

Regular Meeting
December 9, 2019

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, December 9, 2019 at 8:40 P.M. in the Wanaque Municipal Building.

The Mayor called the meeting to order.

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

The Mayor read the following Sunshine Statement: This is a Regular meeting of the Mayor and Council and adequate notice thereof has been given by advertising the date, time and place of the Regular meetings in the Suburban Trends and the Herald News newspapers and was e-mailed to these papers on January 4, 2019, and a notice thereof has been posted on January 8, 2019 on the bulletin board in the Wanaque Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey and a copy thereof has been on file in the office of the Municipal Clerk.

MINUTES:

November 18, 2019.

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

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

ORDINANCES:

None

PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

No one came forward.

The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #157-0-19:

Re: Redemption of Tax Sale Certificate #18-00005 for Block 242 Lot 15, 629 Ringwood Avenue in the amount of \$4,110.24 to the lienholder, \$2,710.24 for the Certificate and \$1,400.00 for the Premium

REDEMPTION OF TAX SALE CERTIFICATE #18-00005 FOR BLOCK 242 LOT 15, 629 RINGWOOD AVENUE IN THE AMOUNT OF \$4,110.24 TO THE LIENHOLDER, \$2,710.24 FOR THE CERTIFICATE AND \$1,400.00 FOR THE PREMIUM.

Regular Meeting
December 9, 2019

WHEREAS, a Tax Sale was held for 2018 delinquent Municipal charges on September 18, 2019;
WHEREAS, Dennis Moeller was awarded the certificate for Block 242 Lot 15, 629 Ringwood Ave for which certificate 18-00005 was assigned;

WHEREAS, title company, Madison Title, has redeemed said certificate of which funds have been deposited into the Current Account.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall issue a check in the amount of \$4,110.24 to the lienholder; \$2,710.24 for the certificate and \$1,400.00 for the premium as per the certification of the Tax Collector.

Dated: December 9, 2019

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

Resolution #158-0-19:

Re: Redemption of Tax Sale Certificate #18-00008 for Block 445 Lot 71, 50 Greenwood Avenue in the amount of \$3,950.61 to the Lienholder, \$1,850.61 for the Certificate and \$2,100.00 for the Premium

REDEMPTION OF TAX SALE CERTIFICATE #18-00008 FOR BLOCK 445 LOT 71, 50 GREENWOOD AVENUE IN THE AMOUNT OF \$3,950.61 TO THE LIENHOLDER, \$1,850.61 FOR THE CERTIFICATE AND \$2,100.00 FOR THE PREMIUM.

WHEREAS, a Tax Sale was held for 2018 delinquent Municipal charges on September 18, 2019;
WHEREAS, Dennis Moeller was awarded the certificate for Block 445 Lot 71, 50 Greenwood Avenue for which certificate 18-00008 was assigned;

WHEREAS, Precedent Management LLC has redeemed said certificate of which funds have been deposited into the Current Account.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall issue a check in the amount of \$3,950.61 to the lienholder; \$1,850.61 for the certificate and \$2,100.00 for the premium as per the certification of the Tax Collector.

Dated: December 9, 2019

RECORD OF COUNCIL VOTE

Regular Meeting
December 9, 2019

<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>
Balunis						Pasquariello				
Cortellessa						Pettet				
Leonard						Willse				

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.

Resolution #159-0-19:

Re: Redemption of Tax Sale Certificate #18-00009 for Block 455 Lot 20, 134 Monroe Street in the amount of \$4,586.43 to the Lienholder, \$3,286.43 for the Certificate and \$1,300.00 for the Premium

REDEMPTION OF TAX SALE CERTIFICATE #18-00009 FOR BLOCK 455 LOT 20, 134 MONROE STREET IN THE AMOUNT OF \$4,586.43 TO THE LIENHOLDER, \$3,286.43 FOR THE CERTIFICATE AND \$1,300.00 FOR THE PREMIUM.

