

May 1, 2013  
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 7:15 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
Director of Revenue and Finance.....	MaryJeanne Hewitt
Borough Attorney .....	Michael J. Pasquale
Borough Engineer .....	Dr. Stephen T. Boswell
Acting Borough Clerk .....	Lori DiBella

### **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 Bid Minutes of April 24, 2013 for the Provision and Installation of the 9-11 Memorial moved by Council Vice President Bertollo, seconded by Councilman Bennett. Councilman Wojtecki asked if they were also voting on the April 3 council meeting minutes. Council President Matthews responded those were for review and are not on this agenda. On roll call, all voted yes.

### **PUBLIC COMMENT** (Agenda Items Only)

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

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

### **ADOPTION OF ORDINANCES:**

#### **ORDINANCE NO. 2089-13**

**2013 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A: 4-45.14**

#### **Public Hearing**

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2089-13 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

William Koumas- 642 Lincoln Ave –His concern is we were raising taxes by going over the 2% cap. Administrator Maurer explained that this ordinance is a cap bank ordinance which allows us to have a reserve in case we need it. In 25 years it has not been used. The budget increase was at 2.2% which includes pensions and debt services. Discussion ensued.

Council President Matthews entertained a motion that the public hearing on Ordinance No. 2089-13 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](http://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

**PUBLIC HEARING**

**2013 MUNICIPAL BUDGET**

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard regarding the 2013 Municipal Budget, 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 that the public hearing on the 2013 Municipal Budget be closed and that it be resolved that copies of said budget were made available to the general public at the Louis Bay II Public Library and in the Clerk's Office. Motion by Councilman Bennett, seconded by Councilman Sinning. Council Vice President thanked Administrator Maurer, CFO Hewitt and Mayor Goldberg for putting together a great budget. The increases that we have had are to maintain our infrastructure. On roll call, all voted yes.

**2013 BUDGET RESOLUTION:**

**BR 03-13 Resolution, Introduced by Council Vice President Bertollo**

**ADOPTION OF THE 2013 MUNICIPAL BUDGET**

Council President Bertollo entertained a motion to approve BR 03-13, moved by Council Vice President Bertollo, seconded by Councilman Sinning. On roll call, all voted yes.

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**ORDINANCE NO. 2090-13**

**AN ORDINANCE TO FUTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE TO REVISE AND REPLACE CHAPTER 220, FEES, SECTION 220-3, DEPARTMENT OF PUBLIC WORKS, PARKS AND RECREATION, SO AS TO SET FORTH FEES FOR THE SUMMER RECREATION PROGRAM.**

**Public Hearing**

Council President Matthews opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2090-13 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. 2090-13 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](http://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 Council Vice President Bertollo, seconded by Councilman Sinning. Council Wojtecki thanked Administrator Maurer for emailing him with some of the answers from last meeting. On roll call, all voted yes

**OLD BUSINESS:**

Councilman Wojtecki thanked Administrator Maurer for his follow up with PSEG who has finally fixed the lights at Peach Tree Court and Old Orchard. He also thanked Attorney Pasquale for clarifying the law regarding him having to abstain from fire department items. Our Senators have passed a law that if you are dual officer holder, you must abstain. He will be voicing his displeasure on this to Senator Gordon and the assembly persons.

Councilman Sinning asked for an update on Verizon referring to the double woods in town. Council Vice President Bertollo replied he would give that update during his report.

Council Vice President Bertollo and Administrator Maurer met with Verizon officials today regarding the 138 double woods. 95% of the poles will be fixed by September 1 and the other tied up with Cablevision having power units that need to be moved. Verizon will be updating Administrator Maurer monthly who in turn will be updating the council and public.

Councilman Lane thanked the Administration for resolving the pothole issue on Mazur Place. He also asked Engineer Boswell if the gas line coming into the municipal building was high pressure. Engineer Boswell responded it is not and in order to get the pressure required to run the generator we would have to run a line from Goffle Road. He is working on a way to change the regulator coming off the street. Council President Matthews added we also need the high pressure to operate our furnace properly.

Councilman Bennett asked Engineer Boswell when the Washington/ Royal Ave project would be completed. Engineer Boswell responded they have issued the contractor a letter stating the project needs to be completed and if not by the end of this week they would start including liquidated damages in his next estimate. In addition, we are not paying his estimates now due to legal issues with one of his suppliers. Attorney Pasquale added that they filed a lien claim and is owed a substantial amount of money from this supplier. We are now holding all money until this is resolved.

