

Regular Meeting  
April 7, 2014

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, April 7, 2014, at 8:05P.M. in the Wanaque Municipal Building.

The Mayor called the meeting to order.

On roll call, the following Council Members responded: Balunis, Cortellessa, Leonard, Pasquariello, Pettet and Willse. The Mayor declared a quorum. The Borough Attorney and Borough Engineer were present.

The Mayor read the following Sunshine Statement: This is a Regular meeting of the Mayor and Council and adequate notice thereof has been given by advertising the date, time and place of the Regular meetings in the Suburban Trends and the Herald News newspapers and was e-mailed to these papers on January 2, 2014, and a notice thereof has been posted on January 2, 2014 on the bulletin board in the Wanaque Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey and a copy thereof has been on file in the office of the Municipal Clerk.

MINUTES:

March 10, 2014.

On entertainment of the Mayor, Councilmen Cortellessa and Leonard moved a motion to approve the aforementioned.

On roll call, all voted yes, and the Mayor declared the motion carried.

The Mayor read the following Proclamation:

WHEREAS, The Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

WHEREAS, In 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, The National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her Citizens; and

WHEREAS, It is fitting and proper to give thanks to God by observing a day of prayer in Wanaque when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation;

NOW, THEREFORE, I Daniel Mahler, Mayor of the Borough of Wanaque, do hereby proclaim the first Thursday in May 1, 2014, to be designated as

**"A DAY OF PRAYER IN WANAQUE"**

and encourage the citizens of Wanaque to observe the day in ways appropriate to its importance and significance.

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ORDINANCES:

Public Hearing of Ord. #6-0-14:  
Re: CAP Index Ordinance

On entertainment of the Mayor, Councilmen Pettet and Cortellessa moved that Ordinance #6-0-14 be taken from the table and read by the Clerk, by title only, for consideration of final reading.

On roll call, all voted yes and the Mayor declared the motion carried.

The Clerk took from the table and read by title only as follows: CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).

This Ordinance has been duly advertised in accordance with the statutes; a copy was posted on the bulletin board in the Municipal Building, a copy was available for the public to read in the Clerk's office; and copies are available for the public present here this evening.

The Mayor opened the Public Hearing.

The Borough Administrator said with regard to the discussions last month the date makes no sense. The levy cap is two percent. If the Ordinance is not adopted it goes up two percent. We know the insurance policy and the police salaries are up. It would be eight and a half percent if the Ordinance is not adopted and it is a good management practice to adopt the Ordinance.

Jules Figula, 3202 Warrens Way, Wanaque said I would like to thank Tom Carroll for getting back to us on the questions and compliment you on keeping it at one percent the cap. Just the budget cap creating the budget cap are you allowed to spend the current year or what you need to spend or to use in future years. If you bank four hundred thousand dollars there is no two percent tax levy cap could exceed eight hundred thousand this year. The cap says you can't increase the levy cap don't have the revenue get it from taxes and look at them. The extraordinary expense, the municipal building, the debt service take part of the eight hundred sixty thousand dollars and use it to expend constantly adopting the three and a half percent. Still increasing the number instead of two percent it would be three percent.

The Auditor said there is no exception to the debt service. I recommend to all my clients to do this every year for a law that does nothing I go out of my way to speak to the legislators to remove the appropriation cap and they will not remove it. We have to deal with this. There was only one client that didn't need it. It is an insurance policy. If you do not approve the Ordinance next year this becomes zero.

The Borough Administrator said it is not two and a half or three and a half percent it is one percent.

The Mayor closed the Public Hearing.

On entertainment of the Mayor, Councilmen Pettet and Cortellessa moved that,

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BE IT RESOLVED THAT an Ordinance entitled: CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) pass final reading, and that said Ordinance be adopted as an Ordinance of the Borough of Wanaque; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published in the manner prescribed by law.

On roll call, all voted yes, and the Mayor declared the motion carried.

