

Regular Meeting
September 12, 2011

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, September 12, 2011, at 8:35 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 Theoharous. 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 29, 2010, and a notice thereof has been posted on December 29, 2010 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:

Minutes of August 8, 2011.

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

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

CERTIFICATES OF APPRECIATION: Emergency Services and Volunteers –
Hurricane Irene

The Mayor presented certificates of appreciation to the Police Department, Fire Department, and the First Aid Squad.

APPOINTMENT AND ADMINISTRATION OF OATH OF OFFICE:

The Mayor administered the Oath of Office to Patrolman Kevin LaCouture who was promoted to Sergeant.

Resolution #136-0-11:

Re: Patrolman Kevin LaCouture to Sergeant

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

BE IT RESOLVED that Kevin LaCouture be and he is hereby appointed to the position of Police Sergeant, effective immediately, in accordance with the New Jersey Civil Service Commission Certification #PL110821 dated July 20, 2011 at an annual salary of \$103,996.00.

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

The Mayor said we'll take a five minute recess. 8:40 P.M.

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RECONVENEMENT:

On roll call the following Council Members responded: Balunis, Cortellessa, Leonard, Pasquariello, Pettet and Theoharous.

PROCLAMATION:

The Mayor read a proclamation from the Governor honoring those who lost their lives on September 11, 2001.

WHEREAS, on September 11, 2001, the United States was attacked by terrorists, killing thousands of innocent citizens in New York, Washington, D.C. and Pennsylvania; and

WHEREAS, in the aftermath of these horrific attacks, thousands of Americans displayed the highest levels of bravery and selflessness, risking or sacrificing their own lives to save their fellow citizens; and

WHEREAS, on this tenth anniversary of that terrible day, we pay tribute to the police officers, firefighters, EMS responders, federal agents and ordinary citizens who performed extraordinary acts of courage and valor during our Nation's most dire moment of need; and

WHEREAS, the tragic events of September 11, 2001 have unified our Nation against the forces of hatred and oppression and reaffirmed our dedication to the fundamental American ideals of freedom and liberty; and

WHEREAS, as New Jersey residents gather at memorial ceremonies across the State, we are once again demonstrating the resiliency, determination, compassion, strength and patriotism that defines us as Americans;

NOW, THEREFORE, I CHRIS CHRISTIE, Governor of the State of New Jersey, do hereby proclaim:

SEPTEMBER 11, 2011

AS PATRIOT DAY AND NATIONAL DAY OF SERVICE AND REMEMBRANCE in New Jersey and urge all residents to honor those who lost their lives ten years ago, to reflect upon America's proud tradition of freedom and bravery and to renew our commitment to serving our communities, State and Nation.

Given, under my hand and the Great Seal of the State of New Jersey, this eleventh day of September in the year two thousand eleven, the two hundred thirty-sixth year of the Independence of the United States.

Kim Guadagno
Lt. Governor

Chris Christie
Governor

ORDINANCES:

Public Hearing of Ord. #17-0-11:
Re: Amend Chapter 47 – Alcoholic Beverages

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On entertainment of the Mayor, Councilmen Pettet and Theoharous moved a motion to table Ordinance #17-0-11.

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

Introduction of Ord. #18-0-11:

Re: Amend 2011 Salary Ordinance

On entertainment of the Mayor, Councilmen Theoharous and Pettet moved that Ordinance #18-0-11 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 ORDINANCES THAT PROVIDE FOR AND DETERMINE THE RATE OF PAYMENT THEREOF FOR THE EMPLOYEES OF THE BOROUGH OF WANAQUE IN THE COUNTY OF PASSAIC WHO ARE NOT COVERED BY MUTUAL AGREEMENTS.

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

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 WHO ARE NOT COVERED BY MUTUAL AGREEMENTS 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 3rd day of October 2011, 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.

Councilman Cortellessa said is there any change in the Ordinance.

The Borough Administrator said the additional stipend for Tax Assessor and two percent increase on titles.

Introduction of Ord. #19-0-11:

Re: Amend Chapter 108 – Vehicles and Traffic – No Left Turns on Ringwood Avenue

On entertainment of the Mayor, Councilmen Pettet and Cortellessa moved that Ordinance #19-0-11 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 THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 108, VEHICLES AND TRAFFIC, TO AMEND SCHEDULE XII – LEFT TURN PROHIBITIONS.

