

Regular Meeting
October 15, 2012

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, October 15, 2012, at 8:00 P.M. in the Wanaque Municipal Building.

The Mayor called the meeting to order.

On roll call, the following Council Members responded: Balunis, Cortellessa, Leonard, Pettet and Willse. Councilman Pasquariello 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 December 28, 2011, and a notice thereof has been posted on December 28, 2011 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:

September 10, 2012.

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

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

PRESENTATION:

Soccer Team – U9 Girls – 7:00 P.M.:

The Mayor asked the Soccer Coaches to come forward and presented the Award Certificates to the team.

PROCLAMATIONS:

The Mayor read the following Proclamations:

Put the Brakes on Fatalities Day – October 10, 2012:

October 10, 2012 has been declared Put The Brakes on Fatalities Day by the Wanaque Police Department, Wanaque, New Jersey.

WHEREAS, Across the nation, traffic crashes caused 32,310 fatalities in 2011, and are the leading cause of death for young people ages 15 to 34; and,

WHEREAS, In New Jersey, 627 individuals lost their lives in traffic crashes in 2011; and,

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WHEREAS, Alcohol-related crashes accounted for 24 percent of the State's traffic fatalities, while speed related fatalities for 2011 climbed to 174 from 61 recorded in 2007.

WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and,

WHEREAS, 92 motorcyclists, 17 bicyclists and 143 pedestrians were killed in New Jersey in traffic-related crashes in 2011; and,

WHEREAS, Safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear when riding a motorcycle or bicycle; and focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

NOW, THEREFORE, I Daniel Mahler, Mayor of the Borough of Wanaque, Passaic County New Jersey, do hereby proclaim October 10, 2012, **Put The Brakes On Fatalities Day**, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

WHEREAS, Radon is a naturally occurring radioactive gas that is the second leading cause of lung cancer, causing as many as 500 lung cancer deaths annually in New Jersey; and

WHEREAS, elevated Radon levels are found in many homes and pose a serious health threat to families residing in these homes; and

WHEREAS, any home may have high levels of Radon, even if neighboring homes do not; and

WHEREAS, Radon testing is easy and inexpensive and elevated levels of Radon can be effectively reduced at the cost of a typical home repair; and

WHEREAS, a significant number of homes in Wanaque have elevated levels of Radon;

WHEREAS, by mitigating homes with Radon concentrations at or above 4pCi/L in New Jersey, 140-250 lives are saved annually;

NOW, THEREFORE, I, Mayor Daniel Mahler, on behalf of the Wanaque Mayor and Council, do hereby proclaim the month of January as Radon Action month in the Borough of Wanaque and call upon all residents who have not yet tested to test their homes for Radon and to reduce Radon levels if elevated levels are found, to protect their families from the serious health risk of Radon.

ORDINANCES:

Public Hearing of Ord. #21-0-12:

Re: Highlands Ordinance

Held to the November 19, 2012 meeting.

Introduction of Ord. #22-0-12:

Re: Amend Chapter 108, "Vehicles and Traffic" to establish work zone regulations

On entertainment of the Mayor, Councilmen Leonard and Cortellessa moved that Ordinance #22-0-12 be taken from the table and read by the Clerk, by title only, for consideration of first reading.

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

The Clerk took from the table and read by title only as follows: AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 108, "VEHICLES AND TRAFFIC" TO REPEAL ARTICLE XII AND REPLACE IT WITH A NEW ARTICLE XII "TRAFFIC CONTROLS FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATION".

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

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 108, "VEHICLES AND TRAFFIC" TO REPEAL ARTICLE XII AND REPLACE IT WITH A NEW ARTICLE XII "TRAFFIC CONTROLS FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATION" pass first reading, and that said Ordinance be further considered for final passage and adoption at a meeting of the Borough Council to be held on the 19th day of November 2012, at the Municipal Building in the Borough of Wanaque at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance; and

BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

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

Introduction of Ord. #23-0-12:

Re: Chapter 114 – Zoning to create the Supportive Needs Housing Zoning District
(Public Hearing December 10th)

AN ORDINANCE AMENDING §114-4 and §114-8 OF THE BOROUGH OF WANAQUE CODE PERTAINING TO ZONING DISTRICTS SO AS TO PROVIDE FOR A SPECIFIC OVERLAY ZONING DISTRICT TO BE KNOWN AND DESCRIBED AS THE SUPPORTIVE AND SPECIAL NEEDS HOUSING ZONE (SNH) ZONE AS PART OF THE ACTIVE ADULT HOUSING DISTRICT (AAH); SPECIFICALLY AT BLOCK 313, LOT 2 AND A PORTION OF LOT 1.

