

Special Meeting  
August 16, 2016

A Special Meeting of the Mayor and Council of the Borough of Wanaque was held on Tuesday, August 16, 2016, at 7:05 P.M. in the Wanaque Municipal Building.

The Mayor called the meeting to order.

On roll call, the following Council Members responded: Balunis, Cortellessa, Leonard and Willse. Councilmen Pasquariello and Pettet were absent. The Mayor declared a quorum. The Borough Attorney was 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 meeting to the Suburban Trends and the Herald News newspapers on July 14, 2016 stating therein that this meeting would be held on Tuesday, August 16, 2016 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 July 14, 2016 and a copy is on file in the office of the Municipal Clerk.

ORDINANCES:

Public Hearing of Ord. #16-0-16:  
Re: Financial Agreement – Lakeside Manor

On entertainment of the Mayor, Councilmen Cortellessa and Balunis moved that Ordinance #16-0-16 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 APPROPRIATING \$570,000 FROM CAPITAL SUPLUS TO FUND THE PURCHASE OF REAL PROPERTY IN THE BOROUGH OF WANAQUE, BLOCK 232, LOTS 2 & 4.

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.

William Darlington, 56 Cannonball Road, Wanaque said I have lived here for fifty six years and raised children. The property has had issues. It is an eyesore and a public nuisance. Mr. Rodriquez had problems in other States. It has been thirty years the issues with the property. One hundred thirty eight acres of land was purchase by Mr. Rodriguez and the current slope and Ordinance. Mountain Lakes Estates was approved by the Borough and the Redevelopment Plan Investigation for Block 200.00 Lots 1 – 47. Kara Homes declared bankruptcy. Now in Ordinance #16-0-16 Greentree owns the property.

The Mayor said they don't own the property yet.

The Borough Administrator said J and S Group owns part of the property.

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William Darlington said who owns Lot 48.

The Borough Administrator said that is the mother lot of the group now owned by Mr. Rodriguez and then gets transferred. Lot 48 is eight acres and Lots 1 – 47 sit on that mother lot.

William Darlington who owns Lot 48.

The Borough Administrator said it is a common area.

Bob Benecke said J and S Group and Wanaque Realty own it and when it is transferred whoever owns the lots will be the owner.

William Darlington said who owns the road bed.

Bob Benecke said it is a public right of way.

William Darlington said who owns it now.

Bob Benecke said the public owns it now.

William Darlington said who owns the bridge and why are you asking the public to pay for it.

Bob Benecke said it is a common system to have people pay for infrastructure over the next twelve years.

William Darlington said I don't understand why the people have to pay and why are they responsible.

Bob Benecke said because it's public and to ask the forty seven homeowners to pay over the next twelve years and it will be rolled into the cost.

William Darlington said the sanitary sewer and water why do they have to pay for that.

Bob Benecke said they are public assets and they are in the right of way.

William Darlington said the infrastructure was put in by Mr. Rodriguez.

The Mayor said the tax bill Pilot program is twenty six percent to the Borough, five percent to the County and the balance to the schools.

Bob Benecke said turn the neighborhood around once and for all. The 1.8 million dollars float in Bonds with a seven percent interest and do it in phases it keeps the costs down and hopefully the buildings will be built. Seventy five percent of the Pilot will pay for the forty seven homeowners so the rest of the taxpayers don't have to.

The Mayor said the other alternative is to take him to Court and spend more in legal fees.

William Darlington said there is one hundred twenty four acres of land around there and I don't know why the contract was signed.

The Mayor said the contract signed was for phase two.

William Darlington said who demolishes the houses.

The Mayor said the new developer said he will take them down.

Bob Benecke said the certificate of occupancy for the building and foundations will be taken down and two years that will have to happen and they will be built.

William Darlington said the dam and lake need to be dealt with on the land.

The Borough Attorney said the Department of Environmental Protection just fined him.

Bob Benecke said it is a difficult situation the properties are in the Highlands and the site plan is from 1988. For nine years the owner has been at the Office of Administrative Law and won at the appellate division and we have to deal with the Department of Environmental Protection and the decision. Come up with the way to improve the infrastructure. It is up to the Department of Environmental Protection to control the dam and uphold the fine and to hold the people to do it. It is a health and public safety issue. Do the right thing to get the area done. Take two years extra to do it. 3.5 million dollars in taxes seventy five percent to pay for the 1.85

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million dollars. Take the infrastructure and somehow to charge the property owners. Find a way to solve this and see if there is another way to do this.

William Darlington said in March Greentree bailed out who is it now.

Bob Benecke said it is still Greentree and the investors shed one principal member.

Councilman Pettet arrived at 7:30 P.M.

Bob Benecke said we have the documents to start the process and hopefully the Department of Environmental Protection will get more invigorated. The Highlands does not apply and we don't have the property rights. Deal with it now and do it the friendly way. Maybe be looking back in four to five years that it is done.