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

AN ORINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 108, VEHICLES AND TRAFFIC, TO AMEND SCHEDULE XII – LEFT TURN PROHIBITIONS 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 3rd day of October 2011, 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.

Councilman Leonard said is it the Doty Road parking lot prohibition also.
The Borough Administrator said no only Ringwood Avenue.

Introduction of Ord. #20-0-11:

Re: Appropriating \$15,000 from Capital Improvement Fund for the purchase of a used Fire Truck

On entertainment of the Mayor, Councilmen Theoharous and Pettet moved that Ordinance #20-0-11 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 \$15,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A USED FIRE TRUCK.

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

AN ORDINANCE APPROPRIATING \$15,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A USED FIRE TRUCK 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 3rd day of October 2011, 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.

PUBLIC DISCUSSION:

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

CONSENT AGENDA:

Five (5) Applications for Raffle Licenses:

Re: 1) Wanaque Fire Department – RA:780, 2) Wanaque First Aid Auxiliary – RA:781 and RA:782 and 3) Wanaque Community Education Foundation – RA:783 and RA:784

Application for Bingo License:

Re: Wanaque First Aid Auxiliary – BA:191

Resolution #119-0-11:

Re: Refund Tax overpayments on various properties for the 3rd Quarter 2011 in the amount of \$14,659.38.

WHEREAS, there exists Tax overpayments on the property listed herein for the third quarter of 2011:

| <u>BLOCK</u> | <u>LOT</u> | <u>AMOUNT</u> |
|--------------|------------|---------------|
| 200.01 | 6 | \$173.98 |
| 200.11 | 1 | \$73.98 |
| 304 | 10.01 | \$1,829.91 |
| 313.02 | 1.21 | \$3,254.77 |
| 313.02 | 3.02 | \$2,180.17 |
| 313.02 | 4.02 | \$3,377.23 |
| 404 | 13 | \$125.00 |
| 403 | 2 | \$1,550.11 |
| 416 | 19 | \$1,948.90 |
| 425 | 12 | \$145.33 |

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

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund a total of \$14,659.38 as per the certification of the Tax Collector.

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Resolution #120-0-11:

Re: Adjustment of Tax overbillings on various properties for credits totaling \$52,473.65 for 2011 and \$17,491.24 for the first half of 2012

WHEREAS, there exists tax overbilling on the properties listed on the attached spreadsheet for 2011 and the first half of 2012 as a result of County Board Judgments;

WHEREAS, the credits total \$52,473.65 for 2011 and \$17,491.24 for the first half of 2012;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector shall adjust these accounts accordingly as per the certifications from the County.

Resolution #121-0-11:

Re: Refund Tax overpayment on Block 460, Lot 7 for the first and second quarter of 2011 in the amount of \$140.04

WHEREAS, there exists a tax overpayment on the property listed herein for the first and second quarter of 2011 due to the property being combined with another Block/Lot as of 2011:

| <u>BLOCK</u> | <u>LOT</u> | <u>AMOUNT</u> |
|--------------|------------|---------------|
| 460 | 7 | \$140.04 |

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

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund a total of \$140.04 as per the certification of the Tax Collector.

Resolution #122-0-11:

Re: Credit for disabled Veteran for Block 231, Lot 2 for the 3rd and 4th Quarter of 2011 and the 1st and 2nd Quarter of 2012 in the amount of \$6,503.82

WHEREAS, the owner of Block 231 lot 2 qualifies for a 100% disabled Veteran exemption from tax; and

WHEREAS, the property owner has been billed for the 3rd and 4th quarter of 2011 in the amount of \$3,315.76 and for the 1st and 2nd quarter of 2012 in the amount of \$3,215.06;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector shall credit a total of \$6,503.82 for the above billings.

