

**REGULAR COUNCIL MEETING**  
**September 19, 2022**

Municipal Building  
579 Ringwood Avenue  
Wanaque, New Jersey 07465  
7:00pm



***BOROUGH OF WANAQUE***  
***NEW JERSEY***



Council Chambers  
579 Ringwood Avenue  
Wanaque, N.J. 07465

# BOROUGH OF WANAQUE

## Regular Council Meeting

### AGENDA

Phone: (973) 839-3000  
Website: [www.wanaqueborough.com](http://www.wanaqueborough.com)  
September 19, 2022 – 7:00 p.m.

**MAYOR**  
Daniel Mahler

**BOROUGH COUNCIL**  
Dominick Cortellessa – Council President  
Thomas Balunis  
Edward Leonard  
Donald Pasquariello  
Bridget Pasznik  
Robert Pettet

#### CALL TO ORDER

*Mayor Daniel Mahler, Presiding*

- Pledge of Allegiance to the Flag
- Roll Call
- Sunshine Statement

#### APPROVAL OF MINUTES

*Borough Council*

- July 11, 2022
- August 8, 2022

#### PRESENTATION

- Wanaque Public Library – Mary Martin

#### INTRODUCTION OF ORDINANCE

*Borough Council*

**ORDINANCE #9-0-2022:** BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$1,550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,470,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

#### COUNCIL COMMITTEE REPORTS

*Borough Council*

#### OPEN PUBLIC COMMENT ON RESOLUTIONS

*General Public*

*Members of the public are invited to comment at this time on any resolution*

#### RESOLUTIONS CONSENT AGENDA

*Borough Council*

*All items listed on the Consent Agenda are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council request specific items to be removed for separate action.*

**138-0-2022:** RESOLUTION AUTHORIZING THE EXECUTION OF A SEPARATION AGREEMENT WITH ANGELO CALABRO IN ANTICIPATION OF HIS RETIREMENT ON DECEMBER 31, 2022



Council Chambers  
579 Ringwood Avenue  
Wanaque, N.J. 07465

## BOROUGH OF WANAQUE

### Regular Council Meeting

### AGENDA

Phone: (973) 839-3000  
Website: [www.wanaqueborough.com](http://www.wanaqueborough.com)  
September 19, 2022 – 7:00 p.m.

**MAYOR**  
Daniel Mahler

**BOROUGH COUNCIL**  
Dominick Cortellessa – Council President  
Thomas Balunis  
Edward Leonard  
Donald Pasquariello  
Bridget Pasznik  
Robert Pettet

#### RESOLUTIONS CONSENT AGENDA

*Borough Council*

*All items listed on the Consent Agenda are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council request specific items to be removed for separate action.*

**139-0-2022:** APPOINTING KEVIN BRACKEN TO THE POSITION OF LABORER IN THE WANAQUE DEPARTMENT OF PUBLIC WORKS

**140-0-2022:** RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

**141-0-2022:** FINALIZING THE REDEVELOPMENT OF THE LAKESIDE MANOR AREA BY REQUESTING THE WANAQUE PLANNING BOARD TO DETERMINE WHETHER BLOCK 200.20, LOTS 1 THROUGH 48 IS AN AREA IN NEED OF REDEVELOPMENT FOR CONDEMNATION PURPOSES AS DEFINED IN N.J.S.A. 40A:12A-1 ET SEQ.

**142-0-2022:** FINALIZING THE REDEVELOPMENT OF CERTAIN SINGLE-FAMILY DWELLINGS SITUATED ON MOUNTAIN LAKES DRIVE BY REQUESTING THE WANAQUE PLANNING BOARD TO DETERMINE WHETHER BLOCK 200.19, LOTS 1 THROUGH 13 IS AN AREA IN NEED OF REDEVELOPMENT FOR CONDEMNATION PURPOSES AS DEFINED IN N.J.S.A. 40A:12A-1 ET SEQ.

**143-0-2022:** AUTHORIZING THE AWARD OF CONTRACT TO REGAL UTILITY SERVICES INC FOR THE 2020 NJDOT MUNICIPAL AID PROGRAM ROAD IMPROVEMENTS AND WATER MAIN REPLACEMENT PROJECT IN THE BOROUGH OF WANAQUE IN THE AMOUNT OF \$490,635.75 FOR THE 2020 NJDOT ROAD IMPROVEMENT ITEMS AND \$721,076.64 FOR THE WATER MAIN REPLACEMENT ITEMS FOR A TOTAL AMOUNT OF \$1,211,712.39

**144-0-2022:** AUTHORIZING THE AWARD OF CONTRACT TO JOHN GARCIA CONSTRUCTION, 183 FRIAR LANE, CLIFTON, NEW JERSEY 07013 FOR THE PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY 2020 HASKELL AVENUE REPLACEMENT OF WATER MAIN AND SERVICES FOR A TOTAL AMOUNT OF \$449,828.12



Council Chambers  
579 Ringwood Avenue  
Wanaque, N.J. 07465

## BOROUGH OF WANAQUE Regular Council Meeting AGENDA

Phone: (973) 839-3000  
Website: [www.wanaqueborough.com](http://www.wanaqueborough.com)  
September 19, 2022 – 7:00 p.m.

**MAYOR**  
Daniel Mahler

**BOROUGH COUNCIL**  
Dominick Cortellesa – Council President  
Thomas Balunis  
Edward Leonard  
Donald Pasquariello  
Bridget Pasznik  
Robert Pettet

### UNFINISHED BUSINESS

*Borough Council*

Held from August 8, 2022 Council Meeting:

**134-0-2022:** RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF WANAQUE, TILCON NEW YORK, INC. AND THE COUNTY OF PASSAIC FOR THE INSTALLATION OF THE ROADWAY IMPROVEMENT PLAN AT THE INTERSECTION OF UNION AVENUE AND SUSQUEHANNA AVENUE AND I-287 SOUTH RAMP

### REGULAR REPORTS / PROFESSIONAL REPORTS

*Borough Council*

- Anthony Fiorello – Borough Attorney
- Paul M. Carelli – Borough Administrator

### FINANCE REPORT

*Councilman Pettet*

- Vouchers – Payrolls

### PUBLIC COMMENT

*General Public*

*Members of the public are invited to comment at this time on any issues, whether or not on the agenda.  
Passaic County format to be followed for the Public Session*

### ADJOURNMENT

Additional items may be added to this agenda. Final action may be taken on all matters listed or added to this agenda. This agenda was prepared as of 9/15/2022 with all available information as of this date.

Katherine J. Falone, RMC, CMC  
Municipal Clerk

**HEARING ASSISTANCE IS AVAILABLE UPON REQUEST**



**BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**ORDINANCE #9-0-2022**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$1,550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,470,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION**

---

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:**

**Section 1.** The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Borough of Wanaque, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,550,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$80,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**Section 2.** For the financing of said improvement or purpose and to meet the part of said \$1,550,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,470,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$1,470,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**Section 3.**

- a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase, of lands and any structures thereon in and by the Borough located at 7 Grove Street and commonly known as Berta's and shown as Lot 1 in Block 240 on the Official Tax Map of the Borough and consisting of approximately 3.25 acres, for public purposes including governmental offices and open space, all in accordance with the proposed contract therefor on file or to be filed in the office of the Borough Clerk and hereby approved.
- b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$1,470,000.
- c) The estimated cost of said purpose is \$1,550,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$80,000 down payment for said purpose.



**BOROUGH OF WANAUQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**ORDINANCE #9-0-2022**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE BOROUGH OF WANAUQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$1,550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,470,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION**

---

**Section 4.** The following additional matters are hereby determined, declared, recited and stated:

- a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.
- c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,470,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- d) An aggregate amount not exceeding \$150,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

**Section 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and



**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**ORDINANCE #9-0-2022**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE BOROUGH OF WANAUKE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$1,550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,470,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION**

the name of the purchaser.

**Section 6.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

**Section 7.** The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

**Section 8.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Dated: September 19, 2022

\_\_\_\_\_  
Katherine J. Falone, RMC, CMC  
Municipal Clerk

**RECORD OF COUNCIL VOTE**

<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>		<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>
Balunis							Pasquariello					
Cortellessa							Pettet					
Leonard							Willse					

**ATTEST:**

\_\_\_\_\_  
Katherine J. Falone RMC, CMC  
Municipal Clerk

\_\_\_\_\_  
Daniel Mahler  
Mayor

This ordinance, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**RESOLUTION #138-0-2022**

**RESOLUTION AUTHORIZING THE EXECUTION OF A SEPARATION AGREEMENT WITH ANGELO CALABRO IN ANTICIPATION OF HIS RETIREMENT ON DECEMBER 31, 2022**

**WHEREAS**, Angelo Calabro has notified the Borough of Wanaque of his intention to retire as Police Captain and Emergency Management Coordinator on December 31, 2022; and

**WHEREAS**, The Borough and Captain Calabro wish to enter into an agreement outlining the payment and use of accumulated time;

**WHEREAS**, Mayor Daniel Mahler and the Borough Council wish to thank Police Captain Angelo Calabro for his service to the community and a happy retirement.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Borough Clerk are authorized to execute a Separation Agreement with Angelo Calabro in anticipation of his retirement on December 31, 2022.

