

Regular Meeting
June 11, 2018

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, June 11, 2018 at 9:35 P.M. in the Wanaque Municipal Building.

The Mayor called the meeting to order.

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

The Mayor read the following Sunshine Statement: This is a Regular meeting of the Mayor and Council and adequate notice thereof has been given by advertising the date, time and place of the Regular meetings in the Suburban Trends and the Herald News newspapers and was e-mailed to these papers on November 15, 2017, and a notice thereof has been posted on November 15, 2017 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.

ORDINANCES:

Public Hearing of Ord. #4-0-18:

Re: Establishing a private outdoor video surveillance camera registry

On entertainment of the Mayor, Councilmen Pasquariello and Willse moved that Ordinance #4-0-18 be taken from the table and read by the Clerk, by title only, for consideration of final reading.

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

The Clerk took from the table and read by title only as follows: AN ORDINANCE ESTABLISHING A PRIVATE OUTDOOR VIDEO SURVEILLANCE CAMERA REGISTRY.

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

The Mayor opened the Public Hearing.

No one came forward.

The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE ESTABLISHING A PRIVATE OUTDOOR VIDEO SURVEILLANCE CAMERA REGISTRY pass final reading, and that said Ordinance be adopted as an Ordinance of the Borough of Wanaque; and

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

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

ADOPTION OF THE 2018 MUNICIPAL OPERATING, WATER UTILITY AND SEWER UTILITY BUDGETS – Resolution #87-0-18

The Mayor presented a chart on the budget and we went over the costs for the budget. We worked hard on the budget to keep it at 2% and we could look at 3% next year.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Wanaque of the County of Passaic that the Budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$13,769,875.92 for Municipal purposes;

RECORDED VOTE:

AYES: Councilman Balunis, Councilman Pasquariello, Councilman Pettet and Councilman Willse.

NAYS: Councilman Cortellessa, Councilman Leonard

ABSTAINED: NONE

ABSENT: NONE

It is hereby certified that the within Budget is a true copy of the Budget finally adopted by Resolution of the Governing Body on the 11th day of June 2018. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2018 approved Budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

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

MINUTES:

May 14, 2018

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

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

COMMITTEE REPORTS: (Work Meeting)

PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

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Grace Maiello, 26 Rhinesmith Avenue, Wanaque representative of the Historic Commission and the 100th Anniversary Committee said we need a cabinet to store the items for the history of the town.

The Mayor said there is a cabinet in the Mayor's office that may be an option.

Grace Maiello said how much money do we receive from Optimum.

The Mayor said we will check.

Marie Mahler, 27 Lorrie Lane, Wanaque said in July the Freeholders are having their meeting at the Passaic County Community College in Haskell and they are going to make a presentation to Wanaque, Ringwood and Bloomingdale for the 100th Anniversary.

The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #101-0-18:

Re: Cancellation of Tax Sale Certificate #10-00040 for Block 444, Lot 15

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

WHEREAS, the Borough of Wanaque was awarded the certificate for Block 444 Lot 15, Gorge Drive for which certificate 10-00040 was assigned;

WHEREAS, NationStar Mortgage, has redeemed said certificate of which funds have been deposited into the Current Account;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Municipal Clerk sign off on the certificate so that it can be recorded as cancelled as per the certification of the Tax Collector.

Resolution #102-0-18:

Re: Refund of Tax overpayment on Block 275, Lot 17 for the 2nd Quarter of 2018 in the amount of \$4,232.74

WHEREAS, there exists a tax overpayment on Block 275 Lot 17, 36 Ramapo Mountain Drive for the 2nd quarter of 2018;

WHEREAS, the Max Title Agency has requested a full refund;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund the title company \$4,232.74 as per the certification of the Tax Collector.

Resolution #103-0-18:

Re: Authorizing the Issuance of Purchase Orders in Compliance with N.J.S.A. 19:44A-20 ET SEQ. (N.J. Pay to Play Law) for various services

RESOLUTION RE: AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS IN COMPLIANCE WITH N.J.S.A. 19:44A-20 ET SEQ. (N.J. PAY TO PLAY LAW) FOR VARIOUS SERVICES

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WHEREAS, the Borough of Wanaque has a need to acquire various goods and services as non-fair and open contracts in compliance with N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Borough of Wanaque has provided a list of vendors that may exceed cumulative payments in the amount of \$17,500 for the Borough of Wanaque 2018; and

WHEREAS, the following vendor(s) have executed a certification that certifies that the business entity has not made a contribution that would bar them from receiving purchase orders in excess of \$17,500, and the business entity will report to the Election Law Enforcement Commission any contribution that would violate N.J.S.A. 19:44-20.4 et seq. (New Jersey Pay to Play Law) for Borough of Wanaque 2018.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Wanaque does hereby authorize the Borough of Wanaque Interim Business Administrator to issue purchase orders to the following vendor(s) for the various goods and services described below; and

<u>Vendor Name</u>	<u>Description of Services</u>
1. Riverdale Power Motor.	Power Motor Supplies & Equipment
2. Aqua-Pro Tech Laboratories	Water Quality Testing
3. RER Supply, LLC	Vegetative Waste Removal

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution.

