaired. Dr. Boswell responded yes, this isn't the final close-out; this is just a change order to adjust the contract. On roll call, all voted yes, with the exception of Councilman Lane and Councilman Wojtecki who abstained on R95-15.

#### **REPORTS OF SPECIAL COUNCIL COMMITTEES:**

**Councilman Wojtecki** – The next School Board meeting is Tuesday April 21<sup>st</sup>.

**Councilman Sinning** – This coming Saturday the 18<sup>th</sup>, the Fire Department will be having their coin toss/tag day which will be at every corner along the county roads.

**Council Vice President Matthews** – The Insurance Committee met last week and reviewed an alternate Health Insurance Plan which has the potential to save the Borough approximately \$250,000 while keeping the same out-of-pocket expenses and keeping the same benefits. The Chamber of Commerce is having a raffle to raise money for their scholarships. It is a \$2500 travel certificate, tickets are \$5 and the drawing is June 9<sup>th</sup>.

**Councilman Bennett**– Summer Recreation pre-registration sign-ups begin April 21<sup>st</sup> from 6:30-8:30pm in the lobby of the Municipal Building. Others dates are: May 5<sup>th</sup>, May 19<sup>th</sup>, June 2<sup>nd</sup>, June 9<sup>th</sup>, June 16<sup>th</sup> & June 22<sup>nd</sup>.

**Councilman Lane** – As the liaison for the Ambulance Corps, he did not have the stats for the month of March because we had an extremely busy month, but will report when available. He thanked everyone for all their cooperation and hard work during that busy month.

#### **CORRESPONDENCE:**

**C-1** Council President Bertollo entertained a motion to accept applications of Kevin Foley and Brendan Fischer of Hawthorne to Engine Company No. 1; moved by Councilman Bennett, seconded by Council Vice President Matthews. On roll call, all voted yes, with the exception of Councilman Wojtecki and Councilman Lane who abstained.

**C-2** Council President Bertollo entertained a motion to accept application of Kevin Kenerson, Hawthorne to Engine Company No. 3 moved by Councilman Mele, seconded by Council Vice President Matthews. On roll call, all voted yes, with the exception of Councilman Wojtecki and Councilman Lane who abstained.

**C-3** Council President Bertollo entertained a motion to accept applications of Jose Dominguez and John Niebo, Hawthorne to Fire Recuse Co. No. 5 moved by Councilman Mele, seconded by Councilman Bennett. On roll call, all voted yes, with the exception of Councilman Wojtecki and Councilman Lane who abstained.

**MISCELLANEOUS:** None.

**BILLS:**

Council President Bertollo entertained a motion to approve the bill list as amended adding the Paino invoice in the amount of \$37,293.39 and forward them to the Treasurer for payment, moved by Councilman Mele, seconded by Councilman Sinning. On roll call, all voted yes, with the exception of Councilman Wojtecki who abstained from bills pertaining to the Fire Department, Councilman Lane who abstained from bills pertaining to the Fire Department and the Ambulance Corps and Council President Bertollo who abstained from bills pertaining to Downes Tree Service.

