

Regular Meeting
April 9, 2012

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, April 9, 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, Pasquariello, Pettet and Theoharous. Councilman Theoharous 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.

MOMENT OF SILENCE: In Memory of Councilman George Theoharous

The Mayor asked for a moment of silence in memory of Councilman George Theoharous who passed away on March 23, 2012.

MAYOR AND COUNCIL COMMENTS:

The Mayor said I met George and served twenty years on the Council with him. He was a hard worker and a voice of reason on the Council. We will miss him and March 23rd was a tough night for me personally and I would like to thank him for twenty eight years of serving the Borough.

Councilman Balunis said he was never the same after his wife passed away. We had a lot in common and he will be missed.

Councilman Pettet said it was a privilege to know him. He got things done and he had quite a manner and now his heart is with his wife and we will miss him.

MINUTES:

March 12, 2012 and Special Meeting March 19, 2012.

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

On roll call, all voted yes, except Councilman Pasquariello who abstained on March 19th and the Mayor declared the motion carried.

PROCLAMATIONS:

The Mayor read the following Proclamations:

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60th Anniversary – Wanaque Little League – April 7, 2012:

WHEREAS, in 1938 Williamsport resident Carl Stotz gathered neighborhood children and devised the rules and dimensions for his planned boys baseball program; and

WHEREAS, Carl Stotz formed Little League Baseball in 1939; and

WHEREAS, in 1952 Little League had expanded to over 1500 programs, including a new program in the Borough of Wanaque, NJ; and

WHEREAS, the Wanaque Little League was established in 1952 with Earl Ludwig serving as the first President; and

WHEREAS, over the past sixty years, countless boys and girls have participated in the Wanaque Little League program, learning the fundamentals of the game, teamwork, and sportsmanship; and

WHEREAS, many volunteer coaches, parents and friends have supported the Wanaque Little League program with their time, expertise, and finances; and

WHEREAS, the Wanaque Little League program is celebrating its 60th year in 2012, continuing the fine tradition of Little League.

NOW, THEREFORE, I, Daniel Mahler, Mayor of the Borough of Wanaque, do hereby proclaim Saturday, April 7, 2012 as “Wanaque Little League Day” in the Borough of Wanaque, celebrating the sixty year tradition of Little League, honoring those who have played, coached and supported the program, along with those currently involved, who continue the tradition of sportsmanship and participation.

National Day of Prayer – May 3, 2012

WHEREAS, The Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

WHEREAS, In 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, The National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her Citizens; and

WHEREAS, It is fitting and proper to give thanks to God by observing a day of prayer in Wanaque when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation;

NOW, THEREFORE, I Daniel Mahler, Mayor of the town of Wanaque, do hereby proclaim the first Thursday in May 3, 2012, to be designated as

"A DAY OF PRAYER IN WANAQUE"

and encourage the citizens of Wanaque to observe the day in ways appropriate to its importance and significance.

National Alcohol Awareness Month – April 2012

WHEREAS, alcohol is a primary factor in the four leading causes of death for young persons ages 10-21 and

WHEREAS, almost 100,000 persons die each year from alcohol-related causes: drinking and driving crashes, other accidents, falls, fires, alcohol-related homicides and suicide and

WHEREAS, approximately 15 million current drinkers in the United States are dependent on alcohol; and

WHEREAS, adolescents use alcohol more than tobacco or illicit drugs; and

WHEREAS, young people begin drinking, on average at 13.1 years of age; and

WHEREAS, young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, alcohol is involved in fifty percent of criminal assault, traffic, theft, fraud, vandalism and sex crime cases in the juvenile system. Older friends and siblings are the primary source by which underage youth obtain alcohol. Providing alcohol to minors is against the law, and that together we should work to keep it out of their hands, and

WHEREAS, it is imperative that we join with others in advancing efforts to strengthen the enforcement of our underage drinking laws, and build partnerships among local agencies, elected officials, law enforcement, businesses, schools and communities to prevent underage drinking and alcoholism;

NOW THEREFORE, I, MAYOR DANIEL MAHLER join the National Council on Alcoholism and Drug Dependence, Inc. (NCADD) and The New Jersey Division of Alcohol Beverage Control and do hereby proclaim that April 2012 is Alcohol Awareness Month in the Borough of Wanaque.

