

February 3, 2010
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:03 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bennett, Matthews, Mele, Sinning, Wojtecki and Bertollo. Also present were Mayor Goldberg, Borough Administrator Maurer, Borough Attorney Pasquale, Borough Engineer Boswell of Boswell Engineering, Department of Public Works Director Clementi and Borough Clerk Witkowski. Director of Revenue and Finance Hewitt was absent..

FLAG SALUTE

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

STATEMENT

Council President Bertollo stated adequate notice of this meeting had 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 16, 2009.

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 and state your name and address. He stipulated this was for agenda items only.

Seeing no one, Council President Bertollo entertained a motion to close the public portion, moved by Councilman Matthews, seconded by Councilman Mele. On roll call, all voted yes.

COUNCIL APPOINTMENT:

Council President Bertollo entertained nominations to fill the vacant seat of the Council Member, to complete the unexpired term. Councilman Bennett nominated John Lane, seconded by Councilman Sinning. Council President Bertollo asked if there were any more nominations. Councilman Wojtecki nominated Mark Joustra. There was no second to the nomination.

On a roll call Councilmen Bennett, Matthews, Mele, Sinning and Bertollo all voted yes. Councilman Wojtecki voted no.

Mayor Goldberg Administered the Oath of Office to John Lane. Councilman Lane thanked his colleagues on the council and administration for selecting and voting for him to represent the people of Hawthorne. He stated that he had been a councilman for twelve years and he enjoyed serving the people of Hawthorne. He believes that the people of Hawthorne need someone who will be able to assume the tasks that are before them. Councilman Lane again thanked everyone that was present as well as his wife Margo.

PRESENTATION: Arcadis

John Persico and Jeremy Cuccuini, of the Environmental Consulting Firm Arcadis addressed the Council. Mr. Persico stated that they also represent United Technologies. Mr. Persico discussed work that will be performed at the former Inmont Facility located at 150 Wagaraw Road, which was a former ink and dye manufacturing facility. This facility is now occupied by the Kohler Distributing Center. This facility was owned by United Technologies as well as other industries, most recently BASF which ceased in the 1990's.

Environmental investigations and remedial activities have been conducted ever since. Several years ago, BASF sold approximately seven acres of the property to Kohler. The work that will be performed is related to some groundwater impact at the facility and down gradient of the facility. Studies have been done for several years, there is also an active groundwater extraction and treatment system in place, which operates on site, however some of the constituents have migrated to the west. This is in the bedrock aquifer, below grade and does not impact the supply wells. This is tested annually.

The work that Arcadis wants to perform takes place near the new Hawthorne soccer field, which will be the installation of a new testing well to a depth of two hundred sixty feet and the testing of the aquifer to measure hydraulic properties of the aquifer. This work will begin February 15, 2010 and will take approximately three to four weeks to install the well and then return to test the aquifer test which will take approximately two weeks to complete. The testing will be sporadic, the data will be compiled and it will be determined as to the future steps.

All work will be done when there is no activity on the field. Access to the property will be on the backside of what BASF owned with some of the work to take place near the field. Councilman Wojtecki asked how close the well is to the field. Arcadis is proposing that the well will be approximately thirty feet south of the field and installation of the well will be flush mounted.

Councilman Wojtecki questioned the location of the gate to the cemetery. The cemetery is located at the northern side of the field. The gate is further down near the stick up wells on the eastern side of the property. There is also another well that is fenced in. Councilman Wojtecki asked if there are active wells in that vicinity, which there are supply wells and those wells are tested. The constituents that are found in groundwater and related to the site are not found in the samples from those wells. Councilman

Wojtecki asked how close the constituents are to the wells. He was told that they are close, but downgraded from the wells. Councilman Wojtecki asked is there would be a leaching possibility. The water is being treated down to elevations twenty three to fifty three feet below ground, there are approximately six different plates for each aquifer and each plate is tested.

Mr. Persico also stated that the purge water that comes out of the well will not be discharged into the Passaic River or the sewer. During the installation of the well, the water will be trucked daily and delivered to the treatment site. During the pumping tests, the water will be pumped from the well to a tank located away from the soccer field and then will be pumped again to the treatment plant. Councilman Matthews questioned as to how much water is pumped. Mr. Persico stated about five to fifteen gallons per minute. Council President Bertollo said that his concern was to how much damage could be caused with the equipment being used daily. Mr. Persico stated that the property will be remediated, as well as the fact that ways have been found to do the work without actually going on the field or getting too close to it, placing large mats that can be driven over, which will also help distribute the weight of the drill rig, and help minimize the damage even further. The majority of the drilling will be conducted during the school day and be completed by mid-March. The target of the well installation is to be completed by the start of the soccer season. The aquifer testing will begin after the start of the soccer season, and the testing will work around the soccer season schedule. Councilman Wojtecki stated that there are many wild animals around the location of the well site. Mr. Persico stated that the work is being done away from the woods and should not have any impact on the habitat. Councilman Wojtecki asked Administrator Mauer if all of the paperwork has been completed. Council President Bertollo stated that the information has been included in the resolution. Councilman Mele asked if there are any additional wells being planned. Mr. Persico stated that Arcadis is in discussion with the State of New Jersey about additional wells, which would be on other private property. Access agreements have been negotiated with those property owners. Mr. Cucuini stated that an environmental fact sheet has been prepared and he gave that sheet to Clerk Witkowski.

Mr. Persico stated that approximately thirty wells have been drilled at different depths. Multi-court wells have been drilled off-site, which has one long hole and can be sampled at different depths. Testing will be performed as the new well is being drilled, but prior to the pumping test, it will be left as one long hole. This well will not have different sampling ports as other wells.

Councilman Lane asked if there were other documents other than Resolution R40-10 with regard to the remediation of the site. Councilman Bertollo pointed out the other documents to Councilman Lane. Council President Bertollo asked Attorney Pasquale if a performance bond is required. Attorney Pasquale stated that a performance bond is not required but an indemnity agreement and access agreement will be required which would spell out Arcadis' insurance, indemnifying the borough and restoration of the property. Attorney Pasquale asked Mr. Persico to have Arcadis' attorney to prepare this document and forward those documents to him. Mr. Persico stated that there is an agreement in place with the owner of the property, Kohler Distributors.

Council President Bertollo asked if there were any more questions. There were none. Council President Bertollo thanked Mr. Persico & Mr. Cuccuini for their presentation. He continued that a resolution has been prepared to authorize the Mayor to enter into an access agreement.

Resolution R40-10 Introduced by Councilman Matthews

WHEREAS, Arcadis, an environmental testing and remediation firm, is performing certain work at the former BASF site on Wagaraw Road; and

WHEREAS, in connection with the testing and remediation, Arcadis has asked for permission to access Veterans Field at the Kohler site on Wagaraw Road; and

WHEREAS, the access will include some degree of testing and the drilling of an exploratory well on the property; and

WHEREAS, the Borough acknowledges and agrees that such work is important and necessary for environmental remediation of the adjoining site;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, that it does authorize the Mayor to execute a temporary access agreement with Arcadis in form deemed acceptable to the Borough Attorney. Said agreement shall contain, at a minimum, proof of insurance, indemnification, scope of work and duration of work.