Councilman Lane thanked Administrator Maurer for having the air conditioner in the dispatch area completed and asked for an update on the gates in the hallway. Administrator Maurer responded he has a few questions that he will be speaking with Council President Matthews about tonight, but they are moving forward on this project. Councilman Lane asked for an update on the commercial kitchen ordinance. Administrator Maurer stated they will be discussing that at the next Ordinance Committee meeting. Councilman Lane also asked about the parking on North Watchung. Administrator Maurer responded this will also be discussed at that meeting and that they are still waiting for the report from the Police Department. Councilman Lane asked if the noise issue at Premio Sausage was resolved. Administration Maurer replied he has spoken with Premio and they stated they would work on reducing the noise. He also has made tentative arrangements with the County Health Department for noise meter testing. Councilman Lane asked if we could suggest that our engineer, Boswell Engineering, work with them, at their expense, to come up with a plan to resolve this issue. Attorney Pasquale responded that he and the administration do have a plan in place as how to proceed if Premio does not correct it. They must start with the testing to see if there is a decimal level in violation of a code or not. The County will do the testing as soon as we can arrange a location on private property to administer the test. As previously reported the County will be installing the traffic signalization at the Rock/ Braen/ Goffle intersection. They will be introducing the ordinance in June with adoption in August and work will begin by September. Boswell Engineering is 85% complete with plans. Council President Matthews added that our resolution supporting this will be on the agenda of the next council meeting.

#### **NEW BUSINESS:**

Councilman Lane congratulated Dan Vanderhook on being selected as EMT of the Year by the County Veterans of Foreign War.

Council President Matthews asked when the cleanup along Route 208 will be scheduled. Administrator Maurer replied that since the last conversation there have been more unhappy residents coming forward and he would discuss with him after the meeting. Council Vice President Bertollo added that there was a similar situation in Paterson last year and they still haven't cleaned up the debris and tree stumps there. He recommended that we involve the Senator. Administrator Maurer responded there are a few issues, the debris, residents concerned there is no barrier now between the highways and homes and private owned trees being cut. Administration is gathering the data and will be update the council on the conclusion.

Councilman Wojtecki stated there are new potholes on Lafayette Ave near Franklin Ave towards Maitland Ave. Arts Tires on Goffle Road has closed and the only business there now is a law office across the street. He asked that the police have extra patrol in that area. The guard rail at Rea Ave and Route 208 is damaged due to a motor vehicle accident. Councilman Wojtecki asked for an updated list of the personnel changes made in the Police Department. Mayor Goldberg responded he would get that to the council. In regards to the gas leak on the county park side of Goffle Road, in the range of 740 address , he was told that if they filled in the one hole they would plug it down the road; it is now traveling down the road. The Route 208 Bridge in Glen Rock is now repairing the decking and the traffic pattern is horrible. He feels that it is affecting Hawthorne since they close down all lanes except one and they block the Utter Ave

entrance. He also asked for the date of Hawthorne Day. Mayor Goldberg responded that it is October 5<sup>th</sup>.

### **ADMINISTRATIVE AGENDA PRESENTED BY MAYOR GOLDBERG:**

Mayor Goldberg announced that Hawthorne is receiving two grants; May Street Improvement Grant for \$196,553 and The Downtown Street Scape Grant for \$600,000. We had applied for the Street Scape Grant for the past five years unsuccessfully. This will include beautifying the area from Lafayette Ave. to Grand Ave. on Diamond Bridge Ave by installing new traffic and street lights as well as some other items. Administration has been discussing new B-3 and B-3A zones for the area of Lafayette Ave to Rock Road and studying the zones on Wagaraw Road. Prior to any changes there will be a presentation by the Borough Planner. Cel-Earth-Bration was held on April 20<sup>th</sup>. Thank you to all who attended. The shredding total was 8,250 pounds which we will receive toward our recycling credit. Thank you to the Municipal Alliance for hosting dinner and the high school production of "Singing in the Rain" for the senior citizens. The Mayor attended the Saturday evening performance and stated it was a wonderful evening of theatre. Congratulations to Ms. Hackett, Ms. Griffen and the 130 students who performed in the play. Last week the PBA held a beefsteak fundraiser for the 9/11 memorial and tonight the council will approve the ordering of the granite for the memorial. We should meet our deadline to dedicate the memorial on 9/11/13. The Mayor announced that the Borough will be honoring Patrolman William Myer who died in the line of duty on September 6, 1948 with a street dedicated to him. His son has been notified and was touched by the sentiment. Last Saturday was a busy day starting with the junior police academy at the shooting range, baseball opening day take two at Wagaraw Field, followed by the Arbor Day tree planting at the pool. The new tree will replace one that fell during Hurricane Sandy. Sunday the Mayor joined the members from the Mohawk Athletic Club as they honored the High School State Bowling Champions and Wrestling Champions Ethan and Evan Ramos.

