

Regular Meeting  
March 11, 2013

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, March 11, 2013, 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 December 28, 2012, and a notice thereof has been posted on December 28, 2012 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.

The Mayor asked for a moment of silence in memory of Frank Ferrell, Road Department Supervisor who passed away.

MINUTES:

February 11, 2013

On entertainment of the Mayor, Councilmen Pasquariello and Pettet moved a motion to approve the aforementioned Minutes.

On roll call, all voted yes, except Councilman Cortellessa who abstained and the Mayor declared the motion carried.

ORDINANCES:

Public Hearing of Ord. #2-0-13:

Re: Amend Ordinance #15-0-12 "Water" to clarify the effective date

On entertainment of the Mayor, Councilmen Pasquariello and Willset moved that Ordinance #2-0-13 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 TO AMEND ORDINANCE #15-0-12 "WATER" TO CLARIFY THE EFFECTIVE DATE.

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.

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No one came forward.  
The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE TO AMEND ORDINANCE #15-0-12 "WATER" TO CLARIFY THE EFFECTIVE DATE 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. #3-0-13:

Re: Accepting Donation of Real Estate for Block 470, Lot 5

On entertainment of the Mayor, Councilmen Pasquariello and Willse moved that Ordinance #3-0-13 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 ACCEPTING THE DONATION OF REAL ESTATE OWNED BY RAFFAELLE CHIRICO IDENTIFIED AS BLOCK 470, LOT 5 ON THE WANAQUE BOROUGH TAX MAP PURSUANT TO LOCAL LAND AND BUILDINGS LAW N.J.S.A. 40A:12-1 ET SEQ.

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

AN ORDINANCE ACCEPTING THE DONATION OF REAL ESTATE OWNED BY RAFFAELLE CHIRICO IDENTIFIED AS BLOCK 470, LOT 5 ON THE WANAQUE BOROUGH TAX MAP PURSUANT TO LOCAL LAND AND BUILDINGS LAW N.J.S.A. 40A:12-1 ET SEQ. 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 8th day of April 2013, 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.

Introduction of Ord. #4-0-13:

Re: Establish Chapter 34, Public Works

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On entertainment of the Mayor, Councilmen Cortellessa and Willse moved that Ordinance #4-0-13 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 ESTABLISH CHAPTER 34, PUBLIC WORKS.

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

AN ORDINANCE TO ESTABLISH CHAPTER 34, PUBLIC WORKS 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 8th day of April 2013, 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.

Introduction of Ord. #5-0-13:  
Re: CAP Index Ordinance

On entertainment of the Mayor, Councilmen Pasquariello and Pettet moved that Ordinance #5-0-13 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 ESTABLISH CAP INDEX.

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

AN ORDINANCE TO ESTABLISH CAP INDEX 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 8th day of April 2013, 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

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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 THE 2012 CURRENT AND WATER UTILITY BUDGETS -  
Resolution #46-0-13 and Resolution #47-0-13 – Deferred School Taxes and other  
Budgetary Resolutions:

The Borough Administrator gave a presentation on the budget.

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

Section 1. Municipal Budget of the Borough of Wanaque, County of Passaic for the Fiscal Year 2012. It is hereby certified that the Budget and Capital Budget annexed hereto and hereby made a part hereof is a true copy of the Budget and Capital Budget approved by resolution of the Governing Body on the 11th day of March, 2013 and that public advertisement will be made in accordance with the provisions of N.J.S. 40A:4-6 and N.J.A.C. 5:30-4.4(d). Certified by me, this 11th day of March, 2013, Katherine J. Falone, Clerk. It is hereby certified that the approved Budget annexed hereto and hereby made a part is an exact copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of appropriations. Certified by me, this 11th day of March, 2013, Charles J. Ferraioli, Jr., Registered Municipal Accountant, Certified by me, this 11th day of March, 2013, Mary Ann Brindisi, Chief Financial Officer.

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

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

Municipal Budget of the Borough of Wanaque, County of Passaic for the Fiscal Year 2013:

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2013;

BE IT FURTHER RESOLVED, that said Budget be published by summary only in the Suburban Trends in the issue of March 24, 2013;

The Governing Body of the Borough of Wanaque does hereby approve the following as the Budget for the year 2013:

RECORDED VOTE: Ayes:	Councilman Balunis	Nays: None
	Councilman Cortellessa	
	Councilman Leonard	Abstained: None
	Councilman Pasquariello	
	Councilman Pettet	Absent: None
	Councilman Willse	

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Wanaque, County of Passaic, on March 11, 2013.