WHEREAS, a Tax Sale was held for 2018 delinquent Municipal charges on September 18, 2019;
WHEREAS, Clemente Enterprises LLC was awarded the certificate for Block 455 Lot 20, 134 Monroe Street for which certificate 18-00009 was assigned;
WHEREAS, the mortgage holder, PHH Mortgage has redeemed said certificate of which funds have been deposited into the Current Account.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall issue a check in the amount of \$4,586.43 to the lienholder; \$3,286.43 for the certificate and \$1,300.00 for the premium as per the certification of the Tax Collector.

Dated: December 9, 2019

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>
Balunis						Pasquariello				
Cortellessa						Pettet				
Leonard						Willse				

ATTEST:

Katherine J. Falone RMC, CMC
Municipal Clerk

Daniel Mahler
Mayor

Regular Meeting
December 9, 2019

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

Resolution #160-0-19:

Re: Redemption of Tax Sale Certificate #17-00006 for Block 409 Lot 1, 29 Wanaque Avenue in the amount of \$3,105.00 to the Lienholder, \$3,005.00 for the Certificate and \$100.00 for the Premium

REDEMPTION OF TAX SALE CERTIFICATE #17-00006 FOR BLOCK 409 LOT 1, 29 WANAQUE AVENUE IN THE AMOUNT OF \$3,105.00 TO THE LIENHOLDER, \$3,005.00 FOR THE CERTIFICATE AND \$100.00 FOR THE PREMIUM.

WHEREAS, a Tax Sale was held for 2017 delinquent Municipal charges on September 12, 2018;
WHEREAS, Clemente Enterprises, LLC was awarded the certificate for Block 409 Lot 1, 29 Wanaque Avenue for which certificate 17-00006 was assigned;
WHEREAS, the new homeowner, Nahed Yaaqoub, has redeemed said certificate of which funds have been deposited into the Current Account.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall issue a check in the amount of \$3,105.00 to the lienholder; \$3,005.00 for the certificate and \$100.00 for the premium as per the certification of the Tax Collector.

Dated: December 9, 2019

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

Resolution #161-0-19:

Re: Refund of water overpayment on Account Number 4442-1, Warrens Way Building #9, due to the property management company making an overpayment in the amount of \$4,529.75

REFUND OF WATER OVERPAYMENT ON ACCOUNT NUMBER 4442-1, WARREN'S WAY BUILDING #9, DUE TO THE PROPERTY MANAGEMENT COMPANY MAKING AN OVERPAYMENT IN THE AMOUNT OF \$4,529.75.

WHEREAS, there exists a water overpayment on Acct# 4442-1, Warren’s Way Building #9 due to the property management company making an overpayment;
WHEREAS, the owner, Wanaque Reserve Condo Assoc., has requested a refund;
NOW, THEREFORE, BE IT RESOLVED that the Treasurer issue a refund to the property management company in the amount of \$4,529.75.
Dated: December 9, 2019

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>
Balunis						Pasquariello				
Cortellessa						Pettet				
Leonard						Willse				

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.

Resolution #162-0-19:
Re: Resolution Appointing a Provisional Part Time Fire Sub-Code Official

RESOLUTION APPOINTING A PROVISIONAL PART TIME FIRE SUB-CODE OFFICIAL

BE IT RESOLVED that Michael Hafner be and is hereby appointed as the Fire Sub-code Official, provisional part time, effective immediately, until such time a permanent civil service promotional appointment can be made and subject to applicable rules of the New Jersey Civil Service Commission at an annual salary of \$8,226.
Dated: December 9, 2019

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>
Balunis						Pasquariello				
Cortellessa						Pettet				
Leonard						Willse				

Regular Meeting
December 9, 2019

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.

Resolution #163-0-19:
Re: Appointment of Part Time Telecommunications Operator – Blake Smith, 37 Garbarino Avenue, Wanaque

RESOLUTION APPOINTING A PART TIME PUBLIC SAFETY TELECOMMUNICATIONS OPERATOR

BE IT RESOLVED that Blake Smith, 37 Garbarino Avenue, Wanaque, New Jersey be and is hereby appointed as a Part Time Public Safety Telecommunications Operator in the Borough of Wanaque.

