

The Regular Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 7:00 p.m. in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

Mayor.....	Richard S. Goldberg
Council President.....	John N. Bertollo
Council Vice President	Frank E. Matthews
Councilman.....	Bruce Bennett
Councilman.....	John V. Lane
Councilman.....	Dominic Mele
Councilman	Garret Sinning
Councilman.....	Joseph Wojtecki
Borough Administrator	Eric Maurer
Borough Attorney.....	Michael J. Pasquale
Borough Engineer Representative.....	Mike Kelly
Borough Clerk.....	Lori DiBella
<u>ABSENT:</u>	
Director of Revenue and Finance.....	Mary Jeanne Hewitt

FLAG SALUTE

Council President Bertollo invited all present to join him in the Pledge of Allegiance.

STATEMENT

Adequate notice of this meeting has been provided by the Annual Schedule of Regular Meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, emailed to the Hawthorne Press, Herald News, 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 8, 2016.

APPROVAL OF MINUTES:

Approval of Minutes for the Regular Meeting of February 15, 2017 and Bid Minutes of March 7, 2017 for the Municipal Complex LED Message Board; moved by Councilman Wojtecki, seconded by Councilman Bennett. Carried on voice vote.

PUBLIC COMMENT (Agenda Items Only)

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 state your name and address and sign the sheet for the record. He stipulated this be for agenda items only. Seeing none, Council President Bertollo entertained a motion to close public comment, moved by Councilman Bennett, seconded by Councilman Mele. Carried on voice vote.

ADOPTION OF ORDINANCES:

ORDINANCE NO. 2176-17

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CODE OF THE BOROUGH OF HAWTHORNE, OTHER OFFICES AND BODIES, ARTICLE III, MUNICIPAL COURT, SO AS TO CREATE THEREUNDER THE POSITION OF ASSISTANT MUNICIPAL PROSECUTOR

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 45, Other Offices and Bodies, Article III, Municipal Court, is hereby amended so as to create the position of Assistant Municipal Prosecutor, to create a new subsection thereunder, and to amend, repeal and replace other sections of the Code pertaining to Prosecutor, the new sections to read as follows:

Sec. 45-13 Municipal Prosecutor and Assistant Municipal Prosecutor.

- A. The Mayor shall appoint a Municipal Prosecutor, with the advice and consent of the Municipal Council, who shall be an attorney at law of the State of New Jersey, in good standing, to hold office for a period of one year, or until a successor is named and appointed.
- B. The Mayor may appoint an Assistant Municipal Prosecutor, with the advice and consent of the Municipal Council, who shall be an attorney at law of the State of New Jersey, in good standing, to hold office for a period of one year, or until a successor is named and appointed.

Sec. 45-14 Powers and Duties of Prosecutor and Assistant Municipal Prosecutor.

Such Municipal Prosecutor shall prosecute all such cases triable in the Municipal Court and perform such other legal duties as may be assigned. The Municipal Prosecutor shall also supervise the Assistant Municipal Prosecutor and assign responsibilities thereto. The Assistant Municipal Prosecutor shall otherwise have the same duties as the Municipal Prosecutor.

Sec. 45-15 Salary of the Municipal Prosecutor and Assistant Municipal Prosecutor.

The salary of the Municipal Prosecutor and Assistant Municipal Prosecutor shall be fixed by the Annual Salary Ordinance.

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. Except to the extent amended hereunder, all other parts or sections of Chapter 45, Other Offices and Bodies, Article III Municipal Court, shall remain in full force and effect. All parts and provisions of any ordinance which are inconsistent with the provisions of this ordinance shall be repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect 20 days after final adoption and publication as provided by law.

Public Hearing

Council President Bertollo opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2176-17 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing none, Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2176-17 be closed and that it be resolved this ordinance was posted on the bulletin board, Hawthorne Press and on the borough website. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law, moved by Councilman Bennett, seconded by Councilman Wojtecki. On roll call, all voted yes, motion carried.

ORDINANCE NO. 2177-17

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 540, ZONING, ARTICLE XII, B-2 CENTRAL BUSINESS ZONES, AND ARTICLE XVII, OFF-STREET PARKING, TO SET FORTH PARKING REQUIREMENTS IN THE B-2 ZONE

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 540, Zoning, Article XII, B-2 Central Business Zones, Section 540-110, Use Restrictions, is hereby amended so as to add subsection D, with the newly created subsection to read as follows:

Sec. 540-110 Use Restrictions,

D. Notwithstanding anything to the contrary in this Chapter, there shall be no requirement for any business operating in the B-2 Central Business Zoning District to provide for off-street parking for any permitted use hereunder. Any reviewing Board may nevertheless review any plan submitted for off-street parking in terms of safety and circulation and impose restrictions or conditions in accordance with such review.

Section 2. Chapter 540, Zoning, Article XVII, Off-Street Parking, Section 540-133, Construal of Provisions, is hereby amended so as to reference parking requirements in the B-2 Central Business Zones, with the subsection to read as follows:

Sec. 540-133 Construal of Provisions.

Nothing in this article shall be construed as altering, amending or repealing the off-street parking requirements contained in Article III, R-3 Apartment - Medium Density, Article IV, R-4 Garden Apartment Residence Zones, or Article VII, B-2 Central Business Zones.

Section 3. 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 4. The remaining portion of Chapter 540, Zoning, shall remain in full force and effect except as modified hereunder. All parts and provisions of any ordinance which are inconsistent with the provisions of this ordinance shall be repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon final adoption and publication as provided by law.

Public Hearing

Council President Bertollo opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2177-17 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing none, Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2177-17 be closed and that it be resolved this ordinance was posted on the bulletin board, Hawthorne Press and on the borough website. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law, moved by Councilman Lane, seconded by Councilman Mele. Council Vice President Matthews added he would like to review the definition of the B-2 zone prior to redoing the zoning book. On roll call, all voted yes, motion carried.

ORDINANCE NO. 2178-17

BOND ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION, INCLUDING MILLING, PAVING AND RESURFACING, AS WELL AS CURBING, HANDICAPPED RAMPS AND RELATED IMPROVEMENTS ON VARIOUS STREETS AND PROPERTIES DESCRIBED HEREIN OR HEREAFTER IDENTIFIED, ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING EIGHT HUNDRED THOUSAND (\$800,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME.

The Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey (not less than two-thirds of all members thereof affirmatively concurring), do hereby ORDAIN as follows:

Section 1. The improvement described in Section 3 of this Bond Ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Hawthorne, in the County of Passaic, New Jersey. For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$800,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$40,000 as the down payment for said improvement or purpose required by law and now available therefor in the Capital Improvement Fund of the Borough by virtue of provision in a budget or budgets of the Borough previously adopted. A portion of the funding, in total sum of \$50,000, is to be provided through a Community Development Block Grant (CDBG Grant).

Section 2. For the financing of said improvement or purpose and to meet the part of said \$800,000 appropriation not provided for by application hereunder of said down payment, and subject to receipt of the CDBG Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$760,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$760,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which said obligations are to be issued is the resurfacing or reconstruction of parts or portions of roads, curbing, handicapped ramps and the construction or reconstruction of related facilities, on various streets or properties located in the Borough of Hawthorne, together with all work and materials necessary therefor or incidental thereto, all as shown on and in accordance with plans therefor prepared by Boswell, McClave Engineering, P.E., now on file in the office of the Borough Clerk, and hereby approved. The following locations are identified as being subject to the terms of this Ordinance: Eighth Avenue, Elberon Avenue, Lee Avenue, Beverly Road, Prospect Street, Karl Avenue, Disepo Avenue, Keith Court and Harrison Place. The CDBG Grant pertains to Eighth Avenue.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$760,000.

(c) The estimated cost of said purpose is \$800,000, the excess thereof over the said estimated maximum amount of bonds or notes being the amount of the said \$40,000 down payment and is subject to the \$50,000 CDBG Grant.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or

delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this Bond Ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, and according to the reasonable life thereof computed from the date of the said bonds authorized by this Bond Ordinance is 20 years.

(c) The supplemental debt statement required by said Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Finance in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Law is increased by the authorization of the bonds and notes provided for in this Bond Ordinance by \$760,000 and that the said obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense mentioned in and permitted under Section 40A:2-20 of said Law may be included in the foregoing estimate of the cost of said improvement or purpose.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitations of rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. Resolutions in the form promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption as provided for in said local bond law.

Public Hearing

Council President Bertollo opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2178-17 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing none, Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2178-17 be closed and that it be resolved this ordinance was posted on the bulletin board, Hawthorne Press and on the borough website. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law, moved by Councilman Bennett, seconded by Councilman Lane. On roll call, all voted yes except Councilman Wojtecki who abstained, motion carried.

BOND ORDINANCE NO. 2179-17

BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OR REPLACEMENT OF SIDEWALKS AND DRIVEWAY APRONS ON IDENTIFIED SITES ON HORTON AVENUE, EIGHTH AVENUE, REA AVENUE, LINCOLN AVENUE, LEE AVENUE, MAY STREET, ELBERON AVENUE, LAFAYETTE AVENUE, KEITH COURT AND PROSPECT STREET AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING ONE HUNDRED AND FORTY THOUSAND (\$140,000) DOLLARS THEREFOR, AUTHORIZING THE ISSUANCE OF BONDS OR NOTES FOR FINANCING PART OF THE COST THEREOF AND DIRECTING SPECIAL ASSESSMENT OF THE COST THEREOF.

The Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey (not less than two-thirds of all members thereof affirmatively concurring), do hereby ORDAIN as follows:

Section 1. The improvement described in Section 3 of this Bond Ordinance is hereby authorized as a local improvement to be made or acquired by the Borough of Hawthorne, in the County of Passaic, New Jersey. For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$140,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$7,000 as the down payment for said improvement or purpose required by law and now available therefor in the Capital Improvement Fund of the Borough by virtue of provision in a budget or budgets of the Borough previously adopted.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$133,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$133,000 pursuant to the Local Bond

Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$133,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which said obligations are to be issued is in conjunction with reconstruction or replacement of sidewalks and driveway aprons, including the restoration of grounds adjacent thereto, grading, seeding or planting of trees or other materials at various identified properties along Horton Avenue, Eighth Avenue, Rea Avenue, Lincoln Avenue, Lee Avenue, May Street, Elberon Avenue, Lafayette Avenue, Keith Court and Prospect Street, together with all work and materials necessary therefor or incidental thereto, all as shown on and in accordance with plans therefor prepared by Boswell, McClave Engineering, P.E., now on file in the office of the Borough Clerk, and hereby approved. The affected property owners, listed by block and lot as well as street address and name of record owner of each said lot are set forth on a list filed in the office of the Clerk, which list is hereby approved and appended hereto as Schedule A.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$133,000.

(c) The estimated cost of said purpose is \$140,000, the excess thereof over the said estimated maximum amount of bonds or notes being the amount of the said \$133,000 down payment.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this Bond Ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a local improvement, the cost of which shall be specially assessed in the manner provided herein.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, and according to the reasonable life thereof computed from the date of the said bonds authorized by this Bond Ordinance is 10 years.

(c) The supplemental debt statement required by said Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Finance in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Law is increased by the authorization of the bonds and notes provided for in this Bond Ordinance by \$133,000 and that the said obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$35,000 for items of expense mentioned in and permitted under Section 40A:2-20 of said Law may be included in the foregoing estimate of the cost of said improvement or purpose.

(e) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate affected by the improvement is five (5) years.

(f) The estimated maximum aggregate amount of the special assessment is \$140,000.

Section 5. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitations of rate or amount.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. Resolutions in the form promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. The improvement described in Section 3 of this ordinance shall be undertaken as a sidewalk and driveway apron improvement and the cost thereof shall be assessed in the manner set forth in this paragraph. An accurate account of the cost of construction of the sidewalk and driveway apron, and improvements incidental thereto as described herein, shall be kept, and such cost shall be assessed upon the several properties fronting on the improvement, as nearly as may be in proportion to the particular benefit,

advantage or increase in value which the respective parcels of land or real estate shall be deemed to receive by reason of said improvement and in no case shall any assessment on any parcel of land exceed the amount of such peculiar benefit, advantage or increase in value, and if benefit so assessed shall not equal the cost, the balance shall be paid by the Borough.

Section 9. Unless notice of the pendency of this ordinance is given in accordance with N.J.S.A. 40:65-6, the Borough Clerk shall cause Notice of the proposed improvement to be given to the owner or owners of real estate affected thereby prior to the making of the improvement described in Section 3 hereof or the awarding of any contract for such improvement. The Notice shall contain a description of the property affected sufficient to identify it, a description of the improvement and a statement that unless the owner or owners complete the improvement within 30 days after service thereof, the Borough will make the improvement at the expense of the owner or owners. Such Notice shall be served in accordance with the provisions of N.J.S.A. 40:65-2 to N.J.S.A. 40:65-5, and the proof of service shall be filed with the officer of the Borough in charge of the records of tax liens of the Borough within ten days after service thereof.

Section 10. The owner of any land upon which any assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments herein determined, with legal interest on the unpaid balance of the assessment. The first of the installments shall be due and payable two months after the confirmation of the assessment, and such subsequent annual installment and interest shall be payable in each successive year thereafter at such time as the governing body shall by resolution determine, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or of any balance of installments with accrued interest thereon at any time. Whenever any such installment shall remain unpaid for thirty (30) days from and after the time it shall become due and payable, the whole assessment or balance thereof shall become and be immediately due and payable and shall draw interest at the rate imposed upon the arrearage of taxes in the Borough and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment with all installments and accrued interest thereon shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Borough shall have the right to waive default as may be permitted by law.

Section 11. This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by said Local Bond Law.

**2017 Road Program - Local Improvements
Bond Ordinance 2179-17**

Prospect Street			Elberon Ave		
Block	Lot	Address	Block	Lot	Address
71	2	5 Prospect Street	37	19	65 May Street
71	3	11 Prospect Street	37	18	35 Elberon Ave
71	4	17 Prospect Street	37	17	31 Elberon Ave
71	6	27 Prospect Street	37	16	27 Elberon Ave
71	8	31 Prospect Street	37	15	23 Elberon Ave
71	9	37 Prospect Street	37	13	15 Elberon Ave
71	10	43 Prospect Street	35	9	140 Lafayette Ave
Eighth Ave			35	8	14 Elberon Ave
Block	Lot	Address	35	7	18 Elberon Ave
194	1	69 Horton Ave	35	5	24 Elberon Ave
194	2	9 Eighth Ave	35	4	28 Elberon Ave
194	3	13 Eighth Ave	35	3	36 Elberon Ave
194	5	21 Eighth Ave	47	13	52 Elberon Ave
194	6	27 Eighth Ave	47	12	56 Elberon Ave
194	7	282 Rea Ave	47	10	64 Elberon Ave
201	19	283 Rea Ave	47	9	66 Elberon Ave
201	1	51 Eighth Ave	47	8	72 Elberon Ave
201	2	53 Eighth Ave	47	7	76 Elberon Ave
201	5	65 Eighth Ave	47	6	80 Elberon Ave
201	7	73 Eighth Ave	47	5	84 Elberon Ave
201	8	77 Eighth Ave	47	4	88 Elberon Ave
200	7.01	74 Eighth Ave	47	3	94 Elberon Ave
200	8	72 Eighth Ave	47	1	100 Elberon Ave
200	8.01	68 Eighth Ave	46	25	97 Elberon Ave
200	9.01	60 Eighth Ave	46	24	93 Elberon Ave
200	10	54 Eighth Ave	46	23	91 Elberon Ave
200	11	269 Rea Ave	46	22	87 Elberon Ave
195	13	24 Eighth Ave	46	21	83 Elberon Ave
195	14	20 Eighth Ave	46	20	77 Elberon Ave
195	16	14 Eighth Ave	46	19	73 Elberon Ave
195	17	12 Eighth Ave	46	18	71 Elberon Ave
195	18	8 Eighth Ave	46	17	67 Elberon Ave

Lee Ave			46	16	63 Elberon Ave
Block	Lot	Address	46	15	59 Elberon Ave
230	18	696 Lincoln Ave	46	14	68 May Street
230	17	11 Lee Ave	Keith Court		
230	16	19 Lee Ave	Block	Lot	Address
230	15	23 Lee Ave	28	13	9 Keith Court
230	14	27 Lee Ave	28	14	15 Keith Court
230	13	33 Lee Ave	28	15	19 Keith Court
230	13.01	43 Lee Ave	28	16	22 Keith Court
230	11	55 Lee Ave	28	17	16 Keith Court
230	10	67 Lee Ave	28	18	10 Keith Court
230	9	69 Lee Ave			
230	8	75 Lee Ave			
230	7	77 Lee Ave			
230	6	89 Lee Ave			
230	5	93 Lee Ave			
230	4	99 Lee Ave			
230	3	105 Lee Ave			
230	2	111 Lee Ave			
230	1.01	117 Lee Ave			
232	1	118 Lee Ave			
232	2	110 Lee Ave			
231	1	106 Lee Ave			
231	2	96 Lee Ave			
231	3	90 Lee Ave			
231	5	80 Lee Ave			
231	7	70 Lee Ave			
231	8	66 Lee Ave			
231	9	60 Lee Ave			
231	10	48 Lee Ave	229	26	14 Lee Ave
229	27.01	26 Lee Ave	229	25	10 Lee Ave
229	27	22 Lee Ave	229	24	678 Lincoln Ave

Public Hearing

Council President Bertollo opened the meeting to the public. He stated if anyone desires to be heard regarding Ordinance No. 2179-17 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record. Engineer Kelly stated he spoke with two residents prior to the meeting regarding questions about this Ordinance. One resident asked if borough trees would be removed if they are creating the problem of the side walk lifting. Another resident asked why a section of sidewalk is included on this road program since it had already been replaced. He will look into both situations and advise. Councilman Lane stated when the road program was discussed at the Ordinance Committee meeting, they spoke of the tree root issue. It was resolved that if the tree was creating the problem, the trees should be removed and residents should be given an option of having a new tree planted in its place. The new tree would have a different root structure so that the roots grow down and not out which is causing lifting of the sidewalk.

Mustafa - 72 Elberon Ave.

She is concerned about the source of the damage to the sidewalks. She is willing to absorb the cost of fixing the sidewalks but would like the source taken care of. She added her apron was just done a couple years ago and the tree of concern is in front of 66 Elberon Ave. Lastly, she asked for clarification of the date to which the Borough would need notification if residents choose to repair the sidewalks themselves. The letter states May 15th which is usually when said projects are ready to go to bid. Borough Engineer added the weather determines the actual project start date however, he suggested May 15th still be the deadline. He added residents can have work begin on May 17th, however they need to notify the contractor ahead of time. Councilman Wojtecki asked if the May date is realistic. Borough Engineer responded as of today yes, if we get two more feet of snow in two weeks than they may have a problem. Ms. Mustafa asked what the appeal process is if it is decided the tree will not be removed. Administrator Maurer stated the trees being removed have already been identified by the arborist. He will advise the resident if that specific tree is being removed.

Council President Bertollo entertained a motion that the public hearing on Ordinance No. 2179-17 be closed and that it be resolved this ordinance was posted on the bulletin board, Hawthorne Press and on the borough website. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law, moved by Councilman Mele, seconded by Councilman Lane. On roll call, all voted yes except Councilman Wojtecki who abstained, motion carried.

