

Business Meeting
August 10, 2015

A Business Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, August 10, 2015 at 7:00 P.M. in the Wanaque Municipal Building.

The Mayor called the meeting to order.

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

The Mayor read the following Sunshine Statement: Adequate notice of this meeting has been provided by the Mayor and Council by emailing notice of this Business Meeting to the Suburban Trends and the Herald News newspapers on January 2, 2015 stating therein that this meeting would be held on Monday, August 10, 2015 at the time of 7:00 P.M. in the Wanaque Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey and a copy of this notice was posted on the bulletin board in the Wanaque Municipal Building on January 2, 2015 and a copy is on file in the office of the Municipal Clerk.

MINUTES:

July 13, 2015.

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

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

ORDINANCES:

Public Hearing of Ord. #12-0-15:

Re: Amend Chapter 108 – “Vehicles and Traffic” to amend Article 1 – No Parking as it pertains to Fourth Avenue

On entertainment of the Mayor, Councilmen Willse and Balunis moved that Ordinance #12-0-15 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 TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 108, “VEHICLES AND TRAFFIC,” TO AMEND ARTICLE I – NO PARKING AS IT PERTAINS TO FOURTH AVENUE.

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.

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

On entertainment of the Mayor, Councilmen Leonard and Councilman Balunis moved that,

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 108, "VEHICLES AND TRAFFIC," TO AMEND ARTICLE I – NO PARKING AS IT PERTAINS TO FOURTH AVENUE pass final reading, and that said Ordinance be adopted as an Ordinance of the Borough of Wanaque; and

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

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

Introduction of Ord. #13-0-15:

Re: Utility Easement – Block 448, Lot 8

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

The Mayor explained this is the utility easement at Laurie Field in Haskell.

The Borough Administrator explained just to provide utility easement for a gas line. The Regional Sewer Authority is putting in an emergency backup generator for the pump station down there. It will run parallel to Ringwood Avenue behind the building over to the pump station.

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

On entertainment of the Mayor, Councilmen Willse and Councilman Cortellessa 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 first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Borough Council to be held on the 21st day of September 2015, at the Municipal Building in the Borough of Wanaque at 8:00 PM., 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.

COMMITTEE REPORTS:

Councilman Balunis:

Councilman Balunis reported that all the spring and summer recreation sports are done. They just started up with football, soccer, cheerleading and there's a recreation meeting this Wednesday night. The new superintendent at Lakeland High School, Hugh Beattie, is on the board. The first day of school is September 2nd this year. There is an item regarding the First Aid Squad on the agenda tonight as Stryker was the lowest bidder regarding the bid for the power stretchers.

Councilman Cortellessa:

Councilman Cortellessa reported the Department of Public Works are going through their normal maintenance process. Because of the impending heavy rains they have been working on cleaning out the storm drains and going through some of the streams within the Borough because we're expecting significant heavy rains and that will help prevent any flooding that goes on. Regarding the Fifth Avenue water line replacement that's a project that we have going on and we need to do some testing to find out exactly where all the water lines happen to be.

The Borough Engineer said we had the utility mark-outs and it looked like maybe we marked the water main on the other side of the street than we had originally planned. But when we went to locate the utility lines the way they were marked the gas line was showing with three to four foot offsets in another direction. The water mains are transite and it's very hard for the water department to pin them down. So right now he's digging test holes and locating all the mains and once we know where everything is we'll decide where to put the water lines so we can go right through and finish it.

Councilman Cortellessa said the US Aluminum factory development is moving along as well and there are two important elements associated with that. One is the sewer lines are being implemented and also the water lines are starting to get implemented as well. They are not all complete but they are making progress along those lines.

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Councilman Leonard:

Councilman Leonard said I don't have any committee reports. Suzin Triolo from the Wanaque Board of Education resigned for personal reasons and Angela Demetriou was appointed for the remainder of her term.

Councilman Pasquariello:

Councilman Pasquariello read the Police report..

Councilman Pettet:

Councilman Pettet said I know that the Passaic County Freeholders have been a discussion and I believe they will be in Bloomingdale at 5:30 p.m. tomorrow.

Councilman Willse:

Councilman Willse reported that the fire department for the month of July had one structure fire, two vehicle accidents without extraction. Four fire alarms, two smoke odor alarm calls, one CO2 alarm, and they also managed to do five different nights of drill for the month. The police department has moved over completely in the building, so we're all out of the old building. There are obviously some odds and ends they're still chasing down and things to be done in here and final little tweaks for the contractor to finish before we consider this building completed, but it's getting closer. Regarding the old building the anticipation is it's down by Labor Day weekend.

The Borough Administrator said that's something I'm talking with the Fire Chief. There are certain issues that I have to deal with insurance wise and otherwise.

Councilman Cortellessa said when do you think the time frame is on taking that down. The Borough Administrator said I'm going to hold to the Labor Day weekend plus or minus a month.

Councilman Cortellessa said how did the property sale go.

The Borough Administrator said on Saturday they grossed \$320.00.

Councilman Willse said they gave away a lot of what was in there.

The Borough Administrator said a lot went to the Board of Education and the First Aid Squad, Fire Department and anybody who asked for something we were able to accommodate them. If anybody needs file cabinets or desks let me know because tomorrow or Wednesday they're going in the dump truck and going down to the scrap metal dealer.

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The Mayor said I believe we scheduled the dedication of the building for the 19th, which is the date of the town picnic, so you better tell the contractor that building better be down by the 19th.

Councilman Cortellessa said do we have a contract.

Councilman Willse said yes. That's part of this building.

Councilman Cortellessa said do we have a time frame in effect yet.

The Mayor said September 18th.

The Borough Administrator said everything has to be done wrapped up and gone by December. There's a certain number of days after we took occupancy that he has to get things done but I expect to be done by the end of October with everything done and finished.

Councilman Cortellessa said even the driveway.

The Borough Administrator said yes.

Councilman Willse said that's including the paving, the landscaping and everything.

The Borough Administrator said yes.

The Mayor said don't they have to let it settle.

The Borough Administrator said we've already had that discussion they will be compacting it as they put the dirt in so that there won't be a need for a very amount of time for settlement.

PUBLIC DISCUSSION

The Mayor opened the Public Discussion.

Ken Ambruster, 6 Gardella Place, Haskell said that you indicated you're taking test bids on Fifth Avenue, correct?

The Borough Engineer said yes.

Ken Ambruster said is that going to increase the cost of the water mains?

The Borough Engineer said, no. That's already included in the contract.

Ken Ambruster said but if you have redesign the water lines you indicated if you found out that they were not the way that they were marked out.

