

Regular Meeting
December 8, 2014

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, December 8, 2014, at 8:50 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, 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:

November 10, 2014.

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

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

PRESENTATION: Sports Award Certificates – U10 Soccer Champs – 7:00 P.M.

ORDINANCES:

Public Hearing of Ord. #16-0-14:

Re: Refunding Bond Ordinance - \$6,200,000

On entertainment of the Mayor, Councilmen Pasquariello and Willse moved that Ordinance #16-0-14 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: REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF \$6,200,000 REFUNDING BONDS OF THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY.

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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Grace Maiello, 26 Rhinesmith Avenue, Wanaque said could you explain the Ordinance.

The Borough Administrator said this is similar as to going to cheaper credit cards for four and a half percent to 3.25 percent and it will save a couple of thousand of dollars.

The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF \$6,200,000 REFUNDING BONDS OF THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY 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. #17-0-14:

Re: Amend Chapter 85 – Add Violations and Penalties Provision

On entertainment of the Mayor, Councilmen Pasquariello and Willse oved that Ordinance #17-0-14 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: AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 85, PEACE AND GOOD ORDER, TO ESTABLISH SECTION 85-4, VIOLATIONS AND PENALTIES.

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.

The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 85, PEACE AND GOOD ORDER, TO ESTABLISH SECTION 85-4, VIOLATIONS AND PENALTIES 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.

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

Public Hearing of Ord. #18-0-14:
Re: 2015 Salary Ordinance (Police Only)

On entertainment of the Mayor, Councilmen Pasquariello and Pettet moved that Ordinance #18-0-14 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: AN ORDINANCE TO AMEND ORDINANCES THAT PROVIDE FOR AND DETERMINE THE RATE OF PAYMENT THEREOF FOR THE EMPLOYEES OF THE BOROUGH OF WANAQUE IN THE COUNTY OF PASSAIC.

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.
The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE TO AMEND ORDINANCES THAT PROVIDE FOR AND DETERMINE THE RATE OF PAYMENT THEREOF FOR THE EMPLOYEES OF THE BOROUGH OF WANAQUE IN THE COUNTY OF PASSAIC 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 DISCUSSION:

The Mayor opened the Public Discussion.
No one came forward.
The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #188-0-14:
Re: Redemption of Tax Sale Certificate #13-00025 for Block 428, Lot 11 in the amount of \$7,759.13 for the Certificate and \$20,400.00 for the Premium

WHEREAS, a Tax Sale was held for 2013 delinquent Municipal charges on September 24, 2014; and

WHEREAS, Stonefield Investments was the successful bidder for Block 428 Lot 11, 32 Greenwood Avenue for which certificate 13-00025 was assigned; and

WHEREAS, John DeDiminicaniano, the mortgage holder, redeemed the certificate of which funds have been deposited into the Current Account;

NOW, THEREFORE, BE IT RESOLVED Treasurer shall refund the lienholder \$7,759.13 for the tax sale certificates and \$20,400.00 for the premium per the certification of the Tax Collector.

Resolution #189-0-14:

Re: Refund of Tax overpayments on various properties for the 4th Quarter of 2014 in the amount of \$12,972.77

WHEREAS, there exists tax overpayments on the properties listed herein for the fourth quarter of 2014:

| <u>BLOCK</u> | <u>LOT</u> | <u>AMOUNT</u> |
|--------------|------------|---------------|
| 200.16 | 25 | \$3,900.27 |
| 224 | 3.02 | \$1,237.28 |
| 266 | 16 | \$2,683.64 |
| 313.03 | 1.05 | \$2,524.88 |
| 432.01 | 7.03 | \$ 768.68 |
| 432.01 | 12.02 | \$ 929.90 |
| 432.01 | 12.04 | \$ 464.06 |
| 432.01 | 12.06 | \$ 464.06 |

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

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund a total of \$12,972.77 as per the certification of the Tax Collector.

Resolution #190-0-14:

Re: Refund of Redemption of Municipal Lien in the incorrect amount for various properties in the amount of \$5,364.43

WHEREAS, the following three block and lots have redeemed a Municipal Lien in the incorrect amount; and

| Block | Lot | Address | Amount |
|-------|------|--------------------|------------|
| 204 | 1.02 | 89 Ringwood Avenue | \$ 864.98 |
| 401 | 9 | 14 Orchard Street | \$4,165.82 |
| 402 | 94 | 21 Dupont Avenue | \$ 333.63 |

WHEREAS, the owners of the property have requested a refund;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund \$5,364.43 as

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per the Certification of the Tax Collector.

Resolution #191-0-14:

Re: Payment #17 to UniMak LLC for the Municipal Building in the amount of \$292,835.37

BE IT RESOLVED that progress payment #17 in the amount of \$292,835.37 payable to UniMak LLC for the Borough Hall construction be and is hereby approved.

