

Regular Meeting
December 12, 2011

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, December 12, 2011, 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, Leonard, Pasquariello, Pettet and Theoharous. Councilman Cortellessa 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 29, 2010, and a notice thereof has been posted on December 29, 2010 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:

Minutes of November 14, 2011.

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

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

ORDINANCES:

Public Hearing of Ord. #22-0-11: Re: 2012 Salary Ordinance

On entertainment of the Mayor, Councilmen Pasquariello and Theoharous moved that Ordinance #22-0-11 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 TO AMEND ORDINANCES THAT PROVIDE FOR AND DETERMINE THE RATE OF PAYMENT THEROF FOR THE EMPLOYEES OF THE BOROUGH OF WANAQUE IN THE COUNTY OF PASSAIC WHO ARE NOT COVERED BY MUTUAL AGREEMENTS.

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.

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The Mayor opened the Public Hearing
No one came forward.
The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE TO AMEND ORDINANCES THAT PROVIDE FOR AND DETERMINE THE RATE OF PAYMENT THEROF FOR THE EMPLOYEES OF THE BOROUGH OF WANAQUE IN THE COUNTY OF PASSAIC WHO ARE NOT COVERED BY MUTUAL AGREEMENTS pass final reading, and that said Ordinance be adopted as an Ordinance of the Borough of Wanaque; and

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

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

PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

Ken Ambruster, 6 Gardella Place, Haskell said when is the revaluation going to begin. They started in Bloomingdale and they haven't done anything here.

The Mayor said there was a problem with the tax maps and should start in March.

Ken Ambruster said we will still have the old tax assessment next year.

The Mayor said yes. The issue is the State had to approve the tax maps before we could start and they had some minor issues with them but needless to say they didn't approve certain things and they had to get fixed and we requested a temporary start date and they wouldn't give us the temporary date.

Ken Ambruster said how does that affect tax appeals next year.

The Mayor said people may appeal next year and if they do it would be for one year only. Generally when these Attorneys do tax appeals for people where they get a big percentage for the first year and the people get the savings the second year. They are not going to see that this year. They are not going to see a type of savings they normally do because the Attorney is going to get paid from their savings and they will get a small savings from that and it's going to change next year.

Ken Ambruster said regarding the town hall have you looked at rental properties for the two year period that you will have this building vacated.

The Mayor said it's about a one year period and we have looked at properties and we have some in mind.

Ken Ambruster said is 815 Ringwood Avenue one of the properties.

The Mayor said no.

Ken Ambruster said it looks like a decent building with parking in there.

The Borough Administrator said there is not enough room there and we are looking at other locations.

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Ken Ambruster said is the garbage collection contract up next March and would ask you to consider segregated days that Haskell gets garbage and recycling picked up. There are times where both get picked up in the same truck.

The Borough Administrator said we need to talk to some of the contractors. I know what you are talking about but it has to be picked up the same day as they are in town.

Ken Ambruster said we have had problems in the past where some new drivers throw everything in one truck and the town loses money on it.

The Borough Administrator said we'll take that into consideration.

Ken Ambruster said when is the town newsletter going out with all the recycling that is recyclable.

The Borough Administrator said within the next month.

The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #155-0-11:

Re: Refund of Tax overpayments for the 4th Quarter of 2011 for Block 203, Lot 10
In the amount of \$2,425.08 and Block 465, Lot 4 in the amount of \$1,379.19

WHEREAS, there exists tax overpayments on the property listed herein for the fourth quarter of 2011:

<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
203	10	\$2,425.08
465	4	\$1,379.19

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

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund a total of \$3,804.27 as per the certification of the Tax Collector.

Resolution #156-0-11:

Re: Credit for overbilling for Block 468, Lot 3.01 for the 4th Quarter of 2011 for a
special meter for lawn sprinklers in the amount of \$5,000.00

WHEREAS, the Sewer Department has overbilled the Holiday Inn at 303 Union Avenue, Block 468 Lot 3.01 for the 4th quarter of 2011 due to the installation of a special meter for the lawn sprinklers; and

WHEREAS, the owner of the property has been over-charged in the amount of \$5,000.00; and

WHEREAS, the property owner has asked for a credit on his bill;

NOW, THEREFORE, BE IT RESOLVED account 4396-100 located on Block 464 Lot 3.01 be credited for the over billing in the amount of \$5,000.00.