### **REPORTS:**

#### **Director of Revenue and Finance MaryJeanne Hewitt**

The tax quarter has begun. Residents have until May 10<sup>th</sup> to avoid paying interest. She added that the drop box in the parking lot has made a dramatic difference in the lines in the tax office and encouraged all to use it.

#### **Borough Attorney Pasquale**

Congratulations to the Mayor, Administrator Maurer, Director Hewitt and the Council on a budget that serves the people. In addition to the tax appeals, we will be bringing some new ratables. Administration is working with the Economic Development Committee and the Ordinance Committee to promote the development of businesses and growth. Unless we gain ratables to offset loses we will have a harder time keeping the budget where it is.

Pan Chemical- the Judge dismissed NJ Transit from the case but did not reduce the obligation of Pan Chemical or One Washington from cleaning up the property. The Department of Environmental Protection is on our side in this case and has threatened to sue each company \$75,000 if they do not start the cleanup process.

204 Wagaraw Road – Judge Graziano will be allowing the ordinance challenges to move forward.

Mayor Goldberg added that regarding the Pan Chemical suit, he would like to give credit to the Environmental Commission Chair Rayna Laiosa for her research into previous lawsuits which enabled us to go to court and have actions taken towards the cleanup. He is pleased that the NJDEP has joined in our fight.

#### **Borough Engineer, Dr. Stephen T. Boswell**

Washington/Royal Drainage Project- Due to personal issues, the contractor has not been responsive to our requests for a schedule for the completion of the remaining work. We were hoping the concrete work, which consists of a driveway apron and sidewalk, could be completed by May 3<sup>rd</sup>.

Municipal Building and Emergency Generator- The PSE&G Gas Load Data Sheet referencing a new emergency generator for the Municipal Building has been submitted.

Rock/Braen/Goffle Intersection- The intersection design plans have been completed and are under final review. The specifications are being prepared and are 90% complete.

Cornell Avenue Sewer Repairs- The Borough is securing funding.

Goffle Brook Bank Stabilization- Work is on-going; tree pruning continues to be addressed, pond dredging is being performed and rock walls are being constructed.

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

2012 Road Resurfacing Program- AJM is expected to address the remaining site restoration work this week.

UST Groundwater Monitoring- The Clean Earth documentation associated with the disposal of the excavated soil has been forwarded to the Borough for completion and signature. The disposal cost is \$30.00 per ton and there is approximately 10 tons of soil. There may be a slight up charge if the truck is less than full.

Christian Health Care Center- the Board of Adjustment is preparing their Resolution of Approval.

2013 Road Resurfacing Program- The 2013 Road Program has been advertised and bids will be received on Thursday, May 9<sup>th</sup> at 11:00 am. The 2013 Road Program is expected to be awarded at the May 14<sup>th</sup> Council meeting. All residents have been contacted regarding the sidewalk and driveway assessments.

Warburton and Forest- Contractor Cifelli & Son is expected to address the infrared work on Wednesday, May 1<sup>st</sup>.

Utter Avenue Pump Station- A.C. Schultes is expected to install the new pump on May 8<sup>th</sup>.

Wagaraw/Goffle & Wagaraw/Lincoln Intersections- The fire pre-emption sequence for Goffle/Wagaraw/Mohawk has been submitted to the Borough and can be implemented with the equipment in place. For the fire pre-emption sequence for Lincoln/Wagaraw, Bergen County is in the process of scheduling a meeting with our office and the Borough of Hawthorne for the week of May 6<sup>th</sup>.

Library Roof- After meeting with staff members of the Library on Tuesday, April 9<sup>th</sup>, an 11" X 17" roof plan was prepared so future roof or building issues can be clearly defined. Library staff has not complained of any building or roof leaks following the April 10<sup>th</sup> storm event. There are no current issues.

Bamford Avenue Pump Station- A. C. Schultes has the parts to address this issue and the work is on their list to get done.

### **Borough Administrator Maurer**

Summer Recreation, the Pool and Tennis Instruction sign-ups are Tuesday, May 7<sup>th</sup> from 6:30 to 8:30 in Borough Hall. Additional dates are posted on our website at [www.hawthornenj.org](http://www.hawthornenj.org). The pool is being prepared for the upcoming season with some repairs being made to the pump. The street lights at Old Orchard and Peach Tree Court have been repaired and we are waiting to hear about a credit for the six months they were not working. Deputy Court Administrator Joyce Camaro's last day was yesterday, we wish her well in her retirement. Heidi Amaral will start tomorrow as the part-time Deputy Court Administrator. Confirmation has been received from the Shade Tree Commission that the requested locations for the new trees are on their planting list. Please spread the word about Nixle as we are providing useful information through this emergency system. Text HAWTHWIRE to 888-777.