Introduction of Ord. #7-0-14:

Re: Appropriate \$450,000 for Sewer Main and Lateral Replacement

On entertainment of the Mayor, Councilmen Pasquariello and Pettet moved that Ordinance #7-0-14 be taken from the table and read by the Clerk, by title only, for consideration of first reading

On roll call, all voted yes, and the Mayor declared the motion carried.

The Clerk took from the table and read by title only as follows: AN ORDINANCE APPROPRIATING \$450,000 FOR THE RECONSTRUCTION OF SANITARY SEWER LATERALS AND SANITARY SEWER MAINS ON JACKSON STREET, MILTON PLACE, CRESCENTE LANE AND RINGWOOD AVENUE IN THE BOROUGH OF WANAQUE, UTILIZING FY 2013 CDBG GRANT OF \$100,000, AND AUTHORIZING EXPENDITURE OF \$350,000 FROM THE SEWER UTILITY CAPITAL FUND.

On entertainment of the Mayor, Councilmen Pasquareillo and Pettet moved that,

AN ORDINANCE APPROPRIATING \$450,000 FOR THE RECONSTRUCTION OF SANITARY SEWER LATERALS AND SANITARY SEWER MAINS ON JACKSON STREET, MILTON PLACE, CRESCENTE LANE AND RINGWOOD AVENUE IN THE BOROUGH OF WANAQUE, UTILIZING FY 2013 CDBG GRANT OF \$100,000, AND AUTHORIZING EXPENDITURE OF \$350,000 FROM THE SEWER UTILITY CAPITAL FUND pass first reading, and that said Ordinance be further considered for final passage and adoption at a meeting of the Borough Council to be held on the 12th day of May 2014, at the Municipal Building in the Borough of Wanaque at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance; and

BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

On roll call, all voted yes and the Mayor declared the motion carried.

PUBLIC HEARING AND ADOPTION OF THE 2014 CURRENT AND WATER AND SEWER UTILITY BUDGETS – Resolution #70-0-14:

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The Mayor said the Council has had several meetings on this over the last several months and the pension went down and we need to amend the budget. We will not be adopting the budget tonight that will be done at the May 12, 2014 meeting.

The Mayor opened the Public Hearing on the Budget.

Marvin Lieman, 4312 Warrens Way, Wanaque said on the surplus and revenue appropriation summary page there is eight hundred thirty five thousand dollars from 2013 to 2014.

The Auditor said the surplus from three hundred forty seven thousand dollars to two million four hundred eighty one thousand dollars miscellaneous not anticipated majority for one time development revenue and the second area is surplus generated. Local school taxes are raised July 1 to June 30<sup>th</sup> and we raise them in our calendar year. Lakeland Regional High School first established the tax levy from July 1<sup>st</sup> to June 30<sup>th</sup> and it is raised in the towns calendar year. The deferred taxes makes no sense but that is how it works. The school levy declines by one dollar and the surplus declines.

Marvin Lieman said is the surplus thought about in advance the prior year to figure out the budget.

The Auditor said most of the budget rules and accounting rules are conservative and we are aware of the revenue but cannot use it.

Marvin Lieman said the sewer utility budget surplus is two hundred thirty five thousand dollars in 2013 and seventy five thousand four hundred dollars in 2014. Where was the budget spent.

The Borough Administrator said we looked at the revenues and where we were short and took it out of there. The surplus ended in 2013. Cash in hand , taking cash in hand two hundred seventy four thousand dollars was collected in rents anticipated. Total expenses all comes to four million three hundred fifty thousand four hundred dollars. The rents are four million two hundred seventy four thousand dollars and we needed seventy five thousand dollars out of surplus. That's how much we used.

Marvin Lieman said thank you.

Jules Figula, 3202 Warrens Way, Wanaque said where is the salary compensation title in the budget.

The Borough Administrator said in miscellaneous other revenues. We will re-classify that title.

The Auditor said the budget has a two year life in New Jersey from December 31<sup>st</sup> to next year.

Jules Figula said the Tax Assessor increase is a thirty percent comparison of other towns comparable to size. How many towns were involved and how did you come up with that.

