

Regular Meeting  
June 11, 2012

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, June 11, 2012, at 8:15 P.M. in the Wanaque Municipal Building.

The Mayor called the meeting to order.

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

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

May 14, 2012.

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.

The Mayor read the following two Proclamations:

WHEREAS, Reverend Donald DeGroat came to serve the community of the Midvale Methodist Church in 2001; and

WHEREAS, Reverend DeGroat has been a strong supporter of the Wanaque Feeds the Hungry program, the Boy Scouts, and other organizations in the Borough; and

WHEREAS, Reverend DeGroat has been available at any time, day or night, to support anyone in need or consolation; and

WHEREAS, Reverend DeGroat has also served all of the Borough residents as a member of the Borough's Ethics Board and as the Police Department Chaplin; and

WHEREAS, Reverend DeGroat is ending his ministry at the Midvale Methodist Church, to enjoy a well-deserved retirement;

NOW, THEREFORE, I, DANIEL MAHLER, MAYOR OF THE BOROUGH OF WANAQUE do hereby issue this proclamation in honor of Reverend Donald DeGroat to commemorate his commitment and devotion to the congregation of the Midvale Methodist Church and the residents of Wanaque and wish him well in his retirement.

WHEREAS, Reverend Lancelot Reis came to serve the community of Saint Francis of Assisi Parish in June 2006; and

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WHEREAS, Father Lance started many programs at Saint Francis, including a Lenten Mission, Vacation Bible School, Weekly Prayer Group, and a Bi-monthly conversation with parishioners; and

WHEREAS, Father Lance has been available at any time, day or night, to support anyone in need or consolation; and

WHEREAS, Father Lance has a strong commitment to Catholic education, giving him time and support to Saint Francis of Assisi Grammar School; and

WHEREAS, Father Lance has also served all of the Borough residents as a member of the Borough's Ethics Board; and

WHEREAS, Father Lance is ending his ministry at Saint Francis of Assisi parish;

NOW, THEREFORE, I, DANIEL MAHLER, MAYOR OF THE BOROUGH OF WANAQUE do hereby issue this proclamation in honor of Reverend Lancelot Reis to commemorate his commitment and devotion to the people of Saint Francis of Assisi Parish and the residents of Wanaque and wish him well in his new ministry.

ORDINANCES:

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

Re: Amend Redevelopment Plan (Block 432, Lots 36, 38)

On entertainment of the Mayor, Councilmen Leonard and Cortellessa moved that Ordinance #12-0-12 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 AMENDING ORDINANCE NUMBER 10-0-05 ENTITLED "ESTABLISHING THE ADULT HOUSING REDEVELOPMENT PROJECT WITHIN THE FOURTH AVENUE RENEWAL AREA AND ESTABLISHING THE FOURTH AVENUE ADULT HOUSING ZONING DISTRICT" AND FURTHER AMENDING CHAPTER 114 - "ZONING" OF THE BOROUGH OF WANAQUE CODE SPECIFICALLY MODIFYING CHAPTER 114-7.1, AAH-2 DISTRICT, SO AS TO CHANGE THE ZONE TITLE TO THE FOURTH AVENUE RESIDENTIAL REDEVELOPMENT ZONE AND FOURTH AVENUE RESIDENTIAL ZONING DISTRICT, THEREBY REPEALING THE AAH-2 ZONE. THIS ORDINANCE FURTHER AMENDS THE LAND USE MAP TO ADD THE FAR REDEVELOPMENT ZONE THERETO.

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.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque said how many units are there total.

The Mayor said there are eighty eight units. There were originally one hundred fourteen units and they reduced it to eighty eight units.

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Grace Maiello said how many bedrooms are there.

The Mayor said there are three bedrooms and there is an application to make them two bedrooms.

Grace Maiello said what is the impact on the schools.

The Mayor said it would be probably ten or eleven students.

Grace Maiello said I'm concerned because Haskell school cannot be added onto.