Dated: September 19, 2022

**RECORD OF COUNCIL VOTE**

<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>
Balunis						Pasquariello					
Cortellessa						Pasznik					
Leonard						Pettet					

**ATTEST:**

\_\_\_\_\_  
Katherine J. Falone RMC, CMC  
Municipal Clerk

\_\_\_\_\_  
Daniel Mahler  
Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



## **SEPARATION AGREEMENT AND GENERAL RELEASE**

This Separation Agreement and General Release ("this Agreement") is made and entered into this **19<sup>th</sup>** day of **September, 2022**, by and between the Borough of Wanaque (hereinafter referred to as "Borough or "Employer") and the Captain of Police of the Borough of Wanaque, Angelo S. Calabro, (hereinafter referred to as "Captain " or "Employee").

**WHEREAS**, the Borough and the Captain have conducted negotiations in good faith and mutually desire to enter into this Agreement;

**WHEREAS**, the Borough and the Captain wish to memorialize in this Agreement all the terms and conditions of the voluntary separation;

**NOW, THEREFORE**, in consideration for the premises and mutual covenants set forth herein, the Borough and the Captain agree as follow:

### **1. SEPARATION**

- a. **Separation:** Effective December 31, 2022 (the "Separation Date") the Captain shall voluntarily separate from his position as Detective Captain of Police & O.E.M. Coordinator for the Borough. The Borough understands that Calabro will voluntarily retire from employment with the Borough on January 1, 2023. The Borough also understands that Calabro will be applying for retirement benefits with the New Jersey, Division of Pensions and Benefits. Calabro understands and agrees that the ultimate approval of said pensionable benefits is at the sole risk of Angelo Calabro and any denial thereof shall in no way affect the enforceability of this Agreement or diminish the consideration given therefore.
- b. Upon signing this Agreement, Angelo Calabro shall provide simultaneously an irrevocable letter of separation with an effective date of December 31, 2022.

### **2. BENEFITS**

- a. **Leave of Absence with Pay:** The Borough has granted the Calabro request for a leave of absence commencing on September 22<sup>ND</sup>, 2022 through December 31, 2022. Angelo Calabro agrees that his accumulated sick leave time, along with some administrative leave time will be reduced by the time that he is out on leave referenced in this subparagraph. Calabro also agrees that upon his separation from employment on December 31st, 2022, he is not entitled to any payment for sick leave.

b. **Vacation/Administrative Leave Balance:** In January 2023 the Borough agrees that Angelo Calabro is owed \$26,093.93 for unused Administration time in addition to \$28,904.04 in unused Vacation time for a total of \$54,997.97. Prior to required deductions. This amount will be reduced by a prepayment of \$9,140.00 to cover the medical insurance retiree contribution for Angelo Calabro and Denise Calabro (Spouse) until Medicare coverage is eligible and obtained. Final amount \$45,857.97. This prepayment is a negotiation that will be irrevocable by Calabro or his heirs due to any death or any other reason either party does not reach Medicare. In no case will any of this prepayment be returned for any reason. No additional Retiree Insurance Contributions will be due by the Calabro's to The Borough of Wanaque. Ordinary co-pays are not considered in this agreement.

c. After this prepayment and before required deductions Angelo Calabro or his heirs will be due \$45,857.97. agreed to and distributed as follows. Before December 30<sup>th</sup> of 2022 a \$15,000 payment will be made directly to Nationwide Retirement Solutions (The Calabro Deferred Compensation Fund). On January 13<sup>th</sup> 2023 \$20,000. will be placed directly into Nationwide Retirement Solutions (The Calabro Deferred Compensation Fund). On January 13<sup>th</sup> 2023 the remainder of the 2022 monies \$10,857.97 (before required deductions) will be issued to Calabro as the final reimbursement of the 2022 accumulated time.

d. Except as referenced above, Angelo Calabro agrees that he shall not receive any other compensation pursuant to this Agreement, including but not limited to, any claims for salary or any other monetary claims. Payment of vacation/compensatory days or administrative time referenced in (b & c) above shall be paid as specified.

e. **Medical Benefits:** The Borough will provide to the Calabro's upon retirement (25 years or more of pensionable service under the Police and Fireman's Retirement System) a hospitalization/major medical, prescription and dental program until the retiree attains the age eligibility for Medicare pursuant to the terms of Section 2.b. The Calabro's shall be required to pay any and all health care co-pays. As a retiree, Calabro will receive the same type of coverage as is granted to current Borough Police Department employees. If active police department employees' coverage is changed from one carrier to another, retiree coverage also changes to that carrier. The type of coverage that the employee will receive shall be determined by the type of coverage (single, husband/wife or family) that the employee maintained when employed by the Borough at the time of retirement. The Captain acknowledges that this Agreement does not nor will it establish precedent in any future proceeding, nor is it intended to add to, modify or change any collective bargaining agreement

f. With respect to any litigation matters in which the captain is named as a defendant, because of his capacity as Police Captain, the Borough agrees to indemnify and hold Calabro harmless from any and all damages provided that the Captain was acting within the scope of his employment as Police Captain or Law Enforcement Officer. Further, the Borough or its insurance carrier shall provide legal representation in accordance with such Borough policy and procedure, provided that the captain was acting within the scope of his employment as Captain of Police or as a law enforcement officer. The Captain shall be paid a flat rate of \$100.00 per hour (with a 4 hour minimum) for court time, or any other proceeding resulting from the act within the scope of his official capacity. This includes pending Internal Affairs matters.

### **3. THE CAPTAIN'S COMPLETE RELEASE AND COVENANT NOT TO SUE**

a. The Captain and his heirs, assigns and agents, in consideration of the terms described in Paragraphs 1 and 2 of this Agreement, hereby release, waive and discharge the Borough, its affiliated departments, and its officers, trustees, agents, employees, successors and assigns (hereinafter collectively referred to as the "releasees") from each and every claim, demand, cause of action, obligation, damage, complaint, expense, compensation or action or writ of any kind, nature, character or description that the Captain had, now has, or may in the future have against the Releasees on account or arising out of his employment with the Borough and his separation therefrom. This Complete Release includes, but is not limited to, any claim, demand, cause of action or writ of any kind, nature, character or description arising out of or under Federal, State, municipal statute or ordinance and any other law (whether such be common law, decisional law or statutory law), rule, regulation or guideline, and any and all claims for attorneys' fees and costs arising from the above acts, but not limited to:

- i. Any claim, cause of action, demand or complaint arising out of or under the New Jersey Law Against Discrimination (NJLAD) which, among other things, prohibits discrimination in employment on the basis of an individual's race, creed, color, religion, sex, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, handicap, atypical hereditary cellular or blood trait or liability for services in the Armed Forces of the United States.
- ii. Any claim, cause of action, demand, or complaint arising out of or under Title VII of the Civil Rights Act of 1964 (Title VII) or the Civil Rights Act of 1991, as amended, which, among other things, prohibit discrimination in employment on account of a person's race, color, religion, sex or national origin.
- iii. Any claim, cause of action, demand, or complaint arising out of or under the Federal Age Discrimination in Employment Act of 1967, as amended (ADEA), which, among other things, prohibits discrimination in employment on account of a person's age.
- iv. Any claim, cause of action, demand or complaint arising out of or under the Federal Americans with Disabilities Act (ADA) which, among other things, prohibits discrimination in employment on account of a person's disability or handicap.

- v. Any claim, cause of action, demand or complaint arising out of or under the Federal Family and Medical Leave Act (FMLA) which, among other things, entitles an employee to take reasonable leave for medical reasons for the birth or adoption of a child, and for the care of a child, spouse or parent who has a serious health condition, and any claim, cause of action, demand or complaint arising under the New Jersey Family Leave Act.
- vi. Any claim, cause of action, demand or complaint arising out of or under the Federal Rehabilitation Act of 1973, as amended, which, among other things prohibit discrimination in employment by Federal contractors against individuals with disabilities.
- vii. Any claim, cause of action, demand, or complaint arising out of or under the Federal Older Workers Benefit Protection Act (OWBPA) which, among other things, amends provisions of ADEA and prohibits discrimination in employment and employment benefits on account of a person's age.
- viii. Any claim, cause of action, demand, or complaint arising out of or under the Federal Retirement Income Security Act of 1974, as amended (ERISA) which, among other things regulates pension and welfare plans and prohibits interference with individual rights protected under the statute.
- ix. Any claim, cause of action, demand, or complaint arising out of or under the Conscientious Employee Protection Act (CEPA) which, among other things, prohibits retaliatory action by an employer against an employee who objects to practices that he/she reasonably believes are incompatible with a clear mandate of law or public policy concerning the public health, safety or welfare.