<b>VENDOR</b>	<b>CHECK#</b>	<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>CURRENT FUND</b>			
AAA EMERGENCY SUPPLY CO INC	18808	4,324.89	FIRE DEPARTMENT
ACORN TERMITE & PEST CONTROL	18809	175.00	DPW ADMIN
ACTION DATA SERVICES	18810	398.41	FINANCIAL ADMIN
AGL WELDING SUPPLY CO, INC	18811	274.69	SEWER SYSTEM
AMERICAN TRAFFIC & STREET SIGN	18812	267.95	PUBLIC EVENTS
BCB JANITORIAL SUPPLY CO INC	18813	238.56	DPW ADMIN
BOSWELL ENGINEERING, INC	18814	2,968.00	ENGINEERING
BRUNSWICK FAIRLAWN LANES	18815	66.00	BOARD OF REC
CABLEVISION	18816	602.32	DPW ADMIN
CANON SOLUTIONS AMERICA INC	18817	12.16	STREETS & ROADS
CENTER FOR EDUCATION	18818	254.95	POLICE DEPT
CINTAS CORP	18819	441.50	DPW ADMIN
CINTAS FIRST AID AND SAFETY	18820	456.53	DPW ADMIN
CLASSIC TOWING	18821	350.00	ROAD VEHICLE MAINT
CMRS-FP	18822	4,000.00	GENERAL ADMIN
COMMUNICATION SPECIALISTS	18823	1,835.84	FIRE DEPARTMENT
DELLA RICA & SONS	18824	5,276.25	STREETS & ROADS
DIESEL TRUCK SERVICE, INC	18825	10,065.00	ROAD VEHICLE MAINT
DIRECT ENERGY MARKETING, INC	18826	6,824.46	ELECTRIC & GAS
DIVERSIFIED INSPECTIONS	18827	650.00	FIRE VEHICLE MAINT
DMS	18828	323.52	FIRE DEPARTMENT
DTS SERVICES LLC	18829	3,185.00	STREETS & ROADS
ELEMENT FINANCIAL CORP	18830	440.00	POLICE DEPT
ELLEN BROGNO	18831	207.60	PUBLIC EVENTS
FDR HITCHES LLC	18832	64.98	STREETS & ROADS
FIRE SERV SAFETY TESTING, INC	18833	927.05	FIRE DEPARTMENT
FUTURE SANITATION INC	18834	39,375.00	GARBAGE & TRASH
GARDEN STATE HGWY PROD, INC	18835	352.24	STREETS & ROADS
GENERAL CODE PUBLISHERS, INC	18836	3,484.30	MUNICIPAL CLERK
HAWTHORNE AUTO BODY, INC	18837	2,685.39	POLICE VEHICLE MAINT
HAWTHORNE AUTO LAB	18838	382.25	POLICE VEHICLE MAINT
HAWTHORNE CAR WASH, INC	18839	68.00	POLICE VEHICLE MAINT
HAWTHORNE PAINT CO INC	18840	84.50	SEWER SYSTEM
HAWTHORNE PRESS INC	18841	265.20	PLANNING BOARD
HAWTHORNE ROLLER HOCKEY ASSN	18842	1,890.00	BOARD OF REC
HENRY'S PLUMBING & HEATING INC	18843	22.03	SEWER SYSTEM
INSURANCE RESTORATION SPECIALI	18844	239.00	FIRE DEPARTMENT
JERSEY ELEVATOR INC	18845	180.00	DPW ADMIN
JESCO INC	18846	14.52	STREETS & ROADS
JUNGLE LASERS LLC	18847	1,120.00	FEES PAYABLE
LOOSELEAF LAW PUBLICATIONS, IN	18848	24.90	POLICE DEPT
MGL PRINTING SOLUTIONS	18849	180.00	BOARD OF HEALTH
MONSEN ENGINEERING CO	18850	2,724.00	DPW ADMIN
NEUTRON INDUSTRIES	18851	185.09	DPW ADM
NJ IAAI	18852	900.00	DPW ADMIN
NO JERSEY MUNI EMPL BNFT FUND	18853	201,312.00	GROUP INSURANCE
P & A AUTO PARTS, INC	18854	238.81	FIRE VEHICLE MAINT
PASCACK DATA SERVICES	18855	37,141.13	IT SERVICES