Council President Bertollo entertained a motion to approve Resolution R40-10, moved by Councilman Matthews, seconded by Councilman Wojtecki. On a roll call, all voted yes.

APPROVAL OF MINUTES

Council President Bertollo entertained a motion to approve the minutes of the Regular Meeting of January 20, 2010, and the Closed Session of January 20, 2010, moved by Councilman Wojtecki, seconded by Councilman Mele. On roll call Councilmen Wojtecki, Sinning, Mele, Matthews, Bennett and Bertollo said yes. Councilman Lane abstained.

ADOPTION OF ORDINANCES

There were none.

OLD BUSINESS

Councilman Matthews reported that for the residents on Van Winkle Avenue, the on-going PSE&G project where parts of Van Winkle are continually shut down, Administrator Mauer obtained a schedule from PSE&G through Director of Public Works Clementi, that the work should be completed by the end of the month.

Councilman Wojtecki stated that with regard to the left leading traffic signal study at Lincoln and Wagaraw, he contacted the County Engineer's office, left numerous messages and no one returned his telephone calls. Engineer Boswell stated that he spoke with Gene Murphy of the County Engineer's office, who stated that his department is behind in the work schedule and that Engineer Boswell should call Joe Femia to get a better answer. Engineer Boswell is in the process of receiving a more definitive answer. Councilman Wojtecki stated that it has been ten weeks already and he is questioning if he should have Council President Bertollo submit a resolution to Bergen County. Council President Bertollo stated that if there is no response, Engineer Boswell should tell Administrator Mauer and a resolution will be prepared for the next meeting, and Council could approach the Bergen County executives.

Councilman Matthews asked Engineer Boswell if the in-fill of the cut that was installed on the corner of Florence and Cornell was temporary. Engineer Boswell stated that this is on the 2010 road program to be repaired. Councilman Matthews stated that this temporary fill is coming apart and is not satisfactory and he would like this corrected prior to the start of the 2010 road program. Engineer Boswell thought that the problem with Florence and Cornell was a seam. Councilman Matthews stated that when the dry wells were to be installed, cutting across Florence was not supposed to happen. However, when the dry wells were connected, the cut was made to Florence, the infill was rough, and towards the one dry well, it is chipping out by the corner catch basin and asked when this will be corrected. Engineer Boswell said that he will have an answer in two weeks, if not sooner.

Engineer Boswell addressed the issue of the pavement being slippery at Fairview Avenue stating that the pavement was tested and has the normal skid resistance as asphalt.

Council President asked if there was any additional old business. There was none.

NEW BUSINESS

Councilman Wojtecki stated that everyone received the memo regarding the one day conference regarding the thirty workshops. He asked who attends these meetings since Mary Ellen Lyons is no longer employed with us. Mayor Goldberg stated that Department of Public Works Director Clementi could possibly attend. Public Works Director Clementi said that he was not aware of these workshops and he could possibly assign someone from his department to attend. Mayor Goldberg that he will direct this matter to Public Works Director Clementi and to assure that we will have representation.

Councilman Bennett commented on the passing of Joe Burgio this past week, who made a significant contribution to the community. People sit around and ask why things are not happening, but Joe would step up and make it happen. He took an empty lot and a dream and he built a magnificent building in the center of town. Councilman Bennett hopes that his legacy will be carried on. Councilman Bennett is very grateful for having known Mr. Burgio and that he was a part of our community.

There was no other new business to discuss.

ADMINISTRATIVE AGENDA

Mayor Goldberg stated that Hawthorne is joining cities across the nation in the Go Red for Women program. Hawthorne has declared a Red Alert day for Friday, February 5, 2010 to help the American Heart Association paint New Jersey red and bring attention to the number one killer of New Jersey and American females of cardio vascular disease. The Mayor and Council will proclaim February 5, 2010 to be Go Red For Women Day in the Borough of Hawthorne at the February 3, 2010 meeting. Most of everyone at tonight's meeting is wearing red or some shade of red in honor of this. Wearing the color red will continue at the February 17th next meeting.

At the Planning Board meeting on February 2, 2010, a question arose from a witness as to what the Borough's ordinance actually read. The witness read in our code book an R2 zone. The Planning Board Secretary stated that this was a typographical error and the zone should be B2. A lively discussion ensued as to this zone being R2 or B2 and with the assistance of the Clerk, Administrator Mauer and Attorney Pasquale, a search was conducted for the original ordinance to see what was actually voted on by the Commissioners back in 1970. The ordinance clearly states that in an industrial use, use is permitted in a B2, O1 and O2 zone, not the R2 zone. It is anticipated that when we codify our ordinances, we will make this change, as well making the change on the web site.

Mayor Goldberg congratulated Councilman Lane on being named to the Council, who has a long history of community involvement in Hawthorne and he will be a great addition to the Council.

Mayor Goldberg stated that in December, he travelled to Tyndale Air Force Base in Florida to visit New Jersey Air Guardsmen and Hawthorne resident Master Sergeant Roberto Oquendo. Mayor Goldberg received an email from Master Sergeant Oquendo stating that he is currently in Iraq and his area is relatively quiet. Mayor Goldberg asked Master Sergeant Oquendo to keep in touch. Mayor Goldberg said he will keep everyone abreast of his time in Iraq and asked everyone to keep Master Sergeant Oquendo in their prayers.

The Borough's application for the County's Open Space program in the amount of \$138,000.00 has been recommended to the Freeholders and if voted positive by the Freeholders, these funds would pay to light Veteran's Field. Mayor Goldberg thanked the Open Space Committee, and he has spoken with the Soccer Association about attending the public hearing in March.

Discussion with Kohl's is still ongoing, hurdles still need to be overcome. A conference call was held on February 2 to discuss the progress.

Leadership Camp applications will be available shortly for sixth graders.

Payment was received from the bank for outstanding fines regarding Mountain Avenue, with restitution and the closing should happen shortly. Mayor Goldberg thanked the residents of Mountain Avenue for dealing with this situation for as long as they did.

Mayor Goldberg stated that he has a Presentation to Churchill Furniture. When FIOS announced that they were giving the Borough a drop, the Mayor envisioned a television should be in the lobby of the Municipal Building playing the borough's access channel with a bulletin board so people would have an opportunity to see current happenings. Council was very supportive of this idea but was not allowed to spend any money. Our friends at Churchill Furniture stepped up and made a donation of the flat screen television to the Borough. A plaque has been placed by the television stating the donation by Churchill Furniture so that everyone who sees the television will know of Churchill's generosity. Mayor Goldberg presented a Certificate of Appreciation to Churchill Furniture from the Borough of Hawthorne. Mayor Goldberg said that this is not all that Churchill Furniture has done for Hawthorne and Passaic County. When the women's shelter opened a new facility, the shelter needed several rooms of furniture and had little money to furnish the new house. Churchill Furniture furnished the entire house as well as dishes, silverware and other incidentals to make the home move-in condition. Mayor Goldberg commended and thanked Churchill Furniture on behalf of the Borough.

Mayor Goldberg received a letter from Dorothy Lamont of Third Avenue requesting a proclamation for Congenital Heart Defect Awareness Week. Mayor Goldberg presented Ms. Lamont with the proclamation, signed by himself and the council.