William Darlington said the developers agreement and well done and the performance bond.

Bob Benecke said the performance bond is not for the property. The contract for sale and hoping for and hopefully to move forward. Turn it into a nice neighborhood.

The Mayor said the developer is Greentree right.

Bob Benecke said it is Greentree Realty.

Karen Darlington, 56 Cannonball Road, Wanaque said who are you and what is the road.

Bob Benecke said I am the Economic Developer and the road is on the tax map and you are also able to see the development.

Karen Darlington said I have been familiar with this and I live right there. I am confused is it private or not private property. The piece of land you should have him come back and say it is his.

Bob Benecke said on the deed it is a public right of way and on the tax map you can see the road.

Karen Darlington said you said you could make them do that.

Bob Benecke said we could litigate it.

The Mayor said we could resolve the property.

Karen Darlington said everything J and S will be done lights and other things.

Bob Benecke said concern prior development can't say for certain. The action tonight will start the process and take care of the issues.

Jerry Reap, 35 Mountain Lakes Drive, Wanaque said regarding my taxes the address is 1 Linda Road on the tax bill but my address is 35 Mountain Lakes Drive and I have called three times to have it taken care of and it still is wrong.

The Mayor said we will have all the addresses on Linda Road checked.

Ken Manning, 2 Linda Road, Wanaque said our best interests over the last two years. I am a resident, a voter, a taxpayer, recreation and community volunteer. I sent an email to you all on the Council and never received an answer from any of you. The Department of Public Works did a good job cleaning out the storm drains. I have spent four hundred dollars a month to clean out my sewer.

Bob Benecke said we can't have the Mayor and Council respond due to conflict. I can send an email to you and respond. I will send an email to you tomorrow by 11:15 A.M. after the Ordinance adoption tonight. The problems will still be there but we are working on getting it done.

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Ken Manning said at least I deserve a response from you. I spend a lot of money and I can't even get a response.

Councilman Cortellessa said you can't expect the Council members to respond.

Ken Manning said I would just like to get something back in writing and why doesn't something get done.

Bob Benecke said regarding the prior speakers concerns also to improve the infrastructure would help otherwise the flooding and the roadway will be the same if we don't do something.

Ken Manning said I want to see light at the end of the tunnel. Thank you.

Sandy Lawson, 28 Haskell Avenue, Haskell said what is the status of the dam.

Bob Benecke said there are private dams in the State and many failed and the State took proactive action to do something. The Department of Environmental Protection fined them three hundred seventy five thousand dollars for the dam.

The Borough Attorney said they are actively pursuing collecting the money.

Bob Benecke said use the money in my opinion to repair the dam. The dam needs to be improved and the Department of Environmental Protection controls that.

Sandy Lawson said the property owners are being harmed and see if the money can be used to help them out.

The Mayor said one problem at a time has to be addressed and choose the priorities.

Sandy Lawson said when the bond was approved J and S is still the owner until it is transferred to the redeveloper. It is still a gamble. Just because you are passing this tonight it doesn't mean it will solve the issues.

Bob Benecke said the issue is being committed to helping the people out.

Sandy Lawson said do they have a recourse if things don't go the way planned.

The Borough Administrator said the date of October 4, 2015 is upholding the fine.

Sandy Lawson said if he doesn't pay the fine can it be anything under eminent domain.

The Borough Attorney said it would be in foreclosure and it would be up to the Attorney General if the fine is not paid.

Joanne Patterson, 6 Linda Road, Wanaque said the sewer line is an issue and how can you fix it.

The Borough Administrator said the sewer line is from the driveway to Linda Road.

Joanne Patterson said there are cars being collected by the neighbor please do something.

Karen Darlington, 56 Cannonball Road said regarding the dam there has been damage to my son in laws property due to the dam not being there. If the dam is not fixed I don't see how they can build.

The Borough Administrator said the Department of Environmental Protection look at the flow of water and the permit was issued last year and a half.

Karen Darlington said other things done for that.

Bob Benecke said you can file a complaint with the Department of Environmental Protection for damage to the property.

Joanne Patterson, 6 Linda Road, Wanaque said was a traffic study done.

Bob Benecke said a study will be done.

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Joanne Patterson said a lot of people and cars will bring in trucks. By the sewers what is that.

The Borough Administrator said the integrity was fine and all was good.

Bob Benecke said this was good talking and other issues will be addressed and as long as we talk as friends.

Joanne Patterson said if the town spends money and Mr. Rodriguez comes back and says it is my road.

Bob Benecke said it will switch the transaction from the forty seven owners to pay.

The Mayor said concerned that Greentree does not become the property owner.

Joanne Patterson said for seventeen years we have had this going on.