Dated: December 9, 2019

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

Resolution #164-0-19:
Re: Budgetary Transfers

RESOLUTION AUTHORIZING INTER-APPROPRIATION TRANSFERS

BE IT RESOLVED By the Mayor and Council of the Borough of Wanaque that the following inter-appropriation transfers affecting the year 2019 Local Municipal Budget be approved:

BE IT FURTHER RESOLVED that the proper Borough Officers are hereby directed to enter the said transfers on the financial records of the Borough:

Regular Meeting
December 9, 2019

WATER

9-WP-02-054-295	\$ 5,000.00	9-WP-02-050-101	\$11,000.00
FICA		WATER S&W	
9-WP-02-050-277	\$ 6,000.00		
WATER O/E			

CURRENT

9-CU-01-099-101	\$ 7,000.00	9-CU-01-101-218	\$ 7,000.00
ADMIN S&W		ADMIN O/E	
9-CU-01-111-277	\$10,000.00	9-CU-01-099-124	\$ 10,000.00
LEGAL O/E		POLICE S&W	
9-CU-01-105-212	\$ 300.00	9-CU-01-099-103	\$ 300.00
DATA PROCESSING		ELECTION S&W	
9-CU-01-105-212	\$ 300.00	9-CU-01-099-107	\$ 300.00
DATA PROCESSING		TAX COLLECTOR S&W	
9-CU-01-119-287	\$ 2,500.00	9-CU-01-117-282	\$ 2,500.00
PLANNING BD O/E		PUBLIC BDLG/GRDS	
9-CU-01-124-299	\$ 5,000.00	9-CU-01-099-124	\$ 10,000.00
POLICE O/E		POLICE S&W	
9-CU-01-124-271	\$ 5,000.00		
POLICE O/E			

CURRENT

9-CU-01-099-201	\$ 3,000.00	9-CU-01-099-132	\$ 11,000.00
COURT S&W		DPW S&W	
9-CU-01-155-345	\$ 1,500.00		
DCRP			
9-CU-01-146-202	\$ 3,500.00		
GASOLINE			
9-CU-01-099-143	\$ 3,000.00		
FIRE SUB CODE S&W			
9-CU-01-107-223	\$ 2,300.00	9-CU-01-101-218	\$ 2,300.00
TAX COLLECTION O/E		GRANT CONSULTANT	

Regular Meeting
December 9, 2019

9-CU-01-146-202 GASOLINE	\$ 2,500.00	9-CU-01-146-201 TELEPHONE	\$ 2,500.00
9-CU-01-142-299 CONSTRUCTION O/E	\$ 3,000.00	9-CU-01-101-296 ADMIN O/E	\$ 3,000.00
9-CU-01-139-248 REC-ST. FRANCIS	\$ 4,000.00	9-CU-01-135-252 VEG. WASTE	\$ 4,000.00
9-CU-01-142-299 CONSTRUCTION O/E	\$ 6,000.00	9-CU-01-135-252 VEG WASTE	\$ 6,000.00
CURRENT TOTAL	\$ 58,900.00		\$ 58,900.00

Dated: December 9, 2019

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

Resolution #165-0-19:

Re: Resolution Calling for Study Commission to Review the Open Public Records Act

RESOLUTION CALLING FOR STUDY COMMISSION TO REVIEW THE OPEN PUBLIC RECORDS ACT

WHEREAS, the Borough of Wanaque strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

Regular Meeting
December 9, 2019

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, Borough of Wanaque has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, Borough of Wanaque received and responded to 290 OPRA requests in 2017, 321 OPRA requests in 2018, and to date has received and responded to 104 OPRA requests as of November 15, 2019; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of Wanaque appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assemblyman Robert Auth, Assemblywoman Holly Schepisi, Senator Gerald Cardinale, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

Dated: December 9, 2019

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>
-------------------	---------------	---------------	------------	-----------	----------------	-------------------	---------------	---------------	------------	-----------

Abstain

Regular Meeting
December 9, 2019

Balunis							Pasquariello					
Cortellessa							Pettet					
Leonard							Willise					

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.