Proclamation for Congenital Heart Defect Awareness Week

WHEREAS, congenital heart defects are the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide; and

WHEREAS, over a million families across America are facing the challenges and hardships of raising children with congenital heart defects; and

WHEREAS, Every year 40,000 babies are born in the United States with congenital hear defects; and

WHEREAS, some congenital heart defects are not diagnosed until months or years after birth; and

WHEREAS, undiagnosed congenital heart conditions cause many cases of sudden cardiac death in young athletes; and

WHEREAS, despite these statistics, newborns and young athletes are not routinely screened for congenital heart defects; and

WHEREAS, a disproportionately small amount of funding is available for congenital heart defect research and support; and

WHEREAS. Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and

WHEREAS, the establishment of Congenital Heart Defect Awareness Week will also provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about Congenital Heart Defects;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Hawthorne do hereby proclaim February 7-14 to be Congenital Heart Defect Awareness Week

BE IT FURTHER RESOLVED that all citizens are encouraged to increase awareness, education, and services for Congenital Heart Defects which each year affect thousands of babies in Hawthorne New Jersey;

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Borough of Hawthorne to be affixed this third day of February, 2010.

Mayor Goldberg called upon Director of Public Works, Joe Clementi for his report.

Public Works Director Clementi reported on the recent snow storm was small by measure of inches of snow received, however it proved to be quite challenging. Currently there are two hundred twenty five tons of salt in the dome, the dome holds approximately five hundred fifty tons, so we are approximately at 41%. An order is being placed to be prepared for the storm that is predicted for the upcoming weekend. The storm that was on January 28th had an unusual nature to it, in that it was not forecasted, within forty minutes to one hour, the roads became a sheet of glass. This storm was a challenge not only for the Public Works Department but for the Police Department and drivers as well. Everything was cleared within a matter of four hours.

This concludes Public Works Director Clementi's report.

Mayor Goldberg called upon Borough Attorney Michael Pasquale for his report.

Attorney Pasquale welcomed Councilman Lane. Active negotiations are still ongoing regarding a settlement with K. Hovnanian. He will be speaking with the representatives of K. Hovnanian this week in order to try to wrap up both North Haledon and Hawthorne issues.

Attorney Pasquale should have Joe Burgis' report by February 4 which relates to the sign case that we have with Enterprise being conducted in the Federal Court. It is our position that this is a planning matter, not a First Amendment Free Speech matter. While signs do have speech on them, signs are structures and these are properties that are already fully developed and that is our position as we go forward.

There are a number of tax appeals that Tim Henderson, Tax Assessor and Attorney Pasquale have been working on towards settling. Four appeals have been settled in the recent weeks. A memo was sent to Council regarding these settlements, which are fairly significant in terms of their impact. Everything was done in order to spread the impact so it has the least budgetary effect and we are recommending those four settlements tonight.

This concludes Attorney Pasquale's report.

Mayor Goldberg called upon Borough Engineer Stephen Boswell of Boswell Engineering for his report.

Engineer Boswell reported on the following:

HVAC Equipment (Chiller & Air Handling Unit) – Reiner was working on the punchlist items on Friday, January 29th. The work should be completed but a final inspection needs to be performed. This should be completed by the end of the week.

Christian Health Care Center – Traffic is still being discussed with Bergen County's Engineering Department.

Goffle Brook Stabilization – A meeting has been scheduled with the DEP. The historic landscape architect developed a plan that is in total conflict with what the DEP requires.

Goffle Hill Force Main – Will be advertised in The Record on February 12th. Bids will be received on March 12th, one day after the blackout period. We anticipate awarding the construction contract at the March 17th meeting. The award is subject to the DEP accepting the award, the DEP must issue an Authorization To Award (ATA) as well as a checklist, but part of that is our resolution to go forward. This work could possibly begin in May.

Southfield Pumping Station – Joe Clementi, Director of Public Works and Boswell Engineering have been working together regarding the gumming up problem in the wet well. Mr. Clementi is currently evaluating enzymes to break this up and stated that enzyme material has been installed in the wet well which is expected to break down the grease. This is being checked on a periodic basis to see if it is making a difference as this process should take several months and will be evaluated. If this process makes a difference, then this material can be installed periodically and if this process does not change, then some physical changes or aeration will need to be done.

Drainage Improvement Project – The ordinance that is needed to do this work is being introduced tonight. We are approximately six weeks away from receiving New Jersey Transit's approval to go on their property to complete the project.

Underground Storage Tank – A resolution to award the well that has to be installed is on this evening's agenda. The total cost is approximately \$3,800.00. The Arcadis well that is being installed is \$200,000.00, which is only for a test well.

Lincoln and Wagaraw Traffic Signal – The County of Bergen is investigating the leading left signal for Wagaraw Road east bond.

Brockhuizen Lane – A meeting was held on January 30th with the residents. Two utility poles need to be moved and there were two meetings on site with Public Service. Public Service is going to move a third pole as well for their convenience. It was discovered that the gas main is only several inches below ground and will be lowered. The meeting was

very positive with the residents and they suggested the installation of a “dead end” sign on top of the stop sign. There is a 20% grade at the intersection with Goffle Road and there is no way to lessen that because of the slope. Material is going to be looked at to put in place in order to make the skid resistance 90, which will make it twice as sticky in order to help cars make the transition coming down the hill. This same treatment will be done on the curve on North Watchung and at the intersection at Rea Avenue. In the past milling was done, but now the installation of this tacky surface will be applied.

Engineer Boswell addressed Councilman Matthews regarding the earlier discussion on Cornell and Florence scheduled on the 2010 road program. Cornell and Florence is scheduled to be fixed in the spring, as soon as the weather is warm enough.

2009 Road Program – The final change order is being submitted tonight, which is considerably lower than the original contract amount, which is positive in terms of availability of funds but negative because we could have paved more streets. There have been discussions with regard to doing four years’ worth of streets, start work in advance in terms of doing curbs and sidewalks. If the funds are available, more streets can be paved. If there is an assessment ordinance in place, we cannot say that there is extra money and we can pave more streets. More preparation is required in order to do that. Also, drainage, water and sewer lines need to be looked at.

Veteran’s Field – With the receipt of the grant in the amount of \$138,000.00, a bid package can be compiled relatively quickly in order to go out to bid. The lights have already been designed. Funding in the amount of approximately \$200,000 is needed to compile the bid package.

Arcadis – Has already been discussed this evening.

That concludes Engineer Boswell’s report.

Mayor Goldberg called on Borough Administrator Eric Maurer for his report.

Administrator Maurer reported on the following:

In the absence of Director of Revenue and Finance Hewitt, Administrator Mauer stated that all the books have been closed, the audit for 2009 will begin next week, and reminded residents that taxes are due on February 10, 2010.

The H1N1 adult clinic was held last week. One hundred forty adults were vaccinated, which brings the overall total of H1N1 vaccinations to 2,000. There still may be further opportunities to receive vaccinations and he will keep everyone apprised of that.

The pool and summer recreation program was discussed with the Finance Committee on February 1 and he submitted his recommendations with regard to the Board of Recreation fees. It is expected to submit a new ordinance at the next Council meeting.

It is being looked into with regard to change of ownership with our current garbage hauler.