Mayor Goldberg added that the last night to register to vote or make changes to your registration for the Primary Election is Tuesday May 14<sup>th</sup>.

### **Questions for the Administration**

Councilman Wojtecki confirmed that May 14<sup>th</sup> is also the night of our Youth in Government Council Meeting. Councilman Wojtecki asked that the preemption signaling at Company No. 3 Firehouse be connected. Administrator Maurer is in the process of having this completed. A conversation followed regarding if there is an ordinance to enforce cars from stopping on the box in front of the firehouse. Councilman Wojtecki questioned if the signalization will work if cars continue to block the box. Attorney Pasquale added that the Ordinance Committee will look into this.

Councilman Bennett asked if Administration has determined if our plan to wire the pumping stations for plug and play generators in case of emergency will comply with State regulations. Engineer Boswell responded he believes it does, but would like to have a ruling before any money is spent doing this. The original plan was to wire all of the pump stations and not own a generator. He stated we may have to buy a couple generators as back up. He or Administration will look into this. Mayor Goldberg added that we would make use of the generators throughout the Borough if we did have to buy them. Council Vice President Bertollo stated that they have previously spoken about a multi-purpose trailer that not only has a generator but also an air compressor, etc. for use by the Water and Department of Public Works.

Councilman Lane stated two years ago the Borough received a credit for some street lights that were not working. Administrator Maurer responded there is no reason to think we are not getting a credit, he is only waiting on confirmation.

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 Council Vice President Bertollo, seconded by Councilman Mele. On roll call, all voted yes.

**INTRODUCTION OF ORDINANCES:** None.

**RESOLUTIONS...**

**CONSENT AGENDA: R70-13 through R73-13:**

**R 70-13 Introduced by Councilman Bennett**

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated April 19, 2013.

CURRENT FUND	WT 888889	\$	250,804.86
WATER OPERATING FUND	WT 888889	\$	39,666.73
OTHER TRUST II FUND	WT 888889	\$	10,051.28
	TOTAL PAYROLL		<u>\$ 300,522.87</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	6,977.77
WATER OPERATING FUND TO PAYROLL/FICA	WT888889	\$	6,977.76
	TOTAL FICA		<u>\$ 13,955.53</u>

**R 71-13 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:

	<b>Original</b>			
<b><u>Block/Lot</u></b>	<b><u>Assessment</u></b>	<b><u>Judgement</u></b>	<b><u>Difference</u></b>	<b><u>Overpayment</u></b>
<b>2010</b>				
17/12	\$2,331,700.	\$2,200,000.	\$131,700.	\$6,421.69
One Loretto Avenue Realty Assoc. 2 Loretto Ave.				
<b>2011</b>				
17/12	\$2,331,700.	\$2,200,000.	\$131,700	\$6,715.38
One Loretto Avenue Realty Assoc. 2 Loretto Ave.				
<b>2012</b>				
17/12	\$2,331,700.	\$2,200,000.	\$131,700	\$6,818.11
One Loretto Avenue Realty Assoc. 2 Loretto Ave.				
<b>2010</b>				
246/1	\$562,000.	\$500,000.	\$62,000.	\$3,023.12
UNME Realty, LLC 270 Fifth Ave				
<b>2011</b>				
246/1	\$562,000.	\$490,000.	\$72,000.	\$3,671.28
UNME Realty, LLC 270 Fifth Ave				
<b>2012</b>				
246/1	\$562,000.	\$480,000.	\$82,000.	\$4,245.14
UNME Realty, LLC 270 Fifth Ave				
<b>2011</b>				
281/34	\$1,170,000.	\$1,000,000.	\$170,000.	\$8,668.30
1086-1096 Goffle Road, LLC 1086 Goffle Road				
<b>2012</b>				

281/34            \$1,170,000.            \$1,000,000.            \$170,000.            \$8,800.90  
1086-1096 Goffle Road, LLC 1086 Goffle Road

**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 2010-2012 in accordance with the state judgment.

**R 72-13            Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne maintains a water utility serving properties located in the Borough of Hawthorne and certain properties located in other communities; and

WHEREAS, the Borough experienced a failed pump at its well house located on Utter Avenue requiring replacement of the unit in question as well as ancillary repair; and

