

AGENDA

January 19, 2022 ~ 7:00 PM

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 November 21, 2021.

CLOSED SESSION:

Pursuant to N.J.S.A. 10:4-13 and the Attorney General’s Formal Opinion 29-1976, I entertain a motion to adopt resolution **CS 01-22**, that the public be excluded from this portion of the meeting in order that the Council may discuss **Candidate Interview**. Items to be discussed in the closed session can be disclosed to the public when a course of action is determined or a decision has been reached.

ADJOURN CLOSED SESSION, RETURN TO REGULAR MEETING:

APPROVAL OF MINUTES:

Minutes of the Regular Meetings of December 1 & 15, 2021 and the Re-org Meeting of January 1, 2022.

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

ADOPTION OF ORDINANCES: None.

OLD BUSINESS:

NEW BUSINESS:

ADMINISTRATIVE AGENDA PRESENTED BY MAYOR LANE

REPORTS:

- Borough Engineer Dr. Stephen T. Boswell
- Borough Attorney Michael J. Pasquale
- Borough Administrator Eric Maurer
- Borough Clerk Lori Fernandez

INTRODUCTION OF ORDINANCES:

Ordinance 2285-22

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 293, LAND USE PROCEDURES, SECTION 293-29, FEES

RESOLUTIONS:

CONSENT AGENDA: R 23-22 through R 31-22:

- R 23-22 Vets Tax Exempt
- R 24-22 Redeem Tax Sale Certificate
- R 25-22 Settlement of Tax Appeals, SBG and Sunstar Madhav
- R 26-22 Release Performance Bond, 53 Braen, LLC
- R 27-22 Release Performance Bond, Royal Quarters
- R 28-22 Upgrades to Public-Safety Communications System
- R 29-22 Authorize Submission for FY23 Municipal Alliance Grant
- R 30-22 Renew MCPCC Membership for 2021-2026
- R 31-22 H2M Study for Corrective Action at Rea Ave Well

OFF-CONSENT:

- R 32-22 Budget Transfers

REPORTS OF SPECIAL COUNCIL COMMITTEES

CORRESPONDENCE:

- C-1 New firefighter applicant Mark Fiedler to Rescue 5.

BILLS:

PUBLIC COMMENT:

ADJOURNMENT:

**THE NEXT COUNCIL MEETING IS
WEDNESDAY, FEBRUARY 2, 2022 AT 7 PM**

ORDINANCE 2285-22
AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 293,
LAND USE PROCEDURES, SECTION 293-29, FEES

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

Section One. Chapter 293, Land Use Procedures, Section 29, Fees, is repealed and replaced, with the said Section to read as follows:

§ 293-29. Fees. There is hereby established, in connection with various applications for development and other matters which fees are the subjects of this chapter, a schedule of fees, which fees shall be paid by the applicant. Said schedule of fees is included in Chapter 220 Fee Schedule of the Borough Code of Ordinances.

- A. Development application fees and related charges. The developer shall, at the time of filing a submission, pay the nonrefundable fee specified in Chapter 220 Fee Schedule to the Administrative Officer. Proposals involving more than one (1) use shall pay a fee equaling the sum of the fees for the component elements of the plat. Proposals requiring a combination of approvals, such as subdivision, site plan and/or a variance, shall pay a fee equal to the sum of the fee for each element.
- B. Technical review escrow deposits.
1. In addition to the filing fees or any other fees required in this article, an applicant shall file with the Administrative Officer an escrow deposit fee of adequate funds to cover the costs of professional services in connection with the review of an application for development by planners, engineers, attorneys and other professional and/or experts whose services are deemed necessary with respect to processing the application by the approving authority in order to assure compliance with the provisions of this chapter. Technical review fees shall be calculated in accordance with the actual time required for review at rates set forth in a schedule of professional fees established each year by resolution of the Planning Board maintained in the office of the Borough Clerk and Administrative Officer for public inspection. The administration of technical review escrow deposits and payments made to professionals from said deposits shall be in accordance with the provisions of N.J.S.A. 40:55D-53.1 and Section 13 of P.L. 1991, c. 256.
 2. At the time of filing an application for development, the applicant shall pay to the Borough an initial deposit for technical review fees in accordance with Chapter 220 Fee Schedule. The amount shown represents only the initial deposit. An applicant will be required to deposit additional funds when professional costs necessitate. In addition, deposit of escrow amounts may be required even when an initial deposit is not required if professional services become warranted. The amount of such fees shall be determined by the Administrative Officer and may include, but are not necessarily limited to, the following:
 - a. Pre-application conferences.
 - b. Planning Board meetings.
 - c. Special meetings and other extraordinary services required by an application.

3. An application shall not be deemed complete until the application fee and initial escrow deposit have been paid. In the event a project is of a nature that is not expressly included in one of the categories in Chapter 220 Fee Schedule, the amount of the fee and deposit shall be determined by the Administrative Officer applying the standard applicable to other applications most closely resembling the project. Also, additional funds may be required when the original amount is depleted by sixty percent (60%) or more and the application is still in process. The additional amount shall be determined by the Administrative Officer.
- C. Inspection fees. The developer shall reimburse the Borough for all reasonable inspection fees incurred by the Borough Engineer for the inspection of improvements, provided that the Borough may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the amount set forth in Chapter 220 Fee Schedule, which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4 and which shall be subject to the following conditions:
1. Fees for engineering inspections during and after construction, and during the maintenance period, shall be deposited in cash, or by certified check, with the Borough, prior to the issuance of a construction permit by the Borough Engineer.
 2. In the event that construction proceeds at a very slow rate, outside of the time frame as established in the developer's agreement, and the work is not pursued in a diligent manner, resulting in an unreasonable number of engineering inspections or, in the event of faulty installations, inferior materials or workmanship causing an unreasonable number of engineering inspections, an additional fee shall be paid by the applicant to cover the engineering cost of such additional inspections.
 3. No remaining portion of an engineering inspection fee, if any, shall be returned to a developer or his/her successor until the expiration of the maintenance period.
- D. Exemptions. All political entities and Borough entities shall be exempt from payment of any fee under this chapter including review escrow deposits. All charitable, philanthropic, fraternal and religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)] shall be exempt from any application charge established under this chapter. The aforementioned organizations shall, however, be required to make all review fee escrow deposits established under this chapter.
- E. Disputes. An applicant shall notify in writing the governing body with copies to the Borough's Chief Financial Officer (CFO), the approving authority and the professional whenever the applicant disputes the charges made by a professional for service rendered to the municipality in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to the provisions of P.L.1975, c.291. The governing body, or its designee, shall within a reasonable time period attempt to mediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals. The appeals process shall be as set forth in N.J.S.A. 40:55D-53.2a.

Section 2. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 3. This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

FRANK E. MATTHEWS
Council President

Attest:
Lori Fernandez, RMC, CMC
Borough Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on January 19, 2022. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, in said Borough, on February 16, 2022, at 7:00 p.m., at which time and place all interested members of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available on the borough website, www.hawthornenj.org, and at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

Lori Fernandez, RMC, CMC
Borough Clerk