The aforesaid list shall not be deemed exhaustive but by way of example and the recitation of a release of all claims as set forth in 2a shall not be diminished thereby.

b. The Captain shall not file any claim, charge or complaint of any nature with the New Jersey Division of Civil Rights, The U.S. Equal Employment Opportunity Commission (EEOC) or with any Federal, State or local court or agency against the Borough or the Releasees concerning his employment or the separation therefrom. If the Captain violates this Complete Release by filing any claim, charge or complaint as prohibited in this subparagraph, Captain agrees to pay all costs and expenses of defending against the suit incurred by Borough and/or Releasees, including reasonable attorney fees.

#### **4. CONFIDENTIALITY**

This Agreement shall be kept confidential to the extent permitted by law.

#### **5. NON-ADMISSION**

This Agreement is executed and all consideration is given in final settlement of disputed claims, and shall not be construed as an admission of any allegation or of liability by the Borough, by whom any such obligation or liability is expressly denied.

## **6. NO DISPARAGING STATEMENTS**

The Captain and the Borough both agree that neither party will make any disparaging statement against the other party.

## **7. CONSULTATION WITH ATTORNEY**

The Captain has been given opportunity to consult with an attorney with respect to this Agreement and all the terms and conditions of this Agreement prior to executing this Agreement.

## **8. COMPLETE AGREEMENT**

This Agreement contains the entire agreement between the Captain and the Borough, and each of them, with respect to the subject matter and supersedes all prior Agreements or understandings dealing with the same subject matter. There is no Agreement on the part of the Borough to do anything other than is expressly stated in this Agreement. This Agreement shall in all respects be interpreted, enforced and governed by the Laws of the State of New Jersey.

**9. MODIFICATION** No modification or amendment of this Agreement will be enforceable unless it is in writing and signed by the party to be charged.

## **10. SEVERABILITY**

Should any provision of this Agreement be declared or determined by any court of competent jurisdiction to be illegal, invalid or unenforceable, the legality, validity, and enforceability of the remaining parts, terms, or provisions shall not be affected thereby and said illegal, unenforceable or invalid part, term, or provision shall be deemed not to be a part of this Agreement.

## **11. CAPTAIN ATTESTS**

The Captain represents and warrants that he has carefully read each and every provision of this Agreement and that he fully understands all of the terms and conditions contained in each provision of this Agreement. The Captain represents and warrants that he enters into this Agreement voluntarily, of his own free will, without any pressure or coercion from any person or entity including, but not limited to, the Borough and the Releasees.

## **12. REASONABLE PERIOD OF TIME**

The Captain agrees that he has been given a reasonable period of time of at least 21 days within which to review and reconsider this Agreement prior to executing this Agreement, but the Captain may waive this 21-day period by signing the space provided at the end of this Agreement.

**13. REVOCATION**

The Captain may revoke this Agreement within seven (7) days after the date this Agreement is signed by the Captain. This revocation must take the form of written notice by the Captain that he intends to revoke this Agreement. This revocation must be provided directly to the Borough c/o Paul Carelli, Business Administrator. This seven (7) day revocation period may not be waived by the Captain.

**IN WITNESS WHEREOF**, and intending to be legally bound hereby I, Angelo S. Calabro, executed the foregoing Agreement this \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Angelo S. Calabro

Sworn and subscribed to before me

This \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
KATHERINE J. FALONE  
Notary Public  
State OF New Jersey

**BOROUGH OF WANAQUE**

\_\_\_\_\_  
Daniel G. Mahler, Mayor

**WAIVER**

By signing below, the undersigned hereby irrevocably elects to waive the 21 days period referred to in the 12th recital on page 6 of this Agreement.

\_\_\_\_\_  
Angelo S. Calabro

DATE: \_\_\_\_\_



**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**RESOLUTION #139-0-2022**

**APPOINTING KEVIN BRACKEN TO THE POSITION OF LABORER  
IN THE WANAUKE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Borough of Wanaque advertised and received applications for the open position of Laborer with the Wanaque Department of Public Works; and

**WHEREAS**, the Borough Administrator and Superintendent of Public Works selected and interview candidates best suited to fill the position; and

**WHEREAS**, the Borough Administrator and Superintendent of Public Works have recommended Kevin Bracken to fill the position of Laborer in the Wanaque Department of Public Works; and

**THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Wanaque that it hereby appoints Kevin Bracken of 58 Townsend Road Wanaque, NJ 07465 to the position of Laborer with the Wanaque Department of Public Works at an annual salary of \$50,000; and

**BE IT FURTHER RESOLVED** that the start date of employment shall be set by the Borough Administrator and Superintendent of Public Works.

Dated: September 19, 2022

**RECORD OF COUNCIL VOTE**

<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>
Balunis						Pasquariello					
Cortellessa						Pasznik					
Leonard						Pettet					

**ATTEST:**

\_\_\_\_\_  
Katherine J. Falone RMC, CMC  
Municipal Clerk

\_\_\_\_\_  
Daniel Mahler  
Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF WANAUQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**RESOLUTION #140-0-2022**

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS**

**WHEREAS**, there exists tax overpayments on the properties listed herein for the third quarter of 2022:

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
200.18	3C0050	12J Brookside Heights	\$2,222.87
200.18	3C0103	5E Brookside Heights	\$2,100.26
200.18	3C0124	9B Brookside Heights	\$2,287.35
204	2	93 Ringwood Avenue	\$1,866.66
204	9	375 Ringwood Avenue	\$1,524.20
231	10	541 Ringwood Avenue	\$1,588.84
273.01	8	60 Cannonball Road	\$3,762.92
275	47	17 Ramapo Mtn Drive	\$4,633.89
276	4	5 Ramapo Mtn Drive	\$4,890.74
414	30	83 Bergen Avenue	\$2,027.33
454	2	1152 Ringwood Avenue	\$1,801.13

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

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer shall refund a total of \$28,706.19 as per the certification of the Tax Collector.

Dated: September 19, 2022

**RECORD OF COUNCIL VOTE**

<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>
Balunis						Pasquariello					
Cortellessa						Pasznik					
Leonard						Pettet					

**ATTEST:**

\_\_\_\_\_  
Katherine J. Falone RMC, CMC  
Municipal Clerk

\_\_\_\_\_  
Daniel Mahler  
Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.





**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**RESOLUTION #141-0-2022**

**FINALIZING THE REDEVELOPMENT OF THE LAKESIDE MANOR AREA BY REQUESTING THE WANAUKE PLANNING BOARD TO DETERMINE WHETHER BLOCK 200.20, LOTS 1 THROUGH 48 IS AN AREA IN NEED OF REDEVELOPMENT FOR CONDEMNATION PURPOSES AS DEFINED IN N.J.S.A. 40A:12A-1 ET SEQ.**

---

**WHEREAS**, Article VIII, Section III of the Constitution of the State of New Jersey establishes that the clearance, planning, development or redevelopment of certain areas of the State of New Jersey shall be a public purpose and further that municipal, public or private corporations may be authorized by law to undertake such development and redevelopment, and

**WHEREAS**, the Legislature of the State of New Jersey has adopted a comprehensive set of redevelopment laws, the centerpiece of which is the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.), allowing for the substantial improvement to, and turnaround of, underutilized, unused, fragmented, deteriorated and generally blighted properties through the careful design, writing, and implementation of local redevelopment plans, and

**WHEREAS**, the Local Redevelopment and Housing Law (LRHL) allows for, and encourages, the substantial improvement to properties included in an area in need of redevelopment resulting in capital investment and the turnaround or rearrangement of properties that are either unused, underutilized, fragmented, or deteriorated, or in the alternative may help achieve the policy and planning goals and objectives of the State of New Jersey Development and Redevelopment Plan (SDRP) which states in part that “new development should be guided into centers to preserve open space, farmland, and natural resources... and strengthen beneficial economic development opportunities”; and

**WHEREAS** the primary objective of the Borough of Wanaque’s redevelopment effort is to improve the quality of life of Borough residents and businesses and to improve, the economic foundation of the Borough so that long-term property tax stability, employment, and general commerce is achieved; and

**WHEREAS**, in furtherance of the aforesaid purposes the Borough Council desires to determine whether a distressed area of the Borough, known as Lakeside Manor, Inc. located at Block 200.20, Lots 1 through 48, qualifies as an area in need of redevelopment area for condemnation purposes as defined in the LRHL so as to achieve the aforesaid objectives, and

**WHEREAS**, on August 10, 2000, the Borough of Wanaque and the former developer (property owner) entered into a Developer’s Agreement memorializing the terms and conditions of an application (#2-98) for a preliminary major subdivision for 64 townhouse units which was modified to 47 townhouse units on subsequent application (#11-99) for final major subdivision approval and pursuant to a resolution of the Wanaque Planning Board dated August 19, 1999; and

**WHEREAS**, due to circumstances beyond the control of the Borough the previous developer (property owner) did not complete any of the aforesaid units leaving the property in an abandoned state and the; and