ORDINANCES:

Public Hearing of Ord. #3-0-12:

Re: Amend Code – Chapter 110 – Towing and Storage of Vehicles

On entertainment of the Mayor, Councilmen Pettet and Cortellessa moved that Ordinance #3-0-12 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 THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 110, TOWING AND STORAGE OF VEHICLES, TO ADD DEFINITIONS AND AMEND FEES.

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.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 110, TOWING AND STORAGE OF VEHICLES, TO ADD DEFINITIONS AND AMEND FEES 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 entertainment of the Mayor, Councilmen Leonard and Balunis moved a motion to approve a minor amendment changing the amount of \$480.00 to \$80.00.

On roll call, all voted yes, with the minor amendment to correct the amount to \$80.00 and the Mayor declared the motion carried.

Public Hearing of Ord. #4-0-12:

Re: Bond Ordinance – Construction of Municipal Building

On entertainment of the Mayor, Councilmen Balunis and Cortellessa moved that Ordinance #4-0-12 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: BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING IN AND BY THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$4,950,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,452,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

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

Dave DaSilva, 108 Monroe Street, Haskell said why is now the right time to do this.

The Mayor said the interest rates are low and now is the right time. The building is not ADA compliant and there are problems with the roof and other things are involved.

The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING IN AND BY THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$4,950,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF

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\$4,452,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION 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 Hearing of Ord. #5-0-12:

Re: Amend 2012 Salary Ordinance

On entertainment of the Mayor, Councilmen Balunis and Leonard moved that Ordinance #5-0-12 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 THE 2012 SALARY ORDINANCE FOR THE BOROUGH OF WANAQUE.

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 Cortellessa and Balunis moved that,

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE TO AMEND THE 2012 SALARY ORDINANCE FOR THE BOROUGH OF WANAQUE 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 Hearing of Ord. #6-0-12:

Re: Capital Appropriation Ordinance

On entertainment of the Mayor, Councilmen Pettet and Cortellessa moved that Ordinance #6-0-12 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.

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The Clerk took from the table and read by title only as follows: AN ORDINANCE OF THE BOROUGH OF WANAQUE, LOCATED IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, CANCELLING CERTAIN CAPITAL PROJECT BALANCES TO CAPITAL SURPLUS AND REAPPROPRIATING SAME AS AN IMPROVEMENT AUTHORIZATION FOR THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING (INCLUDING FACILITIES FOR THE POLICE DEPARTMENT AND COURT), AND FURTHER APPROPRIATING THE SUM OF \$299,630 AVAILABLE IN THE TRUST ACCOUNT UNDER THE CAPTION OF "RESERVE FOR REDEVELOPMENT", AS AN IMPROVEMENT AUTHORIZATION, FOR THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING (INCLUDING FACILITIES FOR THE POLICE DEPARTMENT AND COURT).

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 Cortellessa and Balunis moved that,

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE OF THE BOROUGH OF WANAQUE, LOCATED IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, CANCELLING CERTAIN CAPITAL PROJECT BALANCES TO CAPITAL SURPLUS AND REAPPROPRIATING SAME AS AN IMPROVEMENT AUTHORIZATION FOR THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING (INCLUDING FACILITIES FOR THE POLICE DEPARTMENT AND COURT), AND FURTHER APPROPRIATING THE SUM OF \$299,630 AVAILABLE IN THE TRUST ACCOUNT UNDER THE CAPTION OF "RESERVE FOR REDEVELOPMENT", AS AN IMPROVEMENT AUTHORIZATION, FOR THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING (INCLUDING FACILITIES FOR THE POLICE DEPARTMENT AND COURT) 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 Hearing of Ord. #7-0-12:
Re: 2012 COLA Rate Index Rate Ordinance

On entertainment of the Mayor, Councilmen Pasquariello and Pettet moved that Ordinance #7-0-12 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.