Distribution List

Your State Senator and Assembly Representatives (information can be found at www.njleg.state.nj.us/members/legsearch.asp)

Hon. Phil Murphy
Governor, State of New Jersey
State House
PO Box 001
Trenton, NJ 08625

Hon. Stephen Sweeney
Senate President
Senate District 3
935 Kings Highway
Suite 400
West Deptford, NJ 08086
sensweeney@njleg.org

Hon. Craig Coughlin
Assembly Speaker
Assembly District 19
569 Rahway Avenue
Woodbridge, NJ 07095
asmcoughlin@njleg.org

Hon. Loretta Weinberg
Senator, District 37
545 Cedar Lane
Teaneck, NJ 07666
senweinberg@njleg.org

Frank F. Caruso
Executive Director
Government Records Council
PO Box 819
Trenton, NJ 08625-0819
Frank.Caruso@dca.state.nj.us

Regular Meeting
December 9, 2019

MCANJ
88 Inskip Ave
Ocean Grove, NJ 07756
executivedirector@NJClarks.org

NJLM
222 West State Street
Trenton, NJ 08608
lbuckelew@njlm.org

Resolution #166-0-19:
Re: Resolution Frantella Construction, LLC

RESOLUTION AUTHORIZING THE "PAY TO PLAY" DOCUMENTATION FOR A NON-FAIR AND OPEN PROCESS TO FRANTELLA CONSTRUCTION FOR THE CALENDAR YEAR 2019

WHEREAS, the Borough of Wanaque has utilized the services of FRANTELLA CONSTRUCTION; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the services will exceed \$17,500 in the calendar year 2019; and,

WHEREAS, FRANTELLA CONSTRUCTION has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a candidate or candidate committee in the Borough of Wanaque in the previous one-year, and that this contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the governing body of the Borough of Wanaque pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

NOW THEREFORE, BE IT RESOLVED that the Business Disclosure Entity Certification, C.271 Political Contribution Disclosure Form, Stockholder Disclosure Form and the Determination of Value for FRANTELLA CONSTRUCTION be placed on file with this resolution.

Dated: December 9, 2019

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>
Balunis						Pasquariello				
Cortellessa						Pettet				
Leonard						Willse				

Regular Meeting
December 9, 2019

ATTEST:

Katherine J. Falone RMC, CMC	Daniel Mahler
Municipal Clerk	Mayor

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

Resolution #167-0-19:
Re: Resolution AAA Emergency Supply Company, Inc.

RESOLUTION AUTHORIZING THE "PAY TO PLAY" DOCUMENTATION FOR A NON-FAIR AND OPEN PROCESS TO AAA EMERGENCY SUPPLY FOR THE CALENDAR YEAR 2019

WHEREAS, the Borough of Wanaque has utilized the services of AAA EMERGENCY SUPPLY; and, **WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the services will exceed \$17,500 in the calendar year 2019; and, **WHEREAS**, AAA EMERGENCY SUPPLY has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a candidate or candidate committee in the Borough of Wanaque in the previous one-year, and that this contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the governing body of the Borough of Wanaque pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

NOW THEREFORE, BE IT RESOLVED that the Business Disclosure Entity Certification, C.271 Political Contribution Disclosure Form, Stockholder Disclosure Form and the Determination of Value for AAA EMERGENCY SUPPLY be placed on file with this resolution.

Dated: December 9, 2019

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	Daniel Mahler
Municipal Clerk	Mayor

Regular Meeting
December 9, 2019

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

Resolution #168-0-19:
Re: Resolution Route 23 Auto Mall

RESOLUTION AUTHORIZING THE "PAY TO PLAY" DOCUMENTATION FOR A NON-FAIR AND OPEN PROCESS TO ROUTE 23 AUTOMALL FOR THE CALENDAR YEAR 2019

WHEREAS, the Borough of Wanaque has utilized the services of ROUTE 23 AUTOMALL; and,
WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the services will exceed \$17,500 in the calendar year 2019; and,
WHEREAS, ROUTE 23 AUTOMALL has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a candidate or candidate committee in the Borough of Wanaque in the previous one-year, and that this contract will prohibit them from making any reportable contributions through the term of the contract; and
WHEREAS, the governing body of the Borough of Wanaque pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.
NOW THEREFORE, BE IT RESOLVED that the Business Disclosure Entity Certification, C.271 Political Contribution Disclosure Form, Stockholder Disclosure Form and the Determination of Value for ROUTE 23 AUTOMALL be placed on file with this resolution.