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Resolution #157-0-11:

Re: Adopt a Deferred Compensation Plan – The Hartford

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the Borough of Wanaque (hereinafter referred to as “Employer”), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (“Code”); and

WHEREAS, in 2011 the Employer adopted a DEFERRED COMPENSATION PLAN provided by The Hartford – Plan Document Identifier; 50-PD-HARTFORD-020205-Service Agreement Identifier; 75-SA-Hartford-082609; and

WHEREAS, the offering of additional investments from another contractor will provide additional retirement investment options to participating employees; and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement an additional employee deferred compensation plan and

WHEREAS, the Employer solicited written proposals from two or more contractors for a Deferred Compensation Plan that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5:37; including Hartford and Axa-Equitable;

WHEREAS, the following contractors submitted written proposals:
AXA Equitable Life Insurance Company (hereinafter referred to as “Hartford) and Axa-Equitable;
and

WHEREAS, the Borough of Wanaque reviewed the proposals and met with representatives of the responding contractors of deferred compensation services; and

WHEREAS, it was deemed that The Hartford has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Wanaque that the Borough Administrator Thomas Carroll is hereby authorized to execute the Service Agreement with The Hartford-Service Agreement Identifier; 75-SA-Hartford-082609 and to submit all necessary documents to the Director of the Division of Local Government Services in the state Department of Community affairs for approval;

BE IT FURTHER RESOLVED that the Borough Administrator Thomas Carroll is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN;

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Hartford in the selection of The Hartford as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7;

BE IT FURTHER RESOLVED that the Borough of Wanaque is adopting a deferred compensation plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provision added by reason of The Small Business Job Protection Act 1996 (United State Public Law no.104-188), the Tax Payer Relief Act 2001 (United States public law no.105-34) and the Economic Growth and Tax Relief Reconciliation Act 2001 (United states public law no.107-16) , and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue code section 457.The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent;

BE IT FURTHER RESOLVED that a certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

Resolution #158-0-11:
Re: Budgetary Transfers

BE IT RESOLVED by the Mayor and Council of the Borough of Wanaque that the following inter-appropriation transfers affecting the year 2011 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:

<u>FROM</u>		<u>TO</u>	
1-CU-01-109-109 Tax Collector S&W	\$ 1,000.00	1-CU-01-111-277 Labor Attorney	\$ 4,000.00
1-CU-01-099-142 CCO S&W	\$ 3,000.00		
1-CU-01-099-134 Bd of Health S&W	\$ 13,000.00	1-CU-01-146-202 Gasoline	\$ 13,000.00
1-CU-01-099-101 Admin S&W	\$ 2,200.00	1-CU-01-128-291 WFAS	\$ 2,200.00
1-CU-01-099-142 CCO S&W	\$ 1,200.00	1-CU-01-099-139 Rec S&W	\$ 1,200.00
1-CU-01-136-200 Sanitation	\$ 32,000.00	1-CU-01-125-263 Police Car	\$ 32,000.00
1-SW-05-550-206 Sewer Debt Service	\$ 60,000.00	1-SW-05-050-201 Sewer O.E.	\$ 60,000.00

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Resolution #159-0-11:

Re: Supporting the Drive Sober or Get Pulled Over 2011 Year End Statewide Crackdown

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 each year; and

WHEREAS, 30% of motor vehicle fatalities in New Jersey are alcohol related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the **Drive Sober or Get Pulled Over Year End Statewide Crackdown**; and

WHEREAS, the project will involve increased impaired driving enforcement from December 5, 2011 through January 2, 2012; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, BE IT RESOLVED that the Wanaque Borough declares its support for the **Drive Sober or Get Pulled Over Year End Statewide Crackdown** from December 5, 2011 through January 2, 2012 and pledges to increase awareness of the dangers of drinking and driving.