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 AMENDING ORDINANCE NUMBER 10-0-05 ENTITLED "ESTABLISHING THE ADULT HOUSING REDEVELOPMENT PROJECT WITHIN THE FOURTH AVENUE RENEWAL AREA AND ESTABLISHING THE FOURTH AVENUE ADULT HOUSING ZONING DISTRICT" AND FURTHER AMENDING CHAPTER 114 – "ZONING" OF THE BOROUGH OF WANAUKE CODE SPECIFICALLY MODIFYING CHAPTER 114-7.1, AAH-2 DISTRICT, SO AS TO CHANGE THE ZONE TITLE TO THE FOURTH AVENUE RESIDENTIAL REDEVELOPMENT ZONE AND FOURTH AVENUE RESIDENTIAL ZONING DISTRICT, THEREBY REPEALING THE AAH-2 ZONE. THIS ORDINANCE FURTHER AMENDS THE LAND USE MAP TO ADD THE FAR REDEVELOPMENT ZONE THERETO 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. #13-0-12:

Re: Accept Easement – Westbrook Road

On entertainment of the Mayor, Councilmen Pasquariello and Pettet moved that Ordinance #13-0-12 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 AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FROM THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION IN CONNECTION WITH THE REALIGNMENT OF WEST BROOK ROAD IN THE BOROUGH OF WANAUKE, NEW JERSEY PURSUANT TO THE LOCAL LANDS AND BUILDINGS LAW N.J.S.A. 40A:12-1 ET SEQ.

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 AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FROM THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION IN CONNECTION WITH THE REALIGNMENT OF WEST BROOK ROAD IN THE BOROUGH OF WANAQUE, NEW JERSEY PURSUANT TO THE LOCAL LANDS AND BUILDINGS LAW N.J.S.A. 40A:12-1 ET SEQ. 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. #14-0-12:  
Re: Return Easement – West Brook Road

On entertainment of the Mayor, Councilmen Pettet and Willse moved that Ordinance #14-0-12 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 AUTHORIZING THE VACATION OF AN EASEMENT FROM THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION IN CONNECTION WITH THE REALIGNMENT OF WEST BROOK ROAD IN THE BOROUGH OF WANAQUE, NEW JERSEY PURSUANT TO THE LOCAL LANDS AND BUILDINGS LAW N.J.S.A. 40A:12-1 ET SEQ.

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 Pettet and Balunis moved that,

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE AUTHORIZING THE VACATION OF AN EASEMENT FROM THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION IN CONNECTION WITH THE REALIGNMENT OF WEST BROOK ROAD IN THE BOROUGH OF WANAQUE, NEW JERSEY PURSUANT TO THE

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LOCAL LANDS AND BUILDINGS LAW N.J.S.A. 40A:12-1 ET SEQ. 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. #15-0-12:

Re: Amend Chapter 111, Water to amend Water Rates

On entertainment of the Mayor, Councilmen Willse and Balunis moved that Ordinance #15-0-12 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 111, "WATER" TO AMEND CERTAIN WATER RATES.

On entertainment of the Mayor, Councilmen Leonard and Willse moved a motion to approve a minor amendment making the Ordinance effective January 1, 2013.

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

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 CODE OF THE BOROUGH OF WANAQUE, CHAPTER 111, "WATER" TO AMEND CERTAIN WATER RATES 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. #16-0-12:

Re: Appropriate \$320,000 from Housing Trust Fund to purchase property at 10 Warren Hagstrom Boulevard

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On entertainment of the Mayor, Councilmen Pettet and Willse moved that Ordinance #16-0-12 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 APPROPRIATING \$320,000 FROM THE HOUSING TRUST FUND FOR THE PURCHASE OF PROPERTY AT 10 WARREN HAGSTROM BOULEVARD, WANAQUE, NEW JERSEY.

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

John Maiello, 26 Rhinesmith Avenue, Wanaque said I would like to compliment you on doing this Ordinance to make improvements.

The Mayor closed the Public Hearing.

On entertainment of the Mayor, Councilmen Pasquariello and Pettet moved a motion to carry the adoption of the Ordinance to the August meeting.

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

Public Hearing of Ord. #17-0-12:

Re: Authorize purchase of 10 Warren Hagstrom Boulevard

On entertainment of the Mayor, Councilmen Pettet and Pasquariello moved that Ordinance #17-0-12 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 AUTHORIZING THE ACQUISITION OF REAL ESTATE KNOWN AS BLOCK 313, LOT 2 ON THE WANAQUE TAX MAP AND FURTHER IDENTIFIED AS 10 WARREN HAGSTROM BOULEVARD, WANAQUE, NEW JERSEY PURSUANT TO THE LOCAL LANDS AND BUILDINGS LAW N.J.S.A. 40A:12-1 ET SEQ.

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 Willse and Pettet moved a motion to carry the adoption of the Ordinance to the August meeting.