Administrator Mauer is currently working on an appropriation request from the Federal Government to Congressman Rothman's office for the next fiscal year budget. He is submitting applications for the Streetscape Program, field lighting and water and sewer system items.

Administrator Mauer also reported that Arcadis has submitted escrow and will not cost tax dollars.

That concludes Administrator Maurer's report.

Council President Bertollo asked Council if there were any other questions.

Councilman Wojtecki commented that the erosion in the brook is getting worse, an island has formed and the trees on the island are beginning to topple. Engineer Boswell stated that he is trying to get this situation resolved, and a meeting with the DEP is scheduled. The DEP required a historic landscape architect to prepare a plan as to what should be done and this plan was rejected by the DEP. This is delaying bridge replacement. Also, there is a sewer pipe that is close to breaking which would dump a tremendous amount of sewage directly into the Oradell reservoir and the DEP is giving a hard time to replace this pipe. Also, there is no money to replace the pipe, but if it breaks, there is plenty of money to clean up the mess.

Councilman Lane asked, with regard to Brockhuizen Lane, if there was any concern with regard to the drainage and the sheathing between the curbs coming down that's missing when it's raining heavy and emptying on to Goffle Road. Engineer Boswell stated a drainage system has been designed to intercept the drainage. The project is expected to begin in either April or May. Councilman Lane asked if the movement of the gas line was going to be performed by Public Service with no cost to the Borough. Engineer Boswell stated that this was the approach but no agreement has been made. Councilman Lane asked if material being installed at the base at Goffle Road is the same type of material that was installed at the curve on Russell Avenue. Engineer Boswell said that the material is slightly different. The material on Russell Avenue gives a 75% skid resistance; the material installed on Goffle Road is stickier and will be 90% skid resistant. This material was installed on Russell Avenue and Cedar Hill.

Councilman Lane asked Administrator Mauer if a grant writer is going to be involved with regard to the Streetscape Program that he is working on with Congressman Rothman. Administrator Mauer stated that Congressman Rothman's office believes they will need the assistance of a grant writer and Mayor Goldberg added that this was an earmark from last year. Administrator Mauer stated that if there is additional federal grant money available, we would want to expand the project and he believes that a grant writer's assistance would be needed.

Mayor Goldberg stated that he had lunch with Congressman Rothman and several mayors and asked the question about having grant writer. The feeling was that if you are applying for a grant, you should have a grant writer, if you are applying for an earmark, a grant writer is not needed.

Councilman Bennett questioned Engineer Boswell if the tacky surface being installed has the same life expectancy as the surface around it. Engineer Boswell stated that it has an approximate three year life expectancy. Cars have no impact on this surface, trucks have an impact. On Brockhuizen Lane, Engineer Boswell expects the life to be about six to eight years. Asphalt has an expectancy of twenty years, and if it is only cars traveling on the pavement, it would last twenty years. Councilman Bennett asked if weather affects this and Engineer Boswell said that weather has no impact on it, only loading affects it.

Councilman Bertollo asked Engineer Boswell if we can bid on Washington Avenue without New Jersey Transit's easement. Engineer Boswell said yes, but you cannot award the bid until the easements are received. The only risk under the New Jersey Public Contract Law is that contractors have to hold their price for sixty days. No exception would have to be placed in the bid and Engineer Boswell believes that this will be resolved within sixty days. So this could be bid now, wait until we receive the easements to award it, and the contractor will have to hold his price for sixty days.

Councilman Matthews asked how much of the road is being torn up. Engineer Boswell said that most of it is not on the road. The ordinance regarding the easements is being introduced this evening, there will be a second reading and then an estoppel period. Council President Bertollo asked that if we go through this process, could the work start in the fall. Engineer Boswell said yes, this is the type of project that can be done during the winter as this is not a construction season type project. Council President Bertollo stated that Boswell Engineering can go ahead and prepare the bid.

Council President Bertollo questioned Administrator Mauer with regard to the 2009 road program in that Council was aware that the cost came under what was projected and there were funds left over. It was discussed to use the remaining funds for crack sealing and a list was ever prepared for crack sealing. Administrator Mauer stated that a list was created, however we were unable to do the work under this contract because we need to complete the sidewalk assessment. Engineer Boswell stated that most of the time crack sealing is a very large utilization of money. There is still plenty of money available through this ordinance and Boswell Engineering will work with the Department of Public Works to prepare this.

Council President Bertollo questioned Engineer Boswell about the preparation of the bid for the lighting at Veteran's Field. He stated that he is aware of companies that offer a maintenance agreement and asked if the language of a maintenance agreement be placed in the bid package. We want to receive bids from companies that will give us this maintenance agreement. Attorney Pasquale asked if this should be a warranty or a maintenance agreement. Engineer Boswell said that a service contract should be built into the bid package. Mayor Goldberg stated that having an automatic switch installed to

turn the lights on and off should be looked into as well. Councilman Lane stated that this maintenance agreement might benefit us as being an alternate bid, not part of the bid package because some companies' equipment is maintenance free. Attorney Pasquale agreed that doing an alternate bid makes more sense than including the agreement in the original bid.

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

INTRODUCTION OF ORDINANCES

Ordinance No. 2005-10 for Introduction

AN ORDINANCE ACCEPTING EASEMENTS OVER AND UPON PRIVATE LANDS IN CONNECTION WITH THE WASHINGTON AVENUE DRAINAGE IMPROVEMENT PROJECT

BE IT RESOLVED, that Ordinance No. 2005-10 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 February 17, 2010, and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Hawthorne Press once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Council President Bertollo entertained a motion to approve introduction, moved by Councilman Bennett, seconded by Councilman Sinning. On roll call, all voted yes.

CONSENT AGENDA – R26-10 through R 34-10, R37-10 through R39-10

R26-10 Resolution, Introduced by Councilman Wojtecki

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll
Dated January 29, 2010.

CURRENT FUND	WT 888889	\$	242,584.56
WATER OPERATING FUND	WT 888889	\$	38,045.63
OTHER TRUST II FUND	WT 888889	\$	7,870.52

TOTAL PAYROLL		\$ 288,500.71
CURRENT OPERATING FUND TO PAYROLL/FICA	WT 888889	\$ 14,373.84
TOTAL FICA		\$ 14,373.84

R27-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS: Tax Sale Certificate #2009-01 was sold on December 1, 2009 in the amount of \$2,063.09 on Block 2 Lot 7 then assessed to John Harrington and said lien was originally purchased by US Bank-Cust/Sass Muni V dtr, 50 S 16th St., Philadelphia, PA 19102, and

WHEREAS: said lien was redeemed on January 20, 2010 in the amount of \$2,156.35, said lienholder is entitled to a refund including the amount of the lien \$2,063.09, penalty of \$41.26, search and recording fee of \$52.00 for a total of \$2,156.35, 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/Sass Muni V dtr in the amount of \$2,156.35 to reimburse the lienholder for the lien, penalty and fees and a check from the Other Trust I account for \$2,000.00 for Premium paid.