Dated: December 9, 2019

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

Resolution #169-0-19:
Re: Resolution Authorizing the Borough Administrator to sign the TWA-1 Application for the North Jersey District Water Supply Commission Treatment Facility Project

Regular Meeting
December 9, 2019

RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO SIGN THE TWA-1 APPLICATION FOR THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION TREATMENT FACILITY PROJECT

BE IT RESOLVED that Paul M. Carelli, Borough Administrator of the Borough of Wanaque, be and is authorized to sign the TWA-1 application for North Jersey District Water Supply Commission Treatment Facility Project.

Dated: December 9, 2019

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

Resolution #170-0-19:
Re: Resolution Award Bid – Fourth Avenue

AUTHORIZING THE AWARD OF CONTRACT TO KULPEKSA LAND IMPROVEMENT CORPORATION FOR THE FOURTH AVENUE DRAINAGE IMPROVEMENT PROJECT IN THE BOROUGH OF WANAQUE IN THE AMOUNT OF \$61,800.00

WHEREAS, the Borough of Wanaque advertised for and received bids for the Fourth Avenue Drainage Improvement Project on December 6, 2019, and;

WHEREAS, the Borough of Wanaque received bids from (6) bidders, and;

WHEREAS, Kulpeksa Land Improvement Corporation, 248 Franklin Avenue, Rockaway, NJ 07866-3410 submitted the lowest conforming bid in the amount of \$61,800.00 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 Fourth Avenue Drainage Improvement Project to Kulpeksa Land Improvement Corporation, 248 Franklin Avenue, Rockaway, NJ 07866-3410 in the amount of \$61,800.00.

Regular Meeting
December 9, 2019

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

Dated: December 9, 2019

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 finds upon the passage of this resolution.

X-GC-03-059-204 Ordinance #5-0-19 \$61,800.00
Line Item Description 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>
Balunis			X			Pasquariello	X		X	
Cortellessa			X			Pettet		X	X	
Leonard			X			Willse	<u>Absent</u>			

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.

Resolution #171-0-19:
Re: Resolution Wanaque Reserve Municipal Services Agreement

Resolution #172-0-19:
Re: Resolution Authorizing the release of Performance Bond and forgoing filing of a Maintenance Bond

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND AND FORGOING FILING OF A MAINTENANCE BOND

Regular Meeting
December 9, 2019

WHEREAS, Pulte Communities N.J., a Limited Partnership also known as Pulte Communities of New Jersey, Limited Partnership hereinafter "Pulte" received permission from the Wanaque Planning Board for the construction of a seven hundred fifty five (755) unit active adult housing community on four hundred forty two (442) acres located in the Borough of Wanaque and did in consequence thereof enter into an Amended Developer's Agreement dated August 5, 2003 which required, amongst other things, that Pulte provide a Performance Bond in an amount estimated by the Borough Engineer and to thereafter, provide a Maintenance Bond to cover improvements; and

WHEREAS, the original bond amount was \$5,600,198, which, through action of the Borough has been reduced and is currently in the amount of \$601,784.60. The development was to be constructed in three phases with construction commencing in or about 2004 and concluding in or about 2009 at which time Wanaque Reserve Condominium Association took over control of the premises; and

WHEREAS, the Wanaque Reserve Condominium Association did call to the attention of Pulte numerous deficiencies relating to the project and as a consequence thereof commenced an action in the Superior Court of New Jersey, Law Division, Passaic County seeking damages which included, amongst other things, items that were bonded pursuant to the Performance Bond filed by Pulte, which case was settled with the Reserve receiving monetary damages; and