Borough Administrator said it won't matter. It won't cost anymore if we put it on one other side of the street or the other.

Ken Ambruster said that's why I'm asking. When I hear test bids and when I hear things aren't where they're supposed to be, a little light goes off. That's why I'm asking. Okay. The second question is for Mayor Mahler. I appreciate that Councilman Pettet indicated that the Freeholders Board is having a meeting tomorrow night in Bloomingdale. Are you going to be there, Mayor?

The Mayor said I think I am now.

Ken Ambruster said I figure they would probably listen to the councilman I talked to a couple of the council and I think they'll listen to you before they'll listen to the average public.

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The Mayor said that's debatable.

Ken Ambruster said he knows, but you represent us. I'm going to bring up a sore subject for Number 3. 1161 Ringwood Avenue. The fellow was here last month that owns the building. He indicated that he was going to meet with Mr. Carroll and I think the building department to discuss the eyesore. Has anything been done on that?

The Borough Administrator responded the gentlemen did call me while I was on vacation. I called him back last week and we kept playing telephone tag, so he did reach out, but we haven't had the meeting.

Ken Ambruster said I'm told that maybe they can put a little pressure on him now that you're back from vacation to try to get this thing resolved. But it just seems like a joke if he's not going to work with us.

Bob Horowitz, 6307 Warren's Way said I'm looking to help with the town council, the Wanaque Reserve Outreach club was organized a few years ago to provide assistance to the residence of Wanaque who are unable to take care of their immediate financial needs and have exhaust them all their other revenues for help. We're going to have a show at Lakeland High School on September 27, 2015. We're going to sell raffle prizes. It's going to be a week after your town picnic and we would like some help from you people to make this a success since we're going to be helping the Town of Wanaque. We have to sell some tickets through you guys and raffle tickets to the show.

Councilman Cortellessa said I think we can sell some at the picnic here.

Bob Horowitz said that's what we're going to do.

Councilman Willse said you said the 27th, that's a Sunday.

Bob Horowitz said it's a Sunday night.

Someone asked how much is the ticket?

Bob Horowitz said it is \$20 a ticket and it's \$10 a raffle ticket. We're going to be giving away a new Apple Watch, two mini apple tablets and a lot of restaurant packages will be part of the prizes. We took over the senior citizens who are not going to be there, so they gave us their booth. But we need some cooperation because every year we've had this the last couple years we've always done it the night of your picnic, so this time we went a week later, so now we hope that all of you guys will be able to attend. It's a good show. Thank you. If anybody needs some brochures I have some brochures here or fliers.

Councilman Cortellessa asked what other cooperation do you need other than us attending?

Bob Horowitz said maybe you can help when you advertise the picnic we can advertise the show too since all the proceeds are going to people in the town of Wanaque.

The Mayor told Mr. Horowitz to give the lady right behind you a flier and she'll put it in the paper.

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Jules Figula, 3202 Warren's Way said this is for Mr. Carrol. He had mentioned the reimbursement of the amount of \$900,000 last month for the damage that was done to the water department equipment. Frank and I got to talking about it after the meeting and we just want to get a little bit better understanding of this. You borrowed money to repair the equipment and I assume that was a note. What was the original amount of that note?

The Borough Administrator said the original amount, going from memory, was around \$750,000.

Jules asked if that note was paid off?

The Borough Administrator said it was part of the bond sale in 2007. So those bonds are in the process of being paid off. They're already in our current debt service.

Jules asked was the debt was serviced out of the utility budget?

The Borough Administrator said yes.

Jules said so that servicing will soon end.

The Borough Administrator said yes. I don't remember how many years we took that bond for but let's say that was a 2007 so within the next seven years or so I would say that would be paid off.

Jules asked is there any thought to take part of that \$900,000 and pay that debt off sooner and is there any benefit to doing so?

The Borough Administrator said the bond is not callable. And we're so far into it it's mostly principle only at this point.

Jules asked when you had to borrow the money did you need to increase the water rates in order to cutting the expense?

The Borough Administrator said no. We did not.

Jules thanked everyone.

Jay Cohen, 2319 Warren's Way stated I've listened to you and I've been going to some board meetings. I'm going to go to the Freeholder's meeting tomorrow. But I'm confused sometimes because I go to the Lakeland Regional meeting and they tell me that they've treated us very fairly because they've given us all our money back. Unfortunately, the secretary wasn't there at the last meeting I went to, so I'll go to the next meeting because she was going to get in touch with me and tell me how they had done that. Then I go to the school board meeting in Wanaque and they're having plans for the future. They have this great plan. And one of the problems they have is their enrollment is going to increase. It's already increased in spite of what I've been told from members of the Board, it's increased. It's increased partially because of the parochial school closing and it's increased because of the number of buildings that we've built here. But the demographics show that within the next few years because all those new units that we approve are at least two bedroom units. The demographics show that there will be an increase in the number of students. So they're talking about either expanding the buildings or renovating the buildings at a cost to us. You know, bond increases and so forth. So, that looks like more money coming out of our pockets because we approved plans without thinking about

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the consequences of them. I know that also the Sewer Authority recently said that it's asking for over \$3 million dollars in bonds to upgrade the sewer plant. Now they're upgrading the sewer plant, obviously, because it can't handle the capacity of the town and all the building that's been going up. When we do economic development in this town, do we consider things like this. I guess we're going to be paying for it. I'm concerned about some of the development and the traffic. Now I'm always told that studies have been done. Studies have been done that the school isn't going to increase capacity, the Sewer Authority isn't going to increase capacity, the traffic isn't going to increase capacity, but I wonder, how much thought goes in from the borough into all these plans. What kind of economic development council do we have? Do we have one? Do we spend any money? Do we spend any time in trying to attract business, not just homes, ratables that will bring more money into the community? Do we think of tax incentives? Incentives are ratable because maybe in the beginning we won't get a lot of taxes from them, but eventually we do and that's what most municipalities do. They have incentives to bring businesses in. Do we do any of that? I haven't seen an economic development plan. Maybe you have one?

The Mayor stated the high school is repaying us over five years for an overcharge of 2013. Because of the re-eval, we asked some questions, they really couldn't give us a good answer at the time and then the administrator left at the high school and the answer they gave us is we now have more students from Wanaque than Ringwood does. And my question to the superintendent is where's my extra seat, meaning, the high school, the way I understood it is there's nine members of the school board and Wanaque has four seats and Ringwood has five because Ringwood has more students, so as soon as we got more students I wanted that extra seat. And they looked into things and all of a sudden they found out they said well, you don't get the extra seat. Well, why not? Well, there was a mistake. So that's a refund of an overcharge. Okay. As far as economic development, we have a pilot program and that's how we built the Haskell Towne Center. Pilot is a payment in lieu of taxes. We have that at the Haskell Towne Center. We've discussed that with other programs. The project at the candle factory was going to be a pilot program, but then that was when it was a 55 and over development. When it went back to being market rate, our consultant looked at it and it just wasn't economically feasible to do that. As far as students in these condominiums, Tom, I think you have the statistics.

