September 16, 2009
Hawthorne, NJ

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 8:00 p.m., in the Auditorium of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bennett, English, Matthews, Mele, Sinning, Wojtecki and Bertollo. Also present were Mayor Goldberg, Borough Administrator Maurer, Borough Attorney Pasquale and Borough Clerk Witkowski. Professional Engineer Christopher Nash represented Borough Engineer Boswell. Director of Revenue and Finance Hewitt was not present.

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 17, 2008.

APPROVAL OF MINUTES

Council President Bertollo entertained a motion to approve the minutes of the Regular Meeting of September 2, 2009, moved by Councilman Mele, seconded by Councilwoman English. On roll call, Councilman Wojtecki abstained, all others said yes.

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

ADOPTION OF ORDINANCES

Ordinance No. 1990-09 for Adoption

REFUNDING BOND ORDINANCE OF THE BOROUGH OF HAWTHORNE, IN THE COUNTY OF PASSAIC, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF GENERAL IMPROVEMENT BONDS, SERIES 2000, APPROPRIATING $1,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE BOROUGH OF

REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING $1,800,000 FOR FINANCING THE COST THEREOF.

Council President Bertollo entertained a motion to adopt Ordinance No.1990-09, moved by Councilman Sinning, seconded by Councilman Matthews. Council President Bertollo stated that the Ordinance is being adopted again due to the re-financing of bonds. Borough Clerk Witkowski stated the Ordinance was adopted two weeks ago but the paperwork for the Bond Counsel was missing the Supplemental Debt Statement. Borough Clerk Witkowski indicated that a vote is needed by the Council and a public hearing is not required. On roll call, all voted yes.

OLD BUSINESS

Councilman Matthews asked Administrator Maurer about the potholes on Van Winkle Avenue and Florence Avenue at the intersection of Ruth Avenue. Administrator Maurer stated that Director of Public Works Clementi was following up and a report will be given at the next Council meeting.

Councilman Bennett asked if the current parking regulation on Washington Avenue could be revisited, specifically the street cleaning regulation which prohibits parking on one side of the street on Monday and the other on Tuesday. The regulation presents a burden and the street is not being cleaned each week. Councilman Bennett proposed changing the regulation to once a month. Council President Bertollo stated that the plans to obtain a new sweeper would allow for a change in the regulation but that the current restrictions worked since there would be other opportunities to clean the street if the sweeper was down one week. Mayor Goldberg indicated that one of the things that could be done, which was previously discussed for Roosevelt School, was placing bags over the signs when the street has been sweeped and taking it off at the beginning of the month. Councilman Bennett indicated that could be a possible solution.

NEW BUSINESS

Councilwoman English thanked the Hawthorne Police and Fire Department, the Hawthorne Ambulance Corp, the North Haledon Police Department, the Passaic County Sheriff's Department, the New Jersey State Police and the residents of Hawthorne who gave their support to the Shortway family on the passing of her brother, Tunis. Councilwoman English indicated that she has missed a few Council meetings over the last four years due to deaths and illnesses in her family but has always represented the people of Hawthorne.

Councilman Wojtecki thanked Borough Clerk Witkowski for posting resident garage sales on the Borough web site.

Council President Bertollo stated that new microphones have been installed in the auditorium and thanked Borough Administration and Borough Clerk Witkowski for all of their efforts. Additionally, Channel 77 is functional and working with temporary equipment, as the Borough is awaiting permanent equipment. Council President Bertollo acknowledges the need to broadcast Council meetings and indicated the Borough will continue to work through the issues.

If residents experience problems in viewing Council meetings, they should call Borough Clerk Witkowski.

ADMINISTRATIVE AGENDA

Mayor Goldberg reported the following:

1. Mayor Goldberg indicated that residents may have seen an article in the paper "No Free Lunch for Officials" in regard to the towns associated with the League of Municipalities and the annual convention that is attended by the department heads of the Borough. Mayor Goldberg stated that the Borough has never paid for mileage or food and is paying for one night's stay and the registration fee. Mayor Goldberg thanked Administrator Maurer, who looked for cost saving measures when he came to the Borough.
2. Thank you to all who made the 9/11 service so memorable and Sharon Abbood for chairing the event. Everyone in attendance was touched by the service and it is hopeful that the Borough will make this an annual tradition.
3. Congratulations to the graduates of the Junior Fire Fighter Academy. The program is a wonderful way to teach young people responsibility and the sense of public service.
4. Thank you to the Cubs for the ability to flip the coin at the Pee Wee Mayor's trophy game.
5. Congratulations to Hawthorne High School, who came up short against Paterson Catholic but played a great game.
6. Mayor Goldberg asked Captain McAuliffe to explain the new Residents with Special Needs program. Captain McAuliffe stated that for the last twelve months the local Emergency Planning Committee, the Office of Emergency Management, Mayor Goldberg, and all department heads have met to discuss the needs of residents with disabilities and special or medical needs. This is a volunteer program that is designed to assist any Borough resident that has a medical emergency if they are home bound, use oxygen, need a home generator, or have Alzheimer's or Autism. Several years ago, there was a blackout and the Borough was able to assist residents that called in due to being listed as having special needs. Captain McAuliffe indicated that all information is confidential and will only be shared among emergency services, which includes Police, Fire, EMS and the Office of Emergency Management. Further information will be in the Hawthorne Press and Gazette with forms will be available on the Borough web site or sent by mail if requested. This program will assist the Borough in mapping out specific areas so resources may be allocated in the event of an emergency. If you are a home bound resident or are in a wheel chair, the Fire Department will be able to access the residence sooner. Residents with Alzheimer's or Autism are asked to register due to the inability to communicate effectively in an emergency. Photographs are asked to be submitted for these residents so they are kept on file.