**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**RESOLUTION #141-0-2022**

**FINALIZING THE REDEVELOPMENT OF THE LAKESIDE MANOR AREA BY REQUESTING THE WANAUKE PLANNING BOARD TO DETERMINE WHETHER BLOCK 200.20, LOTS 1 THROUGH 48 IS AN AREA IN NEED OF REDEVELOPMENT FOR CONDEMNATION PURPOSES AS DEFINED IN N.J.S.A. 40A:12A-1 ET SEQ.**

---

**WHEREAS**, on October 6, 2014 the Borough Council adopted a resolution, attached hereto, which indicates the potential blighting influences of the project on the adjacent residential neighborhood; and

**WHEREAS**, on June 21, 2016, the Borough Council adopted a resolution designating the aforesaid properties as an area in need of redevelopment, and

**WHEREAS**, it appears that within this specific area there exists property (land), buildings or other improvements which, by reason of faulty arrangement of design, deleterious land use, obsolescence or obsolete layout or other factors, have remained ABANDONED, vacant, stagnant, unproductive, under-utilized and undervalued and may be detrimental to the safety, health, morals or welfare of the citizens of the Borough of Wanaque; and

**WHEREAS**, the Borough Council is requesting that the Wanaque Planning Board conduct an investigation to determine if the property located at Block 200.20, Lots 1-48 satisfies the conditions and criteria of redevelopment so that the Planning Board and Council may take action to potentially declare the above listed properties as an area in NEED OF REDEVELOPMENT FOR CONDEMNATION PURPOSES pursuant to N.J.S.A. 40A:12A-1 et seq.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Wanaque, Passaic County, New Jersey, pursuant to N.J.S.A. 40A:12A-1 et seq., that the Planning Board is hereby authorized and directed to undertake a preliminary investigation to determine whether the property in the proposed condemnation redevelopment area, as further defined in this resolution and as depicted on the official tax map of the Borough of Wanaque is a redevelopment area in accordance with the criteria set forth in N.J.S.A. 40A:12A-5, and

**BE IT FURTHER RESOLVED** that the Planning Board shall conduct a public hearing respecting the proposed redevelopment area, Lakeside Manor, the property specifically being investigated shall be Block 200.20, Lots 1-48.

Property ID (Block/Lot)	Street Address
Block 200.20, Lot 1-48	Near Conklintown Road



**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**RESOLUTION #141-0-2022**

**FINALIZING THE REDEVELOPMENT OF THE LAKESIDE MANOR AREA BY REQUESTING THE WANAUKE PLANNING BOARD TO DETERMINE WHETHER BLOCK 200.20, LOTS 1 THROUGH 48 IS AN AREA IN NEED OF REDEVELOPMENT FOR CONDEMNATION PURPOSES AS DEFINED IN N.J.S.A. 40A:12A-1 ET SEQ.**

**BE IT FURTHER RESOLVED**, that said public hearing shall be conducted after public notice is given in accordance with N.J.S.A. 40A:12A-6 and, after completing its hearings and deliberations, the Wanaque Planning Board, after receiving a report from Benecke Economics, shall submit a recommendation to the Borough Council whether the delineated area, or any part thereof, is, or is not, determined to be a Condemnation Redevelopment Area.

**BE IT FURTHER RESOLVED** that the WHEREAS paragraphs hereinbefore written are made a part of the operable and effective portion of this Resolution and this Resolution shall take effect immediately upon adoption according to law.

Dated: September 19, 2022

**RECORD OF COUNCIL VOTE**

<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>		<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>
Balunis							Pasquariello					
Cortellessa							Pasznik					
Leonard							Pettet					

**ATTEST:**

\_\_\_\_\_  
Katherine J. Falone RMC, CMC  
Municipal Clerk

\_\_\_\_\_  
Daniel Mahler  
Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**RESOLUTION #142-0-2022**

**FINALIZING THE REDEVELOPMENT OF CERTAIN SINGLE-FAMILY DWELLINGS SITUATED ON MOUNTAIN LAKES DRIVE BY REQUESTING THE WANAQUE PLANNING BOARD TO DETERMINE WHETHER BLOCK 200.19, LOTS 1 THROUGH 13 IS AN AREA IN NEED OF REDEVELOPMENT FOR CONDEMNATION PURPOSES AS DEFINED IN N.J.S.A. 40A:12A-1 ET SEQ.**

---

**WHEREAS**, Article VIII, Section III of the Constitution of the State of New Jersey establishes that the clearance, planning, development or redevelopment of certain areas of the State of New Jersey shall be a public purpose and further that municipal, public or private corporations may be authorized by law to undertake such development and redevelopment, and

**WHEREAS**, the Legislature of the State of New Jersey has adopted a comprehensive set of redevelopment laws, the centerpiece of which is the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.), allowing for the substantial improvement to, and turnaround of, underutilized, unused, fragmented, deteriorated and generally blighted properties through the careful design, writing, and implementation of local redevelopment plans, and

**WHEREAS**, the Local Redevelopment and Housing Law (LRHL) allows for, and encourages, the substantial improvement to properties included in an area in need of redevelopment resulting in capital investment and the turnaround or rearrangement of properties that are either unused, underutilized, fragmented, or deteriorated, or in the alternative may help achieve the policy and planning goals and objectives of the State of New Jersey Development and Redevelopment Plan (SDRP) which states in part that “new development should be guided into centers to preserve open space, farmland, and natural resources... and strengthen beneficial economic development opportunities”; and

**WHEREAS**, the primary objective of the Borough of Wanaque’s redevelopment effort is to improve the quality of life of Borough residents and businesses and to improve, the economic foundation of the Borough so that long-term property tax stability, employment, and general commerce is achieved; and

**WHEREAS**, in furtherance of the aforesaid purposes the Borough Council desires to determine whether a distressed area of the Borough situated on Mountain Lakes Drive located at Block 200.19, Lots 1 through 13, qualifies as an area in need of redevelopment area for condemnation purposes as defined in the LRHL so as to achieve the aforesaid objectives, and

**WHEREAS**, it appears that within this specific area there exists property (land), including abandoned buildings or other improvements which, by reason of faulty arrangement of design, deleterious land use, obsolescence or obsolete layout or other factors, have remained ABANDONED, vacant, stagnant, unproductive, under-utilized and undervalued and may be detrimental to the safety, health, morals or welfare of the citizens of the Borough of Wanaque; and



**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**RESOLUTION #142-0-2022**

**FINALIZING THE REDEVELOPMENT OF CERTAIN SINGLE-FAMILY DWELLINGS SITUATED ON MOUNTAIN LAKES DRIVE BY REQUESTING THE WANAUKE PLANNING BOARD TO DETERMINE WHETHER BLOCK 200.19, LOTS 1 THROUGH 13 IS AN AREA IN NEED OF REDEVELOPMENT FOR CONDEMNATION PURPOSES AS DEFINED IN N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Borough Council is requesting that the Wanaque Planning Board conduct an investigation to determine if the property located at Block 200.19, Lots 1-13 satisfies the conditions and criteria of redevelopment so that the Planning Board and Council may take action to potentially declare the above listed properties as an area in NEED OF REDEVELOPMENT FOR CONDEMNATION PURPOSES pursuant to N.J.S.A. 40A:12A-1 et seq.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Wanaque, Passaic County, New Jersey, pursuant to N.J.S.A. 40A:12A-1 et seq., that the Planning Board is hereby authorized and directed to undertake a preliminary investigation to determine whether the property in the proposed condemnation redevelopment area, as further defined in this resolution and as depicted on the official tax map of the Borough of Wanaque is a redevelopment area in accordance with the criteria set forth in N.J.S.A. 40A:12A-5, and

Property ID (Block/Lot)	Street Address
Block 200.19, Lots 1-13	Mountain Lakes Drive

**BE IT FURTHER RESOLVED** that the Planning Board shall conduct a public hearing respecting the proposed redevelopment area, the property specifically being investigated shall be Block 200.19, Lots 1-13.

**BE IT FURTHER RESOLVED**, that said public hearing shall be conducted after public notice is given in accordance with N.J.S.A. 40A:12A-6 and, after completing its hearings and deliberations, the Wanaque Planning Board, after receiving a report from Benecke Economics, shall submit a recommendation to the Borough Council whether the delineated area, or any part thereof, is, or is not, determined to be a Condemnation Redevelopment Area.

**BE IT FURTHER RESOLVED** that the WHEREAS paragraphs hereinbefore written are made a part of the operable and effective portion of this Resolution and this Resolution shall take effect immediately upon adoption according to law.