WHEREAS, the Borough of Wanaque has been in dialogue and negotiations with Pulte and the Wanaque Reserve Condominium Association concerning several construction issues relating to the project whereby Wanaque has not granted Pulte's request for termination and release of its Performance Bond; and

WHEREAS, as a consequence of meetings, negotiations, review of pertinent documents and reports, Pulte, has agreed to offer a settlement to Wanaque in an endeavor to resolve all outstanding issues heretofore covered by the Performance Bonds; and

WHEREAS, it is in the interests of the Borough of Wanaque, and on behalf of the Wanaque Reserve, to settle and resolve development deficiencies and to release the Performance Bond; and

WHEREAS, the Pulte project has been completed since 2009, and all maintenance issues, in connection with the developments, for which bonding was posed, have been addressed and resolved in a manner acceptable to Wanaque, thereby precluding the provision of a Maintenance Bond;

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

1. Pulte agrees to pay to the Borough of Wanaque the sum of one hundred fifty thousand \$160,000.00 dollars in connection with any and all items for which the remaining Performance Bond, in the amount of \$601,784.60 remains in place.
2. Wanaque agrees to release Pulte's Performance Bond in said amount.
3. Pulte further authorizes the Borough to retain any escrow deposited with the Borough in connection with the development of the Pulte Home Community, known as Wanaque Reserve.

4. In consequence thereof, and the project being completed in 2009 and maintenance issues having been addressed since that time, the Borough agrees to forego the posting of a Maintenance Bond by Pulte in consequence of actions taken by Wanaque Reserve in their Civil Litigation, and the Borough of Wanaque in connection with this settlement.
5. Pulte shall request a termination and release of its Performance Bond which shall be released by the Borough upon said application.
6. The Borough of Wanaque, shall remit to Wanaque Reserve the said sum of one hundred sixty thousand \$160,000.00 dollars to cover the costs of any repairs or unresolved issues covered by the Performance Bond aforesaid and for foregoing posting of any Maintenance Bond and is in full settlement of any and all complaints that the Reserve has against the Borough related to any and all construction of the project.
7. This resolution and settlement is made in accordance with the Municipal Land Use Law and is deemed to be in the best interests of the Borough of Wanaque.

Dated: December 9, 2019

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

Resolution #173-0-19:
Re: AJM Change Order

RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER (1) FOR THE 2017 NJDOT ROAD IMPROVEMENT PROJECT IN THE AMOUNT OF \$44,036.02 – NEW TOTAL CONTRACT AMOUNT \$360,929.27

WHEREAS, the Borough Council of the Borough of Wanaque in the County of Passaic, State of New Jersey has on April 8, 2019 authorized the award of a contract for the 2017 NJDOT Road Improvement Project to AJM Contractors, Inc., 300 Kuller Road, Clifton, NJ 07011 in the amount of \$316,893.25; and

WHEREAS, during the course of the contract, Change Order 1 dated December 3, 2019 on the attached page reflects additional work items performed, resulting in an increase of \$44,036.02 – new contract amount of \$360,929.27.

Regular Meeting
December 9, 2019

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Wanaque in the County of Passaic, State of New Jersey does hereby authorize change order (1) for the 2017 NJDOT Road Improvement Project in the amount of \$44,036.02.

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Wanaque hereby approves the Payment Request dated December 3, 2019 in the amount of \$89,229.26.

Dated: December 9, 2019

RECORD OF COUNCIL VOTE

Councilman	Motion	Second	Yes	No	Abstain	Councilman	Motion	Second	Yes	No
Abstain										
Balunis						Pasquariello				
Cortellessa						Pettet				
Leonard						Willse				

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.