WHEREAS, as the pump failed during the Winter, the time of year where demand is lowest, and all other pumps at all other pump stations were operational, the Borough had the time to create a request for proposal for such work, it having been determined that while the work in question would likely be at a value less than the threshold for an award of contract under the Local Public Contracts Law, it was likely to exceed the threshold limit set forth in the New Jersey Pay to Play law; and

WHEREAS, as a result of the solicitation for proposals, through a fair and open process, the Borough determined to award a contract to the contractor submitting the lowest price for such work, A.C. Schultes, Inc., in the amount of \$11,992, a sum less than the threshold sum set forth in the Local Public Contracts Law but in excess of the \$17,500 limitation set forth in the Pay to Play law; and

WHEREAS, the said contractor has submitted to the Clerk verification of compliance with the Pay to Play legislation despite the award of contract being made through a fair and open process; and

WHEREAS, in April of 2013 a second pump, located at the Bamford Avenue pump station failed, resulting in two pumps being out of service at the same time; and

WHEREAS, the simultaneous failure of two pumps at this time of year represents an emergency situation, as all pumps located in the Borough must be operational by May, the beginning of the high-volume season for the Water Department; and

WHEREAS, the Borough immediately contacted contractors able to make prompt repair to or replacement of the second pump and received two proposals for the work, the lowest being submitted by A.C. Schultes, Inc., in the sum of \$11,992, a price determined to be very favorable and in part the result of A.C. Schultes, Inc. already being mobilized in the Borough; and

WHEREAS, if the two contracts for pump repair and replacement were to be aggregated, the total sum to be paid to A.C. Schultes, Inc., would exceed the bid threshold set forth in the Local Public Contracts Law, albeit by a relatively small margin; and

WHEREAS, the Local Public Contracts Law prohibits the award of separate contracts where the aggregation of the same would result in an award to one contractor in excess of the bid threshold; and

WHEREAS, the work under the second contract was not known to the Borough at the time the first contract was awarded as the failure of the second pump was sudden and unanticipated; and

WHEREAS, the Municipal Attorney has concluded that the contracts in question are not properly ones that can be aggregated as each arose independently from the other and do not represent the type of contract award that the law seeks to prevent; and

WHEREAS, the timing of the failure of the second pump precluded the creation of a formal bid process in accordance with the Local Public Contracts Law; and

WHEREAS, if the Borough of Hawthorne elected to disqualify A.C. Schultes, Inc., from consideration as a vendor, it would deprive the citizens of Hawthorne of the lowest price from a

contractor having a positive work history in the community, defeating the purposes of the Local Public Contracts Law; and

WHEREAS, the Municipal Attorney has rendered an opinion to the Borough that given the significant risk posed to person and property, the experience and expertise of the contractor, the reasonableness of its cost estimate and the compliance with the intent and spirit of the Local Public Contracts Law, the award of a contract for repair of the second pump would not represent a violation of the Local Public Contracts Law or at the very least an exception thereto; and

WHEREAS, the Municipal Council finds, for reasons set forth herein that an emergency situation exists requiring immediate action; and

WHEREAS, the Chief Financial Officer has determined that funds sufficient to pay for the required improvement are available through the 2013 Municipal Budget of the Borough of Hawthorne through its Water Capital Emergency;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that it finds that an emergency situation exists and therefore authorizes the emergency award of purchase order or contract to A.C. Schultes, Inc., based upon the quotation submitted for repair to or replacement of the pump at the Bamford Avenue Pump Station.

**R 73-13      Introduced by Councilman Bennett**

WHEREAS, the Borough of Hawthorne has solicited proposals by way of Request for Proposal, in a fair and open process, for the fabrication and installation of a September 11<sup>th</sup> Memorial in the Borough of Hawthorne; and

WHEREAS, the Borough received one proposal in response to the Request for Proposals, the same having been submitted by Billings Memorial, Inc., with place of business located in Pine Bush, New York, in total sum of \$34,968.00; and

WHEREAS, the Administration, in consultation with the Memorial Committee and the Design Engineer for the project, have determined that the vendor is qualified and capable of fulfilling the terms of the solicitation and that the price quoted is consistent with the estimate prepared by the Engineer; 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 a fair and open process, thereby satisfying the provisions of the Pay to Play law; and

WHEREAS, the applicant has applied for but has not yet received approval of its application for registration in the State of New Jersey as a contractor; and

WHEREAS, the Borough Attorney has indicated that in his opinion a contract may be awarded subject to receipt of the requisite documentation demonstrating registration; and

WHEREAS, the Chief Financial Officer has determined that funds are available to meet the expense set forth above in the 9/11 Memorial Fund established for such purpose;

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 and installation of a September 11 Memorial to in the amount of \$34,968.00 to:

Billings Memorial, Inc.  
P.O. Box 176  
119 Maple Avenue  
Pine Bush, New York 12566

All in accordance with the proposal submitted by the said vendor incorporated herein by reference.