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The Clerk took from the table and read by title only as follows: CALENDAR YEAR 2012 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).

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 Leonard and Balunis moved that,

BE IT RESOLVED THAT an Ordinance entitled: CALENDAR YEAR 2012 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) 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.

Introduction of Ord. #8-0-12:

Re: Authorize Purchase of 569 Ringwood Avenue

On entertainment of the Mayor, Councilmen Leonard and Balunis moved that Ordinance #8-0-12 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 AUTHORIZING THE ACQUISITION OF REAL ESTATE KNOWN AS BLOCK 232; LOT 4 ON THE WANAQUE TAX MAP AND FURTHER IDENTIFIED AS 569 RINGWOOD AVENUE, WANAQUE, NJ (N.J.S.A. 40A: 12-1, et seq.).

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

AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL ESTATE KNOWN AS BLOCK 232; LOT 4 ON THE WANAQUE TAX MAP AND FURTHER IDENTIFIED AS 569 RINGWOOD AVENUE, WANAQUE, NJ (N.J.S.A. 40A: 12-1, et seq.) 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 14th day of May 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

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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. #9-0-12:

Re: Authorize Purchase of 565 Ringwood Avenue

On entertainment of the Mayor, Councilmen Pettet and Cortellessa moved that Ordinance #9-0-12 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 AUTHORIZING THE ACQUISITION OF REAL ESTATE KNOWN AS BLOCK 232; LOT 2 ON THE WANAQUE TAX MAP AND FURTHER IDENTIFIED AS 565 RINGWOOD AVENUE, WANAQUE, NJ PURSUANT TO THE LOCAL LANDS AND BUILDINGS LAW N.J.S.A. 40A:12-1, et seq.

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

AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL ESTATE KNOWN AS BLOCK 232; LOT 2 ON THE WANAQUE TAX MAP AND FURTHER IDENTIFIED AS 565 RINGWOOD AVENUE, WANAQUE, NJ PURSUANT TO THE LOCAL LANDS AND BUILDINGS LAW N.J.S.A. 40A:12-1, et seq. 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 14th day of May 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. #10-0-12:

Re: Ordinance to Amend the Affordable Housing Plan of the Borough of Wanaque

On entertainment of the Mayor, Councilmen Pasquariello and Balunis moved that Ordinance #10-0-12 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.

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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 114, "ZONING" TO REPEAL AND REPLACE ARTICLE XI, AFFORDABLE HOUSING PROVISIONS.

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

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 114, "ZONING" TO REPEAL AND REPLACE ARTICLE XI, AFFORDABLE HOUSING PROVISIONS 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 14th day of May 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. #11-0-12:

Re: Ordinance to Amend the Affordable Housing Plan regarding Development Fees

On entertainment of the Mayor, Councilmen Cortellessa and Balunis moved that Ordinance #11-0-12 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 TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, PASSAIC COUNTY, NEW JERSEY, CHAPTER 72, TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING DEVELOPMENT FEES.

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

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, PASSAIC COUNTY, NEW JERSEY, CHAPTER 72, TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING DEVELOPMENT FEES 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 14th day of May 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.

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PUBLIC HEARING AND ADOPTION OF THE 2011 CURRENT AND WATER UTILITY BUDGETS – Resolution #90-0-12 – Amend Budget, Resolution #91-0-12 – Self Examination of the Budget and Resolution #92-0-12 - Adopt Budget

The Borough Administrator said there is an amendment to reduce the budget by sixty thousand dollars and one tax point and stay flat for five years. Overall the budget is down two hundred eighty thousand dollars and the revenue is down six hundred twenty thousand dollars due to no surplus and not generating surplus. There is no reserve for increase for uncollected taxes. Overall the budget is with a 5.7 tax increase which is seventy four dollars on an average home assessed which is a 3.97 percent increase. We had a mild winter and combining the water and road supervisor helped and we look to conserve expenses and continue services.