Dated: September 19, 2022



**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**RESOLUTION #142-0-2022**

**FINALIZING THE REDEVELOPMENT OF CERTAIN SINGLE-FAMILY DWELLINGS SITUATED ON MOUNTAIN LAKES DRIVE BY REQUESTING THE WANAUKE PLANNING BOARD TO DETERMINE WHETHER BLOCK 200.19, LOTS 1 THROUGH 13 IS AN AREA IN NEED OF REDEVELOPMENT FOR CONDEMNATION PURPOSES AS DEFINED IN N.J.S.A. 40A:12A-1 ET SEQ.**

**RECORD OF COUNCIL VOTE**

<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>
Balunis						Pasquariello					
Cortellessa						Pasznik					
Leonard						Pettet					

**ATTEST:**

\_\_\_\_\_  
Katherine J. Falone RMC, CMC  
Municipal Clerk

\_\_\_\_\_  
Daniel Mahler  
Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**RESOLUTION #143-0-2022**

**AUTHORIZING THE AWARD OF CONTRACT TO REGAL UTILITY SERVICES INC FOR THE 2020 NJDOT MUNICIPAL AID PROGRAM ROAD IMPROVEMENTS AND WATER MAIN REPLACEMENT PROJECT IN THE BOROUGH OF WANAQUE IN THE AMOUNT OF \$490,635.75 FOR THE 2020 NJDOT ROAD IMPROVEMENT ITEMS AND \$721,076.64 FOR THE WATER MAIN REPLACEMENT ITEMS FOR A TOTAL AMOUNT OF \$1,211,712.39**

---

**WHEREAS**, the Borough of Wanaque advertised for and received bids for the 2020 NJDOT Municipal Aid Program Road Improvements and Water Main Replacement Project on August 30, 2022, and;

**WHEREAS**, the Borough of Wanaque was awarded a New Jersey Department of Transportation (2020 NJDOT Local Aid Infrastructure grant) in the amount of \$510,000.00 for road improvements, and;

**WHEREAS**, the Borough of Wanaque received bids from (7) bidders, and;

**WHEREAS**, REGAL UTILITY SERVICES INC, 731 Warwick Turnpike, Hewitt, NJ 07421 submitted the lowest conforming bid in the amount of \$490,635.75 for the 2020 NJDOT Road Improvement items and \$721,076.64 for the Water Main Replacement items for a total amount of \$1,211,712.39 and;

**WHEREAS**, this matter was evaluated and reviewed by the Borough Engineer and Borough Attorney

**NOW THEREFORE, BE IT RESOLVED**, that Borough Council of the Borough of Wanaque, New Jersey does hereby authorize the award of a contract for the 2020 NJDOT Municipal Aid Program Road Improvements and Water Main Replacement Project to REGAL UTILITY SERVICES INC, 731 Warwick Turnpike, Hewitt, NJ 07421 in the amount of \$490,635.75 for the 2020 NJDOT Road Improvement items and \$721,076.64 for the Water Main Replacement items for a total amount of \$1,211,712.39.

**BE IT FURTHER RESOLVED**, that the Borough Administrator is hereby authorized to execute a contract for said services.

Dated: September 19, 2022



**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**CERTIFICATION OF AVAILABLE FUNDS**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq. and any other applicable requirement, I, Maryann Brindisi, Chief Financial Officer of the Borough of Wanaque, have ascertained that there are available sufficient uncommitted funds in the line item specified below to award the contract specified in the above resolution, in the amount specified below. I further certify that I will encumber these funds upon the passage of this resolution.

<u>X-GC-03-082-201</u> Line-Item	<u>2020 NJDOT Road Program</u> Description – Road Project	<u>\$490,635.75</u> Amount
<u>C-WC-04-821-201</u> Line-Item	<u>Ordinance# 8-0-2021 Water Improvements</u> Description – Water/Sewer Project	<u>\$721,076.64</u> Amount
	<b>TOTAL:</b>	<b>\$1,211,712.39</b>

\_\_\_\_\_  
Maryann Brindisi, Chief Financial Officer                      Date

**RECORD OF COUNCIL VOTE**

<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>
Balunis						Pasquariello					
Cortellessa						Pasznik					
Leonard						Pettet					

**ATTEST:**

\_\_\_\_\_  
Katherine J. Falone RMC, CMC  
Municipal Clerk

\_\_\_\_\_  
Daniel Mahler  
Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.





## *Alaimo Group*

200 High Street, Mt. Holly, New Jersey 08060 Tel: 609-267-8310 Fax: 609-267-7452  
2 Market Street, Paterson, New Jersey 07501 Tel: 973-523-6200 Fax: 973-523-1765

September 14, 2022

Paul Carelli, Borough Administrator  
Borough of Wanaque  
579 Ringwood Avenue  
Wanaque, New Jersey 07465

*Re: Tabulation and Report of Bids  
FY2020 NJDOT Municipal Aid Grant  
Various Streets  
Borough of Wanaque  
Our File No.: P-490-231*

Dear Mr. Carelli:

**For the Mayor and Council's review and consideration, we have attached the bid tabulation for bids** received on Tuesday, August 30, 2022 for the above referenced project.

Bids were received from seven (7) Contractors. All bids were reviewed for the following:

1. All unit prices (written) were compared with unit prices (figures) for accuracy.
2. All extensions were checked with bid quantity times unit price bid.
3. All extensions were summed to verify accuracy of total price.
4. Completion of all forms within bid documents (pending legal review).

The low bidder was Reivax Contracting Corporation, however they did not include the required Addendum 2 in their bid and consequently their bid is non-responsive and as such must be rejected. Regal Utility Services Inc., of Hewitt, New Jersey was the next low bidder and their documents are complete. Their total bid of \$1,211,712.39 is **10.55 percent below the Engineer's Estimate and 2.80 percent below the next low bid received.**

The Contractor and his subcontractors are not listed on the current New Jersey Department of Labor list of debarred contractors and subcontractors. Award of the contract must be subject to legal review and the availability of funds.

Our office has worked directly with the low bidder and they have successfully completed all projects. Award of the contract to Regal Utility Services Inc. must be subject to legal review, the availability of funds and review by any funding agencies.

Any resolution adopted by the Council must specifically state that it is subject to the approval of the NJDOT. A certified copy of the award resolution must be submitted to the NJDOT for concurrence.

**- Consulting Engineers -**

Civil • Structural • Mechanical • Electrical • Environmental • Planners

Should you have any questions please do not hesitate to contact our office.

Very truly yours,


RICHARD A. ALAIMO  
ENGINEERING ASSOCIATES



Michael Cristaldi, P.E.  
Office of the Borough Engineer

Enclosure

cc: Honorable Mayor & Council (w/encl.)  
Anthony Fiorello, Esq. (w/encl.)  
Richard Loveless, NJDOT (w/encl.)  
Richard A. Alaimo, P.E., Alaimo Group (w/encl.)

