

September 21, 2015
Regular Meeting

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, September 21, 2015, at 8:30 P.M. in the Wanaque Municipal Building.

The Mayor called the meeting to order.

On roll call, the following Council Members responded: Balunis, Cortellessa, Leonard, Pasquariello, Pettet and Willse. The Mayor declared a quorum. The Borough Attorney and Borough Engineer were present.

The Mayor read the following Sunshine Statement: This is a Regular meeting of the Mayor and Council and adequate notice thereof has been given by advertising the date, time and place of the Regular meetings in the Suburban Trends and the Herald News newspapers and was e-mailed to these papers on January 2, 2015, and a notice thereof has been posted on January 2, 2015 on the bulletin board in the Wanaque Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey and a copy thereof has been on file in the office of the Municipal Clerk.

The Mayor asked for a moment of silence for the passing of Jane Tresize who was the former Tax Collector.

MINUTES:

August 10, 2015.

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

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

ORDINANCES:

Public Hearing of Ord. #13-0-15:

Re: Utility Easement – Block 448, Lot 8

On entertainment of the Mayor, Councilmen Pasquariello and Pettet moved that Ordinance #13-0-15 be taken from the table and read by the Clerk, by title only, for consideration of final reading.

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

The Clerk took from the table and read by title only as follows: AN ORDINANCE GRANTING AN EASEMENT OVER A PORTION OF WANAQUE BOROUGH PROPERTY IDENTIFIED AS BLOCK 448 LOT 8 ON THE WANAQUE TAX BOROUGH TAX MAP.

This Ordinance has been duly advertised in accordance with the statutes; a copy was posted on the bulletin board in the Municipal Building, a copy was available for the public to read in the Clerk's office, and copies are available for the public present here this evening.

The Mayor opened the Public Hearing.

September 21, 2015
Regular Meeting

No one came forward
The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE GRANTING AN EASEMENT OVER A PORTION OF WANAQUE BOROUGH PROPERTY IDENTIFIED AS BLOCK 448 LOT 8 ON THE WANAQUE TAX BOROUGH TAX MAP pass final reading, and that said Ordinance be adopted as an Ordinance of the Borough of Wanaque; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published in the manner prescribed by law.

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

PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque thanked the Mayor and Council for remembering Jane Tresize. I would like to compliment you on the new building and I miss the historic memories of the old building. The bulletin board where notices are posted cannot be accessed after hours.

The Borough Administrator said we will leave the door open on the night of the meetings.

The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #134-0-15:

Re: Refund of Tax overpayments on various properties in the amount of \$8,707.78

WHEREAS, there exists tax overpayments on the properties listed herein for the third quarter of 2015:

<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
313.02	2.09	3,013.33
403	67	2,300.00
273	14	2,479.05
313.04	1.10	915.40

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

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund a total of \$8,707.78 as per the certification of the Tax Collector.

September 21, 2015
Regular Meeting

Resolution #135-0-15:

Re: Credit the Accounts due to reduced Assessment

WHEREAS, there exists tax overbilling on the attached parcels owned by Mountain Lakes Estates due to a reduction in the assessed value;

WHEREAS, the credits will be applied to future billing as per the agreement with the Borough of Wanaque;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector shall credit these accounts accordingly.

Resolution #136-0-15:

Re: Refund for Block 410, Lot 24 in the amount of \$629.34 for Homestead Rebate 100% Disabled Veteran exempt from Tax

WHEREAS, the owner of Block 410 Lot 24 is a 100% disabled Veteran exempt from tax;

WHEREAS, the property owner has a credit in 2015 for the Homestead Rebate received from the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer refund a total of \$629.34 as per the certification of the Tax Collector.

Resolution #137-0-15:

Re: Transfer of Credits for Block 204, Lot 1.02 in the amount of \$864.98 and Block 401, Lot 9 in the amount of \$4,165.82 due to overpayment

WHEREAS, the owners of the following Block and Lots redeemed Municipal liens and overpaid due to a duplicate entry upon the initial set-up of the liens;

Block	Lot	Amount
204	1.02	\$ 864.98
401	9	\$4,165.82

WHEREAS, the property owners were sent vouchers that were never returned for refund and now have properties in the upcoming Tax Sale;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector shall apply the credits to the accounts therefore reducing or eliminating the balance for Tax Sale.

Resolution #138-0-15:

Re: Transfer of Credits for Block 425, Lot 33 in the amount of \$61.69 and Block 306, Lot 7.01 in the amount of \$5.29 due to overpayment

WHEREAS, the following two block and lots have been combined with other, larger lots for the year 2015:

BLOCK	LOT	AMOUNT
425	33	-61.69

September 21, 2015
Regular Meeting

306

7.01

- 5.29

WHEREAS, the smaller lots were left with credits for the current year;
NOW, THEREFORE, BE IT RESOLVED that the Tax Collector shall transfer the credits to the main lots.