PASSAIC VALLEY SEWER COM	18856	300,546.93	SEWER SERVICES
PAUL RAINEY	18857	100.00	GROUP INSURANCE
PRINTMASTERS	18858	85.00	DPW ADMIN
PROFESSIONAL GOV EDUCATORS INC	18859	180.00	REVENUE
R & R TROPHY & SPORTING GOODS	18860	885.00	COLLECTIONS
S.B.G. REALTY	18861	7,917.50	MAINTENANCE OF
SHOTMEYER BROS FUEL CO	18862	6,651.09	PARKS
SUNOCO SUNTRAK	18863	6,178.81	OPERATIONS
SUPLEE, CLOONEY & COMPANY	18864	775.00	GASOLINE & DIESEL
TANIS HARDWARE	18865	350.21	GASOLINE & DIESEL
TERRAGLIA REALTY COMPANY, INC	18866	3,197.40	FIRE DEPARTMENT
TIFCO INDUSTRIES INC	18867	920.77	DPW ADMIN
TREASURER, STATE OF NEW JERSEY	18868	675.00	OPERATIONS
TRIMBOLI & PRUSINOWSKI LLC	18869	216.00	STREETS & ROADS
US MUNICIPAL SUPPLY, INC.	18870	1,793.15	FEES PAYABLE
VERIZON	18871	462.61	LEGAL SERVICES
VERIZON WIRELESS (N)	18872	1,541.29	ROAD VEHICLE MAINT
VITAL COMMUNICATIONS, INC.	18873	510.00	TELEPHONE CHARGES
WASTE MANAGEMENT OF NJ	18874	31,477.51	POLICE DEPT
WELLS, JAWORSKI & LIEBMAN, LLP	18875	2,500.00	TAX ASSESSMENT
WL CONSTRUCTION SUPPLY LLC	18876	419.99	TRANSFER STATION
YANKEE PROPANE, INC	18877	72.00	ZONING BOARD
<b>TOTAL CURRENT</b>		<b>\$ 704,954.28</b>	FIRE DEPARTMENT
<b>GENERAL CAPITAL</b>			
BOSWELL ENGINEERING, INC	3395	29,440.55	2015 ROAD PROGRAM
HAWTHORNE PRESS INC	3396	60.70	2015 ROAD PROGRAM
ROCKBORN TRUCKING & EXCAVATION	3397	57,770.23	2014 ROAD PROGRAM
SUPLEE, CLOONEY & COMPANY	3398	425.00	2014 ROAD PROGRAM
<b>TOTAL GENERAL CAPITAL</b>		<b>\$ 87,696.48</b>	
<b>WATER OPERATING</b>			
ACTION DATA SERVICES	10081	99.60	WATER UTILITY
AGL WELDING SUPPLY CO, INC	10082	14.46	WATER UTILITY
AGRA ENVIRONMENTAL SVC	10083	3,985.00	LAB TESTING
BCB JANITORIAL SUPPLY CO INC	10084	103.85	WATER UTILITY
CABLEVISION	10085	84.90	WATER UTILITY
CANON SOLUTIONS AMERICA INC	10086	12.15	WATER UTILITY
CINTAS FIRST AID AND SAFETY	10087	42.45	WATER UTILITY
CMRS-FP	10088	4,000.00	WATER UTILITY
COMMUNICATION SPECIALISTS	10089	10.98	WATER UTILITY
DIRECT ENERGY MARKETING, INC	10090	40,965.15	WATER UTILITY
FOLEY POWER SYSTEMS INC	10091	2,060.07	WATER UTILITY
HAWTHORNE AUTO LAB	10092	523.80	WATER UTILITY
HENRY'S PLUMBING & HEATING INC	10093	217.58	WATER UTILITY
NATL METERING SERVICES, INC	10094	91.00	WATER UTILITY
P & A AUTO PARTS, INC	10095	91.04	WATER UTILITY
SHOTMEYER BROS FUEL CO	10096	184.38	WATER UTILITY
SUNOCO SUNTRAK	10097	802.35	WATER UTILITY
TANIS HARDWARE	10098	151.40	WATER UTILITY
VERIZON WIRELESS (N)	10099	244.08	WATER UTILITY
<b>TOTAL WATER OPERATING</b>		<b>\$ 53,684.24</b>	
<b>WATER CAPITAL</b>			
PRECISION ELECTRIC MOTOR WORKS	1066	3,285.00	CAPITAL PURCHASES
<b>TOTAL WATER CAPITAL</b>		<b>\$ 3,285.00</b>	
<b>OTHER TRUST II</b>			
BELMAR SPRING WATER COMPANY	5023	12.52	RECYCLING PROGRAM
CARL MOTTOLA	5024	62.70	UCC PENALTIES
COMMUNICATION SPECIALISTS	5025	14.64	RECYCLING PROGRAM