 <b>BID TABULATION</b> 2020 NJDOT Improvement to Various Roads Borough of Wanaque Bids Received on August 30, 2022			<b>ENGINEER'S ESTIMATE</b>  Alaimo Group 2 Market Street Paterson, NJ 07501		<b>BIDDER NO. 1</b>  Reivax Contracting Corp. 165 River Road Flemington, NJ 08822		<b>BIDDER NO. 2</b>  Regal Utilities Services 731 Warwick Tpke Hewitt, NJ 07421		<b>BIDDER NO. 3</b>  John Garcia Construction 183 Friar Lane Clifton, NJ 07013		<b>BIDDER NO. 4</b>  Your Way Construction 404 Colt Street Irvington, NJ 07111		<b>BIDDER NO. 5</b>  Conquest Construction 20 Carver Avenue Westwood, NJ 07675		<b>BIDDER NO. 6</b>  DLS Contracting 36 Montezano Road Fairfield, NJ 07004		<b>BIDDER NO. 7</b>  Montana Construction 80 Constant Avenue Lodi, NJ 07644		
ITEM NO.	DESCRIPTION	APPROX. QTY	UNIT	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE		
<b>Road Items</b>																			
1	Mobilization	1	LS	\$15,000.00	\$15,000.00	\$6,825.00	\$6,825.00	\$30,294.00	\$30,294.00	\$60,000.00	\$60,000.00	\$25,310.00	\$25,310.00	\$85,000.00	\$85,000.00	\$5,000.00	\$5,000.00	\$60,000.00	\$60,000.00
2	Performance and Payment Bond	1	LS	\$12,000.00	\$12,000.00	\$2,464.00	\$2,464.00	\$24,200.00	\$24,200.00	\$25,000.00	\$25,000.00	\$11,000.00	\$11,000.00	\$10,000.00	\$10,000.00	\$29,429.00	\$29,429.00	\$18,150.00	\$18,150.00
3	Temporary Inlet Filter, Type '2'	51	UN	\$150.00	\$7,650.00	\$0.01	\$0.51	*\$134.80	\$6,875.00	\$0.01	\$0.51	\$0.01	\$0.51	\$100.00	\$5,100.00	\$1.00	\$51.00	\$75.00	\$3,825.00
4	Construction Layout	1	LS	\$3,500.00	\$3,500.00	\$2,200.00	\$2,200.00	\$4,620.00	\$4,620.00	\$6,000.00	\$6,000.00	\$16,740.00	\$16,740.00	\$2,500.00	\$2,500.00	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00
5	Traffic Cones	50	UN	\$25.00	\$1,250.00	\$0.01	\$0.50	\$31.90	\$1,595.00	\$0.01	\$0.50	\$0.01	\$0.50	\$50.00	\$2,500.00	\$1.00	\$50.00	\$0.01	\$0.50
6	Drums	25	UN	\$75.00	\$1,875.00	\$0.01	\$0.25	\$45.00	\$1,125.00	\$0.01	\$0.25	\$0.01	\$0.25	\$1.00	\$25.00	\$1.00	\$25.00	\$0.01	\$0.25
7	Breakaway Barricades	25	UN	\$100.00	\$2,500.00	\$0.01	\$0.25	\$80.00	\$2,000.00	\$0.01	\$0.25	\$0.01	\$0.25	\$1.00	\$25.00	\$1.00	\$25.00	\$0.01	\$0.25
8	Construction Signs	300	SF	\$12.00	\$3,600.00	\$16.50	\$4,950.00	\$7.00	\$2,100.00	0.01	\$3.00	\$1.00	\$300.00	\$10.00	\$3,000.00	\$1.00	\$300.00	\$20.00	\$6,000.00
9	Uniformed Police Traffic Directors	1	AL	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00
10	Pavement Milling, 2" thk.	12,000	SY	\$6.00	\$72,000.00	\$4.72	\$56,640.00	\$6.33	\$75,960.00	\$6.10	\$73,200.00	\$4.00	\$48,000.00	\$6.00	\$72,000.00	\$5.25	\$63,000.00	\$9.25	\$111,000.00
11	NO BID ITEM	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
12	Hot Mix Asphalt 9.5M64 Surface Course, 2" thk.	1,500	TNS	\$105.00	\$157,500.00	\$103.78	\$155,670.00	\$107.80	\$161,700.00	\$118.00	\$177,000.00	\$104.00	\$156,000.00	\$144.00	\$216,000.00	\$120.00	\$180,000.00	\$150.00	\$225,000.00
13	Replacement Concrete Vertical Curb	175	LF	\$40.00	\$7,000.00	\$53.50	\$9,362.50	\$40.13	\$7,022.75	\$60.00	\$10,500.00	\$45.20	\$7,910.00	\$35.00	\$6,125.00	\$40.00	\$7,000.00	\$60.00	\$10,500.00
14	NO BID ITEM	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
15	Replacement Concrete Sidewalk, 4" thk.	175	SY	\$110.00	\$19,250.00	\$147.40	\$25,795.00	\$86.90	\$15,207.50	\$70.00	\$12,250.00	\$80.00	\$14,000.00	\$125.00	\$21,875.00	\$90.00	\$15,750.00	\$50.00	\$8,750.00
16	Detectable Warning Surface (Cast in Place)	12	SY	\$300.00	\$3,600.00	\$930.00	\$11,160.00	\$396.00	\$4,752.00	\$260.00	\$3,120.00	\$105.00	\$1,260.00	\$300.00	\$3,600.00	\$250.00	\$3,000.00	\$200.00	\$2,400.00
17	Pavement Markings, Thermoplastic	100	SF	\$10.00	\$1,000.00	\$8.80	\$880.00	\$12.10	\$1,210.00	\$8.50	\$850.00	\$8.25	\$825.00	\$12.00	\$1,200.00	\$10.00	\$1,000.00	\$8.75	\$875.00
18	NO BID ITEM	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
19	Traffic Stripes, Long Life Thermoplastic, 8" wide	550	LF	\$3.00	\$1,650.00	\$3.30	\$1,815.00	\$7.15	\$3,932.50	\$3.20	\$1,760.00	\$3.30	\$1,815.00	\$7.50	\$4,125.00	\$5.00	\$2,750.00	\$3.50	\$1,925.00
20	Traffic Stripes, Long Life Thermoplastic, 24" wide	50	LF	\$9.00	\$450.00	\$6.60	\$330.00	\$22.00	\$1,100.00	\$6.50	\$325.00	\$9.90	\$495.00	\$25.00	\$1,250.00	\$10.00	\$500.00	\$6.50	\$325.00
21	Bi Directional Raised Pavement Markers (Blue)	4	UN	\$350.00	\$1,400.00	\$220.00	\$880.00	\$137.50	\$550.00	\$210.00	\$840.00	\$275.00	\$1,100.00	\$250.00	\$1,000.00	\$300.00	\$1,200.00	\$175.00	\$700.00
22	Reset Castings	25	UN	\$1,250.00	\$31,250.00	\$406.00	\$10,150.00	\$418.00	\$10,450.00	\$605.00	\$15,125.00	\$285.00	\$7,125.00	\$75.00	\$1,875.00	\$100.00	\$2,500.00	\$200.00	\$5,000.00
23	Reset Water Valve Boxes	7	UN	\$300.00	\$2,100.00	\$0.01	\$0.07	\$49.50	\$346.50	\$25.00	\$175.00	\$0.01	\$0.07	\$75.00	\$525.00	\$25.00	\$175.00	\$75.00	\$525.00
24	Reset Gas Valve Boxes	5	UN	\$300.00	\$1,500.00	\$0.01	\$0.05	\$137.50	\$687.50	\$25.00	\$125.00	\$0.01	\$0.05	\$75.00	\$375.00	\$25.00	\$125.00	\$75.00	\$375.00
25	NO BID ITEM	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
26	Bicycle Safe Grates	44	UN	\$425.00	\$18,700.00	\$416.00	\$18,304.00	\$792.00	\$34,848.00	\$0.01	\$0.44	\$315.00	\$13,860.00	\$400.00	\$17,600.00	\$350.00	\$15,400.00	\$500.00	\$22,000.00
27	Inlet Head, Type 'N-ECO'	44	UN	\$450.00	\$19,800.00	\$420.00	\$18,480.00	\$467.50	\$20,570.00	\$500.00	\$22,000.00	\$285.00	\$12,540.00	\$250.00	\$11,000.00	\$350.00	\$15,400.00	\$400.00	\$17,600.00
28	Inlet Repair	38	UN	\$750.00	\$28,500.00	\$450.00	\$17,100.00	\$935.00	\$35,530.00	\$700.00	\$26,600.00	\$470.00	\$17,860.00	\$900.00	\$34,200.00	\$750.00	\$28,500.00	\$500.00	\$19,000.00
29	NO BID ITEM	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
30	Asphalt Price Adjustment	1	AL	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00	\$17,700.00
31	Fuel Price Adjustment	1	AL	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00	\$8,100.00
32	Reconstruct Inlets	5	UN	\$3,800.00	\$19,000.00	\$1,650.00	\$8,250.00	\$1,232.00	\$6,160.00	\$900.00	\$4,500.00	\$560.00	\$2,800.00	\$2,100.00	\$10,500.00	\$750.00	\$3,750.00	\$1,500.00	\$7,500.00
												\$0.00							\$0.00
<b>Water Items</b>																			
33	Cement -Lined Ductile Iron Pipe Water Main, 8"	2,836	LF	\$145.00	\$411,220.00	\$136.30	\$386,546.80	\$149.49	\$423,953.64	\$170.00	\$482,120.00	\$190.00	\$538,840.00	\$195.00	\$553,020.00	\$200.00	\$567,200.00	\$250.00	\$709,000.00
34	Hydrant Installation Assembly, Complete	9	UN	\$7,500.00	\$67,500.00	\$10,062.00	\$90,558.00	\$9,018.90	\$81,170.10	\$8,000.00	\$72,000.00	\$10,990.00	\$98,910.00	\$9,000.00	\$81,000.00	\$12,000.00	\$108,000.00	\$11,000.00	\$99,000.00
35	Hydrant Removal	5	UN	\$2,500.00	\$12,500.00	\$740.00	\$3,700.00	\$610.50	\$3,052.50	\$300.00	\$1,500.00	\$2,000.00	\$10,000.00	\$900.00	\$4,500.00	\$7,500.00	\$37,500.00	\$2,000.00	\$10,000.00
36	Concrete Cradle, if and where directed	2	UN	\$500.00	\$1,000.00	\$560.00	\$1,120.00	\$71.50	\$143.00	\$100.00	\$200.00	\$675.00	\$1,350.00	\$250.00	\$500.00	\$3,000.00	\$6,000.00	\$3,500.00	\$7,000.00
37	Concrete Encasement, if and where directed	20	LF	\$200.00	\$4,000.00	\$136.00	\$2,720.00	\$165.00	\$3,300.00	\$50.00	\$1,000.00	\$55.30	\$1,106.00	\$100.00	\$2,000.00	\$300.00	\$6,000.00	\$95.00	\$1,900.00
38	Utility Crossing, If and where directed	3	UN	\$2,000.00	\$6,000.00	\$615.00	\$1,845.00	\$2,706.00	\$8,118.00	\$0.01	\$0.03	\$3,500.00	\$10,500.00	\$1,000.00	\$3,000.00	\$7,500.00	\$22,500.00	\$5,000.00	\$15,000.00
39	3/4" Water Service, (Including new curb stop and box)	53	UN	\$2,800.00	\$148,400.00	\$3,224.00	\$170,872.00	\$2,183.50	\$115,725.50	\$2,000.00	\$106,000.00	\$3,270.00	\$173,310.00	\$3,500.00	\$185,500.00	\$4,000.00	\$212,000.00	\$3,900.00	\$206,700.00
40	8" Gate Valve, Installation Complete	16	UN	\$3,500.00	\$56,000.00	\$4,732.00	\$75,712.00	\$3,520.00	\$56,320.00	\$3,500.00	\$56,000.00	\$3,750.00	\$60,000.00	\$2,100.00	\$33,600.00	\$4,900.00	\$78,400.00	\$3,400.00	\$54,400.00
41	Rock Excavation for Water Main Installation, if and where directed	100	CY	\$350.00	\$35,000.00	\$211.95	\$21,195.00	\$0.01	\$1.00	\$140.00	\$14,000.00	\$335.00	\$33,500.00	\$350.00	\$35,000.00	\$300.00	\$30,000.00	\$550.00	\$55,000.00
42	Topsoiling, 4" thick, if and where directed	2,400	SY	\$4.00	\$9,600.00	\$6.35	\$15,240.00	\$2.75	\$6,600.00	\$0.01	\$24.00	\$8.00	\$19,200.00	\$1.00	\$2,400.00	\$3.00	\$7,200.00	\$0.01	\$24.00
43	Fertilizing, Lining and Seeding, if and where directed	2,400	SY	\$4.00	\$9,600.00	\$0.50	\$1,200.00	\$3.30	\$7,920.00	\$0.01	\$24.00	\$2.50	\$6,000.00	\$1.00	\$2,400.00	\$1.00	\$2,400.00	\$0.01	\$24.00
44	Mulching, if and where directed	2,400	SY	\$4.00	\$9,600.00	\$0.50	\$1,200.00	\$1.93	\$4,632.00	\$0.01	\$24.00	\$1.00	\$2,400.00	\$1.00	\$2,400.00	\$1.00	\$2,400.00	\$0.01	\$24.00
45	In-Place Abandonment of Existing Water Main	2,673	LF	\$25.00	\$66,825.00	\$5.25	\$14,033.25	\$3.30	\$8,820.90	\$0.01	\$26.73	\$4.20	\$11,226.60	\$1.00	\$2,673.00	\$50.00	\$133,650.00	\$7.00	\$18,711.00
46	Soil Aggregate, 1-13, if and where directed	700	TN	\$25.00	\$17,500.00	*0.00	\$0.00	\$1.10	\$770.00	\$5.00	\$3,500.00	\$0.01	\$7.00	*0.00	\$0.00	*0.00	\$0.00	\$45.00	\$31,500.00
47	Contaminated Soil Removal	500	TN	\$60.00	\$30,000.00	*0.00	\$0.00	\$1.10	\$550.00	\$64.00	\$32,000.00	\$93.15	\$46,575.00	*0.00	\$0.00	*0.00	\$0.00	\$45.00	\$22,5