OLD BUSINESS:

Councilman Lane addressed Attorney Pasquale regarding the solicitation ordinance which was discussed at the last council meeting. He noted after researching the times soliciting is allowed, North Haledon's ordinance allows soliciting from 9-6pm Monday – Saturday and they must wear identification, Clifton allows soliciting from 9-4:30 Monday – Friday and they also have an ordinance stating if residents do not want solicitors on their property the Borough will give them a sticker to place on their door. Haledon gives a 30 day permit. Councilman Lane asked if the police department runs background checks and fingerprints of the individuals permitted to solicit. Attorney Pasquale responded our ordinance process is similar to those in the towns mentioned. This includes back ground checks, photos, fingerprints and ids. It is a vigorous project so that we know who is going door to door. He added he too did some research and found that Glen Rock allows solicitation until 9pm as does Ridgewood, other towns had 5 or 6pm. He stated he has not finished researching the law on this and the ordinance committee will speak about this at their next meeting. Council President Bertollo reminded everyone the current ordinance was a settlement of a lawsuit brought to us by the ACLU. Attorney Pasquale added there was potential of another law suit by another public interest group who received a substantial judgment from another community they had just sued based on a deficient ordinance. He also stated the no soliciting Councilman Lane spoke about was not enacted at the time but could be considered by the council and he will mention to the Ordinance Committee. He stated a “do not solicit” list can be created and kept in the clerk's office and sticker can be issued to home owner. Councilman Lane responded his concern is the vulnerability of the home owners that late hour solicitation presents. If the time cannot be changed he feels the “do not” solicitation ordinance is a good option. Council President Bertollo added if we know the specific group(s) or people causing the concern, a letter should be written to the President of said organization and ask that they cease and dismiss this type of activity.

Councilman Sinning stated previously it was discussed that larger utility poles still need to be installed on Rea Ave. Ext. He added there are still double poles that need to be removed and asked if there will now be three poles? Administrator Maurer responded he will advise.

Councilman Wojtecki stated the boat is still at the used car lot on Wagaraw Rd. Administrator Maurer added they do not have an approval to have a boat on the premises and added he believes a letter and summons were given to the property owner previously. He will look into and advise. Councilman Wojtecki thanked Clerk DiBella for her response on items - the grease at the pool, Hawthorne Market and the garbage in Eight Acre Woods. He added the street lights he reported to Administration and the Police Department are still out and thinks we should receive credit. Administrator Maurer responded if the lights are still out one month after reporting them with PSE&G he has asked for a credit. Councilman Wojtecki asked Engineer Kelly for an update on 84 Buena Vista and 125 Maitland Ave. He responded Maitland Ave will be fixed during the 2017 Road Program. Buena Vista will also be fixed, the contractor will contact the owner to confirm that cleaning the cement splatter and sealing that part of the driveway will be sufficient. Councilman Wojtecki asked that Boswell Engineering contact the owner and let them know that it will be fixed and that the contractor will be in touch with them.

NEW BUSINESS:

Council Vice President Matthews stated the street signs at Utter and Lincoln Avenues have been missing for a few months and he would like them replaced.

Councilman Lane asked if Administration would consider joining the Pool Managers Association now that a new knowledgeable pool manager has been hired. Administrator Maurer responded they already have.

Council President Bertollo commended the DPW, Police and Fire Departments and the Ambulance Corps. for getting through this past storm. As he traveled to surrounding towns their roads didn't compare to the job done in Hawthorne by our DPW.

ADMINISTRATIVE AGENDA PRESENTED BY MAYOR GOLDBERG:

Mayor Goldberg thanked our Police, DPW, Fire, Ambulance and volunteers for the fine work they did during the snow storm. A new Office of Emergency Management plan was put into place by Police Chief McAuliffe so that when a medical call was received, a DPW truck, police, fire truck and ambulance were dispatched to confirm access to the address. He stated this worked very well and he appreciates the dedication of the volunteers who were on standby for the duration of the storm. Mayor Goldberg also thanked Superintendent of Schools Rick Spirito and the Board of Education for allowing Borough residents to park in the school lots; and a thank you to over 125 residents for utilizing the lots and in that way they assisted the Borough in their snow removal efforts. He added if residents have a fire hydrant on their properties to please clear a path to them so t in case of an emergency they may be accessed quickly. Even though it doesn't look like it, baseball and softball season is here – as soon as the snow melts, the fields will be prepared for the season.

As reported by Chief McAuliffe on Sunday February 28th at 9:28am the Hawthorne Police Department received two 911 calls reported a motor vehicle crash in the area of 837 Goffle Road. It was further reported the vehicle spun off the road way and was now in Arnold's Pond and was sinking through the ice. Lieutenant Knepper and Officers Daley and Vega were dispatched along with the Fire Department and Ambulance Corps. In the meantime two motorists passing by Don McEwan and Doug Gurriell pulled their vehicles over to help the trapped driver later identified as Fatuma Kamara. Mr. Gurriell retrieved a rope from his vehicle and tied it around Mr. McEwan who was entering the water. Several attempts were made to break the window of the vehicle by Mr. McEwan to rescue the trapped driver. Officers Daley and Vega arrived on scene, entered the water and with two strikes of an expandable baton Officer Vega was able to break the window and remove the woman from the sinking vehicle with assistance from the others. The driver was taken to a local hospital for evaluation but suffered no injuries. Both officers changed their uniforms and reported back to work within the hour. Mayor Goldberg recognized those people who were involved in the heroic actions in the park and risked their own lives to protect someone they didn't know.

CERTIFICATES OF MERIT: Presented by Mayor Goldberg

Residents Doug Gurriell and Don McEwan

Officers Ryan Daley and Timothy Vega, who were also given letters of Commendation which read as follows:

This is an official Letter of Commendation issued to Patrolman Timothy Vega and Officer Ryan Daley. On Sunday, February 12th at 9:28 AM Officer Vega responded to a 9-1-1 call for a motor vehicle crash where the vehicle had spun into Arnold Pond in the Goffle Brook Park. Officer Vega arrived on scene and witnessed two civilians, one in the water and one with a rope, attempting to rescue the trapped driver. Officer Vega, along with Officer Ryan Daley, entered the water. Civilian Don McEwan was attempting to break the window, when Officer Vega, using his expandable baton, broke the window, and the two officers and Mr. McEwan rescued the woman from the sinking vehicle.

Because of the bravery and heroism of Officer Timothy Vega and Officer Ryan Daley on that day, I, Mayor Richard S. Goldberg, do hereby official Commend them and civilians Don McEwan and Doug Gurriell, as well as all of the first responders on scene that morning on a job well done, and offer the gratitude of the Borough of Hawthorne for a job well done.

Mayor Goldberg stated he wished to express the gratitude of the borough and it is an honor to be with four heroes' tonight who risked life and limb to save someone they didn't know. He is thankful no one suffered any injures. He added he is eternally grateful to the four men for this heroic act.

Council President Bertollo stated they will take a two minute break.

REPORTS:

Attorney Michael Pasquale

He extended his thanks to Don McEwan and Doug Guerriell, for being the kind of people all of us should aspire to be.

Affordable Housing – The conference that was scheduled tomorrow before Judge Brogan in Passaic County has been carried for 30 days to allow the owner of 204 Wagaraw Road to finalize a concept plan for its site. Our planner, Mr. Burgis, is working with the Fair Share Housing Center on addressing the remainder of our affordable housing obligation, including a new construction component going forward and the rehabilitation of existing housing stock. Hawthorne remains in a very strong position from every point of view, with a fully funded housing trust and a very limited obligation to build new housing. Any proposed development of 204 Wagaraw will be approached strictly from the point of view of what is best for the people of Hawthorne, and not simply what is best for a developer.

Tax Appeals – On tonight's agenda is a resolution approving settlement of another 36 separate tax court cases. These cover the Browning Forshay Funeral Home and three properties owned by the Shotmeyer family. The settlements are very favorable to the Borough, particularly as the amounts to be refunded are covered by budget allocations and the tax base going forward is largely retained. On December 31, 2015 there were 158 Tax Court cases pending covering properties valued at \$292,965,800. As of March 15, 2017, just 14 and a half months later, there are only 21 pending cases, covering only 7 properties, with assessments for all years under appeal being \$21,681,300. That means 92.5% of all matters have been resolved, which is the strongest position the Borough has experienced in his 18 years as Borough Attorney. The impact to taxpayers as the numbers do not really speak for themselves. Every pending tax appeal impacts the residents of the town. If one taxpayer's assessment is reduced, the loss is spread over the rest of us by way of a higher tax rate. Because of very careful management by the Administration and planning by the Council, 137 cases were settled with no impact on taxes. In fact, since the economic downturn in 2009 we not only weathered the storm but have seen an increase in our ratable base. People are investing in our town. Kohler and Fisk Alloy added multi-million dollar expansions. 233 Central, Macaluso's and Christian Health Care are planning the same. Environmental

remediation is under way at One Washington because we filed suit against the prior owner compelling action. Development plans are in for the Decker Dodge dealership, the International Bakery, the Golden Steer and we have met with developers interested in properties like Pyrolac and Congress Mills. Settling tax appeals gives developers and the bond market assurance that we have a stable tax base.

Vacant and Abandoned Properties – Hand in hand with creating an economic climate that encourages development is the property maintenance end of matters. We are attacking vacant properties through all Departments, my office and the Clerk's Office. We are pursuing charges against the owners of One Washington Avenue and Code Enforcement Officer Walter Marston is not letting go of the situation. We are using every tool in the arsenal and will keep you updated.

Bandshell –Opening night again this year is Father's Day night with Joey Zisa and Friends performing. We will present a full schedule of events in April but right now plan on five concerts, three movies and National Night Out. Follow us on Facebook, Instagram and Twitter and through the Borough Website. We thank our generous donors who have already gotten us half way to our goal.

Engineers Report Mike Kelly

Band Shell Bathrooms - The Borough has received a grant and is in the process of determining the intended location and if the bathroom will be designed and built or pre-fab.

DPW Building - The project will be advertised with bids to be received late March/early April and award expected at the May 3rd meeting.

2016 Road Program - The handicap ramps and striping on McKinley Avenue will be addressed in early April.

Goffle Brook Park Soccer Field - SHPO has denied the application. The application is being submitted to the State and that meeting is scheduled for April 17th. He is in the process of finding out if the Borough should send a letter to the State House Commission with our opposition.