Resolution #104-0-18:

Re: Approval of 2018-2019 Liquor License Renewals

BE IT RESOLVED, that the Mayor and Council of the Borough of Wanaque do hereby approve through this Resolution the following Liquor License Renewals for the Year 2018/2019:

1. Haskell Liquors Corporation – t/a Haskell Liquors – 1069 Ringwood Avenue - License #1613-44-003-005
 2. Santina and Peter Berta, Inc. – t/a Berta’s Chateau – 7 Grove Street - License #1613-32-
 3. KJK Spirits, Inc. – t/a USA Wine Traders – 207 Ringwood Avenue - License #1613-44-007-012
 - *4. Joseph Agostino – t/a Flip’s – Resolution #105-0-18 – 18 Railroad Avenue License #1613-32-017-003
 5. Il Palazzo, Inc. – t/a Il Palazzo – 600 Ringwood Avenue License #1613-33-020-005
 6. Provision Foods LTD – t/a Tree Tavern – 17 Park Street – License #1613-32-010-004
 7. DNP Enterprises LLC – t/a Wine2Spirits – 662 Ringwood Avenue – License #1613-44-018-009
 8. The Celtic Knot LLC – t/a The Celtic Knot LLC – 72 Haskell Avenue – License #
 9. Adriana M. Falcon – Pocket License – License #1613-33-002-008
- *License with Resolution of stipulations and restrictions

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Resolution #106-0-18:

Re: Approval of 2016/2017 Liquor License Renewal – Adriana M. Falcon – License #1613-33-002-008 for the 12.18 Ruling

BE IT RESOLVED that the licensee Adriana M. Falcon License #1613-33-002-008 has received a Special Ruling from the Director of the Division of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1 – 12.18 to issue a new license for the license term 2016-2017;

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Wanaque do hereby approve through this Resolution the following Liquor License Renewal for the license term 2016-2017.

1. Adriana M. Falcon - License #1613-33-002-008

Resolution #107-0-18:

Re: Approval of 2016/2017 Liquor License Renewal – Adriana M. Falcon – License #1613-33-002-008 for the 12.39 Ruling

BE IT RESOLVED that the licensee Adriana M. Falcon has received a Special Ruling from the Director of the Division of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1 – 12.39 for the license term 2016-2017;

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Wanaque do hereby approve through this Resolution the following Liquor License Renewal for the license term 2016-2017.

1. Adriana M. Falcon - License #1613-33-002-008

Resolution #108-0-18:

Re: Approval of 2017/2018 Liquor License Renewal – Adriana M. Falcon – License #1613-33-002-008 for the 12.39 Ruling

BE IT RESOLVED that the licensee Adriana Falcon License #1613-33-002-008 has received a Special Ruling from the Director of the Division of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1 – 12.39 for the license term 2017-2018;

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Wanaque do hereby approve through this Resolution the following Liquor License Renewal for the license term 2017-2018.

1. Adriana M. Falcon - License #1613-33-002-008

Resolution #109-0-18:

Re: Estimated Tax Bills

Removed from the agenda.

Resolution #110-0-18:

Re: Establishing the Tax Rate

Removed from the agenda.

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Resolution #111-0-18:

Re: Appointing Joseph Felt to the position of Laborer in the Wanaque Department of Public Works

BE IT RESOLVED by the Mayor and Council of the Borough of Wanaque that it hereby appoints Joseph Felt, 5C Brookside Heights, Wanaque, NJ to the position of Laborer with the Wanaque Department of Public Works at an annual salary of \$37,000; and

BE IT FURTHER RESOLVED that the appointment of Joseph Felt to the position of Laborer shall be conditioned upon the review and consent of the Borough Council's Personnel and Roads Committee; and

BE IT FURTHER RESOLVED that the appointment of Joseph Felt is further conditioned upon the attaining a New Jersey Commercial Driver's License within 180 days of appointment; and

BE IT FURTHER RESOLVED that upon attaining a New Jersey Commercial Driver's License the annual salary for Joseph Felt shall increase to \$40,000 annually; and

BE IT FURTHER RESOLVED that the start date of employment shall be set by the Borough Administrator only after review and consent by the Borough Council's Personnel and Roads Committee.