R28-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS: Tax Sale Certificate #2009-05 was sold on December 1, 2009 in the amount of \$2,056.61 on Block 21 Lot 25.01 then assessed to John Harrington and said lien was originally purchased by US Bank-Cust for CCTS Capital, 50 S 16th St., Philadelphia, PA 19102, and

WHEREAS: said lien was redeemed on January 20, 2010 in the amount of \$2,149.74, said lienholder is entitled to a refund including the amount of the lien \$2,056.61, penalty of \$41.13, search and recording fee of \$52.00 for a total of \$2,149.74, 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 CCTS Capital in the amount of \$2,149.74 to reimburse the lienholder for the lien, penalty and fees and a check from the Other Trust I account for \$5,000.00 for Premium paid.

R29-10 Resolution, Introduced by Councilman Wojtecki

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>
2008				
259/7	\$751,700.	\$600,000.	\$151,700.	\$6,806.78
Michael I. Schneck, Trustee for O Brien Properties Inc. 805 Lafayette Ave.				
2009				
259/7	\$751,700.	\$565,000.	\$186,700.	\$8,730.09
Michael I. Schneck, Trustee for O Brien Properties Inc. 805 Lafayette Ave.				

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 2008 and 2009 in the amount of \$15,536.87 in accordance with the state judgment.

R30-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS, an appeal was filed with the New Jersey State Tax Court and after having been tried on the merits and evidence presented, the assessment for the property shall be as set forth below including full statutory interest for difference owed per “corrected civil action judgment on remand”:

<u>Block/Lot</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
2001				
28.01/1	\$1,073,500.	\$665,600.	\$407,900.	\$ 853.68
2002				
28.01/1	\$1,073,500.	\$636,300.	\$437,200.	\$ 2,240.27
2003				
28.01/1	\$1,073,500.	\$592,200.	\$481,300.	\$ 4,294.95
2004				
28.01/1	\$1,073,500.	\$545,900.	\$527,600.	\$ 6,428.45
2005				
28.01/1	\$1,073,500.	\$501,700.	\$571,800.	\$ 8,393.51

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 the tax years of 2001, 2002, 2003, 2004 and 2005 in the amount of \$22,210.86 to Harry Haushalter, Trustee for Pan Chemical Corp. in accordance with the corrected state judgment.

R31-10 Resolution, Introduced by Councilman Wojtecki

RESOLUTION ACCEPTING OF A \$50,000 GRANT FROM THE COUNTY OF PASSAIC FOR HANDICAPPED CURB RAMPS AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT

WHEREAS, the Borough of Hawthorne submitted an application to the County of Passaic for a grant for handicapped curb ramps under the County's 2009 Community Development Block Grant; and

WHEREAS, pursuant to the above-mentioned application, the County of Passaic has offered to the Borough of Hawthorne a grant of \$50,000 for handicapped curb ramp with terms and conditions as specified in the attached grant agreement; and

WHEREAS, it is in the best interest of the Borough of Hawthorne to accept this grant funds;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne that the Mayor and Borough Clerks are hereby authorized to execute the attached grant agreement accepting \$50,000 in Community Development Block Grant funds from the County of Passaic for to be used for constructing handicapped curb ramps on sidewalk within the Borough.

R32-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS, the Borough of Hawthorne has a need to purchase water meters for the first phase of the meter program in the Borough of Hawthorne; and

WHEREAS, the Borough of Hawthorne is a member of the Morris County Co-op Pricing Council; and

WHEREAS, Rio Supply, Inc. has been awarded Contract #47-2009-2010 by the Morris County Co-op Pricing Council for the purchase of the meters; and

WHEREAS, the administration recommends the utilization of this contract, and the cost for this purchase of a water meters is \$239,920.00.

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

WHEREAS, the Borough of Hawthorne has a need to purchase water meters for the first phase of the meter program in the Borough of Hawthorne; and

WHEREAS, the Borough of Hawthorne is a member of the Morris County Co-op Pricing Council; and

WHEREAS, Rio Supply, Inc. has been awarded Contract #47-2009-2010 by the Morris County Co-op Pricing Council for the purchase of the meters; and

WHEREAS, the administration recommends the utilization of this contract, and the cost for this purchase of a water meters is \$239,920.00.

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

R33-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS, the semi-annual interest payment for the General Serial Bonds of 2005 becomes due and payable on February 16, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer is hereby authorized to wire funds in the amount of \$35,619.00 in payment of interest from the Current Fund, made payable to Chase NYC, Account #066026776.

R34-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS, there exists a need for engineering services for the Groundwater Site Investigation, Underground Storage Tank Removal at the Municipal Building in the Borough of Hawthorne.

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 \$3,800.00 for the aforementioned purpose, and that the Mayor and Municipal Clerk, subject to the receipt of the signed lease agreement and certification of availability of funds from the Chief Financial Officer, be directed and authorized to enter into and execute a contract, in a form approved by the Borough Attorney.

R37-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS: The Council has heretofore adopted Ordinance 1948-08 providing for the reconstruction of Curbs and Sidewalks on a portion of Tuxedo Avenue, which Ordinance provided for the Assessment of the costs for said improvements on property specially benefited thereby in accordance with the provisions of N.J.S.A. 40:56-21 et seq.; and,

WHEREAS: Ann Fanning is the owner of certain real property known as Block 40 Lot

16, said property being subject to the assessment created by the Ordinance referenced above; and,

WHEREAS: the said property owner failed to pay the initial installment due to never receiving written notification that work was done on her property or the bill requesting payment due to a wrong mailing address,

NOW, THEREFORE, BE IT RESOLVED: by the Municipal Council of the Borough of Hawthorne that for good cause being shown, a request by Ann Fanning to waive interest due in the amount of \$11.15 be granted.

R38-10 Resolution, Introduced by Councilman Wojtecki

WHEREAS, the Borough of Hawthorne pays over \$1 million dollar per year to the Passaic Valley Sewerage Commission (PVSC) in sewerage fees; and

WHEREAS, the PVSC has a \$164 million dollar budget and a \$46 million dollar payroll which includes an executive director who is paid \$290,000 and 27 executives who earn more than \$175,000 per year; and

WHEREAS, 48 communities contribute taxpayer dollars to the PVSC which operates without oversight or accountability, leading to run-away, profligate spending; and

WHEREAS, Governor Christie, on taking office, expressed outrage over the bloated salaries and unchecked, reckless spending of the PVSC and other similarly operated agencies; and

WHEREAS, the Mayor and Council of the Borough of Hawthorne, on behalf of its taxpaying residents, joins in that expression of outrage;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that it applauds the position taken by Governor Christie and urges all elected officials serving the people of this community to join in the battle to hold the PVSC and other bloated, free spending agencies accountable to the people of this State.

R39-10 Resolution Introduced by Councilman Wojtecki

WHEREAS, the Borough Attorney, Tax Assessor and Appraiser retained by the Borough of Hawthorne have recommended the settlement of a real estate tax appeal case now pending in the Tax Court of New Jersey, by adjustment of the assessment for the tax years in dispute, and the same appears to be fair and reasonable;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that the settlement of cases pending in the Tax Court of New Jersey, as set forth on the schedule annexed hereto, be, and hereby is, approved, and the Borough Attorney is hereby authorized and directed to execute a Stipulation of Settlement, and any other document necessary or appropriate to effectuate the same.

Council President Bertollo entertained a motion to approve the Consent Agenda, moved by Councilman Wojtecki, seconded by Councilman Mele. On a roll call, all voted yes.