Application for Bingo License:

Re: Wanaque First Aid Squad Auxiliary – BA:199

Two (2) Applications for Raffle Licenses:

Re: 1) Wanaque First Aid Squad Auxiliary – RA:891 and 2) Lakeland Lancer Boys Basketball Booster Club – RA:892

Resolution #192-0-14:

Re: Budgetary Transfers

Resolution for Inter Appropriation Transfers

BE IT RESOLVED by the Mayor and Council of the Borough of Wanaque that the following inter-appropriation transfers affecting the year 2014 Local Municipal Budget be approved:

BE IT FURTHER RESOLVED that the proper Borough Officers are hereby directed to enter the said transfers on the financial records of the Borough:

| <u>FROM</u> | | <u>TO</u> | |
|---------------------------------|-------------|--------------------------------------|-------------|
| 4-CU-01-101-299 ADMIN O.E. | \$3,700.00 | 4-CU-01-099-142 | \$6,700.00 |
| 4-CU-01-106-299 FINANCE O.E. | \$3,000.00 | | |
| 4-CU-01-146-202 GASOLINE | \$18,500.00 | 4-CU-01-107-299 TAX ASSESSOR O.E. | \$5,000.00 |
| | | 4-CU-01-117-299 PUBLIC BLDG O.E. | \$5,000.00 |
| | | 4-CU-01-099-135 DPW S&W OT | \$7,500.00 |
| | | 4-CU-01-201-299 MUNIC COURT O.E. | \$1,000.00 |
| 4-CU-01-099-103 ELECTION S&W | \$ 900.00 | 4-CU-01-119-276 PLANNING BD O.E. | \$ 900.00 |
| 4-CU-01-135-252 RECYCLING | \$10,000.00 | 4-CU-01-099-201 MUNIC COURT S&W | \$10,000.00 |

Two (2) Applications for Used Car Lot Licenses:

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Re: 1) Auto Handlers, LLC – 1368 Ringwood Avenue, Haskell and 2) Ameri-Car and Truck Sales, Inc. – 891 Ringwood Avenue, Haskell

Three (3) Applications for Tow Truck Licenses:

Re: 1) Ringwood Towing – 89 Greenwood Lake Turnpike, Ringwood, 2) Roberto's Auto Body, 14 Haskell Avenue, Haskell and 3) Justified Towing and Repair LLC - 400 Union Avenue, Haskell

Resolution #193-0-14:

Re: Approve Bond Reduction - Parkside

WHEREAS, on November 4, 2014 Greentree Development Group LLC requested that the bond be released for the development known as Parkside at Wanaque, which has been reviewed by the Borough Engineer; and

WHEREAS, the Borough Engineer, by letter of November 28, 2014 advised that there are several items open with regards to the development, and releasing the bond is premature; and

WHEREAS, by e-mail on November 30, 2014, Greentree Development Group LLC requested a reduction in the bond amount for those items that are completed; and

WHEREAS, by letter dated December , 2014, the Borough Engineer recommended a reduction in the bond from

NOW, THEREFORE, BE IT RESOLVED that the Borough Council approved the reduction of the performance bond for Greentree Development Group LLC for the Parkside at Wanaque development, in accordance with the recommendation of the Borough Engineer.

Resolution #194-0-14:

Re: 2013 Recycle Tonnage Grant

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycle

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 this municipality to apply for the **2013 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of Borough Council 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.

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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 Carroll 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 #195-0-14:

Re: Current Estimate #2 – Haskell Paving – Westbrook Road

BE IT RESOLVED that current estimate # 2 in the amount of \$7,949.07 payable to Haskell Paving Inc. for the Westbrook Road project be and is hereby approved.

Resolution #196-0-14:

Re: Cancel Various Balances

BE IT RESOLVED THAT THE FOLLOWING ACCOUNT BALANCES BE AND ARE HEREBY CANCELLED:

CURRENT FUND:

Other Expenses

Mayor & Council - \$77.00
Election - \$409.48
Tax Collection - \$1300.00
Board of Adjustment - \$2318.37
Fire – Clothing - \$3375.00
Police - \$30,000
First Aid – Clothing - \$1375.00
Emergency Management - \$2321.00
Recycling - \$5,000.00
Garbage - \$45,388.00
Public Events - \$370.88
Other Insurance - \$920.54
Group Insurance - \$75,000

WATER OPERATING

Salaries - \$100,000
Purchase of Water - \$35,000
FICA - \$8,000

Resolution #200-0-14:

Re: Change Order #10 – Borough Hall Construction

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BE IT RESOLVED that change order #10 in the amount of \$19,017.09 for the Borough Hall construction be and is hereby approved.

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 November 2014 -
2. Police Department Report for November 2014 -
3. Tax Collector's Report for November 2014 -
4. Municipal Court Report for November 2014 -

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:

Closed Session:

Re: Litigation/Negotiation/Personnel

Held to the end of the meeting.