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

Resolution #119-0-12:

Re: Resolution Designating Borough of Wanaque property as an area in need of  
Redevelopment

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

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

Public Hearing of Ord. #18-0-12:

Re: Amending Ordinance #2-0-06 Entitled “Establishing a Redevelopment Plan and  
designating the Council of the Borough of Wanaque to act as the Redevelopment  
entity for the Ringwood Avenue mixed use Redevelopment Project

On entertainment of the Mayor, Councilmen Cortellessa and Willse moved that Ordinance #18-0-12 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 AMENDING ORDINANCE NUMBER 2-0-06 ENTITLED “ESTABLISHING A REDEVELOPMENT PLAN AND DESIGNATING THE COUNCIL OF THE BOROUGH OF WANAQUE TO ACT AS THE REDEVELOPMENT ENTITY FOR THE RINGWOOD AVENUE MIXED USE REDEVELOPMENT PROJECT WITHIN THE RINGWOOD AVENUE RENEWAL AREA”: AND ADDING NINE PROPERTIES LOCATED IN BLOCK 436 AND 437 TO THE RINGWOOD AVENUE SERVICE BUSINESS ZONING DISTRICT (SBD) AMENDING CHAPTER 114 – ZONING OF THE BOROUGH OF WANAQUE CODE TO INCLUDE SAID PARCELS IN THE SBD ZONE”.

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.

Mary Johnson, 1089 Ringwood Avenue, Haskell spoke about the experience with the redevelopment with the properties north of Doty Road and it took a while for anything to be done and do the redevelopment. Do they have something in mind for the other section of the redevelopment.

The Mayor said we don't have any developer now. The Fire resulted in the Ordinance being done now. The section north of Doty Road there is no eminent domain involved. We are hoping to find someone to move the project along.

Mary Johnson said the properties that are viable now are not being able to get tenants. With the tax assessment going on will the taxes be affected in the redevelopment zone.

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The Mayor said the taxes are based on the zone and certain factors will come in to play. They will do an evaluation of the commercial zone.

Mary Johnson said would it affect the tax assessment.

The Mayor said you have to talk to the Tax Assessor to see what the assessment would be and that is part of the process. The letters were sent out and then people will be in contact with the appraisal company and then see the Tax Assessor and present each case.

Mary Johnson said is there any determination made for the purchase of the property on the corner.

The Mayor said we will see what happens when the redeveloper is there.

Robin Mash, 1115 Ringwood Avenue, Haskell said I would like to commend the Mayor and Council for the redevelopment of the area and is it only the properties in the zone which are listed here.

The Mayor said yes. The properties can be included in the zone. The Planning Board would have to vote to approve that. The redeveloper would come in with the plan and we will see what happens from there.

Robin Mash said the property at Brook Street since the Planning Board meeting the dump trucks have come in and dumped garbage. Can you do an abatement program there.

The Mayor said we haven't considered that yet. If necessary to make it work we will wait for the redeveloper to come in.

Robin Mash said I would like to commend the Mayor and Council again and ask if you can get someone to come in and clean up the area.

The Mayor closed the Public Hearing.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE AMENDING ORDINANCE NUMBER 2-0-06 ENTITLED "ESTABLISHING A REDEVELOPMENT PLAN AND DESIGNATING THE COUNCIL OF THE BOROUGH OF WANAQUE TO ACT AS THE REDEVELOPMENT ENTITY FOR THE RINGWOOD AVENUE MIXED USE REDEVELOPMENT PROJECT WITHIN THE RINGWOOD AVENUE RENEWAL AREA": AND ADDING NINE PROPERTIES LOCATED IN BLOCK 436 AND 437 TO THE RINGWOOD AVENUE SERVICE BUSINESS ZONING DISTRICT (SBD) AMENDING CHAPTER 114 – ZONING OF THE BOROUGH OF WANAQUE CODE TO INCLUDE SAID PARCELS IN THE SBD ZONE" 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. #19-0-12:

Re: Amend Redevelopment Plan (Block 432, Lots 36, 38)

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On entertainment of the Mayor, Councilmen Pettet and Willse moved that Ordinance #19-0-12 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, CHAPTER 110, TOWING AND STORAGE OF VEHICLES, TO ADD STORAGE FEES.

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

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 110, TOWING AND STORAGE OF VEHICLES, TO ADD STORAGE 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 9th day of July 2012, at the Municipal Building in the Borough of Wanaque at 7:00 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.

PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

Marv Lehman, 4312 Warren's Way, Wanaque said regarding the Pulte Bond as a resident people may check something out and it may look good to them. If the Council approves it and it may look like you are trying to hide something and if it looks fine it may not be. Be very careful that things are taken care of before the Bond is released.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque said what is the status of the project Mr. Rodriguez is doing and the Mountain Avenue project.

The Mayor said Mr. Rodriguez won the New Jersey Department of Environmental Protection approval for one hundred units plus forty condos.

Grace Maiello said what is the status of Mountain Avenue.

The Borough Administrator said they received Highlands approval but they may have to go back to the State.

The Borough Attorney said they may have to go to the Planning Board for approval. We have to check on that.

Councilman Cortellessa said can we do anything for developers that have property and are not doing anything with the property.

The Mayor said we try but the State comes up with extension acts and the developer then comes in and doesn't finish the project.

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Councilman Cortellessa said we should move forward with a meeting to see if he will develop it.

The Borough Attorney said if he could sell it he would. We could have a meeting to see what is going on.

The Borough Administrator said the State reinstated the permits but they do not say what rules he has to comply with and it affects the set back and other things.

The Borough Attorney said we could invite him to a meeting and see what happens.

Councilman Cortellessa said we should and then maybe understand what we could do with the property.

The Mayor said he left money on the table and now the economy is not good for the project.

The Borough Attorney said he bought the property for six hundred thousand dollars and he brought the number of units down to one hundred twenty six homes and condos. It is a difficult piece of property to develop.

The Borough Administrator said we will move it forward.

John Maiello, 26 Rhinesmith Avenue said when are the twenty four units going in up on Ringwood Avenue.

The Borough Administrator said the ground breaking will be late Fall or early Spring.

John Maiello said the Candle Factory is forty four units and who decides that.

The Borough Administrator said the decision is made by the Planning Board and the Council.

The Mayor closed the Public Discussion.

#### CONSENT AGENDA:

##### Resolution #106-0-12:

Re: Refund to US Bank Cust for Pro Cap I, LLC the amount of \$5,820.76 for the two Certificates and US Bank – Cust for ATR Fund – NJ the amount of \$2,127.70 for the two Certificates

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

**WHEREAS**, the following page lists the lienholders who were the successful bidders for each block and lot and were issued certificates accordingly,

**WHEREAS**, the mortgage holder for each property, has redeemed said certificates of which funds have been deposited into the Current Account.

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer shall refund to US Bank Cust for Pro Cap I, LLC \$5,820.76 for the two certificates and US Bank – Cust for ATR fund – NJ \$2,127.70 for the two certificates as per the certification of the Tax Collector.

##### Resolution #107-0-12:

Re: Refund of Tax overpayments on various properties in the amount of \$7,453.68

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**WHEREAS**, there exists tax overpayments on the property listed herein for the second quarter of 2012:

<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
200.18	3C0075	\$1,715.72
240	46.01 & 50	\$1,521.93
408	5	\$2,582.24
227	28	\$1,633.79

**WHEREAS**, the owners have requested a refund of said overpayment;  
**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer shall refund a total of \$7,453.68 as per the certification of the Tax Collector.

Resolution #108-0-12:

Re: Establish a fee when Borough Personnel are required to cut grass and weeds upon Notification by the Property Maintenance Officer

WHEREAS, the Governing Body of the Borough of Wanaque wishes to keep properties from becoming overgrown with grass and weeds, and

WHEREAS, properties may become abandoned and neglected by their owners, causing properties to become overgrown; and

WHEREAS, the Governing Body wishes to establish a fee when it is necessary for Borough personnel to cut grass and weeds on properties deemed abandoned by the Property Maintenance Officer.

**NOW, THEREFORE, BE IT RESOLVED** that a fee of \$200.00 for each time Borough personnel are required to cut grass and weeds upon notification by the Property Maintenance Officer. This fee shall be applicable only to residential properties.

Resolution #109-0-12:

Re: Approval of By Law Amendments to the New Jersey Intergovernmental Insurance Fund

**WHEREAS:** N.J.S.A. 40A:10-36 et seq. permits local units to join together to form a joint insurance fund; and

**WHEREAS:** Said statute was designed to give local units the opportunity to use alternative risk management techniques, providing they are based on sound actuarial principles; and

**WHEREAS:** The New Jersey Intergovernmental Insurance Fund, hereinafter the Fund, was established effective February 1, 1991 pursuant to said statutes; and

**WHEREAS:** the Borough of Wanaque is a member of the Fund; and

**WHEREAS:** Revisions to the existing bylaws of the Fund were reviewed and approved by the Fund's Executive Committee at their March 21, 2012 meeting.