The Borough Administrator said yes.

The Mayor stated we found that there's a very small amount of students coming out of the condominiums. Most people who live in the condominiums you have empty nesters and you have people just starting out. The people starting out if they have children, usually by the time they're children are of school age, they've moved out into a single family home. Tom, do you have those statistics?

The Borough Administrator said yes. I've looked at this list because of this argument. One- and two-bedroom town houses don't attract the children that three or four bedrooms. Brookside Heights which is 176, two-bedroom units has I think four or five students, and I haven't looked at these numbers in almost a year, that go to high school and grammar school.

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Kenwood Commons had none. That's about 20 units in there. Suburban Village had one. Stony Ridge, which has 120 units which is 90 2-bedroom and 30 3-bedrooms has around 12. And looking at cost per student versus the revenue derived from those developments and everything is all positive. That they're not costing the school districts more than they take in. In fact, they are on the plus side on that. So, and you look at statistics throughout any of the planning statistics is that the one and two bedrooms, the second bedroom is usually an office or in my case when the kids come home from college or come to visit. But I don't know what the demographic numbers that they're looking at but I can show you the true numbers for Wanaque and they're not getting a huge influx of students from the townhouse developments.

The Mayor said I think Stony Ridge is the only one with three bedrooms.

The Borough Administrator said yes.

The Mayor stated that most are two.

Jay Cohen stated they usually get together with the demographic experts that they hired. They hire people to do this. They're not just making the numbers up. Now maybe they're wrong, but they spent money and these people are saying within the next five years they're going to need additional classrooms and additional space in the schools. Now, I agree you don't move into one of those necessarily with kids, but if you buy a two or three bedroom apartment you're expecting to have kids usually. And they're projecting and I assume they went around and they made projections and they're projecting there will be a need for more classrooms.

The Mayor said they're probably using some kind of averages would be my guess and, like we've said, there's 30 three-bedroom units at Stony Ridge. The other condominiums are two bedrooms. You know, Brookside is the biggest, other than the reserve, it's the biggest condominium unit and they're all two bedrooms. And from when my children were younger the only time that we really had any kind of more children than normal out of say Brookside is in the late 80's. You know you had a bubble in the real estate market in the Late 80's which burst in '88, '89. You had one in 2006 that burst in 2007, 2008, and sometimes if the people who bought at the wrong time got in, had children, they couldn't get out. So there was a little blip around 1990, '91, '92 where people couldn't get out and they had school-aged children. Once the market came back and they could sell their unit, they got out and they went to a single family house. That's what most people did.

The Borough Administrator stated that's exactly what the situation was at Stony Ridge.

Jay Cohen stated they had an increase of 104 students and I have the sensing that they're using that increase as a projection for the future.

The Borough Attorney said most of that increase was St. Francis closing?

Jay stated not just St. Francis. St. Francis gave them "X" amount based on the superintendent.

The Borough Attorney said they had about 100 students at St. Francis.

Councilman Cortellessa said he believes St. Francis gave them 80 students. I think they're using that projection.

The Borough Administrator said he's done this analysis of the numbers.

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The Mayor stated it's not the condominiums. What it is is the developments behind the high school and up off Cannonball Road they were all built in the early 70's, between '70 and '74. The people who bought those units were in their early 30's or let's say 26 to 34. They raised their families. They are now passed retirement age. They're in a four-bedroom house, it's time to downsize.

Jay Cohen stated that they won't mention that.

The Mayor stated they downsized and a young couple moves in with children, so it's the cycle of the developments. It's not the cycle of the condominiums. It's the cycle of developments that have been in there for a while versus these condominiums.

Jay Cohen stated the high school enrollment has gone down but the elementary junior high school enrollment has gone up. Lakeland has gone down. And I asked the Lakeland people why have you kept the same staffing levels and the same tax levels when your enrollment has gone down and they couldn't answer me.

Councilman Willse stated I can tell you what the Mayor just said I've watched that happen at the three houses across the street from me. People my age with their kids in college and out of college have moved out and suddenly I'm the guy on the block because everybody else around us, you know, there's toddlers and I'm dodging big wheels and Barbie cars going up and down the street in the afternoon.

Jay Cohen stated we have to plan for that. We have to assume that in an older town, older people are going to move out and younger people are going to move in.

Councilman Willse said but that's the normal cyclical.

Jay Cohen said but you still have to plan for it.

Councilman Cortellessa: There should be a balance for it. There should be an overall balance associated with that. I think we need to understand their reasoning and logic projecting these increases in the number of students. Because what they're really saying is they want to expand the buildings. In fact I've they even want to build new. So we need to really understand what's going on there.

Councilman Willse asked the Borough Administrator is it possible at the next meeting you can give us there's "X" number in what grades?

The Borough Administrator said I can give you last year's numbers. Usually official numbers are as of October 1st. What I think that you may want to consider is is just have a joint meeting with the Board of Education.

Councilman Willse said I think we need those calculation.

The Borough Administrator said I'll get those calculations over to you.

Councilman Cortellessa stated we also have Ed, the liaison so we need to tie this all together to address and understand it.

The Mayor said and we had the same phenomenon maybe 15, 20 years ago when the people in the Haskell development, the eastern side of Ringwood Avenue, where all the Haskell Capes are, that development was built after World War II between 1948 and 1955 and there was a certain period of time 15 to 20 years ago where those people all started retiring.

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Councilman Cortellessa stated let's cover Jay's other two questions which I think are really important questions. What are traffic issues? We are adding the aluminum factory. We did add Parkside. We do have some other developments going on. I think Tom needs to share with him the approach that we take with any new developer who is doing traffic studies that's telling us that the impact on Ringwood Avenue is not going to be so dramatic that we're going to have major problems. I think you need to talk about that. The other thing I want to dig up is this issue about the sewer plant, if you can comment on that because the Sewer Authority plant has a capacity. The project that's going to take place is related to putting in a significant amount of new oxygenation which is necessary to process the sewage in the plant and to reduce odor capabilities. It's also there to increase the overall efficiency. Not necessarily to increase efficiency to be able to handle more sewage but to increase the efficiency because the processing is there. That plant is 25 years old. So a lot of that equipment needs to be put in place to include that overall efficiency. So, Tom, if you would comment any further on the capacity.