Municipal Complex Message Board - The Borough is expected to award the base bid to Forman Sign Co., Inc. of Philadelphia, PA, in the amount of \$30,950.00, pending review of the bids by the Borough Attorney and certification of funds by the CFO.

2017 Road Program - Plans and specs are completed. We are in the internal review process. The Project is ready to bid after the ordinances are adopted on March 15th. The plan is to award the project at the April 19th meeting.

Administrator Eric Maurer

DPW is continuing to work on the snow removal even after the storm ended. Diamond Bridge Ave. snow removal was completed last night and Lafayette Ave. will be tonight. Borough sidewalks and walkways are also being finished. Signs will be posted on Washington Ave. for one side of the street parking to clear the commuter parking spots. The recycling center will reopen tomorrow. By the end of the week we should have an idea of how much this past storm cost us. We have begun to ticket property owners who have failed to clear their sidewalks of snow. We began with businesses, then residential areas near schools and outward. Proposals for 2017 Landscaping Services for the borough will be opened on March 22nd with an award expected on April 5th. Administrator Maurer is still working on the RFP for Information Technology Services and hopes to have on the street by the end of this month. Clerk DiBella is conducting an online auction of surplus vehicles and equipment to begin this Friday through March 31st. To see the items visit govdeals.com or contact the Clerk's Office. The new pool manager and Administrator Maurer met with the Board of Recreation to review changes to the pool rules for the upcoming season. The big change is that children with diapers will only be allowed in the kiddie pool. The updated rules and applications will be sent to last year's patrons. Summer Recreation and Tennis Camp signups will begin at Borough Hall on April 6th.

Questions for the Administration

Councilman Lane asked if the plans were complete for the DPW building and if two sets of the plans could be sent to Administrator Maurer's office so that the committee can review them for the final review. Engineer Kelly responded yes he will see that get delivered.

Councilman Wojtecki stated he agreed with everything that Council President Bertollo said regarding a job well done by our DPW. He added he would like more attention paid to residents and businesses pushing snow into the street. He asked that summons be issued due to this being a direct cause of the streets looking poor in certain areas and that it is not due to the lack of plowing but the lack of enforcement. Mayor Goldberg added he and DPW Director Scully drove around town yesterday during the storm and stopped a few people who were blowing snow into the street to remind them this is prohibited. Councilman Wojtecki added a resident stated there is a dead tree on his property at 8th and Utter Avenues. He informed the resident that it will be looked at

once the cold weather breaks. Another resident on Cedar Ave stated PSE&G dug up her curb and replaced it with macadam. Councilman Wojtecki added PSE&G should return and fix this.

Council President Bertollo asked administration for a report on how many summons were issued in the no parking zones for snow removal. He added residents seemed to adhere to the new regulation to help remove the snow more effectively. Administrator Maurer responded fewer summons were issued than last storm partially due to greater compliance and partly due to the police being busy with other police matters. Council President Bertollo added that based on the reports from DPW, Police and Fire they should discuss possibly widening the parking restrictions to other areas. He added an educational campaign should be discussed on the proper snow removal process. Lastly, he stated he noticed a lot of two family homes with no cars in the driveway while the streets were full of parked cars. He added although the ordinance states apartments have to offer off street parking, some homes pre-date the ordinance. He suggested they try and come up with a solution and maybe add to the current landlord registration. As per Attorney Pasquale it is a zoning ordinance that requires off street parking if you have a two family home yet most of these homes were built prior to there being a zoning ordinance. A conversation followed. The possibility of a no overnight parking ban was discussed and Council President Bertollo added they would have to determine which streets based on the fact that some homes don't have driveways. Mayor Goldberg added his thanks and appreciation for the Board of Education for allowing vehicles to park in there lots to help with keeping cars off the street for easier snow removal. Council President Bertollo suggested a nixle info card be added to the tax bill mailings to ensure residents are aware of this notification system. Mayor Goldberg added the numbers are steadily increasing and they had 100 new registrations with the past storm. The main group now has over 4,000 registrants which is approximately 1/3 of our households.

Council President Bertollo asked if there were any other questions for the Administration. Seeing none, Council President Bertollo entertained a motion to record the Administrative Agenda, moved by Councilman Mele seconded by Council Vice President Matthews. Carried on voice vote.

INTRODUCTION OF ORDINANCES:

ORDINANCE NO. 2182-17

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE TO REVISE AND AMEND CHAPTER 220, FEES, SECTIONS 220-4, BOARD OF HEALTH, 220-9, CONSTRUCTION CODE, UNIFORM, AND 220-12, PARKS AND RECREATION, AND TO ADD SECTION 220-27, CHAPTER 540, ZONING 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 1. Chapter 220, FEES, Section, 220-4, Board of Health, Section 220-9, Construction Code, Uniform and Section 220-12, Parks and Recreation, shall be and hereby are revised, amended, supplemented and to the extent applicable repealed and replaced by modification of the various fees provided therein so that the same shall read as follows:

220-1 SCHEDULE OF FEES

The following schedule of fees is hereby established with respect to licenses, permits and activities required or regulated under the provisions of various chapters of the code of the Borough of Hawthorne. Applications for and the issuance of such licenses and permits shall be subject to the provisions of the specific chapter of the Code that is indicated for each type of license or permit. The business, activity or operation for which the license or permit is required shall be subject to all regulations set forth in the chapter to which reference is made.

Chapter of Code

Section 220-4, Chapter 45, Other Offices and Bodies, Article V, Board of Health

E. Food and Drink Establishments: annual fees.

(1) Prepared on premises:

- | | |
|---|-------|
| (e) Risk type 4 food establishment
(in addition to other fees) | \$200 |
| (f) Preparation of food for off-premises sale or delivery,
when certificate is requested | \$100 |

G. Other Regulated Businesses: annual fee

- | | |
|--------------------------|-------|
| (1) Pet Day Care | \$200 |
| (2) Public Swimming Pool | \$100 |
| (3) Tanning Salon | \$100 |

Section 220-9. Ch 185, Construction Code, Uniform, Article I, Enforcement

Construction Permit Fees **Fee**

Building subcode fees

A. Minimum Fee for all work unless otherwise stated	\$85
B. For new construction and additions, per cubic foot	\$.06
C. For alterations, renovations or repairs, per each \$1,000 of estimated cost of work	
(1) Residential	\$20
(2) Commercial and other non-residential	\$29
D. (Reserved)	
E. Relocation of building to new location, per \$1,000 of estimated cost of work	\$15
F. Demolition	
(1) Residential, 1 or 2 family home	\$100
(2) All other	\$500
G. Swimming pools and hot tubs	
(1) Swimming pools	\$150
(2) Hot tubs	\$85
H. Asbestos	
Fee as assessed by NJAC 5:23-8.9 et seq	
I. Retaining Walls	
(1) Residential, over 4 feet	\$100
(2) Nonresidential/commercial, over 3 feet	\$150
J. Semi-permanent construction trailer, storage or office	\$200
K. Gasoline, diesel, heating oil or fuel storage tank, removal or installation	\$100
L. Certificate of occupancy	
(1) Permanent	\$100
(2) Temporary	\$85
M. Radon Abatement	\$85

Plumbing subcode fees

A. Minimum fee	\$85
B. Fixture or device, except as noted, per device	\$20
C. Gas piping	\$60
D. Special devices, including grease traps, oil separators, water-cooled air-conditioning units, refrigeration units, utility service connections, steam boilers, hot-water boilers (excluding those for domestic water heating), gas piping, active solar systems, sewer pumps, interceptors, fuel oil piping and pool heaters, and as may be amended by modification to the current list maintained by the Building Department	\$75
E. Sewer connection (in addition to other sewer connection fees)	
(1) Residential, up to 100 feet	\$60
(2) Residential, over 100 feet	\$75
(3) Nonresidential/commercial, up to 100 feet	\$150
(4) Nonresidential/commercial, over 100 feet	\$200
F. Water service (in addition to other water connection or service fees)	
(1) Residential, up to 100 feet	\$60
(2) Residential, over 100 feet	\$75
(3) Nonresidential/commercial, up to 100 feet	\$100
(4) Nonresidential/commercial, over 100 feet	\$125
G. Installation of new or the replacement of backflow preventors and other similar devices	
(1) Up to one inch in diameter	\$60
(2) 1 1/4 inches to 2 inches	\$100
(3) Over 2 inches	\$125
H. Installation of lawn sprinkler systems	\$75
I. Replacement water heater	
(1) Residential	\$60
(2) Nonresidential/commercial	
(a) Up to 100 gallon capacity	\$125
(b) Over 100 gallon capacity	\$175

J. Chimney flue liner replacement	\$85
K. Gasoline pumps	\$150

Fire protection subcode fees

A. Minimum fee	\$85
B. Fee for all gas, oil or solid fuel appliances not connected to the plumbing system	\$85
C. Sprinkler heads or detectors	
(1) 1 to 20 heads or detectors	\$100
(2) 21 to 100 heads or detectors	\$125
(3) 101 to 200 heads or detectors	\$225
(4) 201 to 400 heads or detectors	\$525
(5) 401 to 1,000 heads or detectors	\$1,000
(6) Over 1,000 heads or detectors	\$1,500
D. Independent pre-engineered system	\$150
E. Kitchen exhaust system, commercial	\$150
F. Standpipe, each	\$250
G. Fire alarm systems and special systems and low voltage systems	\$60
H. Smoke and heat detectors (each)	\$20

Electrical subcode fees

A. Minimum inspection fee	\$85
B. Fee per outlet, with all lighting fixtures, receptacles, switches, light poles, alarm system, smoke and alarm detectors and communication points to be counted as outlets	
(1) One to 25 outlets	\$75
(2) Each additional 25 outlets or portion thereof	\$50
C. Electrical devices, generators, transformers, dishwashers kitchen ranges, signs and like devices	
(1) 1 kw to 22 kw	\$50
(2) 23 kw to 45 kw	\$75
(3) 46 kw to 112.5 kw	\$100
(4) Over 112.5 kw	\$150
D. Motor Schedule, including AC, generators, electric furnaces and welders	
(1) Single unit or group not to exceed 1 to 10 HP, KVA or kw	\$75
(2) Over 10 to 50 HP, KVA or kw	\$150
(3) Over 50 to 100 HP, KVA or kw	\$200
(4) Over 100 HP, KVA or kw	\$300
E. Service panels, equipment, service entrance subpanels, temporary services and feeders	
(1) Up to 200 amps	\$125
(2) Over 201 to 400 amps	\$175
(3) 401 to 1000 amps	\$300
(4) Over 1000 amps	\$500
F. Swimming pools and hot tubs	
(1) Above Ground	\$100
(2) In Ground	\$200
(3) Equipotential bonding only	\$75
G. Installation of photovoltaic systems	
(1) 1 to 50 kw	\$125
(2) 51 to 100 kw	\$200
(3) Over 100 kw	\$450
H. Installation of underground water sprinkler system sprinkler system	\$85
I. Radon Abatement	\$85

For all subcodes and sections thereof, there shall be a Department of Community Affairs surcharge fee as established by the Department from time to time.