Three (3) Applications for Raffle Licenses:

Re: 1) Wanaque First Aid Squad Auxiliary – RA:912, 2) Ringwood-Wanaque Ice Hockey Association, Inc. – RA:913 and 3) Lakeland Chorale Association – RA:914

Resolution #139-0-15:

Re: Payment #26 to UniMak LLC for Municipal Building - \$16,230.04 and Change Order #28 in the amount of \$8,886.58

BE IT RESOLVED THAT progress payment #26 in the amount of \$16,230.04 and Change Order #28 in the amount of \$8,886.58 payable to UniMak LLC for the Borough Hall construction be and are hereby approved.

Resolution #140-0-15:

Re: Approval of 2015/2016 Liquor License Renewal – Phoenix Club

BE IT RESOLVED, that the Mayor and Council of the Borough of Wanaque do hereby approve through this Resolution the following Liquor License Renewal for the Year 2015/2016:

*1. Kalari Liquors – t/a Phoenix Club - #152-0-15

*License with Resolution of stipulations and restrictions

Resolution #141-0-15:

Re: Hazard Mitigation Plan

WHEREAS the Borough of Wanaque, New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS a Hazard Mitigation Plan has been developed by the Mitigation Planning Committee;

WHEREAS the Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

September 21, 2015
Regular Meeting

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

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

1. The *Passaic County and All Municipalities Hazard Mitigation Plan*, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on May 29, 2015 by the Passaic County Office of Emergency Management, and approved-pending adoption by the Federal Emergency Management Agency on July 21, 2015, is hereby adopted as an official plan of the Borough of Wanaque.
2. The **Borough of Wanaque** departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the **Borough of Wanaque** and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The **Emergency Management Coordinator** is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Passaic County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

Resolution #142-0-15:

Re: Authorize the Mayor to execute the 2015 Passaic County Open Space Recreation and Farmland Preservation Trust Fund Agreement – Tremont (Jaycee) Park Playground

BE IT RESOLVED that the Mayor and Municipal Clerk be and are hereby authorized to execute the 2015 Open Space and Farmland Preservation Trust Fund Agreement for the Tremont (Jaycee) Park playground in the amount of \$20,000.

Resolution #143-0-15:

Re: Authorize the Mayor to execute the 2015 Passaic County Open Space Recreation and Farmland Preservation Trust Fund Agreement – Memorial Field Fence Replacement

BE IT RESOLVED that the Mayor and Municipal Clerk be and are hereby authorized to execute the 2015 Open Space and Farmland Preservation Trust Fund Agreement for the Memorial Field in the amount of \$30,000.

Resolution #144-0-15:

Re: Chapter 159 - Passaic County Open Space Recreation and Trust Fund Agreement – Tremont (Jaycee) Park Playground

September 21, 2015
Regular Meeting

Resolution #145-0-15:

Re: Chapter 159 - 2015 Passaic County Open Space Recreation and Trust Fund Agreement – Memorial Field Fence Replacement

Resolution #146-0-15:

Re: Chapter 159 - \$133,334.00 – Aid to Firefighters Grant

Resolution #147-0-15:

Re: Cancel Water Charges – Block 401, Lot 10

WHEREAS, water service at Block 401, Lot 10 was discontinued in 2014; and
WHEREAS, charges continued to accrue to the account due to the non-removal of the meter, but at no time was water provided to the property;
NOW, THEREFORE, BE IT RESOLVED that the balance on the account of \$285.37 be and is hereby cancelled and the account be closed.

Resolution #151-0-15:

Re: Transportation Trust Fund Application

Resolution #153-0-15:

Re: Professional Services – Alaimo Engineering – Ringwood Avenue Retaining Walls – \$27,000.00

BE IT RESOLVED that the proposal dated August 20, 2015 from Richard A. Alaimo Associated for the design services for the retaining wall replacement along Ringwood Avenue, in the amount of \$27,000 be and is hereby approved; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account X-GC-03-363-201.

Resolution #154-0-15:

Re: Amend Resolution #133-0-15 to Substitute Planner

WHEREAS, due to the illness of Dr. Robert Burchell it is necessary to amend the Municipal Shared Services Defense Agreement approved on August 10, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Shared Services Defense Agreement approved on August 10, 2015 be amended to substitute Econsult Inc. for Dr. Robert Burchell, and that the remainder of the agreement remains in full force and effect.