The Borough Administrator said the sewer plant is at roughly 80 percent capacity. The plant has a capacity of 1.2 million gallons a day. That is strictly regulated by the plant as to the report those numbers probably daily as to the amount of affluent that's going through the plant. The plant cannot be expanded. It cannot put out anything anymore because of the Highlands regulations and other clean water regulations that are out there. Councilman Cortellessa said that a lot of the upgrades that have happened when Wanaque Reserve was built that were done by Pulte and the work that's being done now is upgrades to a plant that's 35 years old at this point and things are getting replaced for the first or second time. Anytime that there is a new development that is significant, Parkside, Lakeland Village, they have to file an application with DEP for an extension permit. DEP looks at the capacity levels and they say yah or nah. The treatment plant does have a capacity insurance plan now they're managing that. So capacity with the current developments that are on board including Mountain Lakes Estates, Lakeside Manor because that capacity has been reserved since 1986 thereabouts.

Jay Cohen asked where is the \$3.3 million dollars going to come from?

Councilman Cortellessa answered part of it is grants and part of it is bonding. They have the funding right now. There's no increase in the sewer plant right now in their cost. They've been able to manage their cost overall. They paid with their grants associated with this. They had part of this as part of their plan.

The Borough Administrator said I believe part of this was the Sandy money for the hardening of infrastructure. I don't know all the details of their funding but I know that part of it was through the Federal Government, The Federal Grant.

Patricia Norton, 527 Ringwood Avenue said on behalf of the First Aid Squad, I would like to thank you all for awarding the stretcher bids to Stryker. It is the preferred stretcher that we wanted so I do thank you for that. However, I do need to know what is the procedure from here? How do we order them? Who does the PO?

The Borough Administrator said that's a normal purchasing procedure.

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Patty Norton said we do have an eight- to twelve-week delivery time.

The Borough Administrator said a purchase order will go out this week.

Sandra Lawson, 28 Haskell Avenue asked would I be able to get a copy of the resolution that was added on to the agenda tonight?

The Mayor answered, yes.

Sandra Lawson asked if she can take that home with her.

The Mayor answered, yes.

Sandra Lawson asked what our budget was.

The Mayor answered \$9,284,175.71.

Sandra Lawson asked how much did you spend on this building?

The Borough Administrator answered \$8.8 million.

Sandy Lawson stated that's not including everything. I just wanted to say that if we're going to make an expenditure like this, but it would be great if something like that was also put on referendum so people could vote on what we want to do with this town. I wanted to ask the amendment to the Fair Share Plan could you explain a little bit more what that is?

The Borough Administrator answered it's basically clarifying some of the definitions that are in it and making it as clear as possible so that the Court understands that Wanaque has done what it was supposed to do, we addressed the issues from COAH.

Sandy Lawson asked what issues were those.

The Borough Administrator answered being able to need our processing place for our zoning is in place. That we've gone forward and we have actually created units in low moderate units and that our plan needs to require needs of the Fair House Act.

Sandy Lawson asked would you say that we have no more obligations or what is our obligation?

The Borough Administrator answered I think that's an obligation. That's a number that the courts are going to decide. I know there was one decision that came out from Monroe Township that gave them another five months. Are plan is complete. It's been filed with the court. What the number is going to be depends on Judge Brody will have. It's conjecture right now whether the Judge is just going to come up with a number or if they're going to appoint a special master that's then going to come in and look at each of these municipalities. So there are a lot of unanswered questions as far as procedure and methodology whether they're going to use what the counsel on affordable housing had, come up with.

Sandy Lawson said for Wanaque's number? What was that?

The Borough Administrator answered I think it was 129.

Sandy Lawson said, yes, because we had a huge obligation a few years ago.

The Borough Administrator said I think our round to number was something like 348 and then our round three obligations was 129.

The Borough Attorney stated what happened was the COAH regulations were declared invalid. They couldn't come up with new regulations so the Supreme Court finally said if you guys aren't doing it and the legislature will do it, you had certain period of time to file with the court a declaratory judgment stating that you have met an appropriate amount or provide an

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appropriate amount of low and middle income housing. So most of the municipalities have filed declaratory judgment act. I think there's 300 in this state. Many in Passaic County have filed. Wayne has filed. Little Falls has filed. I'm on that list. You get copies. They are that thick and there's a lot of work to be done. I can't imagine Judge was going to be able to handles those expeditiously considering our 16 municipalities filing. The legislature didn't act so the court said fine we're going to do it, they're going to be appointing special masters and every municipality is going to be looked at in terms of has it provided adequate numbers in your fair share of low and middle housing.

The Mayor said the cities don't have a COAH problem. There's no mandated low income housing in the cities. It's already there.

Sandy Lawson stated so we have 129. Of those how many have we (Indiscernible)

The Borough Administrator said we did a 20-unit RCA, that was an original contribution agreement with Jersey City back in 1999. We had ten units at Wanaque Reserve. We have 18 units at Parkside and we'll have eight units at Lakeland Village. That's what we have so far.

The Borough Attorney said we will also have a proposal for Hagstrom Drive, that project.

The Borough Administrator said we're about half way there.

Sandy Lawson said last month somebody spoke about the way that Roar of the Crowd looks and I took some pictures if you want to see them. The weeds are very high. When you're driving at the end of the street it's very hard to see. You have to inch out into the road to see down Union Avenue and I would just love to see that get cut back. It's a traffic safety hazard in my opinion. I think it should be cut back. Also, I commented last month about the weeds on Ringwood Avenue just passed the 7-Eleven going north on the left side and they're getting bigger so mother nature really loves these weeds.

The Borough Administrator asked is it opposite the Exxon?

Sandy Lawson said, no, not the 7-Eleven. I'm sorry. The Dunkin Donuts. I said 7-Eleven.

The Borough Administrator stated that's the DOT property.

Sandy Lawson asked can you make a phone call. Can something happen? Could we do it and then send him a bill?

The Borough Administrator said I had the road department go down and cut the signs.

Sandy Lawson asked the 287 signs?

The Borough Administrator answered yes. They did just do some trimming down there.

Sandy Lawson thanked everyone.

John DiMiglio, 410 Ringwood Avenue said this is on the Golden Age Building. I asked Dominic being that he's the head of the road department if he would fill a couple pot holes over in the parking lot. Mr. Carroll said it's not their responsibility. There are a lot of seniors over there and they all pay a lot of taxes. I know I pay a lot of taxes and all I get is free garbage pick up. But I'd like to know why they can't fill a couple. When the road department is out doing pot

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holes, why can't they take a half hour and go over there and fill a couple pot holes? It's borough property, right?