   Councilman Bennett asked when the program will be instituted. Captain McAuliffe stated that the program is effective now and will be announced in the Hawthorne Press and Gazette next week and is currently posted on the Borough web site, www.hawthornenj.org. Forms will also be available at the Library and through public education. The Borough will be spending the time and manpower to get the information

out to as many residents as possible. Councilman Bennett asked if the forms received will be kept on file and computerized. Captain McAuliffe indicated that forms will be stored in a central file and entered into the Police database so if a call is received the resident will be recognized as having special needs.

Mayor Goldberg thanked Captain McAuliffe, indicating that this is another example of the Borough attempting to better serve the residents.

7. Mayor Goldberg asked Sergeant Carbone, who runs the Domestic Violence response team, to receive a proclamation for Domestic Violence Awareness Month.

WHEREAS, as a community, we recognize the suffering and struggles of domestic violence survivors and value them as our family members, friends, neighbors and co-workers; and

WHEREAS, we, as individuals and a community value the core rights for crime victims that allow them to participate in justice processes with rights to information, protection and to be heard; and

WHEREAS, we value the critical assistance and services that provide for the victims' basic needs, such as fair treatment, dignity, respect and information, and the life essentials, such as safe housing, food, support for their children, transportation, counseling and medical services; and

WHEREAS, we value those among us who work on behalf of the victims to not only improve rights, services, and treatment, but also to build a better and safer community; and

WHEREAS, since the inception of Hawthorne's Domestic Violence Response Team in 2002, the number of cases involving Domestic Violence in our Borough have declined; and

WHEREAS, we value our right to be free from violence, to be safe in our homes and to live in peace in our community; and

NOW, THEREFORE BE IT RESOLVED, that the Borough of Hawthorne declares October:

DOMESTIC VIOLENCE AWARENESS MONTH

BE IT FURTHER RESOLVED that the Mayor and Council encourages residents to support and honor crime victims and those who serve them during this month and throughout the year.

Sergeant Carbone thanked the Mayor and Council for recognizing Domestic Violence Awareness Month in October. This is an important issue and the team has done a

wonderful job in helping victims and lowering the number of cases from 250 to 125 since inception of the program. Sergeant Carbone invites all residents to attend the candlelight vigil on September 30th in front of the Municipal Building at 6:30 p.m. Additionally, there is a official, licensed 5k run at the Library on Sunday, October 4th, beginning at 8:30 a.m. Applications are available on the Borough web site.

7. Mayor Goldberg stated that ten days before Labor Day, Mayor Torres of Paterson called to invite the Borough to participate in the Mayor's 3rd Annual Canoe Race in the Passaic River. Two members of the Shade Tree Commission, Phil Savoie and Pieter Slump, rowed on behalf of the Borough and won first prize. The Mayor recognized Phil and Pieter by presenting them with certificates. Mayor Goldberg indicated that the Borough will be researching if it is possible to host next year's race in Hawthorne.

Mayor Goldberg called upon Borough Attorney Pasquale for his report.

Attorney Pasquale reported on the following:

1. Congratulations to Phil and Pieter on their award and work on the Shade Tree Commission.
2. Attorney Pasquale recognized Peter Kavanagh, who will be turning thirty on Tuesday. Peter is an inspiration to us all, with his positive outlook, energy and kindness.

That concludes Borough Attorney Pasquale's report.

Mayor Goldberg called upon Professional Engineer Nash for his report.

1. Kevin Downes has agreed to thatch and re-seed Veterans field.
2. The HVAC at the Municipal Building will be completed by the beginning of October.
3. The Christian Health Care Center meeting scheduled for September 23rd was cancelled, with no new date scheduled.
4. The historical architect's report for the Goffle Brook Bank Stabilization Project is underway.
5. The application for the chlorine conversion system has been submitted. A GIS mapping was also required, which should be completed and submitted to the DEP by the end of next week.
6. The Borough will be awarded $300,000 in discretionary funding from the DOT for the drainage project.
7. The Underground Storage Tank at the Municipal Building will be removed the week of September 21st.
8. The 2009 Road Program started one week ago. Concrete work is being done and is expected to be completed by the end of the month. Paving is scheduled for the beginning of October and is expected to be completed by the middle of October.

That concludes Professional Engineer Nash's report.

Mayor Goldberg stated that the DOT application was submitted by the Borough's grant writer. The Borough was correct in believing that there are monies that may be obtained for projects.

Mayor Goldberg thanked the Finance Committee and Council for following through on the recommendation to obtain a grant writer.

Mayor Goldberg called on Borough Administrator Maurer for his report.