The Mayor said the tax appeals effects the budget.

The Borough Administrator said we have to come up with the percentage and the significant impact on the budget. The revaluation is coming also.

Councilman Cortellessa said why do we have to pay back taxes on tax appeals.

The Mayor said there was a law passed in Trenton and no one is happy with it.

The Borough Attorney said the State makes laws and they use it to balance their budget and it benefits them.

Councilman Cortellessa said we should try to contact the legislators and see what can be done.

Councilman Leonard said the utility energy tax when it was started in the 1970's was supposed to help out.

The Borough Attorney said there is nothing more to cut and people are not happy but a two hundred eighty thousand dollar cut a decrease in spending and there is little to do in regard to that.

The Mayor opened the Public Hearing on the Budget.

Dave DaSilva, 108 Monroe Street, Haskell said do you expect any increase for sewer or water.

The Mayor said a water increase for 2013.

John Maiello, 26 Rhinesmith Avenue, Wanaque said the young people are not going to be happy with cutting expenses and programs that are going to be cut. The middle class is going to suffer. The garbage collection could get cut if people in Trenton keep cutting services and funding.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque said how long is the shelter able to stay a shelter.

The Mayor said there is a time constraint. There is a lawsuit in South Jersey that has been going for more than a year and the municipality is liable. We will speak to the school superintendent regarding this. The judge ruled in favor of shelter inhabitants in the lawsuit setting a precedence. It affects us and we are trying to talk to the Superintendent and there are also privacy matters.

Councilman Leonard said the students are identified in the meetings and the out of district students use the same method.

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The Mayor said we will discuss this.

The Mayor closed the Public Hearing on the Budget.

RESOLUTION #90-0-12:

Re: Amend Budget

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

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

RESOLUTION #91-0-12:

Re: Self Examination

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

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

RESOLUTION #92-0-12:

Re: Adopt Budget

On entertainment of the Mayor, Councilmen Leonard and Cortellessa 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 \$11,747,137.38 for Municipal purposes;

RECORDED VOTE:

AYES: Councilman Balunis, Councilman Cortellessa, Councilman Leonard, Councilman Pasquariello and Councilman Pettet.

NAYS: NONE

ABSTAINED: NONE

ABSENT: Councilman Theoharous

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 9th day of April 2012. 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 2012 approved Budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

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

PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

John Maiello, 26 Rhinesmith Avenue, Wanaque said could you explain Resolutions #85-0-12 and #86-0-12.

The Mayor said they are onerous tasks and there is no funding for the town to receive reimbursement and they don't apply to the State.

The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #82-0-12:

Re: Redemption of Tax Sale Certificate #10-00015 for Block 302, Lot 13 in the amount of \$1,749.87

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

WHEREAS, US Bank Cust for ProCap I LLC, US Bank TLSG was the successful bidder for Block 302 Lot 13 for which Tax Sale Certificate #10-00015 was assigned, and

WHEREAS, Chuck Fazio, 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 \$1,749.87 for the certificate as per the certification of the Tax Collector.

Resolution #83-0-12:

Re: Unclassified Appointment – Michael Reiff – Superintendent of Public Works

BE IT RESOLVED that Michael Reiff be and is hereby appointed to the position of Superintendent of Public Works, unclassified, effective March 12, 2012 at an annual salary of \$83,084.

Resolution #84-0-12:

Re: Amend Affordable Housing Spending Plan

Held.

Resolution #85-0-12:

Re: Opposing Senate Bill 1451 – Reform and Modernize Open Public Meetings Act

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-1451); and

WHEREAS, the Governing Body of the Borough of Wanaque agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the Governing Body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the provisions of S-1451 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-1451 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, while the Governing Body of the Borough of Wanaque strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Wanaque, County of Passaic, and State of New Jersey for reasons stated above, does hereby oppose S-1451, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 39th State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerk's Association of New Jersey.