Council President Matthews entertained a motion to approve resolutions R 70-13 through R 73-13, moved by Councilman Bennett, seconded by Councilman Wojtecki. Council President Mathews asked if there was any discussion. On roll call, all voted yes.

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

### **Councilman Lane**

**Board of Health-** holding a Rabies Clinic on May 14<sup>th</sup> from 6-8pm at the Ambulance Corps building. The Friends of Homeless Animals of New Jersey will be there implanting microchips in residents' pets for \$15 each. May is renewal time for cat licenses for \$8 and \$10 as of June 1. **Cable TV-** we have received all of the new equipment and it has been installed and is up and running. They are hoping to have the u-streaming up and running by the next meeting. We will eventually be streaming from different events throughout the Borough and joining with the Board of Education so that residents can view their activities as well.

### **Councilman Mele**

Compliments to the Municipal Alliance on their dinner for the senior citizens. Thank you to the Mayor, Superintendent of Schools Bob Mooney and High School Principal Barry Cohen all for attending. The children did a great job and should be commended. We will be holding another dinner in December.

**Project Pride-** The Band Shell was discussed at their meeting.

### **Councilman Wojtecki**

**Shade Tree Commission-** Attended Cel-Earth-Bratton. Congratulations to Ari Lash who won the tree raffle. The next meeting is Tuesday, May 7<sup>th</sup> at 4:30pm.

### **Council President Matthews**

**Chamber of Commerce-** Thank you to the 30-40 businesses who attended the business card exchange last Wednesday at Atlantic Stewardship Bank.

**Insurance Committee-** Next meeting is May 23<sup>rd</sup> at 4:45pm.

The Farmer's Market is on schedule.

**CORRESPONDENCE:** None.

**MISCELLANEOUS:** None.

### **BILLS:**

Council President Matthews entertained a motion to approve the bills and forward them to the Treasurer for payment moved by Councilman Mele, seconded by Council Vice President Bertollo. President Matthews asked if there was any discussion. Councilman Lane stated there is a bill on the list pertaining to the same issue from the last meeting and if Administration is handling this. Administrator Maurer responded there are two or three bills still outstanding for previous repairs and they have met with the department heads who are all on board with the current procedure. On roll call, all voted yes. Council Vice President Bertollo abstained from checks 15299 and 9271. Councilman Wojtecki and Councilman Lane abstained from checks 15283, 15290 and 15304.

<b>VENDOR</b>	<b>CHECK#</b>	<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>CURRENT FUND</b>			
1086-1096 GOFFLE ROAD LLC	15280	17,469.20	VARIOUS
1ST NEW HAMPSHIRE VOLUNTEERS	15281	300.00	PUBLIC EVENTS
ACTION DATA SERVICES	15282	4,977.32	VARIOUS
AIR PURIFIERS INC	15283	173.00	FIRE DEPT
ALBERTA J COMERRO	15284	240.00	VARIOUS
AMERICAN STEN-CYL	15285	354.00	STREETS & ROADS
BCB JANITORIAL SUPPLY CO INC	15286	141.80	DPW ADMIN
BEYER-WARNOCK FLEET	15287	27,223.75	POLICE DEPT
BOB'S TIRES & WHEELS INC	15288	166.00	MAINTEN OF PARKS
BOSWELL ENGINEERING, INC	15289	12,405.50	VARIOUS
CAMPBELL FIRE EQUIPMENT	15290	12,845.41	VARIOUS
CANON SOLUTIONS AMERICA INC	15291	12.16	STREETS & ROADS
CINTAS CORP	15292	450.46	DPW ADMIN
D & M TOURS, INC	15293	1,820.00	MUNICIPAL ALLIANCE
DELL GARDEN CENTER	15294	128.40	MAINTEN OF PARKS
DELL MARKETING LP	15295	1,560.24	EMERGEN MGT
DELLA RICA & SONS	15296	1,680.00	STREETS & ROADS