**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**RESOLUTION #144-0-2022**

**AUTHORIZING THE AWARD OF CONTRACT TO JOHN GARCIA CONSTRUCTION, 183 FRIAR LANE, CLIFTON, NEW JERSEY 07013 FOR THE PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY 2020 HASKELL AVENUE REPLACEMENT OF WATER MAIN AND SERVICES FOR A TOTAL AMOUNT OF \$449,828.12**

---

**WHEREAS**, the Borough of Wanaque advertised for and received bids for the 2020 CDBG Haskell Avenue Replacement of Water Main and Services on August 30, 2022, and;

**WHEREAS**, the Borough of Wanaque was awarded a Passaic County Community Development Block Grant (CDBG) FY 2020 in the amount of \$130,000.00 for water main improvements, and;

**WHEREAS**, the Borough of Wanaque received bids from (5) bidders, and;

**WHEREAS**, John Garcia Construction, 183 Friar Lane, Clifton, New Jersey 07013 submitted the lowest conforming bid in the amount of \$449,828.12 and;

**WHEREAS**, this matter was evaluated and reviewed by the Borough Engineer and Borough Attorney

**NOW THEREFORE, BE IT RESOLVED**, that Borough Council of the Borough of Wanaque, New Jersey does hereby authorize the award of a contract for the 2020 CDBG Haskell Avenue Replacement of Water Main and Services to John Garcia Construction, 183 Friar Lane, Clifton, New Jersey 07013 in the amount of \$449,828.12.

**BE IT FURTHER RESOLVED**, that the Borough Administrator is hereby authorized to execute a contract for said services.

Dated: September 19, 2022



**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**CERTIFICATION OF AVAILABLE FUNDS**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq. and any other applicable requirement, I, Maryann Brindisi, Chief Financial Officer of the Borough of Wanaque, have ascertained that there are available sufficient uncommitted funds in the line item specified below to award the contract specified in the above resolution, in the amount specified below. I further certify that I will encumber these funds upon the passage of this resolution.

<u>C-WC-04-821-201</u>	<u>Ordinance# 8-0-2021 Water Improvements</u>	<u>\$449,828.12</u>
Line-Item	Description – Water Improvements	Amount

\_\_\_\_\_  
Maryann Brindisi, Chief Financial Officer                      Date

**RECORD OF COUNCIL VOTE**

<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>
Balunis						Pasquariello					
Cortellessa						Pasznik					
Leonard						Pettet					

**ATTEST:**

\_\_\_\_\_  
Katherine J. Falone RMC, CMC  
Municipal Clerk

\_\_\_\_\_  
Daniel Mahler  
Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



## *Alaimo Group*

200 High Street, Mt. Holly, New Jersey 08060 Tel: 609-267-8310 Fax: 609-267-7452  
2 Market Street, Paterson, New Jersey 07501 Tel: 973-523-6200 Fax: 973-523-1765

September 14, 2022

Paul Carelli, Borough Administrator  
Borough of Wanaque  
579 Ringwood Avenue  
Wanaque, New Jersey 07465

*Re: Tabulation and Report of Bids  
FY2020 CDBG  
Haskell Avenue Water Main  
Borough of Wanaque  
Our File No.: P-490-233*

Dear Mr. Carelli:

**For the Mayor and Council's review and consideration, we have attached the bid tabulation for bids** received on Tuesday, August 30, 2022 for the above referenced project.

Bids were received from five (5) Contractors. All bids were reviewed for the following:

1. All unit prices (written) were compared with unit prices (figures) for accuracy.
2. All extensions were checked with bid quantity times unit price bid.
3. All extensions were summed to verify accuracy of total price.
4. Completion of all forms within bid documents (pending legal review).

The low bidder is John Garcia Construction of Clifton, New Jersey Their total bid of \$449,828.12 is **21.66 percent below the Engineer's Estimate and 19.24 percent below the second low bid received.**

The Contractor and his subcontractors are not listed on the current New Jersey Department of Labor list of debarred contractors and subcontractors. Award of the contract must be subject to legal review and the availability of funds.

Our office has worked directly with the low bidder and they have successfully completed all projects. Award of the contract to John Garcia Construction must be subject to legal review, the availability of funds and review by any funding agencies and approval by Passaic County CDBG.

Any resolution adopted by the Council must specifically state that it is subject to the approval Passaic County Division of Economic Development. A certified copy of the award resolution must be submitted to the County for concurrence.

**- Consulting Engineers -**

Civil • Structural • Mechanical • Electrical • Environmental • Planners

Should you have any questions please do not hesitate to contact our office.

Very truly yours,

RICHARD A. ALAIMO  
ENGINEERING ASSOCIATES



Michael Cristaldi, P.E.  
Office of the Borough Engineer

Enclosure

cc: Honorable Mayor & Council (w/encl.)  
Anthony Fiorello, Esq. (w/encl.)  
Richard Loveless, NJDOT (w/encl.)  
Richard A. Alaimo, P.E., Alaimo Group (w/encl.)