Bob Benecke said we are trying to get through this and we have a plan if things don't go well.

The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE APPROPRIATING \$570,000 FROM CAPITAL SUPLUS TO FUND THE PURCHASE OF REAL PROPERTY IN THE BOROUGH OF WANAQUE, BLOCK 232, LOTS 2 & 4 pass final reading, and that said Ordinance be adopted as an Ordinance of the Borough of Wanaque; and

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

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

Public Hearing of Ord. #17-0-16:

Re: Bond Ordinance providing for infrastructure improvements – Wanaque – Lakeside Manor Redevelopment Plan appropriating \$1,850,000.00

On entertainment of the Mayor, Councilmen Cortellessa and Willse moved that Ordinance #17-0-16 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: BOND ORDINANCE PROVIDING FOR INFRASTRUCTURE IMPROVEMENTS IN AND BY THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS PART OF THE WANAQUE – LAKESIDE MANOR REDEVELOPMENT PLAN, APPROPRIATING \$1,850,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,850,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

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

The Mayor opened the Public Hearing.

No one came forward

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The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: BOND ORDINANCE PROVIDING FOR INFRASTRUCTURE IMPROVEMENTS IN AND BY THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS PART OF THE WANAQUE – LAKESIDE MANOR REDEVELOPMENT PLAN, APPROPRIATING \$1,850,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,850,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION pass final reading, and that said Ordinance be adopted as an Ordinance of the Borough of Wanaque; and

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

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

Public Hearing of Ord. #18-0-16:

Re: Bond Ordinance providing for the acquisition of two new Fire Trucks appropriating \$1,040,000.00

On entertainment of the Mayor, Councilmen Willse and Balunis moved that Ordinance #18-0-16 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: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF TWO NEW FIRE TRUCKS BY THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$1,040,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$990,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

Councilman Cortellessa said what is the cost for us for the two Fire Trucks.

The Borough Administrator said it's forty thousand dollars for the closing costs of the bonds and issues and it covers the legal and finance costs until we go to final bonding.

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.

John Maiello, 26 Rhinesmith Avenue, Wanaque said will the new Fire Trucks go as high as the buildings in the Wanaque Reserve.

The Borough Administrator said these are a rescue truck and a pumper truck and not a ladder truck.

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The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF TWO NEW FIRE TRUCKS BY THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$1,040,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$990,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION 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.

RESOLUTIONS:

Resolution #147-0-16:

Re: Purchase of Fire Pumper - \$490,922.00

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

WHEREAS, the Borough of Wanaque is a member of the Houston Galveston Area Council Co-operative Pricing Program, and meets the requirement of the New Jersey Public Contracts Law with regards to cooperative pricing purchases; and

WHEREAS, the Borough of Wanaque wishes to purchase One (1) KME Predator SS Custom, 750 gallon pumper for the Wanaque Fire Department, and has received a detailed quote dated June 2, 2016; and

WHEREAS, the Fire Chief of the Borough of Wanaque Fire Department has certified that this vehicle meets the need of the Borough and recommends its purchase.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are authorized to execute a contract with KME Kovatch Organization, One Industrial Complex, Nesquehoning, PA 18240 for the purchase of One (1) KME Predator SS Custom, 750 gallon pumper for the Wanaque Fire Department in accordance with the quotation dated August 11, 2016 and specifications dated June 2, 2016 in the net amount of \$490,922.00 as per the Houston Galveston Area Council; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized and directed to make a payment of \$3,126.00 at the time that the Fire Chief certifies that the chassis has been completed; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account Ordinance #18-0-16.

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

Resolution #148-0-16:

Re: Purchase of Fire Rescue Truck - \$497,286.00

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

WHEREAS, the Borough of Wanaque is a member of the Houston Galveston Area Council Co-operative Pricing Program, and meets the requirement of the New Jersey Public Contracts Law with regards to cooperative pricing purchases; and

WHEREAS, the Borough of Wanaque wishes to purchase One (1) KME Predator Custom Rescue for the Wanaque Fire Department, and has received a detailed quote dated June 2, 2016; and

WHEREAS, the Fire Chief of the Borough of Wanaque Fire Department has certified that this vehicle meets the need of the Borough and recommends its purchase.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are authorized to execute a contract with KME Kovatch Organization, One Industrial Complex, Nesquehoning, PA 18240 for the purchase of One (1) KME Predator Custom Rescue for the Wanaque Fire Department in accordance with the quotation dated August 11, 2016 and specifications dated June 2, 2016, in the net amount of \$497,286.00 as per the cooperative pricing bid under the Houston Galveston Area Council; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized and directed to make a payment of \$2,660.00 at the time that the Fire Chief certifies that the chassis has been completed; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account Ordinance #18-0-16.

