

Regular Meeting
February 8, 2016

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, February 8, 2016, at 8:00 P.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, 2015, and a notice thereof has been posted on January 2, 2015 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:

January 11, 2016.

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

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

ORDINANCES:

Public Hearing of Ord. #1-0-16:

Re: Easement to PSE&G for gas line and repeal Ordinance #13-0-15

On entertainment of the Mayor, Councilmen Cortellessa and Willse moved that Ordinance #1-0-16 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: AN ORDINANCE RESCINDING AND REVOKING ORDINANCE NO. 13-0-15 AND AUTHORIZING THE GRANTING OF AN EASEMENT OVER A PORTION OF WANAQUE BOROUGH PROPERTY IDENTIFIED AS BLOCK 448 LOT 8 ON THE WANAQUE TAX BOROUGH TAX MAP.

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.

No one came forward

Regular Meeting
February 8, 2016

The Mayor closed the Public Hearing.

On entertainment of the Mayor, Councilmen Pasquariello and Willse moved that,

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE RESCINDING AND REVOKING ORDINANCE NO. 13-0-15 AND AUTHORIZING THE GRANTING OF AN EASEMENT OVER A PORTION OF WANAQUE BOROUGH PROPERTY IDENTIFIED AS BLOCK 448 LOT 8 ON THE WANAQUE TAX BOROUGH TAX MAP 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.

Public Hearing of Ord. #2-0-16:
Re: Easement Block 402, Lot 7

On entertainment of the Mayor, Councilmen Pasquariello and Pettet moved that Ordinance #2-0-16 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: AN ORDINANCE GRANTING AN INGRESS AND EGRESS EASEMENT OVER A PORTION OF WANAQUE BOROUGH PROPERTY IDENTIFIED AS LOT 7, BLOCK 402, ON THE WANAQUE BOROUGH TAX MAP.

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.

Jules Figula, 3202 Warrens Way, Wanaque said I just would like clarification that this is tax exempt correct.

The Mayor said that is correct.

Jules Figula said the easement granted is recorded as easements.

The Borough Attorney said it is recorded and the property owner has ingress and egress.

Jules Figula said if you look at their site records would it indicate the easement.

The Mayor said someone looked and saw the easement was there and didn't know if it was a Borough road or it just didn't get recorded.

The Borough Attorney said it is a prescriptive easement and it is landlocked recorded buy Block and Lot so a search would show up.

Jules Figula said if they do the search on the other peoples' property have the right to use the lot without having ownership.

The Borough Attorney said they would have the right to ingress and egress.

Jules Figula said not collected taxes who maintains it.

Regular Meeting
February 8, 2016

The Mayor said the Borough maintains it.

Jules Figula said would it be value to the Borough to use it as a park.

The Mayor said no.

Jules Figula said did you offer it to the homeowner.

The Mayor said the property owner can use the easement. One buys the road then everyone else wants to. That road services four homes.

Jules Figula said is it a developable lot it looks like it is.

The Borough Administrator said it's all rock.

Jules Figula said concern the town have ownership and subsidize the needs of the four homeowners if they own it they maintain it.

The Mayor said there are some like that in town.

Jules Figula said how long have we owned it.

The Mayor said probably about one hundred years. The woman who sold it had it for forty years and it was in the family for years. They used the road and it is not an official road. Give the easement to satisfy the insurance.

The Mayor closed the Public Hearing.

On entertainment of the Mayor, Councilmen Pasquariello and Leonard moved that,

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE GRANTING AN INGRESS AND EGRESS EASEMENT OVER A PORTION OF WANAQUE BOROUGH PROPERTY IDENTIFIED AS LOT 7, BLOCK 402, ON THE WANAQUE BOROUGH TAX MAP 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.

Public Hearing of Ord. #3-0-16:

Re: Approve Pilot Agreement – Block 231, Lots 10, 11

On entertainment of the Mayor, Councilmen Leonard and Cortellessa moved that Ordinance #3-0-16 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: AN ORDINANCE APPROVING A TWENTY YEAR ANNUAL SERVICE CHARGE PROGRAM FOR THE RESIDENTIAL PROJECT AS PART OF THE MIDVALE REDEVELOPMENT PLAN TO BE CONSTRUCTED IN THE BOROUGH OF WANAQUE BY REALTY ASSOCIATES REDEVELOPMENT LLC, A QUALIFIED URBAN RENEWAL ENTITY.