DELUXE INTERN'L TRUCKS, INC	15297	25.79	VEHICLE SEWER
DIESEL TRUCK SERVICE, INC	15298	21,328.00	VARIOUS
DOWNES TREE SERVICE, INC.	15299	1,926.00	VARIOUS
EARTHLINK BUSINESS	15300	1,531.95	TELEPHONE
FREMGEN POWER EQUIPMENT INC	15301	447.90	VARIOUS
FUSION DRUM & BUGLE CORP	15302	1,500.00	PUBLIC EVENTS
GARDEN STATE HGWY PROD, INC	15303	188.00	STREETS & ROADS
GOOSETOWN COMMUNICATIONS, INC	15304	12,238.00	VARIOUS
HAWTHORNE CABALLEROS	15305	1,100.00	PUBLIC EVENTS
HAWTHORNE CABALLEROS ALUMNI	15306	1,100.00	PUBLIC EVENTS
HAWTHORNE CAR WASH, INC	15307	105.00	VEHICLE POLICE
HAWTHORNE HIGH SCHOOL BAND	15308	700.00	PUBLIC EVENTS
HAWTHORNE HITCH AND TRAILER	15309	1,035.20	VEHICLE ROAD
HAWTHORNE PRESS INC	15310	138.84	VARIOUS
HESS CORPORATION	15311	5,785.60	VARIOUS
HOME SUPPLY & LUMBER CO., INC.	15312	41.70	STREETS & ROADS
INTERNATIONAL SALT CO LLC	15313	6,731.32	STREETS & ROADS
JAMES SODER	15314	100.00	GROUP INSURANCE
JC LANDSCAPE CONSTRUCTION, INC	15315	5,045.83	MAINTEN OF PARKS
JESCO INC	15316	2,103.14	VARIOUS
JORDAN TRANSPORTATION,INC	15317	630.00	VARIOUS
LOUISE SIANO	15318	50.00	GROUP INSURANCE
LUSCHER'S AUTO INC	15319	359.86	VARIOUS
M J HEWITT	15320	50.00	GROUP INSURANCE
MARY JEANNE HEWITT	15321	30.00	MUNI COURT
METLIFE	15322	313.90	GROUP INSURANCE
MIDLAND AUTO PARTS	15323	99.94	VARIOUS
MILITARY TRANSPORT ASSOC	15324	650.00	PUBLIC EVENTS
MUNICIPAL RECORD SERVICE	15325	158.75	MUNI COURT
NJ MEADOWLANDS COMMISSION	15326	1,885.02	TRANSFE
NY SKYLINERS DRUM	15327	2,500.00	PUBLIC EVENTS
ONE LORETTO AVENUE REALTY ASSO	15328	19,955.18	VARIOUS
P & A AUTO PARTS, INC	15329	137.95	VARIOUS
PASSAIC COUNTY TECH ROTC	15330	200.00	PUBLIC EVENTS
PASSAIC HS MARCHING BAND	15331	1,500.00	PUBLIC EVENTS
PASSAIC HS NAVAL ROTC	15332	200.00	PUBLIC EVENTS
POWER DMS	15333	3,000.00	POLICE DEPT
PRINTMASTERS	15334	532.50	VARIOUS
PROCOPY INC	15335	167.75	MUNI COURT
PUBLIC SERV ELEC & GAS	15336	19,913.51	VARIOUS
QUAL-LYNX	15337	578.57	STREETS & ROADS
REED SYSTEMS INC	15338	418.45	STREETS & ROADS
REILLY RAIDERS DRUM &	15339	2,500.00	PUBLIC EVENTS
RIDGEWOOD PRESS	15340	925.90	VARIOUS
RUTGERS YOUTH SPORTS RESEARCH	15341	962.50	BOARD OF REC
SCHWAAB INC	15342	96.47	MUNI COURT
SIR SPEEDY, INC	15343	148.08	MUNICIPAL ALLIANCE
STAPLES	15344	203.38	VARIOUS
STEELFAB	15345	2,780.00	STREETS & ROADS
TRIANGLE TROPHY	15346	474.00	POLICE DEPT
TRIOUS, INC	15347	2,873.32	STREETS & ROADS
UNME REALTY LLC	15348	10,939.54	VARIOUS
UPTOWN STRING BAND	15349	1,500.00	PUBLIC EVENTS
VERIZON	15350	1,625.35	VARIOUS
VERIZON WIRELESS (N)	15351	344.11	TELEPHONE
WASTE MANAGEMENT OF NJ	15352	32,709.53	TRANSFER STATION
<b>TOTAL CURRENT</b>		<b>\$ 256,533.07</b>	
<b>GENERAL CAPITAL</b>			
BOSWELL ENGINEERING, INC	3273	302.00	WARBURTON RR XING