Administrator Maurer reported on the following:

1. Administrator Maurer stated that he would be reporting for Director of Revenue and Finance Hewitt.
2. The Borough received three proposals for banking services and is in the process of analyzing them. The proposals will be discussed with the Finance Committee, with a Resolution expected to be presented at the October 7th Council meeting.
3. Director of Revenue and Finance Hewitt will be selling bond anticipation notes early next week to fund this year's capital program for approximately $1.5 million.
4. Administrator Maurer attended a meeting with the Blue Collar Union and Mayor Goldberg. Progress was made on non-economic issues and the parties are exploring options that may allow for resolution on the economic issues.
5. Administrator Maurer will make a presentation on September 24th in regard to the Open Space Grant application for lights for Veterans Field.
6. For Hawthorne Day emergency access, there will be temporary no parking restrictions on a number of streets including, May Street, Coolidge Place, Elberon Avenue, Franklin Avenue, the lower part of Lafayette Avenue, and Washington Street. Residents in the affected areas will be able to park at the Boys and Girls Club. Each resident will receive a hand delivered letter explaining the situation.

That concludes Administrator Maurer's report.

Councilman Wojtecki asked Professional Engineer Nash about Mohawk Avenue between Goffle Road and North Eighth, indicating that the road is continuing to deteriorate. Council President Bertollo stated that at the last meeting Borough Engineer Boswell reported that Tilcon would not accept any responsibility for the road. Mayor Goldberg indicated that there were discussions regarding making a truck route that would ban trucks on Borough roads, forcing them to stay on County roads so the County can deal with the issues of potholes and shoving. Councilman Wojtecki asked if Mohawk Avenue was on the Road Improvement project list. Council President Bertollo stated that the Borough would not reconstruct the road but would patch it. There have been discussions with Anthony De Nova of the County to see if the Borough may work in conjunction with them to ensure the road is taken care of. Council President Bertollo indicated that North Eighth Street also needs to be looked at. Mr. De Nova has stated that the County budgets $3 million a year for road resurfacing for the entire County and the Borough budgets between $600,000 and $700,000, which seems to be in disproportion. There are a number of streets in Hawthorne that are slated to be paved but will most likely not be done this year due to the bureaucracy with the stimulus money. The County's $3 million budget is now a part of the $9 million in stimulus money. The County will take a look at Warburton and Diamond Bridge Avenues to see what can be done to get by but they are not looking to do any major repaving at this time.

Councilwoman English thanked Mayor Goldberg and Administrator Maurer for the immediate response to Hawthorne Heights, the apartment housing for disabled adults on North Tenth regarding the recycling issues.

Councilman Bennett asked Professional Engineer Nash about the warm mix asphalt that Glen Rock and Ridgewood are experimenting with, which is supposed to cut energy and emission costs. Engineer Nash stated that regular asphalt is hot mix asphalt, which gets heated up to approximately 350 degrees and is made up of sand, stone and asphalt cement. Warm mix asphalt is not heated up as much as the regular asphalt, thereby reducing energy and emissions. Engineer Nash indicated that it has not been tested for longevity and would probably work better on a low volume traffic street rather than a County road. The only way to save money on warm mix asphalt would be to use a special oven cooking at the lower temperature and making the asphalt in high volume.

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

ORDINANCES AND RESOLUTIONS

Ordinance No. 1995-09 for Introduction

AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE OF THE BOROUGH OF HAWTHORNE, CLERK, SO AS TO FIX THE TERM OF APPOINTMENT OF THE DEPUTY CLERK AS A THREE YEAR TERM

BE IT RESOLVED, that Ordinance No. 1995-09 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 October 21, 2009, 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 Wojtecki, seconded by Councilman Sinning. Council President Bertollo indicated the Ordinance is needed to amend the code book, changing the appointment term to three years from four years coinciding with the term of the Borough Clerk. On roll call, all voted yes.

Ordinance No. 1996-09 for Introduction

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 210 OF THE CODE OF THE BOROUGH OF HAWTHORNE VEHICLES AND TRAFFIC SO AS TO DESIGNATE STOP INTERSECTIONS AT RYERSON WAY WHERE POSTED AND TO REVISE ARTICLE VIII, SCHEDULES, SO AS TO ADD THERETO THE SAID LOCATIONS

BE IT RESOLVED, that Ordinance No. 1996-09 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 October 21, 2009, 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 Sinning, seconded by Councilman Bennett. Council President Bertollo stated that a study was conducted over the summer by the Police Department at the Public Safety's recommendation and found that two stop signs would be useful to enforce the 15 mile an hour speed limit. The Police Department has stopped cars and issued warnings and now have the Title 39 law to issue summonses. This is something the Borough would like to have to protect the public and the children. Councilman Matthews indicated that he is pleased the Ordinance was introduced and that it is now necessary to ensure it is enforced. On roll call, all voted yes.

Ordinance No. 1997-09 – PULLED

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT CHAPTER 210 OF THE CODE OF THE BOROUGH OF HAWTHORNE VEHICLES AND TRAFFIC SO AS TO PROHIBIT PARKING ON CERTAIN STREET IN THE BOROUGH OF HAWTHORNE AND TO REVISE ARTICLE VII, SCHEDULE XIII, AND ARTICLE VII, SCHEDULE XVI, SO AS TO ADD THERETO CERTAIN ADDITIONAL LOCATIONS

Council President Bertollo stated that the Council is working with the Public Safety Committee and the Police Department on the terms of the Ordinance, which will be introduced at the October 7th Council meeting.