Regular Meeting
February 8, 2016

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.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque said can I get clarification on the Pilot program. The owner retains ownership of this all the time and pays the bills and everything what happens if he defaults.

The Borough Administrator said if he defaults on the Pilot program it would go to Tax Sale.

The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE APPROVING A TWENTY YEAR ANNUAL SERVICE CHARGE PROGRAM FOR THE RESIDENTIAL PROJECT AS PART OF THE MIDVALE REDEVELOPMENT PLAN TO BE CONSTRUCTED IN THE BOROUGH OF WANAQUE BY REALTY ASSOCIATES REDEVELOPMENT LLC, A QUALIFIED URBAN RENEWAL ENTITY 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. #4-0-16:

Re: Construction Code Fees

On entertainment of the Mayor, Councilmen Pasquariello and Cortellessa moved that Ordinance #4-0-16 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 TO AMEND CHAPTER 67A, CONSTRUCTION CODES, UNIFORM, TO AMEND SECTION 67A-10 "FEES" IN ITS ENTIRETY.

Councilman Pettet said regarding the CCO concern widow scenario.

The Borough Administrator said it has to be paid before.

The Borough Attorney said construction code notes in his report prior to selling and see who is responsible.

The Borough Administrator said it is not part of this Ordinance.

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

Regular Meeting
February 8, 2016

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE TO AMEND CHAPTER 67A, CONSTRUCTION CODES, UNIFORM, TO AMEND SECTION 67A-10 "FEES" IN ITS ENTIRETY pass first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Borough Council to be held on the 14th day of March 2016, at the Municipal Building in the Borough of Wanaque at 8:00 PM., 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.

Introduction of Ord. #5-0-16:

Re: Accept Donation of Property - Block 246, Lot 1

On entertainment of the Mayor, Councilmen Pettet and Balunis moved that Ordinance #5-0-16 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 AUTHORIZING THE RECEIPT OF PROPERTY IDENTIFIED AS BLOCK 246, LOT 1 ON THE WANAQUE BOROUGH TAX MAP.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE AUTHORIZING THE RECEIPT OF PROPERTY IDENTIFIED AS BLOCK 246, LOT 1 ON THE WANAQUE BOROUGH TAX MAP pass first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Borough Council to be held on the 14th day of March 2016, at the Municipal Building in the Borough of Wanaque at 8:00 PM., 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 DISCUSSION:

The Mayor opened the Public Discussion.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque said what is with the garbage men throwing the cans and putting them in the street after they empty them.

Regular Meeting
February 8, 2016

The Borough Administrator said I will email them tomorrow morning.

The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #44-0-16:

Re: Redemption of Tax Sale Certificate #14-00003 for Block 208, Lot 7 in the amount of \$1,263.73 for the Tax Sale Certificate

WHEREAS, a Tax Sale was held for 2014 delinquent Municipal charges on September 16, 2015;

WHEREAS, US Bank Cust – ProCap4 was the successful bidder for Block 208 Lot 7, 439 Ringwood Avenue for which certificate 14-00003 was assigned;

WHEREAS, Lereta the servicing company for the mortgage holder, has redeemed said certificate of which funds have been deposited into the Current Account;

NOW, THEREFORE, BE IT RESOLVED Treasurer shall refund the lienholder \$1,263.73 for the tax sale certificate per the certification of the Tax Collector.

Resolution #45-0-16:

Re: Redemption of Tax overbilling for Block 105, Lot 14 for the 4th Quarter of 2015 in the amount of \$901.68

WHEREAS, there exists a tax overbilling on Block 105 Lot 14 for 4th quarter of 2015;

WHEREAS, the property owner has donated the property to the Borough of Wanaque and has requested a refund for the portion of the 4th quarter that he didn't own the property;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall issue a refund in the amount of \$901.68 as per the certification of the Tax Collector.

Resolution #46-0-16:

Re: Refund of partial credit for the 1st Quarter of 2016 and a full credit for the 2nd Quarter of 2016 for Block 200.02, Lot 19 in the amount of \$4,358.25 for 100% Disabled Veteran Exemption from Tax

WHEREAS, the new owner of Block 200.02 Lot 19, Efrain Rodriguez-Garcia, qualifies for a 100% disabled Veteran exemption from tax,

WHEREAS, the property owner is due a partial refund for the 1st quarter of 2016 and a full credit for the 2nd quarter of 2016

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector shall refund the 1st quarter in the amount of \$1,921.96 and credit the 2nd quarter in the amount of \$2,436.29.