The Borough Administrator said it is not borough property. It's private property.

Councilman Cortellessa asked can we at least take a look at it. They are senior citizens.

The Borough Administrator said we don't do it for any of the churches. We don't do it for any of the other nonprofits in town. And they do have a source of revenue.

John DiMiglio said churches don't pay taxes; seniors do.

Councilman Leonard asked is there a liability if we do it?

The Borough Administrator answered I caution you that you set a precedent for doing public work on private property.

John DiMiglio stated they have to put a new roof on the building because it's leaking. It's going to cost them \$23,000 to put a new roof on the building. Their heat bill is over \$2,000 a year and electric bill is over \$1,000 a year. And you have to pay insurance on a building and I'm sure they have insurance for God forbid any seniors get hurt. So they put out a lot of money. I don't even know if they make money on the tower.

The Mayor stated that Joan Bender has all our numbers.

John DiMiglio said, yes, I know. It's not cheap to keep that building. It's not cheap to keep my house. I pay close to \$11,000 in taxes. Free garbage pickup. You pickup my grass. I can do like the rest of my neighbors throw it in the woods in the back. Then you put new sidewalks in last year. You should see them. If you go three doors up, the sidewalk is starting to list already.

The Mayor asked the Borough Administrator is that project under warranty from the county?

The Borough Administrator said it's still under warranty. Yes.

The Mayor said maybe we should take a look at what John is saying.

The Borough Administrator stated we have gone up and down Ringwood Avenue three times.

The Mayor said take a look in front of John's house make sure.

John DiMiglio stated there are also cracks on the sidewalk too. I small a couple cracks in there too going up towards Quick Chek. I'll remind the seniors on Election Day.

Marvin Lieman, 4312 Warren's Way said one of the things I wanted to bring up was concerning the developments, the condominiums, concerning the schools is that people are saying there's only five children here and eight children there and twelve children there. And, perhaps, in many people's lives when you have eight children, there's going to be one in each grade. Sometimes the school they're in one grade. And if it's overcrowded now and all the students go into that particular class, you're going to need a new classroom and there's not enough room for the new classrooms. Therefore, that's a problem that, perhaps, people not in the school system would understand. So just because you have a few students going into the building it doesn't mean that it's all going to be nice and even. So a teacher will get one more

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student. It could be a lot more and it could be over the limit that's requirement in that grade. Therefore, they would have to open up a new class and if there's no room, etcetera, where do you put the new class. That's why, perhaps, some of the problems of increasing the size of the building has come into play because things change each year. It's not a stagnant. I understand that's part of the problem, I believe, I don't know the school system in that detail. One of the questions that come up numerous times I'm curious of current status. I have a feeling it's going to be a negative one. Partly when the choice of building the building was being done, which I obviously knew it was needed, one of the things that came up if you look in left field and said, wow, look at this is going to happen about the Tilcon project of changing the footing in the street and all the amount of money they're going to bring into here and it was, wow, we're going to get so many hundreds of thousands of dollars over the course of a lifetime in this district. What is the current status of Tilcon which, obviously, to me has stated down quite a bit but does anyone know the current status of it?

The Mayor answered Marvin Lieman that they've been talking to Tilcon. The problem seems to be the Elks. The Elks own Camp Moore and Tilcon bought a piece of property in West Milford. They paid over five hundred and some odd thousand dollars for it. It was 98 acres. They were going to move the Elks Camp. The Elks agreed to it. They bought the property. All of a sudden the Elks changed their mind. So Tilcon and the Elks are still negotiating. The Elks don't want to move to West Milford. I don't want to make public the reason why, but if they don't do something I will. We're trying to set up a meeting with the Elks so that we can talk about it and tell them they're holding up the whole project. And we're waiting on them. Tilcon has an alternate route around the Elk camp, which will be a little more costly for them. It won't matter to us. But they've been negotiating with some of the other towns in the area because they're expanding their quarry. You have the Elks and you have what's going on in the other town. Once the things with the other towns are resolved, they will move forward with or without the Elks and the Elks camp, if they choose to leave it there, it will pretty much be an island.

Marvin Lieman asked the Mayor, if your position, do you see that it will happen eventually?

The Mayor answered that he believes it will happen eventually. It's a delay that wasn't expected.

Marvin Lieman thanked everyone.

Sandy Lawson, 28 Haskell Avenue said in speaking with Tilcon, I think that they are inquiring Federal Hill to Bloomingdale?

The Mayor answered they own most of it. They're inquiring more. They're working on inquiring more.

Sandy Lawson said so the school area is going to turn into a quarry pretty much.

The Mayor said have you taken a look at Tilcon on Google Earth?

Sandy Lawson said, no, I have not.

The Mayor said you would be amazed how large that quarry is.

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Sandy Lawson advised she will when she gets home. No. I haven't. I haven't been paying attention to this issue but it kind of struck a chord in my heart that they were trying to put their quarry on Federal Hill and then this road and it just seems like it's so connected. It's going to be huge.

The Mayor said they already own quite a bit of Federal Hill. If you pull it up on Google Earth you will see it's huge what they own.

Sandy Lawson said I know that there's a lot of opposition to it so we'll see what happens with that. Sandy Lawson asked what is the status of Mountain Lakes Estates?

The Borough Administrator responds by saying I spoke to Mr. Binion today. Everything is moving forward with Lakeside Manor. The DEP has determined that they're entitled to a number of waivers which will shorten up the fugal process.

Sandy Lawson asked do you know what waivers those are? Borough Administrator answered he doesn't know off hand. Borough Administrator said that they will be seeing permits for Lakeside Manor in 60 to 90 days. All of the T's have been crossed, all the I's have been dotted as far as questions that the DEP had studies and everything else like that. Lakeside Manor should be approved by the end of October. Mountain Lakes Estates is being considered in total. The DEP will not bifurcate the first 13 lots. You're not separating out the 13 lots. You have to deal with all 153. The Mayor stated it is 128 units.

The Borough Administrator said that's going to be dealt with separately. Right now the push is to get Lakeside Manor. Lakeside Manor will be coming back into the planning Board for an amended site plan. One building had to be shortened up in order to increase a buffer on the pond side. And they're going to be coming in with architectural changes. But the footprints are basically going to be the same.

Sandy Lawson asked are they taking the buildings down? The Borough Administrator answered, yes. The buildings are all coming down. Mr. Goodyear assured me that once he had the DEP permits in hand, that they will deal with the raised manholes on Mountain Lakes Drive. Those will be down before the winter hits. Sometime next year they will put the final coat on Mountain Lakes Drive even though they don't have buildings on the Mountain Lakes Estates property. One of the existing houses up there will be used for a sales center and they'll have to make a decision on what they're going to do with the other ones.