Section 220-12, Chapter 350, Parks and Recreation

- B. Swimming Pools
 - (1) Admission to public pools

- (m) The charge for day passes in subsection (h) and one-day guest passes in subsection (i) shall be at half cost when admission to the pool is on or after 5:00 p.m.

Section 2. Chapter 220, Fees, is further amended to create thereunder Section 220-27, Chapter 540, Zoning Fees, with the new Section to read as follows:

Section 220-27, Chapter 540, Zoning Fees

A. Fences, residential		
1. Up to \$4,000 in cost		\$50
2. Over \$4,000, per \$1,000 in additional cost		\$10
B. Signs, per square foot		
1. Minimum Fee		\$50
2. Temporary Sign		\$50
C. Driveways		
1. Residential, one and two family		
a. Up to \$4,000 in cost		\$50
b. Over \$4,000, per \$1,000 in additional cost		\$10
2. Commercial, industrial and multi-family		
a. Up to \$4,000 in cost		\$100
b. Over \$4,000, per \$1,000 in additional cost		\$10
D. Sheds, residential		
1. Up to \$4,000 in cost		\$50
2. Over \$4,000, per \$1,000 in additional cost		\$10

Section 3. All other parts or provisions of Chapter 220 of the Code of the Borough of Hawthorne or any other ordinance or regulation not specifically amended by this Ordinance shall remain in full force and effect.

Section 4. This Ordinance shall take effect twenty (20) days after final adoption and publication as provided by law.

BE IT RESOLVED, that Ordinance No. 2182-17 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 April 5, 2017 at 7:00 p.m., at which 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 and posted on the borough website, 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 Ordinance No. 2182-17 as amended, moved by Council Vice President Matthews, seconded by Councilman Lane. Councilman Lane asked if the building sub code fee for pools is for both above and in ground pools. Administrator Maurer responded yes. Councilman Lane also asked about the plumbing sub code line L, Administrator Maurer interrupted him and stated that line should be moved to the fire code section H. Councilman Lane added also plumbing sub code L, smoke and fire detectors have a \$25 fee and the ordinance should read \$25 each. Attorney Pasquale confirmed the above changes. Councilman Lane continued line F also needs rewording. A conversation followed and it was determined the ordinance should read swimming pools and hot tubs including bonding, filter, motors and lights for above ground is \$100, for in ground \$200 and ecco potential bonding only is \$75. On roll call, all voted yes; motion carried.

ORDINANCE NO. 2183-17

AN ORDINANCE TO AMEND BOND ORDINANCE 2103-14, AS AMENDED BY ORDINANCE 2135-15, PROVIDING FOR THE CONSTRUCTION OF A BANDSHELL AT THE POOL COMPLEX PROPERTY IN AND BY THE BOROUGH OF HAWTHORNE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$315,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$280,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, BY INCREASING THE AMOUNT APPROPRIATED THEREUNDER FROM \$315,000 TO \$453,000, INCREASING THE AMOUNT OF THE DOWN PAYMENT FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH OF HAWTHORNE FROM \$34,750 TO \$51,875, AND CHANGING THE SCOPE OF WORK TO INCLUDE CONSTRUCTION OF RESTROOMS, LIGHTING AND ASSOCIATED IMPROVEMENTS.

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. Bond Ordinance 2103-14, heretofore adopted on March 5, 2014, as amended by Ordinance 2135-15, adopted on May 4, 2015, shall be and hereby is further amended by revising the provisions of all pertinent sections of the same so as to read as follows:

“The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hawthorne, in the County of Passaic, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$453,000.00, including the sum of \$51,875 as the down payment required by the Local Bond Law and further including a Passaic County Open Space Grant in the amount of \$238,875 (the “County Grant”). The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.”

Section 2. Bond Ordinance 2104-13, as amended by Ordinance 2135-15, shall be and is further amended by revising the provisions of all pertinent sections of the same so as to read as follows:

“Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the construction of a bandshell at the Pool Complex Property, including all work and materials necessary therefor and incidental thereto. In addition, there is hereby authorized by this ordinance the construction of restrooms, the installation of lighting and associated site improvements necessary and incidental thereto.”

Section 3. All other parts or provisions of Ordinance 2103-14 and Ordinance 2135-15 not specifically amended by this Ordinance, shall remain in full force and effect.

Section 4. This Ordinance shall take effect twenty (20) days after final adoption and publication as provided by law.

BE IT RESOLVED, that Ordinance No. 2183-17 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 April 5, 2017 at 7:00 p.m., at which 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 and posted on the borough website, 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 Ordinance No. 2183-17 moved by Councilman Mele, seconded by Councilman Sinning. Administrator Maurer added although we are amending a bond ordinance, most of the additional funding is coming from a grant and a small amount from capital improvement funds. There is no additional bonding or borrowing on this project. On roll call, all voted yes; motion carried.

CONSENT AGENDA: R 53-17 through R 62-17:

R 53-17 Introduced by Councilman Mele
Borough of Hawthorne payroll dated March 3, 2017.

CURRENT FUND	WT 888889	\$	267,179.45
WATER OPERATING FUND	WT 888889	\$	41,399.93
OTHER TRUST II FUND	WT 888889	\$	16,396.40
GENERAL CAPITAL FUND	WT 888889	\$	-
DOG DEDICATED FUND	WT 888889	\$	-
TOTAL PAYROLL		\$	<u>324,975.78</u>
CURRENT FUND TO PAYROLL/FICA	WT 888889	\$	15,292.70
WATER OPERATING FUND TO PAYROLL/FICA	WT 888889	\$	-
TOTAL FICA		\$	<u>15,292.70</u>

R 54-17 Introduced by Councilman Mele

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:

Original

<u>Block/Lot</u>	<u>Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
2010				
12/6	\$1,060,000.00	\$ 830,000.00	\$ 230,000.00	\$ 11,214.80
PRT Realty, LP c/o Daniel Keough, Esq. 106 Wagaraw Road				
2011				
12/6	\$1,060,000.00	\$ 830,000.00	\$ 230,000.00	\$ 11,727.70
PRT Realty, LP c/o Daniel Keough, Esq. 106 Wagaraw Road				
2012				
12/6	\$1,060,000.00	\$ 925,000.00	\$ 135,000.00	\$ 6,988.95
PRT Realty, LP c/o Daniel Keough, Esq. 106 Wagaraw Road				
2010				
12/6.01	\$ 330,000.00	\$ 300,000.00	\$ 30,000.00	\$ 1,462.80
PRT Realty, LP c/o Daniel Keough, Esq. 1 Thomas Row So.				
2011				
12/6.01	\$ 330,000.00	\$ 300,000.00	\$ 30,000.00	\$ 1,529.70
PRT Realty, LP c/o Daniel Keough, Esq. 1 Thomas Row So.				
2010				
12/6.02	\$ 350,000.00	\$ 280,000.00	\$ 70,000.00	\$ 3,413.20
PRT Realty, LP c/o Daniel Keough, Esq. 2 Thomas Row So.				
2011				
12/6.02	\$ 350,000.00	\$ 280,000.00	\$ 70,000.00	\$ 3,569.30
PRT Realty, LP c/o Daniel Keough, Esq. 2 Thomas Row So.				
2012				
12/6.02	\$ 350,000.00	\$ 300,000.00	\$ 50,000.00	\$ 2,588.50
PRT Realty, LP c/o Daniel Keough, Esq. 2 Thomas Row So.				
2013				
12/6.02	\$ 350,000.00	\$ 330,000.00	\$ 20,000.00	\$ 1,056.80
PRT Realty, LP c/o Daniel Keough, Esq. 2 Thomas Row So.				
2014				
12/6.02	\$ 350,000.00	\$ 330,000.00	\$ 20,000.00	\$ 1,074.80
PRT Realty, LP c/o Daniel Keough, Esq. 2 Thomas Row So.				
2015				
12/6.02	\$ 350,000.00	\$ 330,000.00	\$ 20,000.00	\$ 1,120.80
PRT Realty, LP c/o Daniel Keough, Esq. 2 Thomas Row So.				
2016				
12/6.02	\$ 350,000.00	\$ 330,000.00	\$ 20,000.00	\$ 1,134.20
PRT Realty, LP c/o Daniel Keough, Esq. 2 Thomas Row So.				
2010				
12/6.04	\$ 800,000.00	\$ 740,000.00	\$ 60,000.00	\$ 2,925.60
PRT Realty, LP c/o Daniel Keough, Esq. 3 Thomas Row So.				
2011				
12/6.04	\$ 800,000.00	\$ 740,000.00	\$ 60,000.00	\$ 3,059.40
PRT Realty, LP c/o Daniel Keough, Esq. 3 Thomas Row So.				

TOTAL: \$52,866.55

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be authorized to issue a refund for the overpayment of taxes for 2010 - 2016 in accordance with the state judgment.