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building, on April 8, 2013 at 8:00 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

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

PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

Ken Ambruster, 6 Gardella Place, Haskell said the one way sign in the parking lot by the Subway on Ringwood Avenue is knocked down. You should put up a sign to go only in one way and a sign also needs to be put up on Ringwood Avenue for the exit only.

The Borough Administrator said we can request the owner to do it if the sign is not in the site plan and they have to do it if it is in the site plan. I will have the Building Inspector look at the site plan.

Jay Cohen, 2319 Warrens Way, Wanaque said regarding replacing the pipes in the street who pays when the line runs from the house to the sewer line. In Bergen County we had to pay for it.

The Borough Administrator said there is a Federal Community Grant to pay for that.

The Borough Attorney said normally residents pay but the line runs under the property so there is a Federal Grant and it is done that way.

Jay Cohen said so the taxpayers end up paying for it any way.

The Borough Administrator said yes.

The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #37-0-13:

Re: Refund of Tax overpayments on various properties in the amount of \$5,150.23

**WHEREAS**, there exists tax overpayments on the properties listed herein for the first quarter of 2013

<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
211	11.01	\$1,746.74
317	1.10	\$2,014.84
306	11	\$1,388.65

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

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer shall refund a total of \$5,150.23 as per the certification of the Tax Collector.

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Resolution #38-0-13:

Re: Redemption of Tax Sale Certificate #11-00010 for Block 212, Lot 13 in the amount of \$825.00 for the Certificate

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

**WHEREAS**, Stonefield Invest Fund II, LLC was the successful bidder for Block 212 Lot 13 for which Tax Sale Certificate #11-00010 was assigned,

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

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer shall refund to the lien holder the amount of 825.00 for the certificate.

Resolution #39-0-13:

Re: Redemption of Tax Sale Certificate #11-00021 for Block 403, Lot 56 in the amount of \$2,378.87 for the Certificate

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

**WHEREAS**, Stonefield Invest Fund II, LLC was the successful bidder for Block 403 Lot 56 for which Tax Sale Certificate #11-00021 was assigned,

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

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer shall refund to the lien holder the amount of \$2,378.87 for the certificate.

Resolution #40-0-13:

Re: Redemption of Tax Sale Certificate #11-00022 for Block 403, Lot 62 in the amount of \$1,561.08 for the Certificate

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

**WHEREAS**, US Bank Pro Capitol was the successful bidder for Block 403 Lot 62 for which Tax Sale Certificate #11-00022 was assigned,

**WHEREAS**, Wells Fargo, the mortgage holder, has redeemed said certificate of which funds have been deposited into the Current Account.

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer shall refund to the lien holder the amount of \$1,561.08 for the certificate.

Resolution #41-0-13:

Re: Budgetary Transfers

None.

Application for Raffle License:

Re: 1) Saint Francis Home School Association – RA:834

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Resolution #42-0-13:

Re: Award Bid – Ballfield Maintenance

WHEREAS, the Borough of Wanaque placed an advertisement for ballfield maintenance on its web site on February 18, 2013, in accordance with the Fair and Open provisions of N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, on March 7, 2013 the Borough Administrator opened proposals from the following:

Sierra Landscape Design, \$20,000  
Kodiak Landscape Design \$28,881

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 \$22,500 for the 2013 season for ballfield maintenance, in accordance with the proposal dated February 20, 2013; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account 3-CU-01-117-262.

Resolution #43-0-13:

Re: Award Bid – Yard Waste Disposal

WHEREAS, the Borough of Wanaque solicited proposals for leave and vegetative waste disposal in accordance with NJSA 40A:11-1 et.seq.;

WHEREAS, proposals were received from the following vendors:

Nature's Choice - \$12.40 cy for yard waste, \$10.40 cy for leaves delivered  
RVH Mulch Supply – \$25.00 grass, \$20.00 mixed, \$14.00 brush, \$10.00 leaves

And;

WHEREAS, the Borough Administrator has reviewed the proposal of Nature's Choice, Jersey City, NJ and finds it to be responsive and responsible and in the best interests of the Borough of Wanaque;

NOW, THEREFORE, BE IT RESOLVED that a contract be awarded to Nature's Choice, 1 Caven Point Avenue, Jersey City NJ in the amount listed above for the disposal of vegetative waste for the Borough of Wanaque for the year 2012; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account 3-CU-01-135-252.