Payment to the County of Passaic:

Re: 1st Quarter Taxes for the Year 2016 in the amount of \$2,351,948.46

Payment to the County of Passaic:

Re: Open Space Taxes for the 1st Quarter Year 2016 in the amount of \$31,428.10

Regular Meeting
February 8, 2016

Payment to the County of Passaic:

Re: Estimate #5 – Final (County Estimate #27) for the Ringwood Avenue Phase III Project in the amount of \$5,719.04

Two (2) Applications for Raffle Licenses:

Re: Wanaque School PTA – RA:924 and RA:925

Letter from the Fire Chief:

Re: Remove from the roles of Company #2 – Bryan Tamayo effective immediately

Resolution #47-0-16:

Re: Approve payment – Current Estimate No. 1 to Pacific Construction, LLC in the amount of \$205,312.50 for Jenkins Avenue, Maple Avenue and Locust Street subject to the approval of the Department of Planning and Economic Development of Passaic County

BE IT RESOLVED that current estimate #1 in the amount of \$205,312.50 payable to Pacific Construction LLC for the Jenkins Avenue/Storms Place/Locust Street water main project be and is hereby approved.

On entertainment of the Mayor, Councilmen Balunis 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 January 2016 -
2. Police Department Report for January 2016 -
3. Tax Collector's Report for January 2016 -
4. Municipal Court Report for January 2016 -

On entertainment of the Mayor, Councilmen Willse and Pasquariello 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:

Resolution #48-0-16:

Re: Approve 2013/2014 Liquor License Renewal – Aryan Cira, LLC – License #1613-33-002-004

Regular Meeting
February 8, 2016

BE IT RESOLVED, that the Mayor and Council of the Borough of Wanaque do hereby approve through this Resolution the following Liquor License Renewal for the Year 2013/2014;

BE IT FURTHER RESOLVED that the Licensee has received a Special Ruling from the Director of the State Division of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1-12.18 to issue a new license for the License Term 2013/2014.

1. Aryan Cira, LLC – License #1613-33-002-004

Resolution #49-0-16:

Re: Approve 2014/2015 Liquor License Renewal – Aryan Cira, LLC – License #1613-33-002-004

BE IT RESOLVED, that the Mayor and Council of the Borough of Wanaque do hereby approve through this Resolution the following Liquor License Renewal for the Year 2014/2015:

1. Aryan Cira, LLC – License #1613-33-002-004

Closed Session:

Re: Litigation/Negotiation/Personnel

Held to the end of the meeting.

UNFINISHED BUSINESS: None.

RESOLUTIONS:

Resolution #51-0-16:

Re: Appoint David Hammerle as Construction Subvode Official (also Zoning and Property Maintenance

On entertainment of the Mayor, Councilmen Pasquariello and Leonard moved that,

BE IT RESOLVED David Hammerle be and is hereby appointed to the position of Construction Code Official (including zoning and property maintenance) effective February 2, 2016 at an annual salary of \$69,999.

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

PUBLIC DISCUSSION: (Work Meeting)

FINANCE REPORT: Vouchers - Payrolls

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

Regular Meeting
February 8, 2016

VOUCHERS:

Current Operating 2015	\$ 315,622.52
Water Operating 2015	\$ 42,124.14
Sewer Operating 2015	\$ 19.69
Current Operating 2016	\$ 261,539.47
Water Operating 2016	\$ 132,420.96
Sewer Operating 2016	\$ 5,943.75
General Capital	\$ 163,051.44
Water Capital	\$ 21,112.00
Escrow	\$ 7,403.87
Recycle Trust	\$ 1,553.52
Animal Trust	\$ 8,512.13
Recreation Trust	\$ 10,542.25
Housing Trust	\$ 125.80
Voucher Total:	\$ 969,971.54

Payroll:

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

PR #2	01/22/2016	\$ 218,204.61
PR #3	02/05/2016	\$ 232,088.07
PR #25	12/11/2015	\$ 244,849.92
Payroll Total:		\$ 450,292.68
Grand Total:		\$1,420,264.22

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

APPROVED: February 8, 2016

Daniel Mahler
Mayor

Regular Meeting
February 8, 2016

ADJOURNMENT:

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

On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 10:15 P.M.

Katherine J. Falone, RMC, CMC
Municipal Clerk