CONSENT AGENDA –R-1 through R-3

R-1 Resolution, Introduced by Councilman Sinning

Resolved: To ratify the actions of the Municipal Council of the Borough of Hawthorne payroll dated September 11, 2009.

	Check #	
CURRENT FUND	54377	$258,307.25
WATER OPERATING FUND	14997	$39,065.22
OTHER TRUST II FUND	6584	$8,432.32
TOTAL PAYROLL		$ 305,804.79
CURRENT OPERATING FUND TO PAYROLL/FICA	54378	$10,000.00
WATER OPERATING FUND TO PAYROLL/FICA	14998	$4,884.41
TOTAL FICA		$ 14,884.41

R-2 Resolution, Introduced by Councilman Sinning

WHEREAS, Fiber Technologies Networks, L.L.C. ("Fibertech"), a New York limited liability company, with offices located at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities ("NJBPU") in Docket No. TE05080683 dated September 14, 2005; and

WHEREAS, Fibertech has requested the consent of the Borough of Hawthorne for permission to occupy public rights-of-way within the Borough of Hawthorne for a period of twenty (20) years for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

WHEREAS, it has been determined by the federal government that increased or enhanced telecommunications is generally in the public interest and use of public rights of way for such purpose will benefit the public at large; and

WHEREAS, the granting of such consent is and shall be conditioned upon Fibertech's continued compliance with all existing and future ordinances of the Borough of Hawthorne and its entering into a written agreement with the Borough of Hawthorne to, inter alia, indemnify and hold the Borough of Hawthorne harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnection, replacement and removal of its telecommunications system within certain public rights-of-way and Fibertech's provision of liability insurance coverage for personal injury and property damage.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL BODY OF THE BOROUGH OF HAWTHORNE:

1. That non-exclusive consent is hereby granted to Fibertech to occupy the public rights-of-way within the Borough of Hawthorne for the purpose of construction, installation, operation, repair, maintenance and replacement of a telecommunications system for a period of twenty (20) years, with an option for an additional ten (10) years thereafter.
2. The within granted permission is conditioned upon Fibertech entering into the attached Agreement with the Borough of Hawthorne and providing liability and property damage insurance coverage.
3. The Mayor and Clerk are hereby authorized to execute the attached Agreement.
4. A copy of this Resolution and the executed Agreement shall be filed in the Office of the Municipal Clerk.

R-3 Resolution, Introduced by Councilman Sinning

WHEREAS, the Borough of Hawthorne has solicited bids for the performance of tree services within the Borough all as specified in a request for proposal created by the Borough of Hawthorne and disseminated to bidders; and

WHEREAS, two bids were received comporting with the bid specification for performance of the work in question; and

WHEREAS, the Administration, upon review by the Administrator, Engineer and Attorney, has recommended the acceptance of the bid from the lowest bidder, Downes Tree Service, Co., Inc., finding that the bid not only comports to the request for proposals but also, based upon extensive past history with the contractor, that the said contractor is fully capable of performing the work called for in the proposal;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does award a contract for performance of tree services, as described in the request for bid to:

Downes Tree Service Co., Inc.
65 Royal Avenue
Hawthorne, New Jersey 07506

and does authorize the Mayor and Clerk to execute and deliver a contract for such work, subject to review and approval by the Borough Attorney.

Council President Bertollo entertained a motion to approve Resolutions R-1 through R-3 moved by Councilman Sinning, seconded by Councilman Mele.

Council President Bertollo stated that the Fiber Technologies resolution is in conjunction with a presentation that was given six to nine months ago and was held in committee to ensure that the Borough received the proper tax revenue from Fiber Technologies. The tax revenue will come

to the Borough through the utility taxes that Verizon pays the Borough and will not be a significant amount of money.

On roll call, Council President Bertollo abstained on R-3, all others voted yes.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Councilman Bennett

The Board of Recreation met last Wednesday and received a presentation by Anthony Addesso, who would like to start a club La Crosse team for boys age fourteen to fifteen. Hawthorne High School currently does not offer a program.

Roller Hockey Association would like a small increase to their budget for referee fees, raising the total expenditure to $2,080 from $1,640.

The summer recreation program was successful this year with a total of 500 registrations and an average attendance of 248 children per day.

The summer tennis program was also successful, with a total of 65 children enrolled, which is double from last year.

As chairman of the Public Works Committee, Councilman Bennett stated that he is pleased to hear that the Borough may possibly receive $300,000 in discretionary funds from the DOT for the drainage project. This project has been needed for a long time and the grant will assist in defraying the cost.

Councilwoman English

This is the final report in regard to Hawthorne Day, which is September 26th from 12:00 p.m. to 7:00 p.m. There will be food, amusements, Mary Kay jewelry, kid's gifts, bath products, different items for sale, promotional giveaways, entertainment throughout the day, games and trivia contests, registration for the Halloween contest, an apple pie baking contest, blood drive, different exhibits from energy efficient lighting from the NJ Energy Program, and a fireworks display at approximately 8:15 p.m. There will be parking at the Bedrin property, the former Merck/Calgon site at the bottom of Lafayette Avenue. There will also be extended parking at the ball fields. The overflow of cars may park behind the Hawthorne Discount Shopping Center. Senior and handicap parking will be in the pool parking lot at May Street and Wagaraw Road. Hawthorne Day workers may park in the Kohler Distributor parking lot. Residents are encouraged to come and enjoy the day.

