

Regular Meeting  
May 13, 2013

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, May 13, 2013, at 8:05 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.

MINUTES:

April 8, 2013

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

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

PROCLAMATION:

National Day of Prayer – May 2, 2013:

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 town of Wanaque, do hereby proclaim the first Thursday in May, 2013, to be designated as

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

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

ORDINANCES:

Public Hearing of Ord. #6-0-13:

Re: Granting Municipal Consent for the Operation of a Cable Television System within the Borough of Wanaque to Cablevision

On entertainment of the Mayor, Councilmen Leonard and Willse moved that Ordinance #6-0-13 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 GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF WANAQUE, NEW JERSEY TO CABLEVISION OF OAKLAND, LLC.

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 how much money do we derive from this.

The Borough Administrator said \$47,000.00.

Grace Maiello said and they raised the rate already.

The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF WANAQUE, NEW JERSEY TO CABLEVISION OF OAKLAND, LLC 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.

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Introduction of Ord. #7-0-13:  
Re: Bond Ordinance – Westbrook Road

Held.

PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque said what is the status of the Midvale school property.

The Mayor said we heard the developer had problems with financing and put it up for sale.

Grace Maiello said can he sell the plans to someone else.

The Mayor said yes or it can go back to the Planning Board.

Grace said what a waste and I wonder how it would work.

The Mayor said since it is a redevelopment zone it would come back to the Council before going back to the Planning Board.

Grace Maiello said good. Thank you.

The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #62-0-13:

Re: Redemption of Tax Sale Certificate #10-00031 for Block 416, Lot 8 in the amount of \$18,874.07 for the Certificate and \$10,000.00 for the premium

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

**WHEREAS**, US Bank Cust for Phoenix was the successful bidder for Block 416 Lot 8 for which Tax Sale Certificate #10-00031 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 \$18,874.07 for the certificate and \$10,000.00 for the premium.

Resolution #63-0-13:

Re: Redemption of Tax Sale Certificate #11-00012 for Block 236, Lot 2 in the amount of \$1,720.34 for the Certificate

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

**WHEREAS**, Elliot Loeb was the successful bidder for Block 236 Lot 2 for which Tax Sale Certificate #11-00012 was assigned,

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**WHEREAS** Bank of America, 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 \$1,720.34 for the certificate.

Resolution #64-0-13:

Re: Redemption of Tax Sale Certificate #11-00013 for Block 245, Lot 5 in the amount of \$2,424.03

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

**WHEREAS**, US Bank Cust Pro Cap was the successful bidder for Block 245 Lot 5 for which Tax Sale Certificate #11-00013 was assigned,

**WHEREAS** Chase/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 \$2,424.03 for the certificate.

Resolution #65-0-13:

Re: Redemption of Tax Sale Certificate #11-00015 for Block 268, Lot 4 in the amount of \$3,324.56

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

**WHEREAS**, Elliot Loeb was the successful bidder for Block 269 Lot 8 for which Tax Sale Certificate #11-00017 was assigned,

**WHEREAS** Ocwen Financial, 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 \$3,324.57 for the certificate.

Resolution #66-0-13:

Re: Redemption of Tax Sale Certificate #11-00017 for Block 269, Lot 8 in the amount of \$3,324.57

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

**WHEREAS**, Elliot Loeb was the successful bidder for Block 269 Lot 8 for which Tax Sale Certificate #11-00017 was assigned,

**WHEREAS** Ocwen Financial, 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 \$3,324.57 for the certificate.

Resolution #67-0-13:

Re: Redemption of Tax Sale Certificate #11-00024 for Block 414, Lot 18 in the amount

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of \$1,784.14

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

**WHEREAS**, Elliot Loeb was the successful bidder for Block 414 Lot 18 for which Tax Sale Certificate #11-00024 was assigned,

**WHEREAS** Bank of America, 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 \$1,784.14 for the certificate.

Resolution #68-0-13:

Re: Redemption of Tax Sale Certificate #11-00025 for Block 428, Lot 6 in the amount of \$3,125.65

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

**WHEREAS**, US Bank Cust Pro Cap was the successful bidder for Block 428 Lot 6 for which Tax Sale Certificate #11-00025 was assigned,

**WHEREAS** Bank of America, 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 \$3,125.65 for the certificate.

Resolution #69-0-13:

Re: Award Bid – Hagstrom Field

**WHEREAS**, the Borough of Wanaque advertised for and received bids to the repair of Hagstrom Field on May 10, 2013 from the following:

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|--|---|
| 1. Robert Wogish Landscape Contractor, Inc.<br>169 Lakeview Avenue<br>Ringwood, New Jersey 07456 | \$49,829.50<br>Rock Excavation \$175.00 cubic yard<br>Alternate #1 \$1,500.00         |
| 2. Andy Matt, Inc.<br>P.O. Box 461<br>Wharton, New Jersey 07885                                  | \$73,650.00<br>Rock Excavation \$155.00 cubic yard<br>Alternate #1 No Bid             |
| 3. Field Pro Enterprises, LLC<br>17 Whitman Place<br>Monroe, New York 10950                      | \$106,880.00<br>Rock Excavation \$60.00 cubic yard<br>Alternate #1 \$1,750.00         |
| 4. JC Landscape Construction and<br>Management Co., Inc.<br>8 Industrial Road                    | \$112,000.00<br>Rock Excavation \$1,000.00 cubic yard<br>Alternate #1 Plus \$1,900.00 |

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Pequannock, New Jersey 07440  
and;

WHEREAS, the Borough Administrator has reviewed the bid of Robert Wogish Landscape Contractors and finds it responsive and responsible in accordance with NJSA 40A:11-1 et. Seq “Local Public Contracts Law.”

NOW, THEREFORE, BE IT RESOLVED that a contract be awarded to Robert Wogish Landscape Contractor, Inc. 169 Lakeview Avenue, Ringwood, New Jersey 07456 in the amount of \$49,829.50 with the addition of Alternate #1 in the amount of \$1,500.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account 2-CU-01-493-342.

Resolution #70-0-13:

Re: Award Bid – Sewer Replacement – Jefferson Street and Monroe Street

WHEREAS, the Borough of Wanaque advertised for and received bids on May 10, 2013 for the installation of sanitary sewer lines and laterals in Monroe Street and Jefferson Street, and received bids from the following:

- |   |              |
|---|--------------|
| 1. John Garcia Construction Co., Inc.<br>183 Friar Lane<br>Clifton, New Jersey 07013  | \$333,052.68 |
| 2. Reivax Contracting Corp.<br>356 Thomas Street<br>Newark, New Jersey 07114          | \$360,802.98 |
| 3. Haskell Paving, Inc.<br>30 Greenwood Lake Turnpike<br>Ringwood, New Jersey 07456   | \$382,447.95 |
| 4. Lakeside Construction<br>P.O. Box 806<br>Hopatcong, New Jersey 07843               | \$682,743.45 |
| 5. Sanitary Construction Company<br>415 Franklin Avenue<br>Rockaway, New Jersey 07866 | \$721,922.00 |
| 6. Montana Construction<br>80 Contant Avenue<br>Lodi, New Jersey 07644                | \$968,254.00 |

and;

WHEREAS, the Borough Administrator and Consulting Engineer have reviewed the bid of John Garcia Construction Co., and find it to be responsive and responsible in accordance with NJSA 40A:11.1 et. Seq, “Local Public Contracts Law.”

NOW, THEREFORE, BE IT RESOLVED that a contract be awarded to John Garcia Construction Co., Inc. 183 Friar Lane, Clifton, New Jersey 07013 in the amount of \$333,052.68; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account –Sewer Capital Ordinance 1-0-13.

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Resolution #71-0-13:  
Re: Estimated Tax Bills

BE IT RESOLVED that the Borough's Tax Collector be and she is hereby authorized and directed to issue estimate Tax bills for the 3<sup>rd</sup> Quarter of 2013, upon the approval of the Tax rate set forth in Resolution #76-0-13.

Resolution #72-0-13:  
Re: Amend Capital Budget

Held.

Resolution #73-0-13:  
Re: Contract – Friendship House

WHEREAS, North Jersey Friendship House is a sheltered workshop non-profit organization providing janitorial services, and the Borough of Wanaque is in need of such services; and

WHEREAS, services provided by a sheltered workshop are exempt from public bidding under N.J.S.A. 40A:11-5 et. seq.;

NOW, THEREFORE, BE IT RESOLVED that a contract be awarded to North Jersey Friendship House, 125 Atlantic Street, Hackensack, NJ 07601 in the amount of \$36,969 for the period of one year commencing May 1, 2013; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account 3-CU-0-117-283.