**NOW THEREFORE BE IT RESOLVED**, the Borough of Wanaque hereby adopts the following bylaw amendments hereto attached:

Three (3) Applications for Raffle Licenses:

Re: 1) New Jersey Foundation for Dance and Theatre Arts – RA:810, 2) Saint Francis of Assisi School – RA:811 and RA:812

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Letter from the Fire Department – Four (4) Membership Applications:

Re: 1) Michael Drumgoole, 2) Alexander Zavaglia – Company #1 and 3) James Milbauer, 4) Nicholas Weinzierl – Company #2 - Held

Resolution #110-0-12:

Re: Appointment of three (3) Class 1B Special Police Officers – 1) Mark Deighan, 2) John Garza and 3) Christopher Fuehring pending completion on graduation from class and minimum wage during training

BE IT RESOLVED that Mark Deighan, 23 Shepherd Drive, Wanaque, New Jersey 07465, John A. Garza, 294 Skyline Lakes Drive, Ringwood, New Jersey 07456 and Christopher J. Fuehring, 27 Mountain Avenue, Wanaque, New Jersey 07465 be and are hereby appointed as a Class IB Special Police Officers pending completion on graduation from class and at minimum wage during school.

Application for Ice Cream Vendor License:

Re: Great Lakes Ice Cream – Daniel Fonzo (Approved by the Police Department and Health Department

Application to Amend Amusement Machine License:

Re: Roar of the Crowd, 72 Haskell Avenue, Haskell – Diego Rosario

Application for Used Car Lot License:

Re: Ameri-Car and Truck Sales, Inc., 891 Ringwood Avenue, Haskell (Approved by the Police Department and Building Department)

Resolution #111-0-12:

Re: Professional Services – Alaimo Group – 2012 Road Program

Held.

Resolution #112-0-12:

Re: Professional Services – Kinsey Association – Hagstom Field Repair (\$22,500.00) - Not Fair and Open

WHEREAS, the Borough of Wanaque has a need to acquire professional engineering services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4: and*

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is not applicable; and

WHEREAS, Kinsey Associates. has submitted a proposal indicating they will provide the engineering design services for Hagstrom Field in an amount not to exceed \$22,500; and

WHEREAS, Kinsey Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Kinsey Associates has not made any reportable contributions to a political or candidate committee in the County of Passaic, Borough of Wanaque, 39<sup>th</sup> Legislative District in the previous one year, and that the contract will prohibit

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Kinsey Associates from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Wanaque authorizes the Borough Administrator to enter into a contract with Kinsey Associates as described herein; and,

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

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget accounts 2-CU-01-493-342.

Resolution #113-0-12:

Re: Resolution Opposing S-1914

**WHEREAS**, S-1914, would subject certain “user fees for traditional municipal services” to be included within the 2% cap; and

**WHEREAS**, the definition of “traditional municipal services” in S-1914 is open-ended, leaving municipalities and State regulators unsure on its application and, therefore, unable to properly plan for future years; and

**WHEREAS**, user fees for traditional county and school services would not be subject to any of the provisions of S-1914, although they have a greater impact on the local property tax bill; and

**WHEREAS**, it is at times more appropriate to fund some services by user fees, especially those services for which a recipient and a cost can be clearly and accurately calculated; and

**WHEREAS**, if municipalities are prohibited from charging user fees, they may be forced to discontinue the service, forcing residents to obtain the service from a private provider, often times at a higher cost than the user fee; and

**WHEREAS**, as municipalities struggle to meet the 2% levy cap, without the full effects of the management reforms and the continued diversion of energy receipt taxes, officials are forced to re-examine their budget and priorities; and

**WHEREAS**, in order to deliver the services that their residents expect and want local officials have been making structural changes to their budget, including how programs are funded; and

**WHEREAS**, municipalities must retain the financial flexibility to address their own unique fiscal issues and meet the demands and expectation of their residents;

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Wanaque strongly urges the legislature to oppose S-1914; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the sponsor of S-1914, Senator Sweeney, Assembly Speaker Oliver, Legislative District 39 representatives, and the New Jersey State League of Municipalities.