Resolution #86-0-12:

Re: Opposing Senate Bill 1452 – Reform and Modernize Open Public Records Act

WHEREAS, legislation has been introduced to reform and modernize the Open Public Records Act (S-1452); and

WHEREAS, the Governing Body of the Borough of Wanaque, agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizen's reasonable expectation of privacy; and

WHEREAS, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for “advisory, consultative or deliberative” material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for “reasonable” that may be contrary to the well established definition in case law leading to costly litigation; and

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- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and

- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians' Toolkit, which should be codified; and

- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency's website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by "access to computer", and

- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and

- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

WHEREAS, the provisions of S-1452 place financial, time, manpower and other burdens on Municipalities at a time when Municipalities are forced to lay off Municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, while the governing body of the Borough of Wanaque strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1452 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Wanaque, County of Passaic, and State of New Jersey for reasons stated above, does hereby oppose S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of the 39th State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

Resolution #87-0-12:

Re: Current Estimate No. 4 and Final and Change Order No. 2 for Melrose Avenue and Furnace Avenue Improvements – payment to John Garcia Construction Co., Inc. in the amount of \$18,102.66

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BE IT RESOLVED that Change Order No. 2 and Estimate No. 4 and Final for Melrose Avenue and Furnace Avenue Improvements be approved and that payment be made to John Garcia Construction Co., Inc. in the amount of \$18,102.66.

Payment to County of Passaic:

Re: 2nd Quarter Taxes for the Year 2012 in the amount of \$1,908,389.06

Payment to County of Passaic:

Re: Open Space Taxes for the 2nd Quarter Taxes for the Year 2012 in the amount of \$33,781.28

Nine (9) Applications for Raffle Licenses:

Re: 1) Wanaque Reserve Senior Citizens – RA:799 and RA:800, 2) Saint Francis Home School Association – RA:801, 3) Wanaque School PTA – RA:802, 4) Saint Francis of Assisi Church – RA:803, RA:804 and RA:805 and 5) Haskell School PTA – RA:806 and RA:807

On entertainment of the Mayor, Councilmen Leonard and Balunis 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 March 2012 -
2. Police Department Report for March 2012 -
3. Tax Collector's Report for March 2012 -
4. Municipal Court Report for March 2012 -

On entertainment of the Mayor, Councilmen Balunis 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:

Application for Place to Place and Person to Person Liquor License Transfer:

Re: Sal F. Falciglia to Aryan Cica, LLC – License #1613-33-002-003 – Resolution #88-0-12

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

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WHEREAS, an application has been filed for a Place to Place and Person to Person Transfer of Plenary Retail Consumption License Number #1613-33-002-003, for a pocket license wherein the sale, service and storage of alcoholic beverages are authorized;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statues, regulations promulgated thereunder, as well as pertinent local Ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Wanaque Governing Body does hereby approve, effective April 9, 2012, the transfer of the aforesaid Plenary Retail Consumption License to Aryan Cira, LLC and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Aryan Cira, LLC, effective April 9, 2012.

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

Letter from Republican Committee – Nomination to fill Vacant Council Seat

The Mayor read the letter from the Republican Committee.

Closed Session:

Re: Litigation/Negotiation/Personnel

None.

UNFINISHED BUSINESS: None

RESOLUTIONS:

The Mayor read the letter from the Republican Committee to fill the vacancy.

Resolution 89-0-12:

Re: Resolution to appoint _____ as Council Member to fill the unexpired term of George Theoharous

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

BE IT RESOLVED that in accordance with N.J.S.A. 40A:16-5 and N.J.S.A. 40A:16-11, that Eric Willse, 97 Molinari Drive, Wanaque, New Jersey be and is hereby appointed to the Borough Council of the Borough of Wanaque, to fill the unexpired term of George Theoharous, who passed away on March 23, 2012.

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

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APPEARANCE:

Brian Townsend, Tax Assessor – Revaluation:

The Mayor asked Brian Townsend, Tax Assessor to go through the process.

Brian Townsend introduced Rick Delgersio of Appraisal Systems and asked him to go through the process of the revaluation.