The Borough Administrator said we took the 2012 salary Ordinance and compared it to Oakland, Franklin Lakes and Ringwood which had similar line items amounts and that is how we did it.

Jules Figula said I'm pleased you stayed below the tax levy amount by six hundred thousand dollars and I'm hoping the six hundred thousand dollars does not get applied in future years. We'll be watching.

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Frank DePaola, 2413 Warrens Way, Wanaque said I would like to compliment the Mayor and Council on holding down the budget this year and if you could bring out information on how the Borough stands. The unemployment rate for 2014 is 10.3 percent and the social security benefits are 1.6 percent which is nineteen dollars per month before taxes. The 2013 real estate tax is a one hundred two dollar increase and people have to take one thousand dollars out of their savings to pay for it. New Jersey is the highest real estate tax. Wanaque Reserve is close to ten thousand dollars and twenty one percent higher than New Jersey. Two properties were sold in Wyckoff. One was a condo which sold for one million dollars and it was thirteen thousand dollars they paid in taxes. Here a property was sold for five hundred ten thousand dollars and it is a forty percent difference higher in real estate taxes. Wyckoff is assessed at nine hundred thousand dollars where would you build a house.

Councilman Leonard said Jersey City/Hoboken has lower taxes.

Frank DePaola said the expenses do not offset without the outside revenue. The Municipal portion is a ten thousand dollar increase in expenses. You have a responsibility to reduce any expense on the budget. Thank you.

The Mayor closed the Public Hearing on the Budget.

On entertainment of the Mayor, Councilmen Pettet and Willse moved a motion to amend the Budget.

On roll call, all voted yes and the Mayor declared the motion carried.

#### PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque said the sidewalks on Ringwood Avenue need to be repaired after the winter.

The Borough Administrator said the contractor was notified.

Grace Maiello said thank you.

The Mayor closed the Public Discussion.

#### CONSENT AGENDA:

##### Resolution #71-0-14:

Re: Redemption of Tax Sale Certificate #10-00016 for Block 304, Lot 5 in the amount of \$9,618.08 for the Certificate and \$300.00 for the premium

**WHEREAS**, a Tax Sale was held for 2010 delinquent Municipal charges on October 05, 2011, and

**WHEREAS**, US Bank TLSG was the successful bidder for Block 304 Lot 5 for which Tax Sale Certificate #10-00016 was assigned, and

**WHEREAS**, Columbia Bank has redeemed said certificate of which funds have been deposited into the Current Account.

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**NOW, THEREFORE, BE IT RESOLVED** Treasurer shall refund the lienholder \$9,618.08 for the certificate and \$300.00 for the premium as per the certification of the Tax Collector.

Resolution #72-0-14:

Re: Redemption of Tax Sale Certificate #11-00014 for Block 248, Lot 2.01 in the amount of \$7,753.89 for the Certificate

**WHEREAS**, a Tax Sale was held for 2011 delinquent Municipal charges on October 10, 2012, and

**WHEREAS**, US Bank Cust Pro Capital was the successful bidder for Block 248 Lot 2.01 for which Tax Sale Certificate #11-00014 was assigned, and

**WHEREAS**, Lereta Tax Services has redeemed said certificate of which funds have been deposited into the Current Account.

**NOW, THEREFORE, BE IT RESOLVED** Treasurer shall refund the lienholder \$7,753.89 for the certificate as per the certification of the Tax Collector.

Resolution #73-0-14:

Re: Redemption of Tax Sale Certificate #11-00026 for Block 442, Lot 4 in the amount of \$9,618.08 for the Certificate and \$300.00 for the premium

**WHEREAS**, a Tax Sale was held for 2011 delinquent Municipal charges on October 10, 2012, and

**WHEREAS**, Stonefield Invest Fund was the successful bidder for Block 442 Lot 4 for which Tax Sale Certificate #11-00026 was assigned, and

**WHEREAS**, Seterus Inc. has redeemed said certificate of which funds have been deposited into the Current Account.

**NOW, THEREFORE, BE IT RESOLVED** Treasurer shall refund the lienholder \$9,618.08 for the certificate and \$300.00 for the premium as per the certification of the Tax Collector.