Resolution #112-0-18:

Re: Current Estimate No. 3 and Final and Change Order No. 1 for Back Beach Water Main Replacement payment to Regal Utility Services, Inc. in the amount of \$6,654.46

BE IT RESOLVED that Change Order No. 1 a decrease in the amount of \$109,677.84 and payment for Current Estimate No. 3 and Final in the amount of \$6,654.46 payable to Regal Utility Services, Inc. for Water Main Replacement & Road Reconstruction be and is hereby approved.

Application for Soil Removal Permit:

Re: Mike Ryan, 17 Park Street, Wanaque

Letter from Fire Chief:

Re: Membership Application for Kelvin Palicas – Company No. 1 subject to the results of the physical exam and remove Eric Goldman from Company No. 2 effective immediately

Resolution #113-0-18:

Re: Amending the Police Department Rules and Regulations

WHEREAS, Chapter 33 of the Code of the Borough of Wanaque (the "Borough") authorizes the Borough Council to amend the Borough's Police Department's ("Department") rules and regulations set forth in the police manual; and

WHEREAS, the Chief of Police of the Department has recommended that the rules and regulations governing the Department be amended to add the required Early Warning System policy as set forth in the New Jersey Attorney General's Law Enforcement Directive No. 2018-3; and

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WHEREAS, Borough Labor Counsel has prepared the Department's Early Warning System policy and such policy having been accepted by the Fraternal Order of Police.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough hereby approves the Early Warning System policy set forth in the Department's rules and regulations contained in the Department's police manual.

BE IT FURTHER RESOLVED that the Chief of Police shall cause the Early Warning System policy to be distributed to each member of the department and the policy shall also be filed in the office of the Borough Clerk.

The Borough Attorney said the liquor license renewals for Il Palazzo, Inc. and Kalari Liquors, LLC can be approved subject to the Borough of Wanaque receiving tax clearances from the State of New Jersey.

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

On roll call, all voted yes, except Councilman Pettet who voted abstained on Resolution #113-0-18 and the Mayor declared the motion carried.

REGULAR REPORTS - PROFESSIONAL REPORTS:

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

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

COMMUNICATIONS: None.

NEW BUSINESS:

Stipulation between Sumo Enterprises and the Borough of Wanaque:

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

Sumo Enterprises, J&S Group, Lakeside Manor, Inc., Mountain Lakes Estates Inc., and Wanaque Urban Urban Renewal Corporation ("Sumo Enterprises") and the Borough of Wanaque having appeared before the Passaic County Construction Board of Appeals on May 24, 2018, it is hereby agreed and stipulated by and between them through counsel that:

1. The Passaic County Construction Board of Appeals ("CBA") believes it has Jurisdiction over the two Appeals dated December 26, 2017 filed by Sumo Enterprises relating to Block 200.20 Lot 29-34 Wanaque, New Jersey.
2. The Borough of Wanaque will not allow work to proceed on the project, either Foundation or structural, even if the CBA decides in favor of Sumo Enterprises on the Appeals.
3. The Borough of Wanaque Borough Code Official completed his review of Sumo Enterprises' permit application for the construction of six townhouses on existing foundations, submitted originally on November 3, 2017, and the architectural and structural construction drawings as subsequently revised following the Construction

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Board of Appeals hearing on January 18, 2018; the final permit application and Revised architectural and structural construction drawings meet all the requirements under the Uniform Construction Code for the permit to issue; and the Borough Code Official has been instructed by counsel for the Borough of Wanaque to not issue the permit.

4. The Borough of Wanaque agrees that Sumo Enterprises has exhausted all administrative remedies and will not seek dismissal of any action based upon the exhaustion defense.
5. The Borough of Wanaque Council must approve this Stipulation by June 12, 2018. If not, Sumo Enterprises will proceed before the CBA on June 21, 2018 unless it files suit first.
6. Based upon these stipulations, the Parties agree that the CBA will not decide Sumo Enterprises' Appeals and Sumo Enterprises' Appeals are hereby withdrawn.

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

Letter from Provision Foods, LTD, 17 Park Street, Wanaque:
Re: Waiver Request

On entertainment of the Mayor, Councilmen Leonard and Balunis moved a motion to reject the waiver request as the Governing Body does not approve the conditions of approval requesting the construction of seven parking spaces on Park Street.