The Project Pride Committee has received commitments from three landscapers who will maintain the following properties: General Landscaping, Goffle Road-Route 208 ramp south, Dell Landscaping, Goffle Road-Route 208 ramp north and Jim McNamara Lawn Care, Route 208 ramp-Utter Avenue south. All work will be completed by this weekend.

Annual blood screening will take place on September 24th , 7:00 a.m. to 9:00 a.m. in the courtroom at Borough Hall. Pre-registration is at the Board of Health on the second floor in the Municipal Building until September 22nd. The fee is $20, which must be paid in advance and includes Chem 23, lipid profile, and CBC. Other tests may be added for an additional fee. There will be a Board of Health meeting on September 17th at 7:00 p.m.

Council President Bertollo thanked Councilwoman English for getting the three landscapers to maintain the properties mentioned. The properties are owned by the State and have not been maintained properly.

Councilman Mele

Councilman Mele and Council President Bertollo met with County Administrator, Anthony De Nova on September 15th to discuss issues regarding the park, including tree and shrubbery pruning, particularly on the corner of Warburton Avenue and Goffle Road, bank stabilization around the duck pond, improvement of the baseball and soccer fields, and the bathrooms on Diamond Bridge Avenue. The County will be addressing the issues, including cleaning up the duck pond in preparation for the fishing derby.

Council President Bertollo indicated to Engineer Nash that the County may be following up with Borough Engineer Boswell regarding the erosion of the eastside bank of the duck pond which has made the walkway dangerous. The Borough will continue to work with the County on issues and joint ventures.

Councilman Matthews

The Planning Board met on September 15th and heard the Arcadis soil movement application for the property behind the Kohler and Merck site. The previous owner is responsible for cleaning up of the property, not the current owner. The applicant who was cleaning up the site was working under the realm of the DEP and has no relationship with the current owner. The clean up should take approximately 2 weeks with 4,400 cubic yards of soil being brought in, which is around 30 truck loads of soil a day. Trucks will come over the Lincoln Avenue bridge, down Wagaraw Road.

Chamber of Commerce met last week and had a general membership dinner at Bottagra's, which was well attended. Up coming events are: the fishing derby on September 19th from 8:30 a.m. to 11:00 a.m. at the duck pond, rain or shine, the Halloween poster contest, the Santa parade on December 4th which will be coordinated with the Borough's tree lighting ceremony, and the Company of the Year dinner which will be held the last Friday in January.

The Finance Committee will be scheduling a meeting for September 21st or 28th.

Councilman Sinning

The Ordinance Committee met yesterday and temporarily pulled Ordinance 1997-09 which involves parking on Ninth Avenue. Since there only 25 houses on the street, the Committee is

attempting to get as much feedback as possible from the residents. The Committee also discussed the video vending machine at the 7-11. Since the amount of video vending machines is limited, there is no issue at this time. If the volume increases or the vending machines are placed outside or in the public right of way, the Committee will revisit the issue.

Councilman Wojtecki stated that the concern is that the machine is unsightly, particularly if it is outside. Councilman Matthews indicated that the Committee discussed whether the vending machine should be a part of the site plan approval. Borough Attorney Pasquale stated that he discussed the issue with Mayor Goldberg and further review is necessary before he can determine if a change in the site plan is required. Discussion continued in regard to the issue of private and commercial property and the placement of vending machines. Borough Attorney Pasquale stated that the current Ordinance includes food based vending machines, which is a Board of Health issue, and gaming vending machines. The video vending machine falls out of those categories, which leads to the question if having the machine violates a CO or a site plan. The Borough would like to treat it as a zoning issue rather than a licensing issue. Borough Attorney Pasquale will review the issue further and report back to Mayor Goldberg by the middle of next week. Councilman Wojtecki asked if MAC machines could also be included. Attorney Pasquale stated that it is being looked at as well.

Councilman Wojtecki

Shade Tree Commission met on September 9th and the Environmental Commission met on September 10th. Both Commissions are concerned with the clearing and run off of the Patriot Estate. Councilman Wojtecki indicated that the Zoning Board will the hearing the application in October and urges all residents and concerned parties to attend the meeting.

Councilman Wojtecki encourages all to participate in the DVRT 5k run, which supports a great cause.

Councilman Wojtecki stated that he will be attending the Zoning Board meeting on September 21st in regard to the 7-11 and asked if the Finance meeting could be rescheduled.

CORRESPONDENCE

C-1 Letter of Resignation, Karen Rambala, Deputy Borough Clerk, effective September 18, 2009.

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

SOL-1 The Hawthorne Lions Club has requested permission to solicit on public streets, Saturday, October 17, 2009, 9:00 am – 1:00 pm.

SOL-2 Hawthorne Roller Hockey Association has requested permission to solicit on public streets, Saturday, November 7, 2009, 8:30 am – 12:30 pm.