Rick Delgersio said once the contract is approved by the Division of Taxation a letter gets sent to people and the property owners. People can go on the website or contact the company with any questions. We will let the resident know when we are coming in for the revaluation and it should take approximately three to four months to complete the town. The inspectors will go around and look at all the properties and compare market analysis. They will input all the data and do a canvass to formulate all the valuations. In November the letters go out to the residents with information. We can have one on one meetings and go over the information with the residents and continue to evaluate information and go over anything. We will submit the values and evaluations and submit to the County Board of Taxation around January 2013.

The Mayor said how long do the appraisers spend on each property.

Rick Delgersio said different appraisers do the analysis and photographers take pictures and then the appraisers gather data and it depends on the size of the property and the land.

Councilman Cortellessa said do the appraisers go into the houses.

Rick Delgersio said they attempt to gain entry and leave a business card if the resident is not home to reschedule. The second time they leave another business card and set up another time and date. They will try three times.

Councilman Leonard said what if a child is home alone.

Rick Delgersio said they will only enter if someone is over eighteen and the owner of the house only the first time.

Brian Townsend said the inspectors are wearing badges.

Councilman Leonard said can we put a picture of their badge on our website.

The Borough Administrator said we could have a link to their website.

The Mayor said after the process is done there will be a letter to go out.

Rick Delgersio said about November 10th the letter will go out and see if residents agree or not with the revaluation and we will set appointments up to go over the information and it will probably take a couple of months to complete the process.

The Borough Attorney said do the inspectors have access to the property record cards.

Brian Townsend said they are limited in use and available to use.

The Mayor said Bloomingdale and West Milford had issues what were they.

Rick Delgersio said things went smoothly there.

The Mayor said I have a business in Bloomingdale and only three days notice was received by the residents.

Brian Townsend said going through therapy from it.

The Mayor said it can't happen in Wanaque. People need more notice. People were told they were too late and had to get an attorney and go to court. A lot of people in Bloomingdale are not happy and don't want that in Wanaque. Don't want problems here and I am hearing from a lot of unhappy people that did not get the notice and had only three to five days and when they called back they were told we can't help you.

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Brian Townsend said the values went out late and put them behind schedule and that was a different situation.

The Mayor said a lot of the complaints were about timing and we want people to have adequate notice and don't want what happened in Bloomingdale to happen in Wanaque.

Rick Delgersio said the contract is with Bloomingdale and Wanaque together. We pushed off Wanaque a year to do it right. Bloomingdale made the choice to do it now instead of waiting. The contract still is not approved here because of the tax maps and they should be in August or September. Can do it in the fall or wait until 2014.

The Mayor said you have to give people an opportunity to understand it.

Rick Delgersio said my preference is to start as early as you can.

Councilman Cortellessa said what is a good start date.

Rick Delgersio said as of April 1st or by now. We can't send the letters out until after November 10th which condenses days with the holidays.

The Mayor said I got my letter in February.

Rick Delgersio said we got an extension for the letters.

Brian Townsend said the tax maps should be almost done.

The Borough Administrator said I called today for the status and did not hear back. They are close to getting done but each time something needs to be done we correct them and the Engineer has to look at it and Brian needs to look at it and then it can get sent back.

Brian Townsend said it should be very close according to the last changes and conversations we had.

Councilman Cortellessa said I am concerned and agree with the Mayor about the dates and timing are not getting there. May come back and say something else is not right.

The Borough Administrator said it comes down to the width of a line and there were issues with Stephens Lake area and that's about it.

The Mayor said give them to May 1st and put pressure on the legislators to get this done.

Councilman Leonard said should give additional days notification.

Rick Delgersio said the more notice you give the better it is for us. When you have more time you can send out some letters and then other letters.

Councilman Leonard said when did Bloomingdale sign the contract.

Rick Delgersio said in October.

The Mayor said we should have it by May 1st and should contact the legislators.

Councilman Pettet said are you in compliance when someone is in Florida and comes back can you do that.