Sandy Lawson said she hopes she takes them down because they were in horrible shape a few years ago when she saw them last.

The Borough Administrator said that's going to be a business decision that they're going to make, but everything is looking very positive with regards to Lakeside Manor.

Sandy Lawson asked is there any possibility that they will restore Stevens Lake that they will build that dam?

The Borough Administrator said Stevens Lake will be part of the Mountain Lakes approvals.

Sandy Lawson asked is that going to be a condition?

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The Borough Administrator answered that's already a condition in the developer's agreement.

Sandy Lawson said but it was in a Phase II. DEP is taking the position that the permit that was subject to the Appellate Division decision encompassed all 128 units, so they can't refresh or approve a partial permit. So they want to go in and approve the entire permit. Then it will be up to whoever is going to be developing that to come in with the phasing plan as we had required in the developers agreement and part of that was that the dam would be part of what we called Phase II. So that's where we're out.

Sandy Lawson said that's always been a sore point with me. There was no requirement to replace it, but I know that people have used it for fishing and skating so it would be great to have that restored for them and for the community.

Maurice Houckes, Jr., 10 Lines Avenue, Wanaque said he was here last month to talk about the stream located between Lines Avenue and Morningside. The town came, they weed-wacked the stream and did a very good job, but heard there was supposed to be an evaluation done. Did anybody do the evaluation on that street?

The Borough Administrator said I have not been back out to look since they were out to weed-whack. I was on vacation. Mike Reiff was on vacation. We'll get out there this week because we want to be able to get down to the point where we can see where the baskets for the gabions to see whether or not they're holding, where they're giving out because when we first went out after the last council meeting we couldn't tell. That's one of the reason why we had them clean it.

Councilman Leonard asked can we also in the study determine the cost of putting in the pipe versus the cost to retain the wall and also was there annual maintenance on it anyway?

Maurice Houckes said the wall is really on the two properties, his and neighbors because they're up high. They were 7, 8 feet up, now they're down about 5 1/2, 6, because the baskets are falling underneath. I think they were too big to start out with. They were about 10 or 12-feet long. If they had shorter ones. On a highway they hold because there is no water going through that, but here the water is taking all the ground underneath and it caved it in. His fence is leaning in towards the stream as it's caving in and I paid for that fence back when they did that job 30 years ago because I had little kids at the time and for safety issues, I didn't want them to go chasing the ball and fall off the edge.

The Borough Administrator said he is sending Mike a note right now and we'll get out the next day or two depending on how much rain they get tomorrow.

Mike Houckes thanked everyone.

The Mayor closed the Public Discussion.

CONSENT AGENDA

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Resolution #121-0-15:

Re: Redemption of Tax Sale Certificate #10-00046 for Block 751, Lot 16.

WHEREAS, a Tax Sale was held for 2010 delinquent Municipal charges on October 5, 2011;

WHEREAS, The Borough of Wanaque was the successful bidder for Block 751 Lot 16, 190 Conklintown Road for which certificate 10-00046 was assigned;

WHEREAS, Maher & Maher LLC, the attorney for the new buyer, redeemed the certificate of which funds have been deposited into the Current Account;

NOW, THEREFORE, BE IT RESOLVED Mayor and Municipal Clerk shall sign the certificate for cancellation.

Resolution #122-0-15:

Re: Refund the Lienholder for Tax Sale Certificate #11-00009 for Block 206, Lot 75.01 in the amount of \$6,323.83 for the Tax Sale Certificate.

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

WHEREAS, US Bank Cust Pro Capitol was the successful bidder for Block 206 Lot 75.01, 11 McKinnon Place for which certificate 11-00009 was assigned;

WHEREAS, Servicelink for Lereta LLC, the mortgage company, redeemed the certificate of which funds have been deposited into the Current Account;

NOW, THEREFORE, BE IT RESOLVED Treasurer shall refund the lienholder \$6,323.83 for the tax sale certificate per the certification of the Tax Collector.

Resolution #123-0-15:

Re: Refund of Water overpayment for Block 423, Lot 23 in the amount of \$300.00 due to a meter set fee that was paid in error.

WHEREAS, there exists a water overpayment on the account for Mr. Pagan of 24 Skyland Avenue, due to a meter set fee that was paid in error;

WHEREAS, the owners have requested a refund;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall issue a refund in the amount of \$300.00 as per the certification of the Tax Collector.

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Resolution #124-0-15:

Re: Credit 3rd and 4th Quarter of 2015 and 1st and 2nd Quarter of 2016 for Block 440, Lot 3 for a 100% disabled Veteran exemption from Tax in the amount of \$6,580.68 for 2015 and \$3,290.34 for 2016.

WHEREAS, the owner of Block 440 Lot 3, Marie Elston, qualifies for a 100% disabled Veteran exemption from tax, as the widow of the exempt veteran;

WHEREAS, the property owner is due a full credit for the 3rd & 4th quarter of 2015 along with the 1st and 2nd quarter of 2016;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector shall credit the above quarters in the amount of \$6,580.68 for 2015 and \$3,290.34 for 2016.

Resolution #125-0-15:

Re: Approve Change Order #27 in the amount of \$29,430.42 and Progress Payment #25 in the amount of \$60,609.72 to UniMak LLC for Borough Hall Construction.

The Borough Administrator said change orders include a need for a pressure reducing valve to be installed because of the high pressure that we had and it affected the automatic hand washers. Additional exit signs and emergency lights that the borough inspectors require. Changing the door hardware operations for the cell and west basement stairs. Installation of changing roof drains in connection to the subsurface drains at the canopies and a lock out to the basement on the elevator.

BE IT RESOLVED that Change order # 29 in the amount of \$29,430.42 and Progress payment #25 in the amount of \$60,609.72 payable to Unimak LLC for the construction of the new Borough Hall be and are hereby approved.

Approval of payment to County of Passaic re: 3rd Quarter Taxes for the Year 2015 in the amount of \$2,459,657.14.

Approval of payment to the County of Passaic re: Open Space Taxes for the 3rd Quarter Year 2015.

Letter requesting refund of deposit re: Street Opening Permit #2192 in the amount of \$500.00 – 37 Wolfe Drive.

Four (4) Applications for Raffle Licenses re: 1) Lakeland Chorale Association – RA:908, RA:909 and RA:910 and 2) Saint James Syrian Orthodox Church.

Letter from Fire Chief re: Remove James Wenzel from the roster of Company Number 2 effective immediately.

Resolution #126-0-15:

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Re: Approve Detective Stipend for Sergeant Philip Cavallaro.