On entertainment of the Mayor, Councilmen Pettet and Willse moved that Ordinance #23-0-12 be taken from the table and read by the Clerk, by title only, for consideration of first 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 AMENDING §114-4 and §114-8 OF THE BOROUGH OF WANAQUE CODE PERTAINING TO ZONING DISTRICTS SO AS TO PROVIDE FOR A SPECIFIC OVERLAY ZONING DISTRICT TO BE KNOWN AND DESCRIBED AS THE SUPPORTIVE AND SPECIAL

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NEEDS HOUSING ZONE (SNH) ZONE AS PART OF THE ACTIVE ADULT HOUSING DISTRICT (AAH); SPECIFICALLY AT BLOCK 313, LOT 2 AND A PORTION OF LOT 1.

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

AN ORDINANCE AMENDING §114-4 and §114-8 OF THE BOROUGH OF WANAQUE CODE PERTAINING TO ZONING DISTRICTS SO AS TO PROVIDE FOR A SPECIFIC OVERLAY ZONING DISTRICT TO BE KNOWN AND DESCRIBED AS THE SUPPORTIVE AND SPECIAL NEEDS HOUSING ZONE (SNH) ZONE AS PART OF THE ACTIVE ADULT HOUSING DISTRICT (AAH); SPECIFICALLY AT BLOCK 313, LOT 2 AND A PORTION OF LOT 1 pass first reading, and that said Ordinance be further considered for final passage and adoption at a meeting of the Borough Council to be held on the 19th day of November 2012, at the Municipal Building in the Borough of Wanaque at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance; and

BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

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

Councilman Leonard said will we see the site plan on this.

The Mayor said yes.

Councilman Leonard said I'm concerned about the close proximity to other houses.

APPEARANCES:

Freeholder Director Pat Lepore – Ringwood Avenue Construction – 7:00 P.M.

The Freeholder Director was not present at the meeting.

Michael Obremski – Jersey Central Power and Light – Storm Response Update – 7:00 P.M.

PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

No one came forward.

The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #150-0-12:

Re: Redemption of Tax Sale Certificate #10-00029 for Block 411, Lot 5 in the amount of \$2,373.31 for the Certificate

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

WHEREAS, US Bank Cust for ATR Fund NJ was the successful bidder for Block 411 Lot 5 for which Tax Sale Certificate #10-00029 was assigned, and

WHEREAS, CitiMortgage through Corelogic, the mortgage company for the homeowner, has redeemed said certificate of which funds have been deposited into the Current Account.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund to the lien holder the amount of \$2,373.31 for the certificate as per the certification of the Tax Collector.

Resolution #151-0-12:

Re: Redemption of Tax Sale Certificate #10-00035 for Block 428, Lot 14.02 in the amount of \$15,833.43 for the Certificate and \$13,000.00 for the premium

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

WHEREAS, US Bank Cust for Pro Cap I, LLC was the successful bidder for Block 428 Lot 14.02 for which Tax Sale Certificate #10-00035 was assigned, and

WHEREAS, Friend & Friend, the attorney for the mortgage holder, has redeemed said certificate of which funds have been deposited into the Current Account.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund to the lien holder the amount of \$15,833.43 for the certificate and \$13,100.00 for the premium as per the certification of the Tax Collector.

Resolution #152-0-12:

Re: Halloween Curfew

WHEREAS, the Police Department has determined that a Halloween curfew would be in the best interest of the citizens of Wanaque; and

WHEREAS, said curfew would limit the potential damage to persons and property;

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

- 1) There will be a curfew on Tuesday, October 30th and on Wednesday, October 31st at 9:00 P.M. for all children under the age of eighteen.
- 2) That the fire whistle be sounded at 9:00 P.M. on October 30th and on October 31st to make the children aware that the curfew is in effect.