RESOLUTIONS OFF-CONSENT AGENDA R35-10 AND R36-10:

R35-10 Resolution, Introduced by Councilman Bennett

WHEREAS, an emergency has arisen with respect to the amounts allocated in the 2010 Temporary Operating Budget and/or the 2010 Temporary Water Operating Budget other expenses due to the permanent budget not yet being adopted, and the 2010 temporary appropriations are inadequate to provide for these expenses for the aforesaid reason, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2010 pursuant to the provision of N.J.S.A. 40A:4-20 including this resolution total \$4,351,900.00.

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

Swimming Pool O/E	30,000.00
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R36-10 Resolution, Introduced by Councilman Bennett

WHEREAS, various appropriations in the 2009 Appropriation Reserves may be over expended and others under expended.

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 following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Transfer Station	Vehicles-Fire Dept	\$ 5,000.00

Council President Bertollo entertained a motion to approve the Off Consent Agenda, moved by Councilman Bennett, seconded by Councilman Matthews. On a roll call, call voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Wojtecki reported that he attended the Shade Tree and Finance Committee Meetings. Regarding lower Franklin Field, Councilman Wojtecki has been asked to address the residents and Administration regarding bricks that are buried below the oak

tree located behind the pool and to please stop parking on top of the bricks and around the oak tree.

A forestry grant has been awarded in the amount of \$7,000.00 for the tree inventory. The tree inventory will be conducted in three parts over a two year period. The funds will be available on April 30, 2010, which is Arbor Day.

Councilman Sinning reported that the Library Board met last week. There had been problems with the Wi-Fi and it is now working. The library budget is being worked on.

Councilman Sinning attended the Ordinance Committee meeting on February 2, 2010 and a course of action and setting priorities is being planned.

Councilman Matthews – reported that the Finance Committee meets on a weekly basis. Program fees and covering costs on several programs were discussed at this week's meeting. Council and Administration have received a memo regarding the pool and recreation program course of action. Councilman Matthews asked Council and Administration to review the memo and give their comments to him prior to February 8, 2010 so that a final direction can be discussed at the February 8 Finance Committee meeting.

With regard to the Chamber of Commerce, Councilman Matthews thanked everyone who came to the Company of the Year Award Dinner. Approximately two hundred twenty five people attended. He also thanked everyone who donated prizes.

Councilman Matthews attended the Planning Board meeting on February 2, 2010. Several Certificates of Compliance were issued. A preliminary hearing was discussed for an expansion of the Fisk Alloy Building on Thomas Road Right of Way North. It is encouraging to see a company expanding a business in Hawthorne. Fisk is consolidating a couple of facilities and Hawthorne would be the benefactor of new jobs and more ratable.

Councilman Mele thanked the Mayor and Council for their recognition of his flower shop at the Chamber of Commerce Dinner. On January 31, Councilman Mele attended the St. Anthony School Learning Fair. This week has been declared Catholic School Week. On February 1, 2010 there was another house fire and Fire Chief Speranza and his men did a great job in saving the house.

Councilman Mele attended the Municipal Alliance Committee meeting last week, which was fully attended. Bob King will be heading an internet safety committee. There will be a presentation at the PTO meeting at the high school on March 3, 2010 discussing internet security. Municipal Alliance also received their annual grant in the amount of \$27,000.00 from William Paterson University. Municipal Alliance is having a dinner show scheduled in April for senior citizens. The Mayor and Police Department will be sponsoring Parents Who Host Lose the Most.

Councilman Bennett thanked the residents, on behalf of the Public Work Committee, who granted easements for the drainage project. All that is needed now is the information from New Jersey Transit.

Council President Bertollo reported that the Field Task Force Committee continues to meet. Progress is being made and another meeting is scheduled for February 18 wherein Field Turf will be making a presentation of turf options for the Borough's fields and Board of Education fields.

The Zoning and Housing Committee met and progress is being made. The timeline is to introduce information to the public late spring/early summer.

CORRESPONDENCE

There was no correspondence to discuss.

MISCELLANEOUS

RL-1 RL#964-HSA St. Anthony's has requested permission to conduct an off premise 50/50 raffle, May 1, 2010

RL-2 RL#965 PTO Hawthorne High School Band Parents association has requested permission to conduct an on premise 50/50 cash raffle to be held March 20, 2010

RL-3 RL#966 PTO Hawthorne High School Ban Parents association has requested permission to conduct an on premise merchandise raffle to be held on March 20, 2010

Council President Bertollo entertained a motion to approve RL-1 through RL-3. Motion was moved by Councilman Wojtecki, seconded by Councilman Matthews. On roll call, all voted yes.

BILLS

Council President Bertollo entertained a motion to approve the bills and forward them to the Treasurer for payment. Motion moved by Councilman Wojtecki, seconded by Councilman Sinning. On roll call, Councilmen Wojtecki, Sinning, Mele, Matthews, Bennett and Bertollo voted yes. Councilman Lane abstained.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
A T & T	9502	53.34	TELEPHONE CHARGES
ATLANTIC SALT INC	9503	4,545.20	STREETS & ROADS O/E
AUDIO VISUAL SERVICES, INC	9504	389.00	MUNICIPAL ALLIANCE
B & C COMMUNICATIONS, INC	9505	65.75	POLICE DEPT O/E