WHEREAS, Police Chief Thomas Norton has presented a plan for the reorganization of the Wanaque Police Department which has been approved by the Borough Council; and

WHEREAS, Chief Norton has recommended that Sergeant Philip Cavallero be permanently assigned to the Criminal Investigations Division as Detective/Sergeant;

NOW, THEREFORE, BE IT RESOLVED that Sergeant Philip Cavallero acknowledges the permanent assignment of Sergeant Philip Cavallero to the Criminal Investigations Division, effective immediately, at an annual salary of \$129,329.

Resolution #127-0-15:

Re: Appoint Michael Levine to fill unexpired term of Andrew Bolduc to the Wanaque Valley Regional Sewerage Authority.

WHEREAS, Andrew Bolduc has resigned as a Commissioner on the Wanaque Valley Regional Sewerage Commission, and the Borough Council wishes to appoint a replacement;

NOW, THEREFORE, BE IT RESOLVED that Michael Levine, 5409 Warren's Way, Wanaque NJ be and is hereby appointed to the Wanaque Valley Regional Sewerage Authority, to fill the unexpired term of Andrew Bolduc, with a term ending on January 31, 2017.

Resolution #128-0-15:

Re: Support JCP&L Electric Upgrade Plan.

BOROUGH OF WANAQUE RESOLUTION OF SUPPORT FOR THE JCP&L MONTVILLE
– WHIPPANY REINFORCEMENT PROJECT

WHEREAS The Borough of Wanaque recognizes that reliable electric service plays a crucial role in the daily lives of Township residents; and

WHEREAS The Borough of Wanaque recognizes that reliable electric service also is critical to the local businesses within our community, and drives commerce in our Township and across the region; and

WHEREAS The Borough of Wanaque supports efforts to enhance our energy infrastructure to continue to provide families and businesses the reliable source of energy they need; and

WHEREAS The Borough of Wanaque believes Jersey Central Power and Light Company's (JCP&L) Montville – Whippany Reinforcement project will enhance service reliability and system redundancy, and meet the ever-increasing demand for power in our township; and

WHEREAS The Borough of Wanaque has been informed that in the event of a transmission disruption or during periods of great demand, this new line can reroute electricity to help reduce

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the frequency and duration of outages; and

WHEREAS The Borough of Wanaque has been informed that the approximate \$35million investment will provide greater flexibility for rerouting power; and

WHEREAS The Borough of Wanaque understands that this project will help to enhance the reliability of electric service today and in the future for approximately 86,000 customers in Morris and Sussex Counties.

WHEREAS The Borough of Wanaque believes that JCP&L has made a good-faith effort to keep the community informed about this project and to limit any disturbances to our local businesses or the fine families that comprise *the Borough of Wanaque*.

NOW, THEREFORE, BE IT RESOLVED that Mayor and Council of the Borough of Wanaque hereby finds and declares:

That the Montville – Whippany Reinforcement Project will benefit residents and businesses in the Borough of Wanaque and throughout X County by enhancing the reliability and redundancy of the electric system and by limiting disruptions to our electric service.

Resolution #129-0-15:

Re: Westbrook Road Change Order No. 2 a decrease in the amount of \$20,304.74 and approval of Final Estimate No. 3 in the amount of \$9,750.40 to Haskell Paving, Inc.

BE IT RESOLVED that Change order #2 in the amount of -\$20,304.74 and Final Estimate #3 in the amount of \$9,750.40 payable to Haskell Paving Inc. for the Westbrook Road Improvements be and are hereby approved.

Resolution #130-0-15:

Re: Professional Services – Scarinci & Hollenbeck – Special Counsel Tax Appeals.

WHEREAS, on July 20, 2015 the Borough of Wanaque announced through its official Municipal Website, www.wanaqueborough.com that it was soliciting proposals for Legal Services Tax Appeals under the “Fair and Open” provisions of N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, those proposals were received on August 6, 2015 by the Borough Administrator, who opened them and read them aloud; and

WHEREAS, proposals were received from the following:

Scarinci & Hollenbeck

Mauro, Savo, Camerino, Grant & Schalk

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WHEREAS, upon review by the Borough Council it is agreed to award this professional service under the "Fair and Open" provisions of the law;

NOW, THEREFORE, BE IT RESOLVED that the following professional appointments are made in accordance with N.J.S.A. 40A:11-5 et seq. and N.J.S.A. 19:44A-20.4 et seq.:

Legal Services for defense of tax appeals – Scarinci & Hollenbeck at an hourly fee of \$150; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available;

BE IT FURTHER RESOLVED that a copy of this Resolution shall be published in the Suburban Trends as required by Law.

Resolution #131-0-15:

Re: Award Bid – Power Stretchers.

WHEREAS, the Borough of Wanaque advertised for and received bids for the purchase of Power Lift Stretchers, fastening systems and equipment, and proposals were received from the following:

Stryker Corporation, 3800 E. Centre Avenue, Portage MI 49002

Power Stretcher and lift system – per unit \$40,810

7 YEAR COMPLETE Service & Warranty coverage – per unit \$6,645.00

and;

WHEREAS, the Borough of Wanaque wishes to purchase two (2) units.

NOW, THEREFORE, BE IT RESOLVED that a contract be awarded to Stryker Corporation, 3800 E. Centre Avenue, Portage MI 49002 for the purchase of two (2) Power Stretcher and lift systems and 7 year complete service & Warranty coverage for a total cost of \$94,910.00; and

BE IT FURTHER RESOLVED THAT THE Chief Financial Officer has certified that funds are available in budget account X-GC-03-385-201.

On entertainment of the Mayor, Councilmen Leonard and Cortellessa moved a motion to approve the aforementioned Consent Agenda.

On roll call, all voted yes, except Councilman Leonard who abstained on 10.9 – Resolution #117-0-15 and the Mayor declared the motion carried.

REGULAR REPORTS:

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The Borough Administrator said he's waiting for schedule from Tilcon. They should be starting this week on the road resurfacing on Lily, Reservoir, Anna, Grove, Colfax, and Aldrin and East Belmont. And they're also looking at the Firehouse #1 parking lot also, that's all in the works. As soon as I have the schedule, I'll get it out to you.

Councilman Balunis asked Tom if he heard anything about the Westbrook Bridge. Do you know when?

The Borough Administrator said I have not gotten any updates. I'll talk to the county. I know that they were planning on doing a lot of work but the water level had to be at a certain level and I have a feeling that it has dropped below that level. So, let me check with the county and I'll get an email out to everyone.

The Mayor said the ground is going to soak it up too. It's dry.

Councilman Cortellessa said the Golden Age parking lot could use some work.

The Borough Administrator said that's not ours. That's their responsibility.