Resolution #160-0-11:

Re: Cancel Stale Dated Checks

WHEREAS, there exists several stale dated checks for the Borough Of Wanaque, which remain outstanding as of December 12, 2011:

WHEREAS, it is therefore necessary to formally cancel these stale Dated checks to surplus:

NOW, THEREFORE, BE IT RESOLVED that the following Checks be cancelled:

PAYROLL ACCT:

Check #51973- Dated – 11/2010	\$11.17
Check #53031 – Dated 11/19/2010	\$169.99
Check #53120 – Dated 12/17/2010	<u>\$56.75</u>
Total	\$237.91

Resolution #161-0-11:

Re: Amend Deferred Compensation Plan - Valic

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WHEREAS, VALIC provides 457 deferred compensation plan administrative services to the Borough of Wanaque, and it is necessary to amend the service agreement to comply with amendments to the Internal Revenue Service Code Section 457 by the final Code Section 415 regulations, the Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief tax Act of 2008 and the Worker, Retiree and Employer Recovery Act of 2008;

NOW, THEREFORE, BE IT RESOLVED that Mayor Daniel Mahler be and he is authorized and directed to execute and updated 457 (b) plan agreement with VALIC.

Resolution #162-0-11:

Re: Amend Deferred Compensation Plan - Nationwide

WHEREAS, Nationwide Retirement Solutions provides 457 deferred compensation plan administrative services to the Borough of Wanaque, and it is necessary to amend the service agreement to comply with amendments to the Internal Revenue Service Code Section 457 by the final Code Section 415 regulations, the Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief tax Act of 2008 and the Worker, Retiree and Employer Recovery Act of 2008;

NOW, THEREFORE, BE IT RESOLVED that Mayor Daniel Mahler be and he is authorized and directed to execute and updated 457 (b) plan agreement with Nationwide Retirement Solutions.

Resolution #163-0-11:

Re: Rock Salt

BE IT RESOLVED that a contract be awarded to International Salt Company, 655 Northern Boulevard, Clarks Summit, PA 18411 in the amount of \$52.63 per ton delivered, in accordance with the Passaic County Cooperative Purchasing Bid, identification number 38-PCP; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account 1-CU-01-132-247.

Resolution #164-0-11:

Re: Award Bid – Ringwood Avenue Façade Improvements (subject to HUD approval)

WHEREAS, the Borough of Wanaque advertised for and received bids for the façade improvements to buildings at 1066, 1068, 1072 and 1076 Ringwood Avenue, Haskell NJ; and

WHEREAS, bids were received from the following:

SMAC Corp.
27 East 33rd Street
Paterson, NJ 07514

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BID: \$124,000

and;

WHEREAS, the Borough Administrator who serves as the Qualified Purchasing Agent, and the Borough Attorney have reviewed the process for soliciting bids, and the bid submitted by SMAC Corp, and find it to be in conformance with N.J.S.A. 40A:11-1 et. seq., "Local Public Contracts Law; and

WHEREAS, the Governing Body feels it is in the best interest of the Borough of Wanaque to award this bid.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized and directed to execute an agreement with SMAC Corp., 27 East 33rd Street, Paterson, NJ 07514 at the bid amount of \$124,000; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account X-GC-03-362-201.

Resolution #165-0-11:

Re: Approve Dental Insurance Coverage Contract

WHEREAS, the Borough of Wanaque has solicited proposals for Dental Insurance Coverage through its health benefits consultant, UYH Advisors, Inc. and;

WHEREAS, proposals were received from Delta Dental and Met Life Dental, and said proposals are exempt from public bidding under N.J.S.A. 40A:11-5 et.esq; and

WHEREAS, upon review and recommendation by the health benefits consultant and the Borough Administrator, the proposal from Met Life Dental is recommended.

NOW, THEREFORE, BE IT RESOLVED that the Borough Administrator is authorized and directed to execute an agreement with Met Life Dental at the following monthly rates:

Single	\$ 33.93
Parent/Child	\$ 74.58
Member/Spouse	\$ 74.58
Family	\$111.80

Second year 8% CAP in rate increase

BE IT FURTHER RESOLVED that the Chief Financial Officer shall certify funds for this contract upon sufficient appropriation in the 2012 budget.

Resolution #166-0-11:

Re: Approve Prescription Insurance Coverage Contract

WHEREAS, the Borough of Wanaque has solicited proposals for Prescription Insurance Coverage through its health benefits consultant, UYH Advisors, Inc. and;

WHEREAS, proposals were received from Bollinger (CVS/Caremark) and GS POPS, and said proposals are exempt from public bidding under N.J.S.A. 40A:11-5 et.esq; and

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WHEREAS, upon review and recommendation by the health benefits consultant and the Borough Administrator, the proposal from Bollinger is recommended.