Resolution #123-0-11:

Re: Refund Tax overpayments on various properties for 2011 due to a reduction in assessment for Mountain Lakes properties in the amount of \$12,293.87

WHEREAS, there exists tax overpayments on the property listed herein for the year 2011 due to a reduction in assessment for Mountain Lakes Estates properties.

| <u>BLOCK</u> | <u>LOT</u> | <u>AMOUNT</u> |
|--------------|------------|---------------|
| 200.19 | 8 | \$913.83 |

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| | | |
|--------|----|------------|
| 200.19 | 9 | \$913.83 |
| 200.19 | 10 | \$913.83 |
| 200.20 | 14 | \$1,697.34 |
| 200.20 | 15 | \$1,478.45 |
| 200.20 | 16 | \$1,600.40 |
| 200.20 | 17 | \$1,600.40 |
| 200.20 | 18 | \$1,478.45 |
| 200.20 | 19 | \$1,697.34 |

WHEREAS, the owners have requested a refund of said overpayment;
NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund a total of \$12,293.87 as per the certification of the Tax Collector.

Resolution #124-0-11:

Re: Refund of sewer overbilling for 2011 for Block 464, Lot 23 in the amount of \$5,482.50

WHEREAS, the Sewer Department has overbilled the Gulf Station at 1255 Ringwood Avenue, Block 464 Lot 23 for the year 2011;

WHEREAS, the owner of the property has been over-charged in the amount of \$5,482.50;

WHEREAS, the property owner has asked for a refund;

NOW, THEREFORE, BE IT RESOLVED account 3070-100 located on Block 464, Lot 23 be refunded for the overpayments in the amount of \$5,482.50.

Resolution #125-0-11:

Re: Authorizing the filing of 2012 Application for Funds for A.W.A.R.E. A.S.A.P. for a grant amount of \$50,326.00

WHEREAS, the Borough Council of the Borough of Wanaque, County of Passaic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Passaic;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Wanaque, County of Passaic, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the A.W.A.R.E. A.S.A.P. Municipal Alliance grant for calendar year 2012 in the amount of \$50,326.00.
2. The Borough Council acknowledges the terms and conditions for administering the A.W.A.R.E. Municipal Alliance grant, including the administrative compliance and audit requirements.

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Resolution #126-0-11:

Re: Agreement Nationwide Investment Advisors – Employee 457 Plan Amendment.

BE IT RESOLVED that the Borough Administrator be and he is hereby authorized and directed to execute the Nationwide Investment Advisors, LLC Pro-Account Plan Sponsor Agreement.

Resolution #127-0-11:

Re: Approve AXA Equitable – Employee 457 Plan Provider

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of Borough of Wanaque (hereinafter referred to as “Employer”), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (“Code”); and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement both a DEFERRED COMPENSATION PLAN and Service Agreement;

WHEREAS, the Employer made written requests for proposals from two or more approved contractors, including AXA Equitable Life Insurance Company (hereinafter referred to as “AXA Equitable) and the Hartford for the administration of the investments of funds under a DEFERRED COMPENSATION PLAN including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5:37;

WHEREAS, the following contractors submitted written proposals:
AXA Equitable, The Hartford; and

WHEREAS, the Borough Administrator reviewed the proposals and of the responding contractors of deferred compensation services; and

WHEREAS, it was determined that AXA Equitable has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Wanaque that:

(a) effective as of the date of this resolution the DEFERRED COMPENSATION PLAN provided by AXA Equitable and assigned the plan identifier: 66-PDEquitable-053107 by the New Jersey Division of Local Government Services, is hereby adopted and signed by the Employer. It is hereby acknowledge that the said DEFERRED COMPENSATION PLAN is substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of The Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), the Tax payer Relief Act of 2001 (United States

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Public Law No. 105-34), and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Code Section 457 including pertinent applicable Treasury Regulations. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not be considered precedent.

(b) the Mayor of the Borough of Wanaque is/are authorized to execute the Service Agreement (bearing the identifier: 66-SAEquitable-053107 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services. There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.

(c) the Borough Administrator is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN. A certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

Resolution #128-0-11:

Re: 2012 Municipal Aid Application – Fourth Avenue

BE IT RESOLVED that the Borough Administrator be and he is hereby authorized and directed to submit a Municipal Aid application to the New Jersey Department of Transportation for milling and paving Fourth Avenue from Ringwood Avenue to the Boulevard.

Resolution #129-0-11:

Re: Not Fair and Open Award – Dano Enterprises – Leaf Bags.