Council President Bertollo entertained a motion to approve solicitations. Motion moved by Councilman Bennett, seconded by Councilwoman English. 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 Mele, seconded by Councilwoman English. On roll call, Council President Bertollo abstained on Downes Tree Service, all others voted yes.

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
PAYROLL ACCOUNT	54377	258,307.25	VARIOUS
PAYROLL ACCOUNT	54378	10,000.00	SOCIAL SECURITY
A-VAN ELECTRICAL	54379	84.31	PUB WORKS
ACORN TERMITE & PEST CONTROL	54380	100.00	PUB WORKS
AGL WELDING SUPPLY CO, INC	54381	818.65	VARIOUS
ALBERT J ERDMAN	54382	2,404.50	GROUP INSURANCE
ANDY'S CORNER	54383	2,100.00	MUNICIPAL ALLIANCE
ATLAS DISPOSAL OPTIONS, INC	54384	225.00	RECYCLING
B & C COMMUNICATIONS, INC	54385	745.00	VARIOUS
BESAM ENTRANCE SOLUTIONS	54386	261.19	PUB WORKS
BOROUGH OF FAIR LAWN	54387	294.39	ELECTRICITY
BOSWELL ENGINEERING, INC	54388	1,426.50	VARIOUS
CABLEVISION	54389	299.78	VARIOUS
CARL MOTTOLA	54390	100.65	UNIFORM FIRE SAFETY
CATHY DELLA PESCA	54391	1,532.97	VARIOUS
CHIEF FIRE EQUIP CO	54392	58.25	VEHICLE MAINTENANCE
CHIEF SUPPLY CORP.	54393	5,400.07	VARIOUS
CHRISTINA AUGER	54394	43.63	ENVIRONMENTAL COMM
CINTAS CORP	54395	278.64	PUB WORKS
CITY WIDE MAINTENANCE	54396	1,545.00	VARIOUS
COACHMAN INT'L TOURS INC	54397	875.00	BOARD OF RECREATION
DANCO RENTALS	54398	4,844.00	PUBLIC EVENTS
DELL GARDEN CENTER	54399	155.86	BOARD OF RECREATION
DON'S AUTO REPAIR SERVICE LLC	54400	139.00	VEHICLE MAINTENANCE
DOWNES TREE SERVICE, INC.	54401	1,650.00	SHADE TREE
EXTEL COMMUNICATIONS, INC	54402	26,678.88	VARIOUS
G.NEIL CO, INC	54403	456.88	PEOSHA
GARDEN STATE FIREWORKS	54404	5,000.00	PUBLIC EVENTS
GARDEN STATE HGWY PROD, INC	54405	4,182.44	STREETS & ROADS
GEN-SERVE, INC	54406	600.00	PUB WORKS
GET A CAN	54407	23,000.00	VARIOUS

GILL ASSOCIATES	54408	75.00	SWIMMING POOL
HAWTHORNE AUTO BODY, INC	54409	300.00	VEHICLE MAINTENANCE
HAWTHORNE BOARD OF EDUCATION	54410	2,518,787.00	SCHOOL TAX PAYABLE
HAWTHORNE FIRE DEPT	54411	50.00	FIRE DEPT
HAWTHORNE PRESS INC	54412	78.78	VARIOUS
HEWLETT-PACKARD CORP	54413	834.00	CONSTRUCTION CODE
HFD #5 RESCUE	54414	495.00	VARIOUS
JERSEY ELEVATOR INC	54415	505.57	VARIOUS
JIM HILLMAN	54416	125.00	STREETS & ROADS
JOHN GURRIELL	54417	30.00	TELEPHONE
JOHN PALLOTTA	54418	120.00	CONSTRUCTION CODE
JORDAN TRANSPORTATION,INC	54419	6,295.00	VARIOUS
JOSEPH SCARMAZZO	54420	50.00	GROUP INSURANCE
JP HOME ARAMA, INC	54421	1,347.83	VARIOUS
JPSC, INC	54422	53.43	STREETS & ROADS
KNAPP, TRIMBOLI & PRUSINOWSKI	54423	128.58	LEGAL SERVICES
LANIGAN ASSOCIATES, INC.	54424	120.25	BODY ARMOR GRANT
LISA SLOOTMAKER	54425	190.00	GROUP INSURANCE
LUK OIL	54426	6,105.10	BULK PURCHASES
MARY JEANNE HEWITT	54427	58.66	VARIOUS
MATTHEW BENDER & CO, INC	54428	94.50	POLICE DEPT
MGL PRINTING SOLUTIONS	54429	309.00	BOARD OF HEALTH
NJ MEADOWLANDS COMMISSION	54430	1,612.02	TRANSFER STATION
NJ SHADE TREE FEDERATION	54431	825.00	SHADE TREE
NORTH JERSEY MEDIA GROUP INC	54432	53.35	MUNICIPAL ALLIANCE
NY SUSQUEHANA & WESTERN RAILWA	54433	558.00	SEWER SYSTEM
OFFICE CONCEPTS GROUP INC	54434	124.04	VARIOUS
ONE COMMUNICATIONS	54435	609.55	TELEPHONE
PUBLIC SERV ELEC & GAS	54436	22,847.73	VARIOUS
R & R RADAR INC	54437	124.60	POLICE DEPT
RICOH BUSINESS SYSTEMS, INC	54438	172.88	VARIOUS
RIDGEWOOD PRESS	54439	2,070.50	VARIOUS
RIVERSIDE IRON & METAL, INC	54440	217.00	VEHICLE
RONNIE GONZALEZ	54441	318.00	VARIOUS
RT OFFICE PRODUCTS	54442	545.33	VARIOUS
RUTGERS YOUTH SPORTS RESEARCH	54443	817.50	BOARD OF RECREATION
SCUFFY CARTING LLC	54444	31,892.58	GARBAGE PICKUP
SHOTMEYER BROS FUEL CO	54445	3,048.61	BULK PURCHASES
SIR SPEEDY, INC	54446	255.00	MUNICIPAL ALLIANCE
SPRINT-WIRELESS	54447	349.93	POLICE DEPT
TEE-FX SCREEN PRINTING, LLC	54448	2,137.50	BOARD OF RECREATION
THE NERDS	54449	3,500.00	PUBLIC EVENTS
THOMAS ZACONIE	54450	80.85	CONSTRUCTION CODE