Resolution #44-0-13:

Re: Award Bid – Auto Repair

WHEREAS, the Borough of Wanaque advertised for and received bids for Auto Repair Service on March 7, 2013 and received bids from the following:

Superior Auto Repair - \$949 per month for 24 months

and;

WHEREAS, the Borough Administrator has reviewed the bid and finds it to be responsive and responsible.

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NOW, THEREFORE, BE IT RESOLVED that a contract for Auto Repair Services be awarded to Superior Auto Repair, 400 Union Avenue, Haskell, NJ 07420 at a cost of \$949 per month for 24 months, effective April 1, 2013; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account 3-CU-01-124-212.

Payment to State of New Jersey:

Re: Division of Pension and Benefits – PERS in the amount of \$242,596.00

Payment to State of New Jersey:

Re: Division of Pension and Benefits – PFRS in the amount of \$605,679.00

Resolution #48-0-13:

Re: Water Billing Cycle

WHEREAS, an error occurred in the billing of cycle #1 for water in January, where the new water rates were assessed; and

WHEREAS, the rates were effective as of the February billing; and

WHEREAS, an equitable solution to this error is to use the 2012 rates for cycle #1 for the next water billing cycle (April).

NOW, THEREFORE, be it resolved that the Collector be and is hereby authorized and directed to use the 2012 water rates for cycle #1 for the April 2013 billing.

On entertainment of the Mayor, Councilmen Pasquariello and Willse 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 February 2013 -
2. Police Department Report for February 2013 -
3. Tax Collector's Report for February 2013 -
4. Municipal Court Report for February 2013 -

On entertainment of the Mayor, Councilmen Pasquariello and Leonard 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:

Letter from Wanaque Reserve Senior Citizens:

Re: Request refund of overpayment of fees for Bingo Application #BL:196 in the amount of \$60.00

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

On roll call, all voted yes, except Councilman Cortellessa who abstained and the Mayor declared the motion carried.

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

Held to the end of the meeting.

UNFINISHED BUSINESS: None.

RESOLUTIONS:

Resolution #45-0-13:

Re: Approve Retirement Agreement – Police Chief John Reno

On entertainment of the Mayor, Councilman Pasquariello and Balunis moved that,

WHEREAS, John W. Reno has submitted his letter of retirement as Chief of Police effective June 30, 2013; and

WHEREAS, the Borough of Wanaque and John W. Reno wish to memorialize the terms and conditions of his retirement in an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Separation Agreement and General Release dated March 11, 2013 between John W. Reno and the Borough of Wanaque be and is hereby approved.

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 2012	\$ 25,783.30
Water Operating 2012	\$ 6,746.06
Sewer Operating 2012	\$ 10,008.06
Current Operating 2013	\$ 238,501.44
Water Operating 2013	\$ 45,636.64

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Sewer Operating 2013	\$	4,650.73
Escrow	\$	4,111.08
General Capital	\$	55,003.26
Animal Trust	\$	925.80
Recreation Trust	\$	6,985.00
<b>Voucher Total:</b>	\$	<b>398,351.37</b>

**Payroll:**

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

PR #04	02/22/13	\$ 212,833.18
PR #05	03/08/13	\$ 194,569.66
<b>Payroll Total:</b>		<b>\$ 407,402.84</b>
<b>Grand Total:</b>		<b>\$ 805,754.21</b>

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

APPROVED: March 11, 2013

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Daniel Mahler  
Mayor

**NEW BUSINESS:**

**Closed Session:**

**Re: Litigation/Negotiation/Personnel**

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, (N.J.S.A. 10:4-1) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, This public Body is of the opinion that such circumstances presently exist;

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - 1) Personnel.
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session when the reasons for discussing and acting on the matter in closed session no longer exist, but no later than one month of the Mayor and Council arriving at a final decision on the specified subject matter.

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

RECONVENEMENT:

On entertainment of the Mayor, Councilmen Leonard and Willse moved a motion to reconvene at 8:45 P.M.

On roll call, all were present.

Councilman Cortellessa said what is being done regarding the letter received from a resident about cleaning up properties on Ringwood Avenue and in town.

The Borough Administrator said I will talk to the Building Inspector and have a walk through done and get it cleaned up.

ADJOURNMENT:

On entertainment of the Mayor, Councilmen Pasquariello 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 9:00 P.M.

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Katherine J. Falone, RMC, CMC  
Municipal Clerk