

AGENDA

May 17, 2023 ~ 7:00 PM

Borough of Hawthorne, Passaic County, NJ

Watch Live: Altice (Cablevision) Ch. 77, Verizon Fios Ch. 28

Facebook: Borough Hawthorne NJ Group <https://www.facebook.com/groups/1135979460070290>



ROLL CALL

FLAG SALUTE

STATEMENT

Adequate notice of this meeting has been provided by the Annual Schedule of Regular Meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, emailed to The Herald News, The Record, The Gazette and all persons who have requested the mailing of such since December 7, 2022.

APPROVAL OF MINUTES: None.

PUBLIC COMMENT: (Agenda Items Only – 5 minute limit)

ADOPTION OF ORDINANCES

ORDINANCE 2316-23

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 444, STREETS AND SIDEWALKS, ARTICLE VI, SIDEWALKS, CURBS AND DRIVEWAY APRONS, SECTION 444-25, MAINTENANCE AND REPAIR, SO AS TO PROVIDE FOR REPAIR OR REPLACEMENT OF UNSAFE SIDEWALKS RELATED TO SHADE TREE PLANTING

OLD BUSINESS / NEW BUSINESS

ADMINISTRATIVE AGENDA PRESENTED BY MAYOR LANE

REPORTS

Borough Attorney Michael J. Pasquale
Borough Engineer Dr. Stephen T. Boswell
Borough Administrator Eric Maurer

INTRODUCTION OF ORDINANCES

ORDINANCE 2317-23

AN ORDINANCE TO AMEND 2312-23, FIXING THE 2023 SALARIES, WAGES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY.

ORDINANCE NO. 2318-23

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 153, BUSHES, HEDGES, TREES AND OTHER PLANT LIFE, SO AS TO CREATE ARTICLE II THEREUNDER, NOXIOUS WEEDS AND PLANTS

RESOLUTIONS

CONSENT AGENDA: R 67-23 through R 73-23:

- R 67-23** Refund of Water overpayment
- R 68-23** Memorial Day Participants
- R 69-23** Chapter 159 – Insertion of NPP Grant
- R 70-23** Liquor License Transfer RBRRR to Terraglia Realty
- R 71-23** Waive Fees, North Haledon PD use of Pistol and Firearms Range
- R 72-23** Purchase of Water Utility Cargo Truck
- R 73-23** Authorize Submission of Grant NPP-ARP 2023

REPORTS OF SPECIAL COUNCIL COMMITTEES

CORRESPONDENCE

- C-1** New firefighter applicant Josimar Aguilar to Company 4.

BILLS

PUBLIC COMMENT

ADJOURNMENT

**THE NEXT COUNCIL MEETING IS
WEDNESDAY, JUNE 7, 2023 AT 7 PM**

ORDINANCE NO. 2317-23

AN ORDINANCE TO AMEND 2312-23, FIXING THE 2023 SALARIES, WAGES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY.

The Municipal Council of the Borough of Hawthorne in the County of Passaic and the State of New Jersey, do ordain as follows:

Section 1. Ordinance No. 2317-23 of the Borough of Hawthorne, an Ordinance to Fix the Salaries, Wages and Compensation of the Employees of the Borough of Hawthorne, County of Passaic and State of New Jersey, is hereby amended as follows:

SALARY ORDINANCE 2023

<u>Position/Title</u>	2023
Magistrate	48,806.00

Section 2. Except as herein amended, Ordinance No. 2312-23 remains in full force and effect.

Section 3. All ordinance and parts of ordinances inconsistent with the provision of this ordinance be and the same are hereby repealed, but only to the extent of such inconsistencies.

Section 4. This ordinance shall take effect twenty (20) days after final passage, provided notice of the same has been duly published all as required by law.