TRILEX CLEANERS	54451	432.25	VARIOUS
TURNOUT UNIFORMS	54452	1,782.37	VARIOUS
TYCO ANIMAL CONTROL SERVICES	54453	2,200.00	ANIMAL CONTROL
VEOLIA ENVIRONMENTAL SVCS INC	54454	42,615.20	TRANSFER STATION
VERIZON	54455	326.87	VARIOUS
VERIZON WIRELESS (N)	54456	980.77	VARIOUS
VITAL COMMUNICATIONS, INC.	54457	575.00	VARIOUS
W. E. TIMMERMAN INC	54458	1,477.38	VEHICLE MAINTENANCE
WAGNER TOURS, INC	54459	700.00	BOARD OF RECREATION
WORK'N GEAR, INC	54460	519.50	VARIOUS
TOTAL CURRENT		**$ 3,013,529.85**	
WATER OPERATING			
PAYROLL ACCOUNT	14997	39,065.22	VARIOUS
PAYROLL ACCOUNT	14998	4,884.41	SOCIAL SECURITY
AQUARIUS IRRIGATION SUPPLY,INC	14999	10.52	WATER UTILITY
CABLEVISION	15000	56.71	WATER UTILITY
CR INDUSTRIAL SERVICES INC	15001	1,194.80	WATER UTILITY
DELL GARDEN CENTER	15002	56.00	WATER UTILITY
GP JAGER & ASSOC INC	15003	2,375.00	WATER UTILITY
HAWTHORNE PAINT CO INC	15004	15.00	WATER UTILITY
HOME DEPOT SUPPLY	15005	112.63	WATER UTILITY
JOHN DEERE LANDSCAPE	15006	128.00	WATER UTILITY
JP HOME ARAMA, INC	15007	150.86	WATER UTILITY
JPSC, INC	15008	53.42	WATER UTILITY
LUK OIL	15009	374.34	WATER UTILITY
MARY JEANNE HEWITT	15010	51.29	WATER UTILITY
OFFICE CONCEPTS GROUP INC	15011	50.38	VARIOUS
ONE CALL SYSTEMS, INC.	15012	75.70	WATER UTILITY
ONE COMMUNICATIONS	15013	75.70	WATER UTILITY
PUBLIC SERV ELEC & GAS	15014	47,822.25	WATER UTILITY
SHOTMEYER BROS FUEL CO	15015	230.79	WATER UTILITY
TREASURER, STATE OF NJ	15016	1,580.00	WATER UTILITY
VERIZON WIRELESS (N)	15017	203.79	WATER UTILITY
TOTAL WATER OPERATING		**$ 98,566.81**	
WATER CAPITAL			
KRAFT ROOFING, INC.	2253	20,650.00	IMPR TO PUMP HOUSE
TOTAL WATER CAPITAL		**$ 20,650.00**	
OTHER TRUST II			
PAYROLL ACCOUNT	6594	8,432.32	VARIOUS

ALLIED CARPET	6595	1,440.25	RECYCLING
ANJR	6596	80.00	RECYCLING
KONICA/MINOLTA	6597	95.40	RECYCLING
PABCO INDUSTRIES	6598	4,092.00	RECYCLING
RIDGEWOOD PRESS	6599	19.50	DOMESTIC VIOLENCE
TOTAL OTHER TRUST II		**$ 14,159.47**	
OTHER TRUST I ESCROW			
NJ DEPARTMENT OF HEALTH	6432	7.20	STATE OF NJ
TOTAL OTHER TRUST I ESCROW		**$ 7.20**	
TOTAL BILL LIST		**$ 3,146,913.33**	

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.