Resolution #155-0-15:

Re: Phoenix Club Liquor License Stipulations and Restrictions

WHEREAS, Plenary Retail Consumption License No. 1613-32-014-003 was issued to Kalari Liquors LLC by the Borough of Wanaque, permitting the on premises consumption of alcoholic beverages and other activities as are set forth and more fully described in N.J.S.A. 33:1-12 for premises located at 1093 Ringwood Avenue, Haskell, New Jersey, said premises being commonly known and designated as "Phoenix Club"; and

September 21, 2015
Regular Meeting

WHEREAS, the Mayor and Council of the Borough of Wanaque did recommend certain restrictions be placed on the conduct of the operation of the applicant's premises and license, as a condition of renewal, and the applicant Kalari Liquors LLC having consented to the imposition of such restrictions;

NOW, THEREFORE BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF WANAQUE, COUNTY OF PASSAIC, NEW JERSEY, as follows:

1. Plenary Retail Consumption License No. 1613-32-014-003 issued by the Borough of Wanaque to Kalari Liquors LLC for premises located at 1093 Ringwood Avenue, Haskell, New Jersey, is hereby renewed through June 30, 2016 with the following restrictions:

a) The licensee Kalari Liquors LLC, or his designee, shall notify the Wanaque Police Department of any disturbances, breaches of the peace, assaults, or of any other conduct detrimental to the public peace and well-being, both within the licensed premises or areas adjacent thereto.

b) The licensee Kalari Liquors LLC, or his designee, shall undertake whatever measures as are necessary or required to control and prevent drinking of alcoholic beverages on the porch or stoop of the licensed premises or in areas immediately adjacent thereto.

c) The licensee Kalari Liquors LLC, or his designee, shall continuously patrol and police the licensed premises so as to keep it clean, free from debris, discarded bottles or cans, and other trash or rubbish.

d) The licensee Kalari Liquors LLC, or his designee, shall establish and institute procedures designed to prohibit fights, brawls, arguments, shouting and disturbing noises, both within the licensed premises and areas immediately adjacent thereto so as to promote public health and safety, especially during late evening and early morning hours and on weekends. This also applies to live entertainment including Karaoke would only be permitted until 1:00 A.M. every night. If no violations or noise complaints in one (1) year the restriction would be revisited during the license renewal in 2016.

On entertainment of the Mayor, Councilmen Willse 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 2015 -
2. Police Department Report for August 2015 -
3. Tax Collector's Report for August 2015 -
4. Municipal Court Report for August 2015 -

On entertainment of the Mayor, Councilmen Willse 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.

September 21, 2015
Regular Meeting

Councilman Cortellessa said I am getting questions on why appeals were filed and affected other people.

COMMUNICATIONS: None.

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

Held to the end of the meeting.

UNFINISHED BUSINESS: None.

RESOLUTIONS:

Resolution #148-0-15:

Re: Approve Lease Agreement – Verizon Wireless – Cell Site Haskell Fire House

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

WHEREAS, the Borough of Wanaque advertised for and received bids on September 16, 2015 for the lease of real property owned by the Borough of Wanaque, at 1 Fourth Avenue, Haskell, New Jersey, for the construction, operation and maintenance of a wireless communication facility, and bids were received from the following:

New York SMSA Limited Partnership	\$7200/year
d/b/a Verizon Wireless	

and;

WHEREAS, the Borough Administrator has reviewed the bid and finds it in conformance with N.J.S.A. 40A:12-1 et. seq and recommends award;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Municipal Clerk are authorized to execute a lease agreement with New York SMSA Limited Partnership, d/b/a Verizon Wireless, 180 Washington Valley Road, Bedminster, New Jersey 07921 at an annual rate of \$7200.

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

Resolution #149-0-15:

Re: Award Bid – Haskell Paving \$274,279.59 – Water Mains - Milton Place and Jefferson Street

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

September 21, 2015
Regular Meeting

WHEREAS, the Borough of Wanaque advertised for and received bids on September 16, 2015 for the replacement of water mains and water services on Milton Place and a portion of Jefferson Street, and bids were received from the following:

HASKELL PAVING 30 GREENWOOD LAKE TPKE. RINGWOOD, NJ 07456	\$274,279.59
MSP CONSTRUCTION 126 WALNUT STREET NEWARK, NJ 07105	\$280,310.00
JOHN GARCIA CONSTRUCTION 183 FRIAR LANE CLIFTON, NJ 07013	\$282,531.87
D.R. MULLEN CONSTRUCTION 38 EDISON AVENUE OAKLAND, NJ 07436	\$330,935.25
PACIFIC CONSTRUCTION, LLC 531 RT. 22 EAST PMB 240 WHITEHOUSE STATION, NJ 08889	\$363,630.35
NEW PRINCE CONCRETE CONSTRUCTION 215 ELLEN TERRACE HACKENSACK, NJ 07601	\$370,930.00

and;

WHEREAS, the Borough Administrator and Borough Engineer have reviewed the bids of Haskell Paving and find it to be responsive and responsible and in accordance with NJSA 40A:11-1 et. seq. "Local Public Contracts Law."