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

Agreement for Legal Services between Borough of Wanaque and Anthony Fiorello:

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

This Agreement, made and entered into this 9th day of July, 2018, by and between, Borough of Wanaque, in the County of Passaic, a Municipal Corporation of the State of New Jersey, having its principal office at 579 Ringwood Avenue, Wanaque, County of Passaic and State of New Jersey 07465, hereinafter "Wanaque" and;

Anthony Fiorello, LLC, a Limited Liability Company, with offices at 16 Furler Street, in the Borough of Totowa, County of Passaic and State of New Jersey 07512, hereinafter known as "Fiorello";

Witnesseth:

Now, Therefore, Wanaque has appointed Fiorello, as its Municipal Attorney for 2018, and is desirous of setting forth in formal agreement the duties to be performed and the basis or remuneration therefore;

1. Fiorello shall be paid a retainer of \$39,000 per year (thirty-nine thousand dollars), paid Monthly at the rate of \$3,250 (three thousand two hundred fifty dollars), together with any costs incurred by Fiorello, in connection therewith. The retainer shall cover attendance at all meetings of the Mayor and Counsel, to include regular sessions and work sessions, budget sessions, and any other time that the governing body shall meet as a body, in conjunction with meetings with other public entities or representatives thereof. The retainer shall defray the costs for services, preparation of simple

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- ordinances, resolutions, correspondence, communications with Borough employees and officials, and other matters of a routine nature.
2. It is further agreed that Fiorello will bill Wanaque for all litigation and litigation matters at the rate of \$150 per hour (one hundred fifty dollars), to include notices of tort claims, lawsuits, interrogatories, and depositions, attendance at discovery proceedings, and Court matters, meetings with other counsel and co-counsel, Court appearances and any and all other matters associated or attendant to litigation, together with costs expended in connection therewith.
 3. Fiorello shall bill Wanaque, developers, and other third parties, at the rate of \$250 per hour (two hundred fifty dollars), for the preparation of Developer's Agreements, or complicated agreements involving the Borough, or for matters wherein zone changes, or other changes, or development approval and major projects are discussed, or other meetings concerning development are requested by property owners in the Borough of Wanaque, which costs are to be paid by the particular developer, which shall include meetings with the developers, preparing documentation, preparing analysis, attendance at meetings of the Planning Board and Board of Adjustment, counsel meetings, preparation and review of resolutions and agreements in connection therewith, memorandums of understanding, and other documentation in connection with such development project, together with costs incurred in connection therewith.
 4. Fiorello shall prepare monthly billings for work performed, and submit the same to the appropriate Borough Official, for review, approval, and payment.

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

Councilman Willse said what is the status of the Lines Avenue project.
The Borough Engineer said we gave the plan to the resident and it is moving forward.

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.

RESOLUTIONS: None.

PUBLIC DISCUSSION: (Work Meeting)

FINANCE REPORT: Vouchers - Payrolls

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

VOUCHERS - May 14th:

Current Operating	\$ 2,607,095.69
2017 Current	\$ 8,118.93
Pre-Paid Current	\$ 8,142.97
Water Operating	\$ 57,426.43
Pre-Paid Water	\$ 1,418.73
Sewer Operating	\$ 929,752.99
Escrow	\$ 495.00
General Capital	\$ 1,485.00
Water Capital	\$ 20,100.00
Pre-Paid Recreation	\$ 285.00
Recreation Trust	\$ 5,692.00
Animal Trust	\$ 54.60
Open Space	\$ 1,688.00
Other Trust	\$ 7,502.00
Pre-Paid Other Trust	\$ 5,603.00
Voucher Total:	\$ 3,654,860.34

PAYROLL:

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

PR #08	04/20/2018	\$ 219,934.54
PR #09	05/03/2018	\$ 213,853.86
Payroll Total:		\$ 433,788.40
Grand Total:		\$4,088,648.74

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

Daniel Mahler
Mayor

VOUCHERS: - June 11th

2017 Current	\$ 275.88
Pre-Paid Current	\$ 2,928.70

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2018 Current	\$ 462,808.58
Water Operating	\$ 32,424.97
Pre-Paid Water	\$ 901.19
Sewer Operating	\$ 2,943.75
Escrow	\$ 848.85
General Capital	\$ 897.00
Housing Trust	\$ 1,864.70
Water Capital	\$ 4,020.00
Recreation Trust	\$ 1,017.80
Animal Trust	\$ 323.60
Open Space	\$ 879.84
Other Trust	\$ 1,420.00
Voucher Total:	\$ 513,554.86

PAYROLL:

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

PR #10	05/18/2018	\$ 230,026.22
PR #11	06/01/2018	\$ 234,749.35
	Payroll Total:	\$ 464,775.57
	Grand Total:	\$ 978,330.43

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 Pasquariello and Willse moved that,

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

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

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1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.

2. The general nature of the subject matter to be discussed is as follows:

1) Collective Bargaining, Negotiations and Contracts.

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

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

RECONVENEMENT:

On entertainment of the Mayor, Councilmen Willse and Pettet moved a motion to reconvene the meeting at 10:15 P.M.

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

ADJOURNMENT:

On entertainment of the Mayor, Councilmen Pettet and Willse moved a motion to adjourn the meeting.

On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 10:15 P.M.

Katherine J. Falone, RMC, CMC
Municipal Clerk