UNFINISHED BUSINESS: None.

RESOLUTIONS:

Resolution #197-0-14:

Re: Approve Employment Agreement – Borough Administrator

Held to the end of the meeting.

Resolution #198-0-14:

Re: Approve F.O.P. Superior Officers Agreement

Held to the end of the meeting.

Resolution #199-0-14:

Re: Acknowledging the transfer of the Development projects known as Mountain Lakes Estates (Phase I) and Lakeside Manor (Tentative)

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

Authorizing the Assignment of Rights, Obligations and Responsibilities under Prior Developers Agreements and Site Plan Approvals Regarding the Development of Properties known as Lakeside Manor and Mountain Lakes Estates in the Borough of Wanaque, Passaic County, New Jersey. Specifically as to Properties Located at Block 200, lots 8, 8.09,28,29,30 and 32.

WHEREAS, on October 6, 2014 the Borough Council of the Borough of Wanaque adored a Resolution authorizing the execution of a Developers Agreement for the purpose of concluding construction of previously approved residential structures and related infrastructure on the properties located at Block 200, Lots 8,8.09,28,29,30 and 32 in the Borough of Wanaque; and

WHEREAS, on October 7, 2014 the developer, meaning either separately or jointly the J & S Group Inc., Wanaque Realty Corp., and/or Mountain Lakes estates, Inc., filed on Order to Show Cause and Verified Complaint seeking injunctive relief to set aside the terms and conditions set forth in the October 6, 2014 Borough Resolution and the proposed amended Developers Agreement attached thereto; and

WHEREAS, on November 17, 2014 the parties held a meeting with legal counsel so as to reach an amicable resolution of the matter; and

WHEREAS, the developer indicated he has taken positive steps to commence work on the properties with the objective of constructing the improvements authorized in the site plan approvals and has entered into a purchase and sale agreement with a third party developer to commence construction of Phase 1 of the project; and

WHEREAS, the developer has proposed an assignment of the rights, obligations and responsibilities required under the site plan approvals and the Municipal Land Use Law to said third party developer; and

WHEREAS, so as to improve the condition of the property and to avoid any further delays in bringing about positive development in the Borough, the Mayor and Council find it is in the best interest and welfare of the citizens of the Borough of Wanaque to approve the proposed assignment subject to the terms and conditions of the developers agreement(s) that may be effective and consistent with said site plan approvals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor, and Council of the Borough of Wanaque, Passaic County, New Jersey, that the above whereas paragraphs are to be considered as part of the actionable and operational portion of this Resolution and shall carry the full intent of the Mayor and Council.

BE IT FURTHER RESOLVED that the Mayor, Borough Attorney and Borough Administrator are hereby authorized to enforce and carry out the terms and conditions of this Resolution as they deem appropriate to meet the objectives set forth herein, including the execution of the aforesaid Assignment Agreement which shall be immediately filed in the Office of the Borough Clerk upon execution thereof.

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

FINANCE REPORT:

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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 | \$ 5,000.00 |
| Current Operating 2014 | \$193,117.30 |
| Water Operating 2014 | \$ 21,863.19 |
| Sewer Operating 2014 | \$ 3,787.50 |
| General Capital | \$303,300.44 |
| Escrow | \$ 238.19 |
| Animal Trust | \$ 133.20 |
| Unemployment Trust | \$ 109.04 |
| Recreation Trust | \$ 11,655.00 |
| Voucher Total: | \$539,203.86 |

Payroll:

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

| | | |
|-----------------------|----------|---------------------|
| PR #23 | 11/14/14 | \$221,016.75 |
| PR #24 | 11/28/14 | \$210,743.90 |
| Payroll Total: | | \$431,760.65 |
| Grand Total: | | \$970,964.51 |

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

APPROVED: December 8, 2014

Daniel Mahler
Mayor

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

On entertainment of the Mayor, Councilmen Willse and Pettet 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

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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 and Litigation.

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.

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

RECONVENEMENT:

On entertainment of the Mayor, Councilmen Pasquariello and Willse moved a motion to reconvene at 9:15 P.M..

On roll call, all were present.

Resolution #198-0-14:

Re: Approve F.O.P. Superior Officers Agreement

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

BE IT RESOLVED that the agreement between the Borough of Wanaque and Wanaque FOP Local 145, Superior Officers, for the period of January 1, 2015 through December 31, 2019 be and is hereby approved.

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

Resolution #197-0-14:

Re: Approve Employment Agreement – Borough Administrator

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

BE IT RESOLVED that the employment agreement between the Borough of Wanaque and Thomas F. Carroll, Borough Administrator, for the period of January 1, 2015 through December 31, 2018 be and is hereby approved.

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

ADJOURNMENT:

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On entertainment of the Mayor, Councilmen Balunis 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 9:15 P.M.

Katherine J. Falone, RMC, CMC
Municipal Clerk