WHEREAS, the Borough of Wanaque has a need to acquire paper leaf bags as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Dano Enterprises has submitted a proposal dated September 8, 2011 indicating they will provide 77,000 leaf bags for the cost of \$8.33 per 25 pack, for a total cost of \$25,656.40; and

WHEREAS, Dano Enterprises has completed and submitted a Business Entity Disclosure Certification which certifies that Dano Enterprises has not made any reportable contributions to a political or candidate committee in the Borough of Wanaque in the previous one year, and that the contract will prohibit Dano Enterprises from making any reportable contributions through the term of the contract, and

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WHEREAS, the Chief Financial Officer has certified that funds are available in Recycling Trust;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Wanaque authorizes the Borough Administrator enter into a contract with Dano Enterprises as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Resolution #130-0-11:

Re: Authorizing execution of an Agreement with the Morris County Cooperative Pricing Council to renew membership therein for the period of October 1, 2011 through September 30, 2016

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Wanaque desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to **renew** its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016;.

BE IT RESOLVED, by the Borough of Wanaque, County of Passaic, State of New Jersey as follows:

1. The Borough Council of the Borough of Wanaque hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.
2. The Wanaque Borough Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Borough of Wanaque officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

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On entertainment of the Mayor, Councilmen Theoharous 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 August 2011
2. Police Department Report for August 2011
3. Tax Collector's Report for August 2011 -
4. Municipal Court Report for August 2011 -

On entertainment of the Mayor, Councilmen Cortellessa 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: None.

NEW BUSINESS:

Letter from the Fire Chief:

Re: Replacement of Engine 541 - Approved.

Closed Session:

Re: Litigation/Negotiation/Personnel

Held to the end of the meeting.

UNFINISHED BUSINESS: None.

RESOLUTIONS:

Resolution #131-0-11:

Re: Employee Agreement – Borough Administrator - Held.

Resolution #132-0-11:

Re: Special Emergency Appropriation – Hurricane Irene Expenses

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

WHEREAS, an emergency has arisen with respect to a hurricane and no adequate provision was made in the 2011 Current Budget for the aforesaid purpose, and N.J.S. 40A:4-54 provides for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriation created including the appropriation to be created by this resolution is \$300,000.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Wanaque in the County of Passaic (not less than two-thirds of all the member thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-55;

1. An emergency appropriation be and the same is hereby made for:
Hurricane Damage.....\$300,0000
2. That said emergency appropriation shall be provided for in Outside of Caps.
3. That an "Emergency Note" not in excess of the above amount be authorized pursuant to N.J.S. 40A:4-54 and in accordance with the provisions of N.J.S. 40A:4-55.
4. That said note or notes shall be dated September 12, 2011, may be renewed from time to time and at least 1/5 of all such notes and renewals thereof shall mature and be paid in each fiscal year thereafter until all are paid.
5. That two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of Local Government Services.

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

Resolution #133-0-11:

Re: Poppe Litigation Settlement

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

WHEREAS, the Borough of Wanaque did engage Walter H. Poppe General Contractors pursuant to a bid to effect repairs to the Wanaque Fire House No. 2, and

WHEREAS, the Borough of Wanaque made two (2) progress payments to the Contractor and thereafter received Notices of Municipal Liens filed by several sub-contractors indicating that they have not been paid; and

WHEREAS, during the course of negotiations with counsel for Poppe, the Borough of Wanaque made payments to sub-contractors which together with progress payments totaled \$238,663.81; and

WHEREAS, the original contract together with Change Orders totaled \$274,708.50; and

WHEREAS, Poppe commenced an action in Superior Court of New Jersey Law Division, Passaic County Docket No. PAS-L-3939-10 seeking payment of balance claimed due under their contract with the Borough of Wanaque counterclaiming; and

WHEREAS, the matter was referred for mediation with the result that Poppe General Contractors is prepared to accept the sum of \$32,500.00 and remain responsible to pay the balance of sub-contractors who have filed claims for \$34,419.18 and \$42,168.68; and

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WHEREAS, the Borough of Wanaque shall be responsible for all punch list items prepared by its Architects in connection with this project; and

WHEREAS, the Borough of Wanaque maintains it its account for this project the sum of \$40,438.00 leaving a balance in the account project of \$35,683.37 which is sufficient to cover the costs of punch list items; and