Resolution #74-0-14:

Re: Redemption of Tax Sale Certificate #12-00004 for Block 206, Lot 37 in the amount of \$6,260.27 for the Certificate and \$5,000.00 for the premium

**WHEREAS**, a Tax Sale was held for 2012 delinquent Municipal charges on October 09, 2013, and

**WHEREAS**, Ebury Fund LLC was the successful bidder for Block 206 Lot 37 for which Tax Sale Certificate #12-00004 was assigned, and

**WHEREAS**, Corelogic Tax Services has redeemed said certificate of which funds have been deposited into the Current Account.

**NOW, THEREFORE, BE IT RESOLVED** Treasurer shall refund the lienholder \$6,260.27 for the certificate and \$5,000.00 for the premium as per the certification of the Tax Collector.

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Resolution #75-0-14:

Re: Redemption of Tax Sale Certificate #12-00011 for Block 259, Lot 3 in the amount of \$1,430.12 for the Certificate and \$1,900.00 for the premium

**WHEREAS**, a Tax Sale was held for 2012 delinquent Municipal charges on October 09, 2013, and

**WHEREAS**, Ebury Fund LLC was the successful bidder for Block 259 Lot 3 for which Tax Sale Certificate #12-00011 was assigned, and

**WHEREAS**, Nationstar Mortgage has redeemed said certificate of which funds have been deposited into the Current Account.

**NOW, THEREFORE, BE IT RESOLVED** Treasurer shall refund the lienholder \$1,430.12 for the certificate and \$1,900.00 for the premium as per the certification of the Tax Collector.

Three (3) Applications for Raffle Licenses:

Re: 1) Haskell School PTA – TA:867 and RA:868 and Saint Francis of Assisi Home School Association – RA:869

Resolution #76-0-14:

Re: Refund of Tax overpayment on Block 208, Lot 45 in the amount of \$250.00 for the Year 2013 due to a Veteran Deduction

**WHEREAS**, there exists tax an overpayment on the property listed herein for the year 2013 due to a Veteran Deduction that was never credited to the property:

<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
208	45	\$250.00

**WHEREAS**, the owners have requested a refund of said overpayment;

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer shall refund a total of \$250.00 as per the certification of the Tax Collector.

Resolution #77-0-14:

Re: Approve Progress Payment #9 – UniMak LLC – Borough Hall Construction

BE IT RESOLVED that payment estimate #9 in the amount of \$318,195.69 payable to UniMak LLC, 322 Lanza Avenue, Garfield, NJ for the Borough Hall construction is hereby approved.

Application for a Flea Market:

Re: Wanaque First Aid Squad – April 12, 2014

Resolution #78-0-14:

Re: Approve Yard Waste Disposal Contract

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WHEREAS, the marketing or disposal of recyclable materials is exempt from public bidding under NJSA 40:A11-5 et.seq. of the Local Public Contracts Law; and

WHEREAS, the Borough of Wanaque solicited proposals for the recycling of grass, leaves and brush, and received the following:

Organic Waste Systems - \$ 9.75 per yard – grass, leaves, brush

Environmental Renewal - \$ 8.50 per yard – leaves  
\$15.95 per yard – grass  
\$15.95 per yard – mixed

Nature’s Choice - \$12.40 per yard – grass, leaves, brush

and;

WHEREAS, Organic Waste Systems is located in West Milford, NJ, and is the closest location of those submitting proposals.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are authorized to execute a contract with Organic Waste Systems, 280 Marshall Hill Road, West Milford, NJ at a cost of \$9.75 per yard for the 2014 season; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account 4-CU-01-136-252.

Resolution #79-0-14:

Re: Approve Field Maintenance Contract

WHEREAS, the Borough of Wanaque placed an advertisement for ballfield maintenance on its web site on March 19, 2014, in accordance with the Fair and Open provisions of N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, on April 2, 2014 the Borough Administrator opened proposals from the following:

Sierra Landscape Design, \$20,000

and;

WHEREAS, the Borough Administrator has reviewed the proposal of Sierra Landscape Design and finds it to be responsive and responsible.