Resolution #74-0-13:  
Re: Approve Change Order No. 1 and Current Estimate #3 and Final for Wanaque Avenue and Butler Place Improvements to Mike Fitzpatrick and Son, Inc. in the amount of \$28,950.19

BE IT RESOLVED that payment be made to Mike Fitzpatrick and Son, Inc. for the Wanaque Avenue and Butler Place Improvements approving Change Order No. 1 and Current Estimate No. 3 and Final in the amount of \$28,950.19 in accordance with the Borough Engineers letter dated May 8, 2013.

Resolution #75-0-13:  
Re: Appoint School Crossing Guard – Jacqueline R. Cohn – effective April 17, 2013

BE IT RESOLVED that Jacqueline R. Cohn, 61 Fredericks Street, Wanaque, New Jersey 07465 be and she is hereby appointed as a School Crossing Guard effective April 17, 2013.

Resolution #76-0-13:  
Re: Establish Tax Rate

WHEREAS, the Borough of Wanaque adopted its 2013 budget on April 8, 2013; and

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WHEREAS, it has been determined that it will be necessary to issue estimated tax bills for the 3rd quarter of 2013, in order to provide for a sufficient cash flow for governmental operations; and

WHEREAS, the tax levies for the Borough of Wanaque, Wanaque Board of Education and the County of Passaic will not fall above the 5% threshold for the rate to be set by the Governing Body; and

WHEREAS, the Governing Body desires to have the estimated tax bill for the 3rd quarter of 2013 to be as close as possible to the actual tax bill, so that any shortfall will be minimal in the 4th quarter, and place an unexpected additional burden on our taxpayers.

NOW, THEREFORE, BE IT RESOLVED that the following amounts for the 2013 3rd quarter estimated tax bill for the Borough of Wanaque be and are hereby approved.

	Amount to be Raised	13 Rate
Borough	\$ 9,175,258.00	0.819
Local School	\$13,275,381.00	1.186
Regional H.S.	\$ 7,806,314.00	0.697
County	\$ 8,041,907.00	0.718
Library	\$ 431,721.00	0.039
Open Space (Municipal)	\$ 111,972.00	.01
Open Space (County)	\$ 257,535	.023
<b>TOTAL</b>	<b>\$40,030,974.00</b>	<b>3.492</b>

Four (4) Applications for Raffle Licenses:

Re: 1) Saint Francis of Assisi School – RA:840 and 2) Saint Francis of Assisi Church – RA:841, RA:842 and RA:843

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

On entertainment of the Mayor, Councilmen Leonard and Willse 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:

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Letter from Reed Construction Data:

Re: Refund of \$150.00 deposit for Municipal Building project

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

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

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

None.

UNFINISHED BUSINESS: None.

RESOLUTIONS:

Resolution #77-0-13:

Re: Interlocal Services Agreement – Township of Lyndhurst for assisting with registration Program

On entertainment of the Mayor, Councilman Leonard and Willse moved that,

BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized and directed to execute an interlocal services agreement with the Township of Lyndhurst for assisting Lyndhurst with the purchase and set-up of a summer recreation registration program, at an annual fee of \$10,000.

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	\$ 1,177.80
Current Operating 2013	\$ 352,385.79
Water Operating 2013	\$ 51,117.52
Sewer Operating 2013	\$ 2,914.94
Escrow	\$ 9,292.10

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Water Capital	\$	2,431.94
General Capital	\$	49,675.22
Animal Trust	\$	106.20
Recycling Trust	\$	1,990.00
Recreation Trust	\$	3,868.00
Housing Trust	\$	495.30
<b>Voucher Total:</b>	\$	475,454.81

**Payroll:**

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

PR #08	04/19/13	\$ 255,317.96
PR #09	05/03/13	\$ 202,248.69
<b>Payroll Total:</b>		\$ 457,566.65
<b>Grand Total:</b>		\$ 933,021.46

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

APPROVED: May 13, 2013

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Daniel Mahler  
Mayor

**ADJOURNMENT:**

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

On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 8:15 P.M.

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Katherine J. Falone, RMC, CMC  
Municipal Clerk