Robert Kurdock, 15 Rhodes Court, stated that the decoy program at the crossings was a great idea and got the message out. Mr. Kurdock wanted to thank the Building Department, Mayor Goldberg, the Department of Public Works and in particular the Water Department, who assisted in re-routing his water pipe, which was pushed aside by tree roots. The team of people were careful in regard to the tree and worked very diligently to resolve the issue. Mr. Kurdock indicated he had complained to the Borough about a tree in the front of his property, which was never attended to. Recently a huge branch came down, which damaged his wife and nephew's cars. Mr. Kurdock followed procedures by contacting Jennifer Scully, Borough Insurance and Compliance, taking pictures, filing a police report and a claim. A letter was received by Mr. Kurdock and his nephew, which stated that although it is a Borough tree, the Borough does not accept any liability. Mr. Kurdock stated that he will appeal the decision and does not believe the Borough handled the situation correctly, particularly after he took all the necessary steps. The letter was sent by Morris County Joint Insurance Fund, the Borough's carrier. Council President Bertollo stated that he experienced two trees falling on his property from neighboring properties, which were denied by insurance due to an act of God. Mr. Kurdock stated that he warned the Borough for three years about the situation, which was confirmed by the Borough Arborist three days before the incident. Borough Attorney Pasquale stated that there is a State statute that governs Shade Tree and in communities where there is a Shade Tree Commission. Borough Attorney Pasquale indicated that he would look at the letter and that he would contact the insurance carrier to gain a better understanding as to why the claim was denied. The Borough will help in any way it can. Mr. Kurdock stated that the new sound system works well with some of the Council members and no so well with others.

Dan Melfi, 84 Emeline Drive, indicated that he received a copy of the Maser Environmental Impact Study in regard to the Christian Health Care Center and has some questions regarding it. Is Hawthorne currently providing water to the CHCC? Councilman Wojtecki indicated that he believes the Borough supplies water for the fire hydrants. Mayor Goldberg stated that there are some homes on Goffle Hill Road that are owned by the CHCC that water is provided but was not certain if water was provided to the facility itself. Mr. Melfi stated that he would give Mayor Goldberg a copy of the report. Mr. Melfi asked Engineer Nash if he knew what the status was on the intersection. The CHCVC meeting for 9/23 was postponed until the issues were resolved with the Bergen County Planning Board. Engineer Nash indicated he did not know the status. Mr. Melfi stated there was a meeting in Wyckoff on September 2nd with Boswell Engineering and some residents located across the street from CHCC. The meeting was in regard to taking some of the property with an easement to make the turn wider by the gas station. Attorney Pasquale stated that the gas station would be impacted by taking property off to re-align the intersection but he does not know the status. Mr. Melfi quoted a statement from the report to the Council. "Unavoidable and adverse environmental impacts, as a result of the development, include impacts to topography, steep slopes, mature vegetation, wildlife habitat and potential open space".

Mariann Pinto, 8 Brockhuizen Lane, inquired about the status of the road. Borough Attorney Pasquale stated that the plans are not finalized but are in progress and that the surveying work has been completed. Engineer Nash stated that the plans should be finished by the end of the month and that designers will be at the site this week. Mrs. Pinto asked if the residents would be notified ahead of time so cars may be moved. Mayor Goldberg stated that residents would be notified anytime work is being done that impacted getting in or out of the road. Mrs. Pinto stated that there was a situation a few weeks ago, which prohibited the residents from getting through. Mayor Goldberg stated that a tree limb fell on utility wires and the limb was in the middle of the road. Several parties were called out to attend to the situation, which was major inconvenience to the residents. Mayor Goldberg stated he was pleased with the response by the DPW and the Police and Fire Departments. Mrs. Pinto asked if the road would be completed by December. Mayor Goldberg stated that the Borough would like to get the road paved before winter but due to public bidding laws there is a requirement to send out bids and receive responses back. Additionally, if the weather is too cold in November the asphalt will not be able to be put down. Council President Bertollo stated that the water main is being replaced as well. Mrs. Pinto said she was aware of the replacement and is very pleased that it is being done.

Naomi Collier, 76 Robertson Avenue, stated that a seventh vendor has joined the Farmer's Market, Panzarella, who will be selling cheese, pasta, crab cakes and other frozen foods. Mrs. Collier thanked everyone who has supported the market, which had in excess of 850 people last week.

Dan Melfi, 84 Emeline Drive, asked if the Borough would be doing a plus and minus list in regard to what would be received in taxes by the CHCC and the cost of services and possible reduction in assessments. Mayor Goldberg stated that in earlier meetings with the CHCC, they indicated that their buildings would pay property taxes. The Borough has asked the CHCC for towns that have similar projects so the Borough can consult with them to see if they are paying property taxes. Mayor Goldberg stated that since there would be no egress or entrance from

Hawthorne into the project, the Borough would most likely enter into a Inter-Local agreement with Wyckoff to provide Police, Fire and Sanitation services. Borough Attorney Pasquale indicated that the Borough will probably recommend Boswell Engineering to provide engineering services and Joe Burgis to provide planning services, focusing on the traffic, noise and economic issues. Attorney Pasquale stated that Mr. Burgis will be asked to provide a report to ensure from a planning prospective that the Borough has protected its neighbors.

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

ADJOURNMENT

Council President Bertollo entertained a motion to adjourn the meeting at 9:27 p.m., moved by Councilwoman English, seconded by Councilman Sinning. On roll call, all voted yes.

Council President Bertollo indicated that the next regular council meeting will be on October 7, 2009. The work session will begin at 7:00 p.m. and the regular meeting will begin at 8:00 p.m.

John Bertollo Council President	Susan Witkowski Borough Clerk