R 55-17 Introduced by Councilman Mele

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>Assessment</u>	<u>Judgement</u>	<u>Difference</u>	<u>Overpayment</u>
Original				
2010				
47/21	\$440,000.00	\$370,000.00	\$ 70,000.00	\$ 3,413.20
PRT Realty, LP c/o Daniel Keough, Esq. 35 Thomas Row				
2011				
47/21	\$440,000.00	\$370,000.00	\$ 70,000.00	\$ 3,569.30
PRT Realty, LP c/o Daniel Keough, Esq. 35 Thomas Row				
2010				
47/21.01	\$450,000.00	\$380,000.00	\$ 70,000.00	\$ 3,413.20
PRT Realty, LP c/o Daniel Keough, Esq. 43 Thomas Row				
2011				
47/21.01	\$450,000.00	\$380,000.00	\$ 70,000.00	\$ 3,569.30

PRT Realty, LP c/o Daniel Keough, Esq. 43 Thomas Row 2010	47/21.02	\$640,000.00	\$560,000.00	\$ 80,000.00	\$ 3,900.80
PRT Realty, LP c/o Daniel Keough, Esq. 51 Thomas Row 2011	47/21.02	\$640,000.00	\$560,000.00	\$ 80,000.00	\$ 4,079.20
PRT Realty, LP c/o Daniel Keough, Esq. 51 Thomas Row 2010	47/21.03	\$440,000.00	\$370,000.00	\$ 70,000.00	\$ 3,413.20
PRT Realty, LP c/o Daniel Keough, Esq. 59 Thomas Row 2011	47/21.03	\$440,000.00	\$370,000.00	\$ 70,000.00	\$ 3,569.30
PRT Realty, LP c/o Daniel Keough, Esq. 59 Thomas Row	TOTAL: <u>\$28,927.50</u>				

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that the Treasurer be authorized to issue a refund for the overpayment of taxes for 2010- 2011 in accordance with the state judgment.

R 56-17 Introduced by Councilman Mele

WHEREAS, on March 7, 2017, the Borough of Hawthorne received bids for a LED Message Board for the Municipal Complex in the Borough of Hawthorne authorized by a Corridor Grant from Passaic in the 2016 Municipal Budget, and

WHEREAS, the bids have been received and reviewed by Boswell Engineering, and they have recommended the low, responsive bid of:

Forman Sign Company, Inc.
10447 Drummond Road
Philadelphia, PA 19154

in the amount of: \$30,950.00

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne approves the acceptance of the above-cited lowest responsive bidder, in the total amount of \$30,950.00, 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 Forman Sign Company, Inc. in a form approved by the Borough Attorney when these conditions have been met

R 57-17 Introduced by Councilman Mele

WHEREAS, the Borough of Hawthorne needs to purchase and install SCADA software upgrades and ancillary equipment for the Water Utility and SCADA control panels for the Sewer System stations; and

WHEREAS, the Clerk has determined and certified in writing that the value of the contract will in aggregate sum exceed \$17,500; and

WHEREAS, the value of the contract is in an amount less than the bid threshold set forth in statute, thereby permitting the award of such contract without formal bid process; and

WHEREAS, based upon the skill of the vendor and prior work experience and the need to integrate the equipment and facilities with existing infrastructure improvement, the Municipal Council, based upon recommendation of the Administration has determined to award the contract without formal bid and without a fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the vendor has submitted a Business Entity Disclosure Certification for non-fair and open contracts and Political Contribution Disclosure Form;

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne, County of Passaic, State of New Jersey, as follows:

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with L&P Integrators, for SCADA software upgrades and installation for the Water Utility wells in the amount of \$13,600.00 and the SCADA control panels for the Sewer System stations in the amount of \$7,500.00, for a total amount of \$21,100.00
2. The award of this contract is subject to certification of funds by the Chief Financial Officer.
3. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.

4. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

R 58-17 Introduced by Councilman Mele

APPROVE THE TONNAGE GRANT REPORT AND APPLICATION FOR YEAR 2016

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the municipality to apply for such Recycling Tonnage Grant for calendar year 2015 will memorialize the commitment of the municipality to recycling and to indicate the assent of the Hawthorne Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Hawthorne Mayor and Council does hereby endorses the submission of the Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and designates *Robert Culvert, Recycling Coordinator*, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

R 59-17 Introduced by Councilman Mele

RESOLUTION AUTHORIZING APPLICATION TO THE COUNTY OF PASSAIC FOR THE COUNTY'S 2017 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the County annually receives Community Development Block Grant Funds from the United State Department of Housing and Urban Development to allocate to eligible projects within participating county municipalities; and

WHEREAS, the Borough of Hawthorne is a participating municipality in the County of Passaic's Community Development Block Grant Program; and

WHEREAS, the Borough of Hawthorne as identified as an eligible project the repaving of Cedar Avenue; and

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

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne that the Borough Administrator is hereby authorized to submit applications to the County of Passaic for Community Development Block Grant funding for Cedar Avenue Repaving and, if awarded funds, the Borough shall implement activities in accordance with all applicable federal, state and local laws and regulations.

R 60-17 Introduced by Councilman Mele

WHEREAS, Isbar, LLC is the owner of real property located at 15 Agnes Terrace, Hawthorne, New Jersey; and

WHEREAS, the owner made application to the Building Department of the Borough of Hawthorne for the issuance of required permits for the construction of a residential structure on the property, in accordance with an approved subdivision; and

WHEREAS, at the time of issuance of permits, the ordinance governing cost of a building permit, for building subcode only, and not including electrical, plumbing and fire protection subcodes, which require the payment of

separate fees, was based upon the greater of two figures, the first being \$.27 per cubic foot, the second being \$20 for each \$1,000 of construction cost; and

WHEREAS, the cost of the permit, if based upon cubic feet, would be \$13,445 and the cost, if based upon cost of construction would be \$7,020, both costs being grossly in excess of the reasonable cost that should be applied in connection with the issuance of a permit; and

WHEREAS, the Building Department, as a matter of practice, and recognizing that the \$.27 cubic foot figure was most likely the result of a typographical error, determined to apply the lower figure, rather than the higher, as a matter of fairness; and

WHEREAS, the State of New Jersey Department of Community Affairs regulates construction permits and requires that permits be based upon cubic feet and not cost of construction; and

WHEREAS, the Municipal Council, in recognition of the typographical error contained in the prior ordinance and improper methodology for calculating cost, adopted an ordinance setting the fee for new construction at \$.06 per cubic foot, which would result, in this case, of a fee in the amount of \$2,921; and

WHEREAS, the fee collected, in the sum of \$7,020, was not properly calculated, was based upon an ordinance containing typographical and legal errors, and in all events was excessively high given the work entailed; and

WHEREAS, the Auditors and Attorney serving the Borough have advised that a refund of the improperly or inadvisably collected fee can be made, subject to approval of the Municipal Council; and

WHEREAS, the Administration recommends the refund of the fee collected and the imposition of a fee under the existing ordinance, equal to \$2,921;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Hawthorne authorizes the refund of the fee collected in excess of \$2,921 to the property owner, subject to written agreement by the property owner to accept the same as a fair and reasonable resolution, all in accordance with the terms of this resolution.

R 61-17 Introduced by Councilman Mele

**A RESOLUTION AUTHORIZING AWARD OF CONTRACT TO BURGIS ASSOCIATES, INC.,
FOR PREPARATION OF ZONING ORDINANCE UPDATES**

WHEREAS, the Borough Council of the Borough of Hawthorne has the need for a Professional Planner to prepare updates to the Zoning Ordinance of the Borough of Hawthorne; and

WHEREAS, the Municipal Council has determined to award the same as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A 20.5; and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A-11-5 requires that the award of contracts for professional services be publicly advertised; and

WHEREAS, Burgis Associates, Inc., and its principal, Joseph H. Burgis, a licensed Professional Planner, has submitted a proposal, which is set forth in phases for varying aspects of the services to be provided, the same being incorporated herein by reference and available for inspection in the office of the Borough Clerk; and

WHEREAS, the Borough Council of the Borough of Hawthorne has previously designated Joseph Burgis of Burgis Associates, Inc. to serve as planning consultant to the Borough by way of professional services contract awarded pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Council of the Borough of Hawthorne has previously retained the services of Mr. Burgis to prepare a Housing Element and Fair Share Plan in satisfaction of Hawthorne's obligation under the Fair Housing Act, prepare various Zoning Ordinance Amendments, and provide litigation support in several matters; and

WHEREAS, the Administration recommends the award of contract to Burgis Associates, Inc., based upon experience in the given field, familiarity with the needs of the Borough of Hawthorne in providing such

services, a proven track record in the community and the submission of a proposal within the expectation of the budget for such services; and

WHEREAS, the proposal sets forth Phase I and Phase II aspects, preparation of a draft Administrative Procedures Section and Preparation of a draft Zoning Regulations Section, respectively, at a total estimated cost of \$29,000;

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hawthorne, County of Passaic, State of New Jersey, as follows:

1. The Mayor and the Clerk of the Borough of Hawthorne are hereby authorized and directed to enter into a contract with

Burgis Associates, Inc.
25 Westwood Avenue
Westwood, New Jersey

for the preparation of Phase I and Phase II of a Zoning Ordinance Update, in accordance with the proposal submitted by Burgis Associates and incorporated herein by reference, at the rate of compensation as set forth in the proposal.

2. The contract is entered into without competitive bidding as "Professional Service," pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. The award of this contract is subject to certification of funds by the Chief Financial Officer.
4. Notice of this award or a copy of the Resolution shall be published in the official newspaper of the Borough of Hawthorne within ten (10) days of passage as required.
5. The Business Disclosure Entity Certification and Determination of Value shall be placed on file with a true copy of this resolution.