Councilman Cortellessa said I know, but we can sort of take a look at it and see what needs to get done there.

The Borough Attorney said I have two items to report on. Number one is if you recall we were successful in the litigation over the preparation of an asbuilt in accordance with our engineers recommendations when they reviewed of the original asbuilts that were filed. The Court ordered them to follow that letter of recommendation by Mr. Cristaldi and to submit new asbuilts. Now 90 days have passed or three months and we've heard nothing and Councilman Cortellessa asked what is the status of things. I checked with Kevin Boswell who's a principal of Boswell Engineering. He advised that Pulte had reached out to their firm to submit a proposal to do the work. That a proposal was submitted to Pulte, but there has been no response. So when I wrote to Pulte's attorney indicating that it's been 90 days and nothing has transpired, not even a contract, and it will take some time for the engineering firm to do all the asbuilts. I don't know how much time, I can give it some guidance, I talked to Mike about it, but as of today, or actually last week, no contract has been left for that. So the letter to Mr. Allan, the attorney for Pulte, indicates that we will give him a short leash and failing to do that, we will take him back to court and have the Court direct periods of time with him in which to be done. The letter suggested that perhaps they're not proceeding in good faith and that if we have to go back to court perhaps we can seek sanctions for their failure to reasonably abide by the Court's order. So that's the status on that.

With respect to a deed that's been floating around regarding the US Aluminum property and our ownership of a little slice of property that's holding up their financing, a deed was prepared by Mr. Harris. It looked like it was prepared by the title company and it is not the right kind of deed, not the right kind of acknowledgements etcetera, so although it was signed, we had to redo the deed and it's now floating up in Borough Hall for the mayor to resign it, for Kathy to take the

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signature, and for me to take the acknowledgement. Mr. Harris called me today urging that to get done.

Tom and Kathy Falone advised they have it.

The Borough Attorney said as soon as we get that deed done, we can file it and then turn it over to Mr. Harris for whatever purposes he has so that project can move along. And that's all I have to report.

The Mayor said after the meeting, bring it up and we'll sign it.

COMMUNICATION: None.

NEW BUSINESS:

Re: Letter of Resignation Andrew Bolduc Wanaque Valley Regional Sewer authority

The Mayor said I'd like to personally thank Mr. Bolduc who served on the local and the regional since, I believe, 1991. So he's put in 25 years and he said 25 years is enough so he's passing the piton.

UNFINISHED BUSINESS: None.

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RESOLUTIONS:

Resolution #132-0-15:

Re: Amendment to Fair Share Plan.

WHEREAS, on March 10, 2015 the New Jersey Supreme Court decided “In re COAH” that the New Jersey Council on Affordable Housing (“COAH”) had violated the Court’s March 14, 2014 Order and statutory duties by failing to adopt new Round 3 affordable housing regulations by October 22, 2014 and directed trial courts to assume COAH’s functions and duties especially as it they relate to the 314 municipalities located in New Jersey under its jurisdiction; and

WHEREAS, the Court has consistently held under a group of decisions collectively known as the Mount Laurel doctrine, including Mount Laurel II (So. Burlington County N.A.A.C.P. v. Twp. Of Mount Laurel, 92 NJ 158 (1983)) and the Fair Housing Act N.J.S.A. 52:27D-301 et. seq that municipalities located in New Jersey must comply with their constitutional obligation to create a realistic opportunity for satisfaction of their “fair share” obligations relating to affordable housing subject to adjustments and limitations; and

WHEREAS, the Borough of Wanaque has filed the requisite Declaratory Judgement action with the Court requiring an updated Fair Share Plan be prepared so as to demonstrate to the Court continued compliance by the Borough with the Fair Housing Act; and

WHEREAS, it is hereby determined that it is in the best interest of the Borough of Wanaque that a professional service firms be appointed to prepare an updated Fair Share Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Wanaque, New Jersey, that based on the foregoing, the Borough’s Economic Development Consultants and Planners (Ken Albert PE-P.P., Fred Suljic P.P. and Robert Benecke) are hereby authorized to prepare an updated Fair Share Plan for approval by the Wanaque Planning Board and Mayor and Council, the fee for such services shall be \$120 per hour and shall not exceed seventy hours (\$8,400). Said 2015 Fair Share Plan is also authorized to be filed with the Courts.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account 5-CU-01-115-276.

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Resolution #133-0-15:

Re: Approve Municipal Share Services Defense Agreement – Fair Share Analysis
\$2,000.00.

WHEREAS, the Borough of Wanaque has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey Passaic County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinages Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Borough of Wanaque desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and

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responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Borough of Wanaque for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Wanaque and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Wanaque in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough of Wanaque hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Wanaque the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough

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of Wanaque will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.

7. This Resolution shall take effect immediately.

Resolution #134-0-15:

Re: Approve Municipal Share Services Defense Agreement – Fair Share Analysis
\$2,000.00.

Resolved that the following Non-Binding Referendum Question be placed on the November 3, 2015 ballot in the Borough of Wanaque:

Should the State of New Jersey implement a study to abolish County Government in the State of New Jersey similar to the abolishment of County Governments in the State of Connecticut and in most of the Commonwealth in Massachusetts.

Statement: County Government is unnecessary level of Government. The services provided are not justified by the cost. The current tax assessment by Passaic County to the Borough of Wanaque is now greater than the Wanaque Municipal budget. For 2015, the Passaic County allocation to Wanaque increased by 5% while being subject to a state mandated 2% CAP. The Wanaque Municipal budget, which provides for, among other things, police protection, garbage collection, snow removal from streets and roadways, recreational facilities and numerous other services, did not increase in 2015.

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	\$ 348,551.07
Water Operating 2015	\$ 62,531.13
Sewer Operating 2015	\$ 1,046,891.67
General Capital	\$ 100,693.79
Escrow	\$ 105.00
Other Trust	\$ 600.00
Animal Trust	\$ 30.00
Recreation Trust	\$ 6,837.74
Voucher Total:	\$ 1,566,240.40

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Payroll:

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

PR #15	07/24/2015	\$ 217,059.63
PR #16	08/07/2015	\$ 227,126.60
Payroll Total:		\$ 444,186.23
Grand Total:		\$ 2,010,426.63

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 Cortellessa moved that,

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

WHEREAS, This public Body is of the opinion that such circumstances presently exist; NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Wanaque, County of Passaic, State of New Jersey, as follows:

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - 1) Litigation pending threatened or not 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 Willse and Pasquariello moved a motion to reconvene at 9:30 P.M.

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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 9:30 P.M.

Katherine J. Falone, RMC, CMC
Municipal Clerk