**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**RESOLUTION #134-0-2022**

**RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF WANAUKE, TILCON NEW YORK, INC. AND THE COUNTY OF PASSAIC FOR THE INSTALLATION OF THE ROADWAY IMPROVEMENT PLAN AT THE INTERSECTION OF UNION AVENUE AND SUSQUEHANNA AVENUE AND I-287 SOUTH RAMP**

---

**WHEREAS**, TILCON NEW YORK, INC., as Developer and Redeveloper, will now construct an access road to connect its quarry in Pompton Lakes from the Wanaque border to the intersection of Lake Avenue and Susquehanna Avenue which leads to Union Avenue; and

**WHEREAS**, on December 19, 2019, the Planning Board of the Borough of Wanaque adopted Resolution No. PB-2019-11 entitled "Preliminary and Final Major Site Plan – Pompton Lakes Quarry"; and

**WHEREAS**, on March 12, 2019, the Borough of Wanaque Council adopted the Wanaque- Susquehanna Avenue 2019 Redevelopment Plan whereby the Applicant intends to construct an access road on its property from the Pompton Lakes Quarry to Susquehanna Avenue, and perform roadway improvements on the intersection of Susquehanna Avenue and Union Avenue and the I-287 South Ramp; and

**WHEREAS**, Union Avenue is a county road and County concurrence is required to have the improvements installed at the above-referenced location; and

**WHEREAS**, the County of Passaic Department of Planning & Economic Development reviewed the Applicant's Site Plan dated January 15, 2018, revised August 23, 2019, revised again February 27, 2020, and last, revised March 7, 2022, pursuant to the provisions of the Passaic County Site Plan Resolution (Passaic County of Passaic and the Borough of Wanaque County File Number SP-19-054) and granted conditional approval pending receipt of certain conditions; and

**WHEREAS**, the conditional approval granted by the County of Passaic requires the Applicant to enter into an agreement with the County of Passaic and the Borough of Wanaque for the installation of roadway improvements in accordance with the Roadway Improvement Plan prepared by Stonefield Engineering & Design dated February 27, 2020, last revised March 7, 2022. (the "Roadway Improvement Plan"), a copy of which is attached hereto and incorporated herein as "Exhibit A"; and

**WHEREAS**, a Developer's Agreement has been drafted which outlines the respective responsibilities of the parties as to the installation of the roadway improvements and is attached hereto as Exhibit 1.



**BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Wanaque that a Developer’s Agreement consistent with the terms and conditions of the Developer’s Agreement attached hereto as Exhibit 1, by and between Applicant, Tilcon New York, Inc., County of Passaic and the Borough of Wanaque, is to be executed by the Borough of Wanaque.

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute the Developer’s Agreement on behalf of the Borough.

Dated: September 19, 2022

**RECORD OF COUNCIL VOTE**

<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>		<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>
Balunis							Pasquariello					
Cortellessa							Pasznik					
Leonard							Pettet					

**ATTEST:**

\_\_\_\_\_  
Katherine J. Falone RMC, CMC  
Municipal Clerk

\_\_\_\_\_  
Daniel Mahler  
Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.

## DEVELOPER'S AGREEMENT

**THIS DEVELOPER'S AGREEMENT**, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by and among the County of Passaic (hereinafter referred to as the "County"), the Borough of Wanaque with an address of 579 Ringwood Avenue, Wanaque, New Jersey 07465 (hereinafter referred to as the "Borough") and Tilcon New York, Inc.(the "Applicant"), with a business address of 162 Old Mill Road, West Nyack, New York 10994 with respect to the installation of a Roadway Improvement Plan at the intersection of Susquehanna Avenue and Union Avenue and the I-287 South Ramp in the Borough of Wanaque, Passaic County, New Jersey ("Property").

**WHEREAS**, on December 19, 2019, the Planning Board of the Borough of Wanaque adopted Resolution No. PB-2019-11 entitled "Preliminary and Final Major Site Plan – Pompton Lakes Quarry"; and

**WHEREAS**, on March 12, 2019, the Borough of Wanaque Council adopted the Wanaque- Susquehanna Avenue 2019 Redevelopment Plan whereby the Applicant intends to construct an access road on its property from the Pompton Lakes Quarry to Susquehanna Avenue, and perform roadway improvements on the intersection of Susquehanna Avenue and Union Avenue and the I-287 South Ramp; and

**WHEREAS**, Union Avenue is a county road and County concurrence is required to have the improvements installed at the above-referenced location; and

**WHEREAS**, the County of Passaic Department of Planning & Economic Development reviewed the Applicant's Site Plan dated January 15, 2018, revised

August 23, 2019, revised again February 27, 2020, and last, revised March 7, 2022, pursuant to the provisions of the Passaic County Site Plan Resolution (Passaic County File Number SP-19-054) and granted conditional approval pending receipt of certain conditions; and

**WHEREAS**, the conditional approval granted by the County of Passaic requires the Applicant to enter into an agreement with the County of Passaic and the Borough of Wanaque for the installation of roadway improvements in accordance with the Roadway Improvement Plan prepared by Stonefield Engineering & Design dated February 27, 2020, last revised March 7, 2022. (the “Roadway Improvement Plan”), a copy of which is attached hereto and incorporated herein as “Exhibit A”; and

**WHEREAS**, the parties are willing to enter into this Agreement which outlines the parties’ respective responsibilities as to the Roadway Improvement Plan on Union Avenue at its intersection with Susquehanna Avenue and I-287 South Ramp; and

**WHEREAS**, on \_\_\_\_\_, Council adopted Resolution No. \_\_\_\_ of 2022 entitled “Authorizing a Developer’s Agreement between the Borough of Wanaque, Tilcon New York, Inc. and the County of Passaic for the Installation of the Roadway Improvement Plan at the Intersection of Union Avenue and Susquehanna Avenue and I-287 South Ramp”; and

**NOW, THEREFORE**, in consideration of the mutual promises and covenants contained herein, the County, Borough and Applicant agree as follows:

1. Tilcon New York, Inc. shall be responsible for all costs related to the Roadway Improvement Plan at the intersection of Union Avenue and Susquehanna Avenue and the I-287 South Ramp.
2. Upon the completion of the Roadway Improvement Plan, the Borough will accept jurisdiction, ownership and maintenance of the traffic signal improvement .. Said acceptance is contingent on the following:
  - a. Applicant must provide a certification by a Professional Engineer licensed to practice in the State of New Jersey that the improvements have been constructed in accordance with approved plans and MUTCD regulations.
  - b. Applicant must post with the Borough a two (2) year maintenance bond in the amount of the total costs of the improvements.
  - c. Applicant shall pay the Borough \$50,000 for any future traffic studies, if needed for the intersection, and \$150,000 for a future traffic signal, if needed for the intersection, all in accordance with the Redeveloper's Agreement between the Applicant and Borough. The County will determine if any future traffic studies and/or a future traffic signal is needed, and any future traffic signal re-timings at the intersection of Ringwood/Union and/or Union /I-287 South Ramp shall be paid out of the \$50,000 for future traffic

studies referenced in this paragraph. The Applicant must secure NJDOT approval for any signal re-timings. If a signal is installed in the future, a pedestrian crossing across Union Avenue at Haskell or Greenwood shall be included in the signal agreement.

3. The Borough agrees to retain all jurisdiction of any municipal owned cross streets involved in the within project.
4. The County, Borough and Applicant agree to comply with all rules, regulations, statutes, resolutions or ordinances of the State of New Jersey, the County of Passaic or the municipality wherein the Traffic Signal Plan is located.
5. The County, Borough and Applicant shall not assign any interest in this agreement nor transfer any interest in the same (whether by assignment or novation) without the prior written consent of all other parties.
6. After completion of the Roadway Improvement Plan and related improvements and acceptance of jurisdictional control, the Borough shall save and hold harmless the County, its officers, agent, representatives, successors and assigns and other governmental agencies from any and all suits or actions of every nature and kind which may be brought for or on account of any injury or damage arising or growing out of the negligent acts or omissions of the Borough, its officers, agents or employees related to the maintenance of said traffic signal..

7. After completion of the Roadway Improvement Plan and related improvements, the Broad Street access to the Pompton Lakes Quarry would no longer be used as the primary access for truck deliveries, but it would continue to be utilized by employees of the quarry, emergency circumstances, and circumstances where non-emergency quarry access is required along Broad Street, including but not limited to the following circumstances:
  1. Routine maintenance/paving of the Susquehanna Avenue access roadway;
  2. Local deliveries within Pompton Lakes where routing through Wanaque would be cumbersome;
  3. Weather-related impacts resulting in downed trees or downed power lines;
  4. Traffic-related impacts outside of Tilcon's control that may not constitute an emergency, such as a vehicle collision on Union Avenue;
  5. Any other uncommon events outside of Tilcon's control that impact the ability of trucks to make deliveries.

Maintaining the ability for trucks to utilize Broad Street provides redundancy against these events and maintains the ability to serve Passaic County and the greater region. Tilcon trucks will not be permitted to use two (2) access points simultaneously as a means of increasing the total delivery output of the site.

8. This Agreement shall run with the land and be binding upon the parties hereto, their heirs, successors and assigns. The parties further agree that this Agreement shall be recorded in the Passaic County Clerk's Office.

**Notwithstanding the above**, the parties shall not be relieved of liability to any other party for damages sustained by each of them by virtue of any breach of this agreement nor shall any party be limited with respect to any rights it may have to institute appropriate legal action in the event of a breach of this agreement by any other party.

**This Agreement** is subject to the State and Federal Rules and Regulations, nor or hereafter promulgated or enacted, which shall be paramount to the content of this agreement.

**IN WITNESS WHEREOF**, the County, Borough and Applicant have executed this agreement as of the date first written.

ATTEST:

BOROUGH OF WANAQUE

---

---

ATTEST:

COUNTY OF PASSAIC

---

---

ATTEST:

TILCON NEW YORK, INC.

---

---

Witness

Authorized Member