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are authorized to execute a contract with Haskell Paving, 30 Greenwood Lake Turnpike, Ringwood NJ in the amount of \$274,279.59 for water main replacement on Milton Place and a portion of Jefferson Street; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account Y-WC-04-127-201.

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

Resolution #152-0-15:

Re: Amending Contract – UniMak LLC – Time of Completion

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

September 21, 2015
Regular Meeting

Authorizing an Amendment to the Wanaque Municipal Building Construction and Completion Schedule.

WHEREAS, on July 23, 2013 UniMak, LLC and the Borough of Wanaque entered into a contract for the construction of a new Municipal building; and

WHEREAS, on August 6, 2013 the Borough Administrator issued the Notice to Proceed with the Municipal building construction project to UniMak, LLC; and

WHEREAS, the demolition of the pre-existing Municipal building was originally scheduled to take place on or before May 13, 2015 which was later extended to September 1, 2015; and

WHEREAS, due to the presence of asbestos in the pre-existing Municipal building, which was required to be remediated, the demolition of the Municipal building is now scheduled to take place on or before September 28, 2015; and

WHEREAS, the parties had previously met on July 9, 2015 in an effort to schedule a precise date of the demolition of the pre-existing Municipal building as well as the completion of all site work; and

WHEREAS, the parties have agreed that upon demolition of the pre-existing Municipal the remaining site work shall be completed within approximately sixty (60) days from the date of the demolition of the pre-existing Municipal building which means the site work shall be completed on or before the end of business November 30, 2015 and that the final certificate of occupancy must be issued within fifteen (15) business days thereafter which said date is December 21, 2015;

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 and Borough Administrator are authorized to operate under the dates outlined in this Resolution and prepare any contract change order or contract amendment to reflect the dates indicated herein.

On roll call, all voted yes, except Councilman Willse who voted no and the Mayor declared the motion carried.

Resolution #150-0-15:

Re: Award Bid – Superior Auto - \$1,274.00 per Month – Automobile Repairs – Police Department and Administrative Vehicles

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

WHEREAS, the Borough of Wanaque advertised for and received bids on September 16, 2015 for Auto Repair Services; and

WHEREAS, bids were received from the following:

Superior Auto Repair	\$1,274.00 per month
400 Union Avenue	
Haskell, NJ 07420	

September 21, 2015
Regular Meeting

and;

WHEREAS, the Police Chief and the Borough Administrator have reviewed said bid, and find it in conformance with the specifications and with N.J.S.A. 40A:11-1 et.seq., "Local Public Contracts Law."

NOW, THEREFORE, BE IT RESOLVED that a contract be awarded to Superior Auto Repair, 400 Union Avenue, Haskell, NJ 07420 at the low bid price of \$1,274.00 for a period of 24 months, with the Borough's option to extend said contract for two one year periods or one two year period; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account 5-CU-01-124-261.

On roll call, all voted yes, except Councilman Cortellessa who voted no, and the Mayor declared the motion carried.

PUBLIC DISCUSSION: (Work Meeting)

FINANCE REPORT: Vouchers - Payrolls

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

VOUCHERS:

Current Operating 2015	\$ 341,155.78
Water Operating 2015	\$ 85,218.48
Sewer Operating 2015	\$ 6,672.02
General Capital	\$ 53,943.84
Escrow	\$ 2,227.50
Water Capital	\$ 29,160.00
Animal Trust	\$ 7,683.33
Recreation Trust	\$ 9,536.96
Voucher Total:	\$ 535,597.91

Payroll:

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

PR #17	08/21/2015	\$ 208,686.69
PR #18	09/04/2015	\$ 217,403.20
PR #19	09/18/2015	\$ 224,744.75
Payroll Total:		\$ 426,089.89
Grand Total:		\$ 961,687.80

September 21, 2015
Regular Meeting

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

APPROVED: September 21, 2015

Daniel Mahler
Mayor

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

On entertainment of the Mayor, Councilmen Willse 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 and Negotiations.

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 Pettet moved a motion to reconvene at 9:45 P.M.

On roll call, all were present.

ADJOURNMENT:

On entertainment of the Mayor, Councilmen Willse and Balunis moved a motion to adjourn the meeting. On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 9:45 P.M.

Katherine J. Falone, RMC, CMC
Municipal Clerk