R 62-17 Introduced by Councilman Mele

WHEREAS, the Tax Assessor has recommended the settlement of real estate tax appeal cases now pending in the Tax Court of New Jersey, by adjustment of the assessment for the tax years in dispute for the properties listed below 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 following settlement of cases pending in the Tax Court of New Jersey 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, in accordance with the memo submitted herewith and made a part hereof.

Property Owner: Browning and Forshay Funeral Home
Address: 547-561 Lafayette Avenue, Block 131, Lots 19-22

Property Owner: Shotmeyer Brothers
Addresses: 80 Wagaraw Road, Block 12, Lot 2
100 Wagaraw Road, Block 12, Lot 3
104 Wagaraw Road, Block 12, Lot 4

Council President Bertollo entertained a motion to approve consent agenda resolutions R53-17 through R62-17 moved by Councilman Mele, seconded by Councilman Sinning. Councilman Lane asked for clarification on comingling on R58-17. Mayor Goldberg responded the process is staying the same, items will still be sorted at the recycling center. Councilman Wojtecki stated he is abstaining from the message board resolution as he is opposed to it. On roll call all voted yes except Councilman Wojtecki who abstained on R56-17 and 61-17; motion carries.

OFF CONSENT AGENDA: R 63-17 & R 64-17:

R 63-17 Introduced by Council Vice President Matthews

WHEREAS, an emergency has arisen with respect to the amounts allocated in the 2017 Temporary Operating Budget and/or the 2017 Temporary Water Operating Budget other expenses due to the permanent budget not yet being adopted, and the 2017 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 2017 pursuant to the provision of N.J.S.A. 40A:4-20 including this resolution total \$2,690,436.00.

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:

Emergency temporary appropriation be and is hereby made for the following line items in the listed amount:

Administration	
Salaries & Wages	22,000.00
Mayor/Council	
Salaries & Wages	4,100.00
Municipal Clerk	
Salaries & Wages	15,700.00
Financial Administration	
Salaries & Wages	17,400.00
Revenue Collection	
Salaries & Wages	8,000.00
Tax Assessment	
Salaries & Wages	8,300.00
Planning Board	
Salaries & Wages	2,600.00
Construction Code	
Salaries & Wages	17,700.00
Code Enforcement	
Salaries & Wages	7,700.00
Uniformed Police	
Salaries & Wages	350,000.00
PEOSHA	
Salaries & Wages	2,400.00
Police Dispatchers	
Salaries & Wages	8,000.00
Fire Department	
Salaries & Wages	1,000.00
Fire Safety	
Salaries & Wages	18,000.00
Prosecutor	
Salaries & Wages	3,300.00
Streets & Roads	
Salaries & Wages	38,000.00
Sewer System	
Salaries & Wages	7,900.00
Recycling Program	
Salaries & Wages	15,200.00
Shade Tree	
Salaries & Wages	500.00
DPW Admin	
Salaries & Wages	15,000.00
Board of Health	
Salaries & Wages	11,600.00
Swimming Pool	
Salaries & Wages	10,000.00
Board of Recreation	
Salaries & Wages	5,000.00
Library	
Salaries & Wages	57,500.00
Municipal Court	
Salaries & Wages	8,000.00
Public Defender	
Salaries & Wages	1,200.00
Administration	
Other Expenses	12,500.00
Mayor & Council	
Other Expenses	1,100.00
Finance Admin	
Other Expenses	5,000.00
Tax Assessor	

Other Expenses	5,000.00
Legal Services	
Other Expenses	15,000.00
Planning Board	
Other Expenses	1,000.00
Zoning Board	
Other Expenses	2,000.00
Uniform Construction Code	
Benefits & Costs	25,900.00
Group Insurance	150,000.00
Fire Department	
Other Expenses	10,000.00
Uniform Fire Safety	
Other Expenses	500.00
Streets & Roads	
Other Expenses	20,000.00
Shade Tree	
Other Expenses	10,000.00
Recycling Program	
Other Expenses	20,000.00
Garbage & Trash Pickup	25,000.00
DPW Administration	
Other Expenses	30,000.00
Vehicle Maintenance	
Police Department	15,000.00
Streets & Roads	15,000.00
Sewer	3,000.00
Board of Recreation	
Other Expenses	5,000.00
Maintenance of Fields	5,000.00
Swimming Pool	
Other Expenses	10,000.00
Library Benefits & Costs	73,400.00
Environmental Commission	
Other Expenses	4,000.00
Reserve for Tax Appeals	100,000.00
Electric & Gas	25,000.00
Street Lighting	10,000.00
Telephone Charges	5,000.00
Passaic Valley Sewer	300,000.00
Social Security	60,000.00
PERS	75,358.00
PFRS	502,078.00
DCRP	2,500.00
WATER OPERATING	
Salaries & Wages	127,000.00
Other Expenses	150,000.00
Capital Outlay	20,000.00
Group Insurance	50,000.00
Social Security	20,000.00
PERS	124,000.00

R 64-17 Introduced by Council Vice President Matthews

WHEREAS, various appropriations in the 2016 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>TO</u>	<u>FROM</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Uniformed Police S&W	Group Insurance	\$11,000.00	\$11,000.00
Uniformed Police O/E	Bulk Purchase Gasoline	\$15,000.00	\$17,500.00
	Social Security		\$ 2,500.00
Engineering	Tipping Fees	\$ 7,000.00	\$ 7,000.00
Assessor O/E	Tipping Fees	\$ 3,000.00	\$ 4,000.00

	Social Security		\$ 1,000.00
Muni Court S&W	Social Security	\$ 1,500.00	\$ 1,500.00

TOTAL TRANSFERS **\$ 41,000.00**

Council President Bertollo entertained a motion to approve off consent agenda resolutions R63-17 and R64-17 moved by Council Vice President Matthews, seconded by Councilman Lane. On roll call all voted yes; motion carries.

REPORTS OF SPECIAL COUNCIL COMMITTEES:

Councilman Wojtecki- Board of Education meeting is tonight. Due to the school being closed the meeting was relocated to the Municipal Building.

Councilman Sinning- Library Board - Meeting was last Wednesday and they discussed the administrative position and they would like to further discuss the contract with Prospect Park.

Council Vice President Matthews -The Finance Committee met and will continue to meet every Monday until the budget is introduced. Chamber of Commerce had a dinner meeting last week where they honored Dr. Margarita who is retiring from the board.

Councilman Bennett- Board of Recreation meeting is tonight and the new pool manager Ed Berger was introduced. Mr. Berger reviewed the pool rules with the board and they will be distributed to all members of the pool. Public Works Committee will meet Monday at 6:30pm.

Councilman Mele- Congratulations to the boys and girls high school basketball teams who both made the state championships this year and to the coaches Lane and Ward.

Councilman Lane- Board of Health meeting is tomorrow night.

CORRESPONDENCE: None.

BILLS:

VENDOR	CHECK#	TOTAL	DESCRIPTION
CURRENT FUND			
10-75 EMERGENCY LIGHTING, LLC	22081	146.13	S-1 STOBE LIGHT MODULE
ACTION DATA SERVICES	22082	2,707.45	2016 PAYROLL FEES
ALEXANDRIA LOBOSCO	22083	342.54	CELEARTHBRATION HAW DAY 2017
ALL AMERICAN FORD	22084	803.74	REPAIRS TO VEHICLE 305
ALLAN BRITWAY ELECTRIC CO INC	22085	7,757.88	POLE DOWN GOFFLE/GOFFLE HILL
ANTHONY DIVINCENT	22086	30.00	1st QTR PHONE
ASLAN & COMPANY, INC.	22087	1,549.12	2016 EQUIPMENT/MAINTENANCE
A-VAN ELECTRICAL	22088	107.66	MISC. PARTS & SUPPLIES
B AND B DISPOSAL, LLC	22089	52,834.47	MARCH 2017
BELMAR SPRING WATER COMPANY	22090	26.90	WATER - RECYCLING CENTER BLNKT
BERNADETTE FLOWERS	22091	30.00	1ST QTR PHONE
BRAEN STONE INDUSTRIES, INC	22092	1,922.70	ROAD SUPPLIES - BLANKET
BRIAN WARNER	22093	30.00	1ST QTR PHONE
BRUNSWICK FAIRLAWN LANES	22094	149.52	BOWLING SPECIAL OLYMPICS
CABLEVISION STRATFORD	22095	538.37	CABLE SERVICES - BLANKET
CANON SOLUTIONS AMERICA INC	22096	12.15	MAINTENANCE COPIER FOR DPW
CANON FINANCIAL SVCS INC	22097	91.00	DECEMBER - DPW LEASE COPIER
CARGILL INC DEICING TECHNOLOGY	22098	21,474.17	ROAD SALT
CARL MOTTOLA	22099	53.35	FEB 2017 MILEAGE
CHRISTOPHER DI BELLA JR	22100	87.75	FEB 2017 MILEAGE
CINTAS CORP	22101	359.36	RUG SERVICE AT BORO HALL WKLY
CITY WIDE TOWING	22102	280.00	R-1 EMERGENCY TOW
CLEAR VIEW ARCHITECTURAL	22103	2,260.00	BROKEN WINDOW - COUNCIL ROOM
CONSTELLATION NEW ENERGY, INC.	22104	1,077.57	SVC THRU MARCH 3, 2017
DANIEL G KEOUGH	22105	81,794.05	TAX APPEALS B12 L6,01,.02,.04
DC ELECTRIC	22106	6,700.00	GENERATOR FAILURE UNIT 57
DOWNES TREE SERVICE, INC.	22107	347.10	KUBOTA TRAC TOR REPAIRS