GABRIELLI KENWORTH OF NJ, LLC	5026	317.97	RECYCLING PROGRAM
GILBEY'S EMBROIDERY CO	5027	55.00	RECYCLING PROGRAM
HAWTHORNE AUTO BODY, INC	5028	1,684.92	UCC PENALTIES
RT OFFICE PRODUCTS	5029	38.75	UCC PENALTIES
STONEFIELD INVEST FUND II, LLC	5030	49,323.03	TRUSTEE
STONEFIELD INVESTMENT FUND III	5031	81,557.03	TRUSTEE
THOMAS ZACONIE	5032	63.25	UCC PENALTIES
US BANK CUST FOR PC 4	5033	30,036.29	TRUSTEE
VERIZON WIRELESS (N)	5034	81.36	UCC PENALTIES
VITAL COMMUNICATIONS, INC.	5035	<u>75.00</u>	UCC PENALTIES
<b>TOTAL OTHER TRUST II</b>		<b>\$ 163,322.46</b>	
<b>DOG DEDICATED</b>			
NJ DEPARTMENT OF HEALTH	6127	186.60	STATE OF NJ
TYCO ANIMAL CONTROL SERVICES	6128	<u>2,330.00</u>	PROFESSIONAL FEES
<b>TOTAL DOG DEDICATED</b>		<b>\$ 2,516.60</b>	
<b>BUILDERS ESCROW</b>			
BOSWELL ENGINEERING, INC	5283	7,449.00	204 WAGARAW LLC
BOSWELL ENGINEERING, INC	5284	186.00	300 LINCOLN AVE LLC
BOSWELL ENGINEERING, INC	5285	186.00	PSE&G SUBSTATION
BOSWELL ENGINEERING, INC	5286	186.00	PSE&G SUBSTATION
BOSWELL ENGINEERING, INC	5287	32.62	REALTY ACQUISITION
BURGIS ASSOCIATES, INC	5288	<u>4,226.25</u>	204 WAGARAW LLC
<b>TOTAL BUILDERS ESCROW</b>		<b>\$ 12,265.87</b>	
<b>OTHER TRUST I ESCROW</b>			
STONEFIELD INVEST FUND II, LLC	7067	10,000.00	TAX SALE PREMIUMS
STONEFIELD INVESTMENT FUND III	7068	<u>24,100.00</u>	TAX SALE PREMIUMS
<b>TOTAL OTHER TRUST I ESCROW</b>		<b>\$ 34,100.00</b>	
<b>TOTAL BILL LIST</b>		<b><u>\$ 1,061,824.93</u></b>	

### **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 address.

#### **Mike Gagliardi – 47 Hawthorne Avenue**

Mr. Gagliardi stated he is here because of the Nexus appeal; he thanked Attorney Pasquale for his efforts. You mentioned going back to the Zoning Board, is that going to be a closed meeting? Attorney Pasquale stated it will be a closed session as I will be giving legal opinion as to their appeal options and discussing with them his recommendations. At some point in time there will be a discussion with the public. Attorney Pasquale added he talked to the Chairman of the ZBA who is very concerned and expressed that he wants it to be a very transparent process making sure the residents in that area know what is going on. Mr. Gagliardi asked the Attorney Pasquale if he can give a brief description on how the appeals process works. Attorney Pasquale: The Zoning Board hears a matter that can be appealed to the Superior Court. An appeal to the Superior Court is called a Trial DeNova, which means the Court can consider the testimony, reads the transcripts and looks at the submissions (documents, plans etc.), he looks at it as a new trail, like the hearing never took place and his determinations at that point is whether the Board acted with-in perimeters of the law. That is the first level of the appeal. The second level of appeal that could take place would be an appeal of the judge's decision, which goes to the appellant division. It is three Judges' who would consider whether or not the Judge in the Superior Court committed an error. The level changes at that point because it is much easier to overturn Zoning Board decision than it is to overturn a Judge's decision. Secondly, the level of proof is a higher standard. Mr. Gagliardi ended by stated the ZBA vote unanimously twice.

#### **John Budesas – 43 Hawthorne Avenue**

Regarding Nexus, I feel we did not get a fair shake. I applaud your comments Council Vice President Matthews and Council President Bertollo. It took one individual to over rank 9 people that the town has taken and put into position for the betterment of the town. Counsel stated the Judge took a drive to view the location, but did he get near Hawthorne Avenue. There are four families who are directly affected by

this. Now you are going to see a house on top of a building. He hopes you give the town the due diligence it deserves; I know it's going to cost money.

Elaine Tolomeo – 243 9<sup>th</sup> Avenue

Ms. Tolomeo asked about the process of repainting yellow curbs. Administrator Maurer stated they generally repaint anything that we know has faded, however if there is a particular area you need us to look at, we can do so. Ms. Tolomeo replied yes, at the dead end side of 9<sup>th</sup> Avenue. Also, with reference to the geese situation, are we getting the benefit that we are paying for? Administrator Maurer responded we know we still have a problem with geese and to do something more thorough is going to be more expensive. Ms. Tolomeo added this is a quality of life issue and maybe we need to look into something else or have Tyco Animal Control come out more often.

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

**ADJOURNMENT**

At 8:38 p.m. Council President Bertollo entertained a motion to adjourn the regular meeting, moved by Councilman Lane, seconded by Councilman Sinning. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE

**MONDAY, MAY 4, 2015**

THE WORK SESSION WILL BEGIN AT 7:00 P.M.

WITH THE REGULAR MEETING IMMEDIATELY FOLLOWING.

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.

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John N. Bertollo, Council President

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Lori DiBella, RMC, Borough Clerk