ORDINANCE NO. 2318-23**AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 153, BUSHES, HEDGES, TREES AND OTHER PLANT LIFE, SO AS TO CREATE ARTICLE II THEREUNDER, NOXIOUS WEEDS AND PLANTS**

BE IT ORDAINED, by the Municipal Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that:

Section 1. Chapter 153, Bushes, Hedges, Trees and Other Plant Life, is hereby amended so as create two Articles thereunder, Article I being Bushes, Hedges, Shrubs and Trees and Article II being Noxious Weeds and Plants, the entire Code Section as revised and amended to read as follows:

CHAPTER 153**BUSHES, HEDGES, TREES AND OTHER PLANT LIFE****ARTICLE I****BUSHES, HEDGES, SHRUBS AND TREES**

§ 153-1 Owner's responsibilities; notice from Borough

§ 153-2 Noncompliance; action by Property Maintenance Officer

§ 153-3 Violations and Penalties

ARTICLE II**NOXIOUS WEEDS AND PLANTS**

§ 153-5 Definitions

§ 153-6 Control of Growth

§ 153-7 Inspections

§ 153-8 Violations and Penalties

ARTICLE I**BUSHES, HEDGES, SHRUBS AND TREES****Section 153-1 Owner's responsibilities; notice from Borough**

The owner or tenant of lands lying within the limits of the Borough of Hawthorne shall keep all brush, hedges, shrubs, trees and other plant life within 10 feet of any roadway and within 25 feet of the intersection of two roadways cut to a height of not more than 2 ½ feet, where it shall be necessary and expedient for the preservation of the public safety, within 10 days after notice to cut the same from the Borough.

Section 153-2 Noncompliance; action by the Property Maintenance Officer.

- A. In case the owner or the tenant of such lands shall neglect or refuse to cut the same in the manner and within the time provided in § 153-1, the same may be cut under the direction of the Property Maintenance Officer. This shall be in addition to any other remedy including, but not limited to,

the issuance of a summons and complaint by the Property Maintenance Officer under this section.

- B. In case such brush, hedges, shrubs, trees or other plant life is cut under the direction of the Property Maintenance Officer, upon the neglect or refusal of said owner or tenant of such lands as aforesaid, said officer shall certify the cost thereof to the governing body, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands or, in the event that such cost is excessive, to cause the reasonable cost thereof to be charged against said lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes necessary to be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

Section 153-3 Violations and penalties

Any owner or tenant as aforesaid violating any of the provisions of this chapter shall, upon conviction thereof, be liable for a fine not to exceed \$2,500 or imprisonment for a term not to exceed 90 days or a requirement to perform community service for a period not to exceed 90 days.

ARTICLE II NOXIOUS WEEDS AND PLANTS

Section 153-4 Purpose

The purpose of this Article is to protect and promote the public health through the control of the growth of noxious weeds and plants. To the extent the same may be contrary to any provision of the Property Maintenance Code of the Borough of Hawthorne, this section shall govern.

Section 153-5 Definitions.

Noxious weeds and plants are perennial weeds and plants, such as those not only reproduced by seed but also spread by underground roots, stems and other highly reproductive parts, and which when well-established, are highly destructive and difficult to control by ordinary good cultural practices. Examples include but are not limited to bamboo (spreading or running type), ragweed, multi flora rose, kudzu-vine and poison ivy or oak.

Section 153-6 Control of Growth

All persons must control the growth of noxious weeds and plants within their property. Failure to control the spread of such vegetation beyond the boundaries of a residential, commercial or industrial property is a violation of this Article.

Section 153-7 Inspections

All places and premises within the Borough shall be subject to inspection by the Property Maintenance Officer of the Borough of Hawthorne upon a complaint of a violation of this Article.

Section 153-8 Violations and Penalties

- A. Whenever a noxious weed or plant, as defined by this Article, is found to have grown or spread to another plot of land, lot or any other premises or place, a violation shall be given, in writing, to the owner of the property where the noxious weed or plant originated to remove or abate the same within such time as shall be specified therein.

- B. The cost of abatement shall be borne by the property owner of where the noxious weed or plant originated.
- C. In addition to abatement of the condition, the owner of the property from where the noxious weed or plant originated shall be responsible to restore the lands or any improvements thereon of the adjoining land owner at their sole cost and expense.
- D. If the property owner fails to comply with such notice, a complaint alleging a violation of this Article shall be filed with the Municipal Court and, upon conviction, the violator shall be subject to a fine of not less than \$100 and no more than \$1,000 for each day the violation continues.

Section 2. If any section, subsection or part of this ordinance is adjudged by a Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not impair or invalidate the remainder of this ordinance.

Section 3. This Ordinance shall take effect upon final adoption and publication as provided by law.