DRAGER SAFETY DIAGNOSTICS, IN	22108	488.10	SUPPLIES BREATHALYZER
ELVIN AUTOMOTIVE SERVICES	22109	923.00	C-1 REPAIRS
ENVIRONMENTAL RENEWAL, LLC	22110	150.00	PALLET DISPOSAL / RECYCLING
E V S SERVICES LLC	22111	75.00	3/1/17 MEETING
FDR HITCHES LLC	22112	886.63	SNOW PLOW SUPPLIES
FIRST MOUNTAIN ARBORICULTURE L	22113	1,430.00	TREE INSPECTIONS BY ARBORIST
FREMGEN POWER EQUIPMENT INC	22114	215.45	CHAIN SAW REPAIR
GARDEN STATE LABORATORY, INC	22115	1,360.00	2017 ANALYTIC TESTING POOL
HAWTHORNE AUTO LAB	22116	3,414.94	2017 VEH MAINTANENCE
HAWTHORNE BOARD OF EDUCATION	22117	1,850.00	WOMEN'S VOLLEYBALL 19 WKS
HAWTHORNE PRESS INC	22118	699.66	LEGAL NOTICE
HFD #1	22119	45.00	1ST QTR PHONE
HFD #2	22120	45.00	1ST QTR PHONE
HFD #3	22121	45.00	1ST QTR PHONE
HFD #4	22122	45.00	1ST QTR PHONE
HFD #5 RESCUE	22123	45.00	1ST QTR PHONE
IMPAC FLEET INC.	22124	7,690.92	GASOLINE WATER/BORO VEHICLES
JERSEY ELEVATOR INC	22125	154.26	ELEVATOR CONTRACTED SERVICES
JOSEPH LONGO	22126	30.00	1ST QTR PHONE
JOSEPH SPERANZA	22127	30.00	1ST QTR PHONE
JUNGLE LASERS LLC	22128	900.00	JAN 2017 HAW 1701
KIMBALL MIDWEST	22129	498.06	WATER & ROAD DEPT SUPPLIES
LINCOLN MIDDLE SCHOOL	22130	1,000.00	PROJECT SOAR ROPES COURSE
LORCO PETROLEUM SERVICES	22131	91.00	OIL DISPOSAL / RECYCLING
L&P INTEGRATORS	22132	125.00	LOGMEIN -WATER & SEWER
M & B SEPTIC SERVICE, LLC	22133	168.00	PORT-A-POTTY SERVICE FRANK FLD
MICHAEL J. PASQUALE, ESQ	22134	8,693.75	MARCH RETAINER
MURPHY COMMUNICATIONS	22135	2,660.00	RADIO/LAP TOP EQUIP #310-314
NASSAU NDI DIAGNOSTICS	22136	16,480.00	DEPARTMENT PHYSICALS
NEWTEK TECHNOLOGY SERVICES	22137	95.85	4/18-7/18/17 WEBSITE
NFPA	22138	1,495.00	FIRE CODE SUBSCRIP SERVICES
NJLBHA	22139	95.00	ANNUAL MEMBERSHIP NJLBHA
NJ SPORTS & EXPOSITION AUTH	22140	333.50	2017 DUMPING FEES
NJLDM	22141	1,330.00	2017 MEMBERSHIP DUES
NY SUSQUEHANA & WESTERN RAILWA	22142	2,241.21	ANN FEE
P & A AUTO PARTS, INC	22143	24.44	MISC. AUTO SUPPLIES/PARTS BLKT
PASCACK DATA SERVICES	22144	3,199.00	MARCH 17
PETER VAN DER VELDE	22145	30.00	1ST QTR PHONE
PINNACLE	22146	735.00	RADIO REPAIRS ENGINE#4
PREFERRED BUSINESS SYSTEMS	22147	344.50	POSTAGE INK
RNR TRUCK REPAIR, L.L.C.	22148	2,477.47	R-1 EMERGENCY REPAIRS
RT OFFICE PRODUCTS	22149	101.04	PAPER FOR TAX/FINANCE OFFICE
SETCON INDUSTRIES INC	22150	3,136.00	LIQUID CALCIUM CHLORIDE
SHERWIN WILLIAMS CO.	22151	40.95	PAINT/PAINT SUPPLIES BLANKET
SHOTMEYER BROS FUEL CO	22152	4,427.40	2/28/17 DIESEL
SOME'S UNIFORM CO. INC	22153	162.00	BADGES/PINS/HOLDERS
SPORTS FIELD MAN ASSN OF NJ	22154	60.00	MEBERSHIP DUES-SCOTT GEIER
SUBURBAN GENERATOR	22155	218.00	REPAIRS & LABOR ON GENERATOR
THOMAS ZACONIE	22156	45.10	FEB 2017 MILEAGE
TREADWAY GRAPHICS INC	22157	3,184.00	VARIOUS SUPPL ROAR PROGRAM
TRIMBOLI & PRUSINOWSKI LLC	22158	1,054.50	LEGAL SERVICES TO 2/25/17
LIFE STORAGE	22159	199.00	APRIL 2017 STORAGE
VERIZON WIRELESS (N)	22160	1,338.11	2/24-3/23/17
VERIZON	22161	428.69	2/16-3/15/17
VITAL COMMUNICATIONS, INC.	22162	602.00	MARCH 17
WALDWICK PRINTING COMPANY	22163	268.32	25,000 #10 WINDOW ENVELOPES

Total Current 261,417.83

DOG DEDICATED

TYCO ANIMAL CONTROL SERVICES	6170	2,210.00	FEB SERVICES
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Total Dog Dedicated 2,210.00

OTHER TRUST II

HAWTHORNE CHAMBER OF COMMERCE	5262	60.00	MEMEBER OF THE YEAR AWARDS
WALDWICK PRINTING COMPANY	5263	180.00	RECYCLING COLORED FLYERS
Total Other Trust II		240.00	

WATER OPERATING

ACTION DATA SERVICES	10957	725.17	PR #5 3/3/17
AGRA ENVIRONMENTAL SVC	10958	1,900.00	MONTHLY - WATER LAB TESTING
AQUARIUS IRRIGATION SUPPLY,INC	10959	6.30	MISC WATER PARTS & SUPPLIES
A-VAN ELECTRICAL	10960	57.65	MISC. PARTS & SUPPLIES
BCB JANITORIAL SUPPLY CO INC	10961	44.69	JANITORIAL SUPPLIES - DPW
CABLEVISION STRATFORD	10962	89.90	CABLE SERVICES - BLANKET
CANON SOLUTIONS AMERICA INC	10963	12.16	MAINTENANCE COPIER FOR DPW
CANON FINANCIAL SVCS INC	10964	91.00	DECEMBER - DPW LEASE COPIER
HARRY GORDON	10965	925.00	REPAIR TO PUMP HOUSE CEILING
HAWTHORNE AUTO BODY, INC	10966	1,573.74	W-1 BODY REPAIRS
HAWTHORNE AUTO LAB	10967	498.09	VEHICLE MAINTENANCE
HENRY'S PLUMBING & HEATING INC	10968	166.19	MISC. PLUMBING/HEATING SUPPLS.
IMPAC FLEET INC.	10969	325.78	GASOLINE WATER/BORO VEHICLES
JESCO INC	10970	1,359.48	W-7 PARTS
KIMBALL MIDWEST	10971	2,480.73	GRADE 8 NUTS & BOLTS SUPPLIES
L&P INTEGRATORS	10972	125.00	LOGMEIN CHARGES-WATER & SEWER
NJWA	10973	455.00	DUES NJ WATER ASSOC-R GONZALEZ
ONE CALL CONCEPTS, INC.	10974	65.00	DPW MARKOUTS 2017 - BLANKET
P & A AUTO PARTS, INC	10975	60.45	MISC. AUTO SUPPLIES/PARTS BLKT
PASCACK DATA SERVICES	10976	708.00	MARCH 17
POST & KELLY ELECTRIC CO, INC	10977	850.00	WELL #7 NEW TRANSFORMER
RNR TRUCK REPAIR, L.L.C.	10978	2,206.36	W-5 REPAIRS
RT OFFICE PRODUCTS	10979	33.66	PAPER FOR TAX/FINANCE OFFICE
SHERWIN WILLIAMS CO.	10980	58.08	PAINT/PAINT SUPPLIES BLANKET
SHOTMEYER BROS FUEL CO	10981	177.55	2/28/17 DIESEL
VERIZON WIRELESS (N)	10982	285.72	2/26-3/25/17
WALDWICK PRINTING COMPANY	10983	626.08	25,000 #10 WINDOW ENVELOPES
Total Water Operating		15,906.78	

Total Bill List**279,774.61**

Council President Bertollo entertained a motion to approve the bill list and forward them to the Treasurer for payment, moved by Councilman Mele, seconded by Councilman Bennett. On roll call, all voted yes, with the exception of Councilman Lane who abstained from bills pertaining to the Ambulance Corps and Fire Department, Councilman Wojtecki who abstained from bills pertaining to the Fire Department and Council President Bertollo who abstained from Downes Tree Service. Motion carried.

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, state your name and address.

Matt Beghan - 60 Arlington Ave - Stated there is a problem where the sewage pipe from his home meets the town sewage pipe in the road. He is asking for the council to look into this situation as he doesn't feel it should be the responsibility of the home owner since the problem originated from the roots of a town tree. He is asking for help. Council President Bertollo responded it is not an issue for the council but that of Administration and the Borough Engineering Department. Administrator Maurer stated this is the first he has heard of this situation and he will get Mr. Beghan's information and contact him to discuss further.

Frank Giglio -142 Horizon Terrace – He commended the Council and Administration for recognizing the officers and civilians involved with the rescue at the pond.

Council President Bertollo entertained a motion to close the public comment, moved by Council Vice President Matthews, seconded by Councilman Mele. Carried on voice vote.

ADJOURNMENT

At 8:29 p.m. Council President Bertollo entertained a motion to adjourn the regular meeting, moved by Councilman Sinning, seconded by Council Vice President Matthews. Carried on voice vote.

THE NEXT REGULAR MEETING OF THE MUNICIPAL COUNCIL IS SCHEDULED FOR

WEDNESDAY, APRIL 5TH at 7:00 PM

Persons with disabilities which require aides such as: sign language interpreter, telecommunications, braille, tapes or large print, should notify the Borough Clerk's office ten days prior to attendance at a meeting so accommodations may be made. Thank you.

John N. Bertollo, Council President

Lori DiBella, RMC, Borough Clerk