BARBARA CROWLEY	9506	95.00	GROUP INSURANCE O/E
BERGEN/PASSAIC CTY REGISTRAR A	9507	20.00	BOARD OF HEALTH O/E
BILL FOX CO, LLC	9508	119.80	FIRE DEPT O/E
BOB'S TIRES & WHEELS INC	9509	292.00	VEHICLE MAINT POLICE
BOBCAT OF NORTH JERSEY	9510	11,301.00	ACQ/UPGRADE DPW EQUIP
BOSWELL ENGINEERING, INC	9511	805.00	ENGINEERING SERVICES O/E
BOUBLIS ELECTRIC INC	9512	700.00	BOARD OF REC O/E
BRENDA DITTFIELD	9513	270.00	GROUP INSURANCE O/E
C & C TIRE CO, INC	9514	332.00	VEHICLE MAINT ROAD
CARL MOTTOLA	9515	85.00	UNIFORM FIRE SAFETY O/E
CITY WIDE MAINTENANCE	9516	1,350.00	PUB WORKS ADMIN O/E
CLAYTON TURNER	9517	220.00	GROUP INSURANCE O/E
COUNTY OF PASSAIC	9518	3,557,546.28	VARIOUS
COUNTY OF PASSAIC-OPEN SPACE T	9519	72,161.22	VARIOUS
DOUGLAS MORGAN	9520	149.00	GROUP INSURANCE O/E
FRANCOTYP-POSTALIA, INC	9521	304.98	PUB WORKS ADMIN O/E
FREMGEN POWER EQUIPMENT INC	9522	12.65	SHADE TREE COMMISSION O/E
HAMMER HEAD EMERGENCY	9523	300.00	VEHICLE MAINT POLICE
HARRY HAUSHALTER	9524	22,210.86	OPERATIONS
HAWTHORNE AUTO LAB	9525	158.24	VEHICLE MAINT POLICE
HAWTHORNE CAR WASH, INC	9526	259.00	VEHICLE MAINT POLICE
HAWTHORNE PRESS INC	9527	293.28	VARIOUS
HAYLEY ENCARNACION	9528	440.00	VARIOUS
HENRY BROS ELECTRONICS, INC	9529	27.52	SEWER SYSTEM O/E
HOLIDAY SIGNS	9530	81.05	MUNICIPAL CLERK O/E
HOME SUPPLY & LUMBER CO., INC.	9531	5.51	SHADE TREE COMMISSION O/E
IML, INC	9532	5,073.00	SHADE TREE COMMISSION O/E
JAMES BAKKER	9533	265.00	GROUP INSURANCE O/E
JERSEY ELEVATOR INC	9534	145.00	PUB WORKS ADMIN O/E
JP HOME ARAMA, INC	9535	344.58	VARIOUS
LINDA SABOW	9536	180.00	GROUP INSURANCE O/E
LOUISE SIANO	9537	360.00	GROUP INSURANCE O/E
LUSCHER'S AUTO INC	9538	2,742.06	VARIOUS
MARY JEANNE HEWITT	9539	130.78	VARIOUS
METLIFE	9540	344.20	GROUP INSURANCE O/E
MGL PRINTING SOLUTIONS	9541	221.00	BOARD OF HEALTH O/E
MICHAEL I SCHNECK, TRUSTEE	9542	15,536.87	OPERATIONS
MUNIDEX, INC	9543	1,190.00	BOARD OF HEALTH O/E
NASSAU NDI DIAGNOSTICS	9544	15,870.00	FIRE DEPT O/E
NJ LANDSCAPE ASSN	9545	110.00	STREETS & ROADS O/E
NJ STATE LEAGUE MUNICIPALITIES	9546	1,235.00	MAYOR & COUNCIL O/E
NO JERSEY COURT ADMIN ASSOC	9547	60.00	MUNI COURT
OFFICE CONCEPTS GROUP INC	9548	92.48	PUB WORKS ADMIN O/E

ONE COMMUNICATIONS	9549	1,378.67	TELEPHONE CHARGES
PASSAIC CTY POLICE CHIEFS ASSN	9550	200.00	POLICE DEPT O/E
PREFERRED BUSINESS SYSTEMS	9551	1,365.00	PUB WORKS ADMIN O/E
R & R PUMP & CONTROL	9552	7,700.00	REPL/REBLD SEWER PUMPS
RICHIES SERVICE CTR INC	9553	266.55	VEHICLE MAINT POLICE
RICK HOCKENBERRY LANDSCAPERS	9554	225.00	SHADE TREE COMMISSION O/E
RICOH BUSINESS SYSTEMS, INC	9555	254.96	CONST CODE OFFICIAL O/E
RT OFFICE PRODUCTS	9556	21.75	MUNI COURT
SHAMIN NURSERIES, INC	9557	174.00	SHADE TREE COMMISSION O/E
SPORTS FIELD MAN ASSN OF NJ	9558	50.00	STREETS & ROADS O/E
STATE WIDE STRIPING CORP	9559	5,000.00	STREETS & ROADS O/E
SUPERIOR DISTRIBUTORS	9560	20.08	STREETS & ROADS O/E
SUSAN WITKOWSKI	9561	180.00	GROUP INSURANCE O/E
TREASURER, STATE OF NEW JERSEY	9562	50.00	CONST CODE O/E
USA BLUE BOOK INC	9563	598.07	SEWER SYSTEM O/E
VAN DINE'S INC	9564	174.22	STREETS & ROADS O/E
VERIZON	9565	2,333.82	VARIOUS
VERIZON WIRELESS (N)	9566	132.62	TELEPHONE CHARGES
VITAL COMMUNICATIONS, INC.	9567	1,018.96	GENERAL ADMIN O/E
WEIGHTS & MEASURES FUND	9568	50.00	BOARD OF HEALTH O/E
WILFORD MAC DONALD, INC	9569	<u>13,953.60</u>	ACQ/UPGRADE DPW EQUIP
TOTAL CURRENT		\$ 3,753,639.95	
GENERAL CAPITAL			
BOSWELL ENGINEERING, INC	3012	34,720.64	VARIOUS
HOME SUPPLY & LUMBER CO., INC.	3013	17.55	BROCKHUIZEN RECONSTR
KEY TECH INC	3014	1,200.00	CENTRAL AVE RECONSTR
LEE CO	3015	13,064.56	VARIOUS
STONE INDUSTRIES	3016	<u>2,570.48</u>	BROCKHUIZEN RECONSTR
TOTAL GENERAL CAPITAL		\$ 51,573.23	
WATER OPERATING			
A-VAN ELECTRICAL	8079	539.64	WATER UTILITY O/E
AGRA ENVIRONMENTAL SVC	8080	85.00	LAB TESTING WATER
BOB'S STORES	8081	190.30	WATER UTILITY O/E
E S C ENTERPRISES, INC	8082	1,285.65	WATER UTILITY O/E
ESTERLINE PRESSURE SYSTEMS	8083	2,090.33	WATER UTILITY O/E
JP HOME ARAMA, INC	8084	54.18	WATER UTILITY O/E
LEE CO	8085	363.00	WATER UTILITY O/E
MARY JEANNE HEWITT	8086	134.87	VARIOUS
NJ LANDSCAPE ASSN	8087	90.00	WATER UTILITY O/E
ONE COMMUNICATIONS	8088	142.22	WATER UTILITY O/E

PREFERRED BUSINESS SYSTEMS	8089	1,036.00	WATER UTILITY O/E
ROUTE 23 AUTO MALL	8090	123.75	WATER UTILITY O/E
VERIZON	8091	<u>627.08</u>	WATER UTILITY O/E
TOTAL WATER OPERATING		\$ 6,762.02	
OTHER TRUST II			
A-VAN ELECTRICAL	4010	221.58	RECYCLING TRUST
ANJR	4011	180.00	RECYCLING TRUST
BOB'S STORES	4012	159.99	RECYCLING TRUST
BOBCAT OF NORTH JERSEY	4013	11,301.00	RECYCLING TRUST
CINTAS CORP	4014	379.90	RECYCLING TRUST
GILBEY'S EMBROIDERY CO	4015	519.00	RECYCLING TRUST
JP HOME ARAMA, INC	4016	42.34	RECYCLING TRUST
NJAES OFFICE CONTINUING PROF E	4017	300.00	RECYCLING TRUST
SIR SPEEDY, INC	4018	7,774.00	RECYCLING TRUST
STEVE WEBB	4019	80.00	RECYCLING TRUST
US BANK CUST/SASS MUNI V DTR	4021	2,156.35	TRUSTEE
US BANK CUST	4022	2,149.74	TRUSTEE
US BANK CUST-CCTS CAPITAL	4023	<u>4,996.53</u>	TRUSTEE
TOTAL OTHER TRUST II		\$ 30,260.43	
DOG DEDICATED			
MGL PRINTING SOLUTIONS	6005	640.00	SUPPLIES
TYCO ANIMAL CONTROL SERVICES	6006	<u>2,200.00</u>	ANIMAL WARDEN FEES
TOTAL DOG DEDICATED		\$ 2,840.00	
OTHER TRUST I ESCROW			
US BANK CUST/SASS MUNI V DTR	7001	2,000.00	TAX SALE PREMIUMS
US BANK CUST-CCTS CAPITAL	7002	4,500.00	TAX SALE PREMIUMS
US BANK CUST-CCTS CAPITAL	7003	<u>5,000.00</u>	TAX SALE PREMIUMS
TOTAL OTHER TRUST I ESCROW		\$ 11,500.00	
TOTAL BILL LIST		<u>\$ 3,856,575.63</u>	