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

Resolution #149-0-16:

Re: Employment Agreement – Police Chief

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

BE IT RESOLVED that the employment agreement between Robert Kronyak, Chief of Police, for the period of April 11, 2016 and December 31, 2019 and the Borough of Wanaque be and is hereby approved, and the Mayor and Borough Clerk are authorized to execute said document; and

BE IT RESOLVED that the 2016 salary resolution be amended to reflect the salary of Robert Kronyak, Chief of Police is established at \$172,002 annually effective April 11, 2016.

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

Resolution #150-0-16:

Re: Appoint Assistant Supervisor – Public Works

Councilman Cortellessa said I thought this was not going to happen now.

The Borough Administrator said we are under orders from Civil Service to do it. Either we move on this or demote the employee from the title.

Councilman Cortellessa said what about the salary.

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The Borough Administrator said the salary implementation and title impact. The Mayor approved this.

Councilman Cortellessa said what is the road supervisors' opinion and what if the Council votes no.

The Borough Administrator said tomorrow the employee will go down to the other title and salary. We already asked for an extension and civil service may not be able to do anything or they may.

On entertainment of the Mayor, Councilmen Cortellessa and Willse moved a motion to table the resolution.

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

Resolution #151-0-16:

Re: Designating a Redeveloper for the Block 200.20 Residential Redevelopment Project

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

WHEREAS, on June 21, 2016 the Borough Council of the Borough of Wanaque adopted resolution number 121-0-16 establishing a redevelopment plan for certain properties located in or near Mountain Lakes Drive; and

WHEREAS, the contract purchaser of the property situated at Block 200.20, Lots 1 through 47 has requested that the redevelopment of this area in need of redevelopment proceed so that the infrastructure work may proceed and the appropriate land use (or re-use) may be accomplished; and

WHEREAS, Borough Council desires that the current contract property owner, Greentree Development, L.L.C., a New Jersey based company, or a successor or related entity be the designated Redeveloper to perform all project work in accordance with the objectives of the aforesaid redevelopment plan as may be modified to incorporate the appropriate land use and subject to Wanaque Planning Board Project review; and

WHEREAS, the Borough Council finds that it is in the best interest of the public to implement the aforesaid redevelopment project, with the contract property owner, and consistent with the redevelopment plan as may be amended or modified and subject to Wanaque Planning Board approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Wanaque, Passaic County, New Jersey, pursuant to the provisions of N.J.S.A. 40A:12A-1 et seq., that Greentree Development, L.L.C., or a successor or related entity organized for the purposes of carrying out the aforesaid redevelopment project, is hereby designated as the redeveloper of the Block 200.20, Lots 1 through 47, and lot 48 as necessary, upon the premises hereinbefore described, and subject to any required amendments or modifications of the redevelopment plan that may be required.

BE IT FURTHER RESOLVED, that the above preamble (WHEREAS clauses) is made a part of this resolution as though it is a material and actionable part of this resolution.

BE IT FURTHER RESOLVED, pursuant to N.J.S.A. 40A:12A-8, the Mayor is hereby authorized to execute on behalf of the Borough of Wanaque a Redevelopment Agreement, consistent with the adopted Redevelopment Plan (ordinance as may be amended), between the Borough of Wanaque and the herein designated redeveloper, Greentree Development, L.L.C. or

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a successor or related entity, so as to carry out the terms and conditions of the redevelopment project, as may be amended or modified; a copy of said agreement shall be placed on file in the office of the Borough Clerk upon execution thereof.

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby authorized to enforce and carry out the terms and conditions of the Redevelopment Agreement authorized herein.

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

PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

Sandy Lawson, 28 Haskell Avenue, Haskell said the sidewalks are difficult to walk on by Dunkin Donuts due to the overgrown bushes.

John Maiello, 26 Rhinesmith Avenue, Wanaque said by the parking lot there are two signs on Rhinesmith Avenue that were supposed to be removed could you please remove them.

Chief Kronyak said the signage by Dunkin Donuts which Councilman Leonard asked about last week is okay and the no exit signs one of the signs fell off the pole. The speed bumps at Back Beach are fine and the speed limit signs by Saint Francis we are in the process of removing them.

Karen Darlington, 56 Cannonball Road, Wanaque said I would like to comment on how nice the welcome sign is by the Dunkin Donuts.

The Mayor closed the Public Discussion.

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

On entertainment of the Mayor, Councilmen Leonard and Willse 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) Affordable Housing Litigation.

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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.

Councilman Willse left the meeting at 8:35 P.M.

RECONVENEMENT:

On entertainment of the Mayor, Councilmen Leonard and Pettet moved a motion to reconvene at 9:05 P.M.

On roll call, all were present.

ADJOURNMENT:

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

On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 9:05 P.M.

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Katherine J. Falone, RMC, CMC  
Municipal Clerk