Resolution #174-0-19:

Re: Resolution Amending the Realty Associates Development Agreement to change the Sewer Connection Fee payment schedule from Annual to Semi-Annual

RESOLUTION AMENDING THE REALTY ASSOCIATES DEVELOPMENT AGREEMENT TO CHANGE THE SEWER CONNECTION FEE PAYMENT SCHEDULE FROM ANNUAL TO SEMI-ANNUAL

WHEREAS, the Borough of Wanaque entered into a Redevelopment Agreement on February 6, 2016 with Realty Associates Redevelopment for the construction of a 29 unit apartment building located at 547 Ringwood Avenue, Wanaque, NJ; and

WHEREAS, Realty Associates Redevelopment has requested a change to the schedule for sewer connection fee payments, from annual to semi-annual; and

WHEREAS, the requested change is acceptable to the Borough of Wanaque

NOW, THEREFORE BE IT RESOLVED that Section 7, subparagraph b of the above referenced agreement be amended to read as follows:

b. The Redeveloper shall pay to the Borough of Wanaque, the sewer connection fees, at the prevailing rate charged by the Borough which is agreed to be \$11,251 per residential unit, a total of \$326,279, of which the pre-existing sewer connection entitled the Redeveloper to a credit of three units, a total credit of \$33,573. The total net sewer connection fee shall be \$292,526. The net sewer connection fee will be payable in equal semi-annual installments of \$29,252.50 with the first installment payable on January 15, 2020. The second payment will be due on July 15, 2020. Thereafter payments will be due on January 15 and July 15 of each year until the total amount is paid in full.

Dated: December 9, 2019

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

Resolution #175-0-19:

Re: Resolution Authorizing the Mayor to execute the AWARE ASAP Grant for July 1, 2020-
June 30, 2021

**RESOLUTION AUTHORIZING A SUBMISSION OF A STRATEGIC PLAN FOR THE AWARE ASAP
MUNICIPAL ALLIANCE GRANT**

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliance for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

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

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

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

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

1. The Borough Council does hereby authorize submission of a strategic plan for the AWARE ASAP Municipal Alliance grant for the period of July 1, 2020 to June 30, 2021 (FY2021) in the amount of:

Regular Meeting
December 9, 2019

- 2. DEDR \$46,060.00
Cash Match \$11,516.00
In Kind \$34,546.00
- 3. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Dated: December 9, 2019

CERTIFICATION

I, Katherine J. Falone, Municipal Clerk of the Borough of Wanaque, County of Passaic, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 9th day of December, 2019.

Dated: December 9, 2019

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>
Balunis						Pasquariello				
Cortellessa						Pettet				
Leonard						Willse				

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.

Application for Raffle License:
Re: Wanaque Reserve Senior Citizens - RA:1041

Application for Amusement Machine License – Joseph Agostino, 18 Railroad Avenue, Wanaque, New Jersey

Two (2) Applications for Tow Truck License:
Re: Ringwood Towing, 89 Greenwood Lake Turnpike, Ringwood, New Jersey,
2) Jessica’s Towing and Recovery, 400 Union Avenue, Ste. 6, Haskell, New Jersey

Application for Used Car Lot – City Motor Group, Inc., 1368 Ringwood Avenue, Haskell, New Jersey (Subject to the report of the Construction Code Official)

Resolution #176-0-19:
Re: Resolution Appointing a Part Time Public Safety Telecommunications Operator – Nelson Parrilla, Jr.

Regular Meeting
December 9, 2019

BE IT RESOLVED that Nelson Parrilla, Jr., 1103 Chatham Court, Wayne, New Jersey be and is hereby appointed as a Part Time Public Safety Telecommunications Operator trainee effective immediately at minimum wage during training.

Resolution #177-0-19:

Re: Resolution Appointing a Part Time Public Safety Telecommunications Operator –
Brandon K. Grygus

BE IT RESOLVED that Brandon K. Grygus, 4 August Drive, Unit 1, Vernon, New Jersey 07462 be and is hereby appointed as a Part Time Public Safety Telecommunications Operator trainee effective immediately at minimum wage during training.

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

On roll call, all voted yes, except Councilman Balunis who abstained on Resolution #175-0-19 and Councilman Cortellessa who abstained on Resolutions #161-0-19, #171-0-19, Raffle Application 1041 and Resolution #172-0-19 and the Mayor declared the motion carried.

Matthew Palmieri, 12 Erie Avenue, Wanaque said the application for the used car lot for City Motor Group I don't see why it can't be approved. The businesses in town should be able to operate and I would request that you renew the license even if it is temporary.