Rick Delgersio said when we have time we do make concessions.

Councilman Pettet said there is no compliance law.

Rick Delgersio said no. If we can do it we will. Bloomingdale was such a short window of time.

The Borough Administrator said we should get the tax maps done and approved by May 1st otherwise we should look at other angles.

Brian Townsend said the State mandates it and they are looking at other towns also and are short staffed. Appraisal Systems makes phone calls and can do it that way also. The residents procrastinate and don't address the letters and don't respond in time.

Councilman Cortellessa said we should press to get the work done in the time frame and expand services to get it done in time.

Rick Delgersio said we had people and we still couldn't get it done.

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Councilman Cortellessa said what is the date to get it done in time.

Rick Delgersio said June 1st would be the latest and right now it would be the best.

Councilman Cortellessa said you should consider the time frames and get the tax maps done.

Councilman Pettet said if November 10th is the date the letters go out how come Bloomingdale had only three to five days notice.

The Borough Administrator said the letters went out in time but they only gave three to five days notice.

The Mayor said Tom and Brian have to get on the State to get it done and keep on top of it.

Brian Townsend said there is information on the website for Appraisal Systems and people can go and check on the status at www.asinj.com.

Marv Lieman, 4312 Warrens' Way, Wanaque said does the approval this year mean it can be done and if it is delayed this year can it be done this year or does it have to wait until next year.

The Borough Administrator said yes and once the maps are approved we can move ahead.

Dave DaSilva, 108 Monroe Street, Haskell said is it anything that will affect the resale value of the sale of the home effects the appraisal also.

The Mayor said yes.

Dave DaSilva said how does the other side work when it goes to the County and how does it apply to our taxes after it goes to the County.

The Borough Administrator said we will have a new value of properties. Right now we are assessed 560 million dollars and are at forty-one percent and say we end up with being assessed at 1.2 billion dollars the average home will go from 160,000 to 230,000 and the tax rate itself would go from 2.50 where we are down to 1.85 because of the new value to work on.

Dave DaSilva said how does that affect the County taxes.

The Borough Administrator said the County taxes shouldn't be affected too much because they are equalized.

Dave DaSilva said so the equalization chart would go back to one hundred percent.

The Borough Administrator said yes.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque said when you evaluate these lands you don't consider anything like the Highlands when you evaluate the property do you.

Rick Delgersio said yes it is considered.

Grace Maiello said I had an experience up in West Milford and then I will have an issue when the revaluation is done and Brian I have been waiting four weeks for an appointment with you.

Rick Delgersio said according to Highlands if you have twenty acres and you are entirely in the Highlands then that is one building site. Before the Highlands act we would consider that valuable property because of the potential to sub divide it and we take that into consideration.

John Maiello, 26 Rhinesmith Avenue, Wanaque said who determines the rate and value.

The Borough Administrator said we will when we have the numbers.

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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:

PERS/Contributions	\$252,964.00
PFRS/Contributions	\$583,495.00
Current Operating Prepaid	\$118,232.02
Current Operating 2011	\$ 21,105.76
Current Operating 2012	\$126,580.03
Water Operating Prepaid	\$ 10,162.97
Water Operating 2012	\$ 25,639.17
Sewer Operating 2012	\$ 1,327.96
General Capital	\$ 10,840.00
Water Capital	\$ 27,788.91
Recreation Trust	\$ 915.00
Other Trust	\$ 14,265.00
Assessment Trust	\$ 14,076.88
Animal Trust	\$ 153.60
Escrow	\$ 2,062.50

Voucher Total: \$1,209,608.80

Payroll:

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

PR #6 3/23/12	\$ 190,843.84
PR #7 4/06/12	\$ 193,011.18
Payroll Total:	\$ 383,855.02
Grand Total:	\$1,593,463.82

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

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Daniel Mahler
Mayor

ADJOURNMENT:

On entertainment of the Mayor, Councilmen Leonard 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 9:45 P.M.

Katherine J. Falone, RMC, CMC
Municipal Clerk