NOW, THEREFORE, be it resolved that a contract be awarded to Sierra Landscape Design, 852 Ringwood Avenue, Haskell, NJ in the amount of \$20,000 for the 2014 season for ballfield maintenance, in accordance with the proposal dated March 25, 2014; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account 4-CU-01-117-262.

Resolution #80-0-14:

Re: Recycling Tonnage Grant

**WHEREAS,** The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling program;

**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

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**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 this municipality to apply for the **2014 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of THE Borough of Wanaque to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

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

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Wanaque that the Borough of Wanaque hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Thomas F. Carroll, 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.

Resolution #81-0-14:

Re: Approve Change in Title – Nathaniel David Burgess – Public Works Repairer

BE IT RESOLVED that Nathaniel D. Burgess be and he is hereby appointed to the position of Public Works Repairer, effective immediately, in accordance with the New Jersey Civil Service Commission certification number PL140297 dated 3/19/14, at no change in salary.

Resolution #82-0-14:

Re: Interlocal Agreement – Ringwood Deputy Court Administrator

BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized and directed to execute an interlocal services agreement with the Borough of Ringwood for Ringwood to provide Deputy Municipal Court Administrator services to the Borough of Wanaque at the cost outlined in the agreement.

On entertainment of the Mayor, Councilmen Willse and Pasquariello moved a motion to approve the aforementioned Consent Agenda.

On roll call, all voted yes, and the Mayor declared the motion carried.

REGULAR REPORTS - PROFESSIONAL REPORTS:

1. Clerk's Receipts for March 2014 -
2. Police Department Report for March 2014 -

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3. Tax Collector's Report for March 2014 -
4. Municipal Court Report for March 2014 -

On entertainment of the Mayor, Councilmen Willse and Balunis moved that reports be received and filed; and that all monies be turned over to the Treasurer.

On roll call all voted yes and the Mayor declared the motion carried.

COMMUNICATIONS: None.

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

None.

UNFINISHED BUSINESS: None.

RESOLUTIONS:

Resolution #67-0-14:

Re: Appoint Herb Bachmann as Laborer - DPW

BE IT RESOLVED that Herb Bachmann be and is hereby appointed as a Laborer, Department of Public Works, effective March 10, 2014, at an annual salary of \$35,000.

On entertainment of the Mayor, Councilmen Pettet and Cortellessa moved a motion to approve Resolution #84-0-14.

On roll call, all voted yes and the Mayor declared the motion carried.

FINANCE REPORT:

Councilman Pettet said your Finance Committee respectfully reports that they have examined and approved the following and recommend that warrants be issued for their payment when the funds of the Borough of Wanaque are sufficient to meet them.

**VOUCHERS:**

Current Operating 2013	\$ 28,503.56
Sewer Operating 2013	\$ 300.00
Current Operating 2014	\$187,108.71
Water Operating 2014	\$ 50,734.56
Sewer Operating 2014	\$ 103.64

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General Capital	\$ 15,570.00
Escrow	\$10,564.68
Animal Trust	\$ 7,656.27
Recreation Trust	\$ 672.00
<b>Voucher Total:</b>	<b>\$ 301,213.42</b>

**Payroll:**

Councilmen Pettet and Leonard moved a resolution approving the following payrolls:

PR #6	03/21/14	\$201,123.78
PR #7	04/04/14	\$199,197.84
	<b>Payroll Total:</b>	<b>\$400,321.62</b>
	<b>Grand Total:</b>	<b>\$701,535.04</b>

On roll call, all voted yes, and the Mayor declared the resolution adopted and forthwith approved it.

APPROVED: April 7, 2014

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Daniel Mahler  
Mayor

**ADJOURNMENT:**

On entertainment of the Mayor, Councilmen Pasquariello and Cortellessa moved a motion to adjourn the meeting.

On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 8:50 P.M.

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Katherine J. Falone, RMC, CMC  
Municipal Clerk