On entertainment of the Mayor, Councilmen Willse and Cortellessa 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 May 2012 -
2. Police Department Report for May 2012 -

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3. Tax Collector's Report for May 2012 -
4. Municipal Court Report for May 2012 -

On entertainment of the Mayor, Councilmen Balunis and Cortellessa 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:

Approval of 2012/2013 Liquor License Renewals - Resolution #114-0-12:

BE IT RESOLVED, that the Mayor and Council of the Borough of Wanaque do hereby approve through this Resolution the following Liquor License Renewals for the year 2012/2013:

1. The Great Atlantic & Pacific Tea Company, Inc. – t/a A & P Liquors
  2. Aryan Cira LLC – t/a Il Positano's
  3. Santina and Peter Berta, Inc. – t/a Berta's Chateau
  - \*4. DMN Horizons LLC – t/a Roar of the Crowd – Resolution #115-0-12
  5. KJK Spirits, Inc. – t/a Buy Rite Liquors
  - \*6. Joseph Agostino – t/a Flip's – Resolution #116-0-12
  7. Il Palazzo, Inc. – t/a Il Palazzo
  - \*8. Kalari Liquors – t/a Phoenix Club - #117-0-12
  9. DNP Enterprises LLC – t/a Wine 2 Spirits
  - \*10. Provision Foods, LTD – t/a Tree Tavern – Resolution #118-0-12
- \*License with Resolution of stipulations and restrictions

July and August Business Meetings: 7:00 P.M.

Closed Session:

Re: Litigation/Negotiation/Personnel

Held to the end of the meeting.

UNFINISHED BUSINESS: None.

RESOLUTIONS:

Resolution #105-0-12:

Re: Professional Services – Architect for Borough Hall Design

Held.

Regular Meeting  
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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:**

Current Operating Prepaid	\$ 2,449.30
Current Operating 2011	\$ 38,837.30
Current Operating 2012	\$157,680.90
Water Operating Prepaid	\$ 9,698.35
Water Operating 2011	\$ 1,225.00
Water Operating 2012	\$ 31,433.36
Sewer Operating 2012	\$ 1,576.08
Water Capital	\$ 1,162.50
Recreation Trust	\$ 47.40
Animal Trust	\$ 2,653.60
Unemployment/Disability	\$ 525.00
<b>Voucher Total:</b>	<b>\$ 247,288.79</b>

**Payroll:**

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

PR #10	5/18/12	\$ 204,051.89
PR #11	6/01/12	\$ 198,348.60
<b>Payroll Total:</b>		<b>\$ 402,400.49</b>
<b>Grand Total:</b>		<b>\$ 649,689.28</b>

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

APPROVED: June 11, 2012

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Daniel Mahler  
Mayor

Closed Session:

Re: Litigation/Negotiation/Personnel

On entertainment of the Mayor, Councilmen Willse and Pettet 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) Contractual Negotiations/Discussions.

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

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

RECONVENEMENT:

On entertainment of the Mayor, Councilmen Cortellessa and Pasquariello moved a motion to reconvene at 9:10 P.M.

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

Resolution #105-0-12 – Professional Services – Architect for Borough Hall Design:

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

WHEREAS, the Borough of Wanaque on March 20, 2012 placed a notice on its Municipal Website for architectural services with regard to the design and construction of a new Municipal Building in accordance with NJSA 19:44A-20.4 et. seq., “Pay to Play Law,” and

WHEREAS, the Borough of Wanaque received proposals on April 2, 2012 from MRA Architectural Services, Inc and from Idyk, Terry and Tsapatsaris; and

WHEREAS, both firms were interviewed by the Buildings and Grounds Committee, who has recommended that MRA Architectural Services be awarded the contract; and

WHEREAS, this is a professional service, exempt from public bidding in accordance with NJSA 40A:11-5 et.seq.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract with MRA Architectural Services Inc., 1220-C East Joppa Road, Suite 505, Towson, MD 21286 in an the amount of \$506,835 plus expenses (approx. \$13,000) in accordance with their proposal and subsequent correspondence; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account X-GC-03-374-201.

BE IT FURTHER RESOLVED that the Borough Clerk be directed to publish a notice of this action once in the Suburban Trends.

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

Regular Meeting  
June 11, 2012

ADJOURNMENT:

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

On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 9:15 P.M.

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Katherine J. Falone, RMC, CMC  
Municipal Clerk