Five (5) Applications for Raffle Licenses:

Re: 1) Ringwood-Wanaque Ice Hockey Association, Inc. – RA:821, RA:822 and RA:823,
2) Saint Francis Home School Association – RA:824, 3) Lakeland Lancer Diamond Club – RA:825

Application for Tow Truck License:

Re: Ringwood Towing, 89 Greenwood Lake Turnpike, Ringwood

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Application for Flea Market:

Re: Wanaque Borough Fire Department Auxiliary – October 27th (Rain Date – October 28th)

Seasonal Permit Application – John Capparelli (Tyger LLC), 21 Pawnee Avenue, Oakland

Payment to County of Passaic:

Re: 4th Quarter Taxes for the Year 2012 in the amount of \$2,297,484.61

Refund of deposit for Street Opening Permit #2119 in the amount of \$100.00 to John Trezza for 30 Evergreen Avenue, Haskell

Resolution #153-0-12:

Re: Sale of Surplus Property

BE IT RESOLVED that the following equipment be and is hereby deems as surplus, no longer needed for public use, and that the Borough Administrator be and is hereby authorized and directed to offer said equipment for public sale through the internet auction site govdeals.com, in accordance with N.J.S.A. 40A:11-26.

Resolution #154-0-12:

Re: Redemption of Municipal Tax Sale Certificate #10-00003 for Block 204, Lot 1.02

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

WHEREAS, the Borough of Wanaque was awarded the certificate for Block 204 Lot 1.02 for which Tax Sale Certificate #10-00003 was assigned, and

WHEREAS, Ocwen Loan Servicing LLC, the mortgage holder, 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 shall sign the certificate for cancellation as per the certification of the Tax Collector.

Payment to County of Passaic:

Re: Open Space Taxes for the 4th Quarter Year 2012 in the amount of \$33,569.66

Application for Soil Removal:

Re: Susan Bruno, 16 Grove Street, Wanaque

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

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

REGULAR REPORTS - PROFESSIONAL REPORTS:

1. Clerk's Receipts for September 2012 -

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2. Police Department Report for September 2012 -
3. Tax Collector's Report for September 2012 -
4. Municipal Court Report for September 2012 -

On entertainment of the Mayor, Councilmen Cortellessa and Pettet 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:

Closed Session:

Re: Litigation/Negotiation/Personnel

Held to the end of the meeting.

UNFINISHED BUSINESS:

Resolution #140-0-12:

Re: 2011 Audit

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

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by Resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the Annual Audit entitled:

General Comments
Recommendations

and

WHEREAS, The members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

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as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, Such Resolution of certification shall be adopted by Governing Body no later than forty-five days after receipt of the Annual Audit, as per the regulations of the Local Finance Board; and

WHEREAS, All members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than on thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, That the Governing Body of the Borough of Wanaque, hereby states that it has compiled with the promulgation of the Local Finance board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON October 15, 2012.

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

RESOLUTIONS:

Resolution #155-0-12:

Re: Approve Redevelopers Agreement – Parkside at Wanaque

Held.

FINANCE REPORT:

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

VOUCHERS:

Current Operating Prepaid	\$ 15,301.24
Current Operating 2011	\$ 6,510.00
Current Operating 2012	\$414,502.21
Water Operating Prepaid	\$ 451.83

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Water Operating 2012	\$ 33,686.20
Sewer Operating 2012	\$ 9,429.12
Animal Trust	\$ 19.80
Escrow	\$ 8,593.39
Recreation Trust	\$ 5,521.37
Other Trust	\$ 300.00
Voucher Total:	\$494,315.16

Payroll:

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

PR #19	9/21/12	\$ 192,191.38
PR #20	10/05/12	\$ 194,508.64
Payroll Total:		\$ 386,700.02
Grand Total:		\$ 881,015.18

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

APPROVED: October 15, 2012

Daniel Mahler
Mayor

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

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

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

WHEREAS, This public Body is of the opinion that such circumstances presently exist;

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - 1) Contract Negotiations – Shared Services.
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

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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.

On roll call, all were present.

ADJOURNMENT:

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

On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 8:55 P.M.

Katherine J. Falone, RMC, CMC
Municipal Clerk