ZENITH CONSTRUCTION SERVICES,	3274	127,131.48	VARIOUS
<b>TOTAL GENERAL CAPITAL</b>		<b>\$ 127,433.48</b>	
<b>WATER OPERATING</b>			
AGRA ENVIRONMENTAL SVC	9267	1,777.96	VARIOUS
ATLAS CONSOLIDATED MACHINE COR	9268	576.00	WATER UTILITY
CANON SOLUTIONS AMERICA INC	9269	12.15	WATER UTILITY
CAPITOL SUPPLY CONSTR PRODS IN	9270	998.85	WATER UTILITY
DOWNES TREE SERVICE, INC.	9271	2,650.00	WATER UTILITY
EARTHLINK BUSINESS	9272	525.00	WATER UTILITY
GP JAGER & ASSOC INC	9273	5,346.24	WATER UTILITY
HAWTHORNE HITCH AND TRAILER	9274	55.97	WATER UTILITY
HESS CORPORATION	9275	23,605.10	WATER UTILITY
KRAFT ROOFING, INC.	9276	5,652.00	CAPITAL OUTLAY
MARY JEANNE HEWITT	9277	46.65	VARIOUS
POST & KELLY ELECTRIC CO, INC	9278	4,600.00	WATER UTILITY
PREFERRED BUSINESS SYSTEMS	9279	54.45	WATER UTILITY
PRINTMASTERS	9280	532.50	VARIOUS
PUBLIC SERV ELEC & GAS	9281	12,803.26	WATER UTILITY
VALLEY HEALTH MEDICAL GROUP	9282	130.00	WATER UTILITY
VERIZON	9283	566.37	WATER UTILITY
<b>TOTAL WATER OPERATING</b>		<b>\$ 59,932.50</b>	
<b>OTHER TRUST II</b>			
ALLIED CARPET	4566	761.70	RECYCLING TRUST
BETH BROWN	4567	65.00	POAA
CARPET CYCLE, LLC	4568	250.00	RECYCLING TRUST
DAVE STERN INC	4569	54.00	RECYCLING TRUST
DIESEL TRUCK SERVICE, INC	4570	654.00	RECYCLING TRUST
DOMINIC SAVASTINO	4571	31.99	RECYCLING TRUST
DOWNES TREE SERVICE, INC.	4572	187.00	RECYCLING TRUST
HAWTHORNE HITCH AND TRAILER	4573	140.13	RECYCLING TRUST
HAWTHORNE HS DRAMA DEPT	4574	250.00	MUNICIPAL ALLIANCE
MARY JEANNE HEWITT	4575	2.00	RECYCLING TRUST
<b>TOTAL OTHER TRUST II</b>		<b>\$ 2,395.82</b>	
<b>TOTAL BILL LIST</b>		<b><u>\$ 446,294.87</u></b>	

## **PUBLIC COMMENTS**

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.

### Lois Cuccinello – 933 Lafayette Ave Ext.

She asked if the Borough was notified prior to the tree trimming that took place on Route 208. Mayor Goldberg responded we were not and we actually shut them down a few times since there were no off-duty police officers present. She also added that she did see cleanup crews on Route 208 today removing tree debris. There are many residents that will be negatively affected by the tree “butchering” and she would like to know what the game plan is. Administrator Maurer responded most of the trees are on the Department of Transit’s right of way although they believe that a few of them may have been on private property. PSE&G, who cut them, was instructed by the NJDOT to get rid of the branches near the wires. Administrator Maurer added that he is not sure what right we have to challenge the work done on their own property and we have expressed our displeasure in this work. Council President Matthews added we are waiting to hear from PSE&G and NJDOT regarding what they intend to do about restoration.

### Joe Osborne - 112 Cedar Ave.

He would like the town to hold town wide meetings asking the residents what they would like to see be developed at 204 Wagaraw Rd. Instead of defending the old ordinances he recommends we write new ones and involve the public.

Victor Tamburro -1084 Lafayette Ave.

Mr. Tamburro questioned if there was a permit for replacement of an apron at the movie theatre parking lot. He also commented that there are a lot of trucks parked in that lot causing movie goers to have to park along Grand Ave. Administration will look into the situation. Mr. Tamburro added there is a hole in the walkway just after the foot bridge by the Wagaraw fields.

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

### **ADJOURNMENT**

At 8:52 p.m., Council President Matthews entertained a motion to adjourn the regular meeting, moved by Council Vice President Bertollo, seconded by Councilman Sinning. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL WILL BE THE YOUTH IN GOVERNMENT MEETING ON **TUESDAY, MAY 14, 2013**. AT 7:00 P.M. WITH NO WORK SESSION. 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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Frank E. Matthews  
Council President

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Lori DiBella  
Acting Borough Clerk