NOW, THEREFORE, BE IT RESOLVED that the Borough Administrator is authorized and directed to execute an agreement with Bollinger (CVS/Caremark) at the following monthly rates:

Single	\$240.01
Parent/Child	\$352.87
Parent/Children	\$352.87
Member/Spouse	\$535.74
Family	\$624.32

Two year contract – no increase on second year

BE IT FURTHER RESOLVED that the Chief Financial Officer shall certify funds for this contract upon sufficient appropriation in the 2012 budget.

Resolution #167-0-11:

Re: Authorize donation of 1983 Oren Fire Engine to Mutual Aid Training Group, Inc. (Going to Fire Department in Santa Fe Province, Argentina)

WHEREAS, the Borough of Wanaque owns a 1984 Oren Fire Engine, which is no longer needed for public use; and

WHEREAS, the Borough has determined that the fair market value is less than 15% of the bid threshold (\$5400), which under N.J.S.A. 40A:11-26 (1) allows for the private sale of personal property not needed for public use; and

WHEREAS, the Borough of Wanaque wishes to transfer title to this vehicle to the Mutual Aid Training Group, Inc., for the sole purpose of donating the fire truck to the Asociacion de Bomberos de Oliveros, a Fire Department located in Santa Fe Province, Argentina.

NOW, THEREFORE, BE IT RESOLVED that the Borough Administrator be and is hereby authorized and directed to transfer title to the 1984 Oren Fire Engine to Mutual Aid Training Group, Inc., 23 Coventry Circle, Mahopac, NY 10541-3743 at no cost, for the express purpose of donating the fire truck to the Asociacion de Bomberos de Oliveros, a Fire Department located in Santa Fe Province, Argentina; and

BE IT FURTHER RESOLVED, that as a condition of this transfer, should the fire truck not be donated and is sold or scrapped, the full consideration received by Mutual Aid Training Group Inc shall be turned over to the Borough of Wanaque.

Letter from the Wanaque Borough Volunteer Fire Department:

Re: Remove Stephanie Jowett from the rolls of Company #1 effective immediately

Letter from the Wanaque Borough Volunteer Fire Department:

Re: Membership Application for Nicholas Giordano, 42 Cannonball Road, Wanaque Company #1 effective immediately

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Resolution #168-0-11:

Re: Redemption of Tax Sale Certificate #10-00037 for Block 436, Lot 7 in the amount of \$34,041.40 for the Certificate and \$4,900.00 for the Premium

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

WHEREAS, RJ Maroon Realty, LLC was the successful bidder for Block 436 Lot 7 for which Tax Sale Certificate #10-00037 was assigned, and

WHEREAS, Scott Walker 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 \$34,041.40 for the certificate and \$4,900.00 for the premium as per the certification of the Tax Collector.

On entertainment of the Mayor, Councilmen Leonard and Pasquariello 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 November 2011
2. Police Department Report for November 2011
3. Tax Collector's Report for November 2011
4. Municipal Court Report for November 2011

On entertainment of the Mayor, Councilmen Pettet and Pasquariello 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:

Special Meeting – December 27, 2011 at 7:00 P.M.:

Re: Year End Financial Resolutions

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

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

Closed Session:

Re: Litigation/Negotiation/Personnel

None.

UNFINISHED BUSINESS: None.

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RESOLUTIONS: None.

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.

On entertainment of the Mayor, Councilmen Pettet and Pasquariello moved a resolution approving the following:

VOUCHERS:

Current Operating 2011	\$ 401,390.27
Water Operating 2011	\$ 37,749.49
Sewer Operating 2011	\$ 4,267.11
General Capital	\$ 299,627.48
Water Capital	\$ 2,345.87
Recreation Trust	\$ 3,124.00
Housing Trust	\$ 93.60
Other Trust	\$ 405.55
Animal Trust	\$ 14.40
Escrow	\$ 2,662.00
Public Assistance TF 1 as per audit	\$ 44.09
Assessment Trust as per audit	\$ 77,621.59

Voucher Total: \$ 922,777.45

PAYROLL:

PR #23	p/e 11/18/11	\$ 217,749.81
PR #24	p/e 12/01/11	\$ 209,602.26

Payroll Total: \$ 427,322.07

Grand Total: \$1,350,099.52

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

ADJOURNMENT:

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

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On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 8:10 P.M.

Katherine J. Falone, RMC, CMC
Municipal Clerk