WHEREAS, the settlement of this matter as aforesaid is in the best interests of the Borough of Wanaque:

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

The Borough Attorney is hereby authorized to settle the litigation of Walter J. Poppe General Contractors vs. Borough of Wanaque, Docket No. PAS L-3929-10. The Borough of Wanaque will pay to the plaintiff the sum of \$32,500.00. Plaintiff Poppe shall hold the Borough of Wanaque harmless from any and all claims of sub-contractors of Poppe in connection with the Fire House Project noted above. The Borough shall retain any other funds not so committed to resolve punch list items identified by the Borough's architect together with any other expenses needed to complete the project. The Borough's attorney is hereby authorized to report the case settled on the above mentioned terms to execute such documents that may be necessary to conclude the litigation.

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

Resolution #134-0-11:

Re: Assignment of Solid Waste Collection Contract to Advanced Waste Systems

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

WHEREAS, Future Sanitation, the successor to Scuffy Carting, who currently holds a contract with the Borough of Wanaque for the curbside collection of solid waste in the Borough of Wanaque has requested that the contract be assigned under the same terms, conditions, and fees to Advanced Waste Systems, effective September 1, 2011; and

WHEREAS, the Borough Administrator has reviewed the operations of Advanced Waste Systems and recommends approving the assignment of the contract, pending execution of a new contract and the receipt of the appropriate performance bonds and insurance certificates;

NOW, THEREFORE, BE IT RESOLVED that the contract between Future Sanitation be and is hereby assigned to Advanced Waste Systems, subject to the execution of a new contract and submission of a performance bond and certificate of insurance, with such contract expiring on March 31, 2012.

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

Resolution #135-0-11:

Re: Assignment of Recycling Collection Contract to Advanced Waste Systems

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

WHEREAS, Future Sanitation, the successor to Scuffy Carting, who currently holds a contract with the Borough of Wanaque for the curbside collection of recycling in the Borough of Wanaque has requested that the contract be assigned under the same terms, conditions, and fees to Advanced Waste Systems, effective September 1, 2011; and

WHEREAS, the Borough Administrator has reviewed the operations of Advanced Waste Systems and recommends approving the assignment of the contract, pending execution of a new contract and the receipt of the appropriate performance bonds and insurance certificates;

NOW, THEREFORE, BE IT RESOLVED that the contract between Future Sanitation be and is hereby assigned to Advanced Waste Systems, subject to the execution of a new contract and submission of a performance bond and certificate of insurance, with such contract expiring on March 31, 2012.

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

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

On entertainment of the Mayor, Councilmen Theoharous and Leonard 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 Issues.
 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.

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RECONVENEMENT:

On entertainment of the Mayor, Councilmen Pasquariello and Leonard moved a motion to reconvene.

On roll call, all were present.

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 2010 | | \$ 1,500.00 |
| Current Operating 2011 | | \$ 256,585.79 |
| Water Operating 2011 | | \$ 36,359.17 |
| Water Operating 2010 | | \$ 77.50 |
| Sewer Operating 2011 | | \$ 226.12 |
| General Capital | | \$ 27,005.00 |
| Water Capital | | \$ 1,960.00 |
| Recreation Trust | | \$ 3,867.00 |
| Animal Trust | | \$ 13.80 |
| Housing Trust | | \$ 1,271.20 |
| Unemployment Trust | | \$ 1,832.65 |
| | Voucher Total: | \$ 330,698.21 |

Payroll:

| | | |
|---------|-----------------------|---------------|
| PR # 16 | 8/16/11 | \$ 189,867.42 |
| PR # 17 | 8/26/11 | \$ 187,213.77 |
| PR # 18 | 9/09/11 | \$ 204,464.31 |
| | Payroll Total: | \$ 581,545.50 |
| | Grand Total: | \$ 912,243.71 |

RESOLUTIONS:

Resolution #131-0-11:

Re: Employee Agreement – Borough Administrator

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

Regular Meeting
September 12, 2011

BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized and directed to execute an employment agreement with Thomas F. Carroll, Borough Administrator, for the period of January 1, 2012 through December 31, 2014.

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

ADJOURNMENT:

On entertainment of the Mayor, Councilmen Pettet 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