The Borough Attorney said they will not renew it. The Construction official is to give a warning and handle it administratively through the court if necessary. There is a violation now as it stands and if it doesn't go before the Board of Adjustment a notice/summons will be issued by the building department Construction official for thirty days to hold off on the renewal. To send a warning now and there are issues with the setbacks and they need to correct this in a limited period of time and the license is not to be renewed until the next meeting. Don't renew the license and carry it to the next agenda. They are in violation and need to issue a warning or they have to go before the Board of Adjustment before the next meeting for the Board of Adjustment hearing or you can renew it temporarily for sixty days.

Councilman Cortellessa said there are ADA issues and we should be removing them.

The Borough Attorney said in the interim they can issue a violation now or a warning notice and advise that they have sixty days. It can be a sixty day temporary extension to go to the Board of Adjustment to fix the violations and immediately conform to the ADA parking.

On entertainment of the Mayor, Councilmen Pasquariello and Willse moved a motion for a sixty day temporary extension to go to the Board of Adjustment to fix the violations and immediately conform to the ADA parking.

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

REGULAR REPORTS - PROFESSIONAL REPORTS:

On entertainment of the Mayor, Councilmen Pasquariello and Willse moved that reports be received and filed; and that all monies be turned over to the Treasurer.

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

Regular Meeting
December 9, 2019

Matt Palmieri, 12 Erie Avenue, Wanaque said thank you. What is the status of the Taco Bell.

The Mayor said it is approved and the current owner is waiting to close on the property.

COMMUNICATIONS:

Letter from State of New Jersey Department of Environmental Protection – Revise the Borough’s current Flood Damage Prevention Ordinance to continue participation in the National Flood Insurance Program.

Letter and Resolution from the Passaic County Board of Chosen Freeholders encouraging Municipalities with the County of Passaic to consider a Trap-Neuter-Return (TNR) Program for Feral Cats.

NEW BUSINESS:

Application for Used Car Lot – City Motor Group, Inc.

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

Held to the end of the meeting.

UNFINISHED BUSINESS:

Status Report - Lakeside Manor

Reported on at the Work Meeting.

Resolution #151-0-19:

Re: In support of Senate Bill S-3846 and Assembly Bill A-5716 urging enactment by both Houses that would require public schools be closed on the days of Primary and Regular elections

RESOLUTIONS: None.

PUBLIC DISCUSSION: (Work Meeting)

FINANCE REPORT: Vouchers - Payrolls

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

Regular Meeting
December 9, 2019

VOUCHERS

Current 2018	\$	400.00
Pre-Paid Current 2019	\$	3,846.64
Current 2019	\$	127,402.57
Pre-Paid Water 2019	\$	585.85
Water Operating 2019	\$	23,122.64
Other Trust 2019	\$	1,800.00
Recreation Trust 2019	\$	7,345.55
Escrow 2019	\$	1,310.42
Open Space 2019	\$	39,000.00
Animal Trust 2019	\$	8,749.36
General Capital 2019	\$	80,115.38
Voucher Total:	\$	293,678.41

PAYROLL:

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

PR #24	11/29/2019	\$ 231,154.77
	Payroll Total:	\$ 231,154.77
	Grand Total:	\$ 524,833.18

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

Daniel Mahler
Mayor

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

On entertainment of the Mayor, Councilmen Willse and Pasquariello 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:

Regular Meeting
December 9, 2019

3. Negotiations FOP Contract and litigation for Mountain Lakes/Lakeside Manor.

4. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session when the reasons for discussing and acting on the matter in closed session no longer exist, but no later than one month of the Mayor and Council arriving at a final decision on the specified subject matter.

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

RECONVENEMENT:

On entertainment of the Mayor, Councilmen Pasquariello and Balunis moved a motion to reconvene. On roll call, all were present at 10:00 P.M.

ADJOURNMENT:

On entertainment of the Mayor, Councilmen Pasquariello and Balunis moved a motion to adjourn the meeting.

On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 10:00 P.M.

Katherine J. Falone, RMC, CMC
Municipal Clerk