PUBLIC COMMENT

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

Victor Terraglia, 50 Ridge Road congratulated Councilman Lane. Mr. Terraglia questioned the traffic situation in both directions on North Watchung Drive and Rea

Avenue Extension. He stated that it is very difficult to get onto North Watchung and/or Rea Avenue and asked if anything can be done to correct the situation. Councilman Lane stated that when he was on the Council in the '90's, Mayor Ross brought to the County the option of making North Watchung a one-way road and no left turn on Rea Avenue. The County rejected this plan. Councilman Lane stated that he did not know if the County would re-open this subject again. Engineer Boswell stated that a complete study was conducted on the area and the County is in agreement. It involves making North Watchung a one way but does not ban the left turn on Rea Avenue because there is a dedicated left turn lane. In order to do this is a matter of cost and the County does not have the funds. In Passaic County, the municipalities are responsible for the cost of signals. There is a solution but the resources are limited. Mr. Terraglia asked what the cost would be to do this. Engineer Boswell stated that upgrade everything, it would cost over one-half million dollars. Every signal would have to be upgraded and the cost of upgrading one signal is approximately \$125,000.00. Mr. Terraglia asked if there were any grants available to do this. Engineer Boswell stated that Administrator Mauer has been looking in to this. This is a problem that there is a solution to resolve it, however there is no funding. Mr. Terraglia recalled that when Mayor Englehardt was in office, no left turn signs were installed on North Watchung Drive to Rea Avenue and vice-a-versa. A substantial amount of tickets were issued and there was a problem resulting in the signs being removed. Engineer Boswell said that Tony Ross was the one who had the signs removed because it is a county road. Engineer Boswell stated that there are other streets in the area and the problem would shift by going up another block. The solution is to get people to where they want to go without unreasonable delays so they are not cutting through the neighborhoods. The way to do that is to change the signal at the Rea Avenue extension at Goffle Road, change the signal at North Watchung at Goffle Road, make North Watchung a one-way road up the hill which would eliminate all the traffic coming down the hill making a left turn. A solution can be put in effect, however, the County does not want to do the left turn lane on the Rea Avenue extension. The County states that there is not enough surface from curb to curb to have three lanes. In order to have three legal lanes, a minimum of thirty six feet is required. There is not enough right of way to widen the road without taking land from the people. This is not a dead issue, the Borough wants to make that intersection safer, reduce the traffic and there is a pending application for Goffle Road which can impact this issue. Mr. Terraglia stated that this is an inconvenience to the residents. Mayor Goldberg said that the residents might not be happy with the solution because the residents would be effected by the one way up. Engineer Boswell stated that the five-way signal would be eliminated to a four-way signal and this would cut a three phase project issue into a two phase project. It would not help much by making North Watchung a one way down, you would still need the extra phase in the signal. A two phase signal would need to be created, and more green time is required on the Goffle Road signal and not pushing the traffic onto Pasadena whereby you would be shifting the problem from neighborhood to another. Mr. Terraglia asked if K. Hovnanian was responsible for doing this work with no cost to the Borough. Attorney Pasquale stated that K. Hovnanian was responsible for doing many things, however this ceased when the economy went the way it did because they do not have funds. Attorney Pasquale stated that a requirement in North Haledon was that the signal

at the bottom of Rea and Goffle Road was to be studied for one year and if necessary a left turn lane would be installed at their expense. This is necessary but they did not do it.

Mr. Terraglia questioned the concept behind the \$230,000.00 being spent on new water meters. Council President Bertollo stated that there are water meters in the system that are not working properly. We are not under the sanctions of the BPU and their recommendation is that the life of a water meter is approximately ten years and our water meters are averaging between twenty five to forty years old. Mr. Terraglia asked if there will be an upgrade for radio frequency read out. Council President Bertollo stated that the upgrade will be done at the same time and after the installation, this would be saving manpower. Mr. Terraglia thanked the Council.

Mr. James Dusenberry of 81 Roosevelt Avenue expressed his appreciation to the Mayor regarding the story that was told at the Planning Board meeting on February 2 regarding the zoning for old I-1, B-2 and R-2 zones. Mr. Dusenberry asked a question twenty two years ago and received an answer today, twenty four hours after the same question regarding the wording, whether it was an R-2 or B-2. Mr. Dusenberry distributed copies of the zoning ordinance wherein he highlighted the areas that state R2 rather than a B2, as well as copies of the Hawthorne Press dated November 17, 1988 showing the article that states Mr. Dusenberry asking the same question. The Borough Attorney at that time said that there was no typographical error and Mr. Dusenberry has been confused about this zoning issue for the past twenty two years. He stated that the date on the first page of the ordinance is dated November 20, 2000. The questioned was raised in 1988 and the ordinance was revised in the year 2000 and the mistake still appears. Mr. Dusenberry asked why it takes twenty two years to change something when we know that it is wrong. He raised the question regarding sidewalks and it took five years to change that and he did not understand why it takes so long and he is still confused about the definition. He believes that a change should be quicker than twenty two years. Attorney Pasquale stated that the zone was a typographical error that will be corrected and re-printed. He did not have an answer as to why the typographical error was not corrected on the revised ordinance issued in the year 2000. Mr. Dusenberry brought this error to the attention of the Board and Council in 1988. Attorney Pasquale pointed out that there was a typographical error on the Schedule whereby it states 50' x 100' lots and 6,000 sq. ft. Mr. Dusenberry's concern was that when he referenced the zoning book, the cost was \$2.50. The price has been crossed out and the fee was raised to \$5.00. Mr. Dusenberry stated that he is confused, he is concerned about what is going on in his neighborhood, there is much traffic, and he is concerned about what is being installed in his neighborhood.

Joe Wojtecki, of 20 Elberon Avenue addressed the Council on behalf of being a soccer coach in the Borough. He thanked the town sponsors of the teams. He recognized Dr. Boswell on behalf of the Hawthorne Soccer Association and presented him with a plaque.

Seeing no one else, Council President Bertollo entertained a motion to close the public comment portion of the meeting, moved by Councilman Matthews, seconded by Councilman Sinning. On roll call, all voted yes.

Council President Bertollo announced that there will be no work session on March 3, 2010 in order for Council to attend the public forum on internet safety being held at the high school. The regular meeting will begin at 8:00 p.m.

Council President Bertollo indicated that the next regular council meeting will be on February 17, 2010. The work session will begin at 7:00 p.m. and the regular meeting will begin at 8:00 p.m.

ADJOURNMENT

Council President Bertollo entertained a motion to adjourn the meeting at 9:35 p.m., moved by Councilman Matthews, seconded by Councilman Sinning. On roll call, all voted yes.

John Bertollo
Council President

Susan Witkowski
Borough Clerk