

Regular Meeting
September 12, 2016

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, September 12, 2016, at 8:10 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 and Willse. Councilman Pettet 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 January 2, 2016, and a notice thereof has been posted on January 2, 2016 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:

August 8, 2016 and Special Meeting of August 16, 2016.

On entertainment of the Mayor, Councilmen Cortellessa and Balunis moved a motion to approve the aforementioned with the changes to be made.

On roll call, all voted yes, except Councilman Willse who abstained on the August 8, 2016 and Councilman Pasquariello who abstained on the August 16, 2016 and the Mayor declared the motion carried.

PRESENTATION: Junior Lancer Baseball Team – 7:00 P.M. - Held.

ORDINANCES:

Introduction of Ord. #19-0-16:

Re: Amend Chapter 111 “Water” to amend Section 32 “Charges”

On entertainment of the Mayor, Councilmen Leonard and Balunis moved that Ordinance #19-0-16 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 111, “WATER” TO AMEND CERTAIN WATER RATES.

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

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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 first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Borough Council to be held on the 17th day of October 2016, at the Municipal Building in the Borough of Wanaque at 8:00 PM., 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. #20-0-16:

Re: Amend PILOT – 1069 Ringwood Avenue

On entertainment of the Mayor, Councilmen Cortellessa and Balunis moved that Ordinance #20-0-16 be taken from the table and read by the Clerk, by title only, for consideration of first reading.

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

The Clerk took from the table and read by title only as follows: AN ORDINANCE AMENDING ORDINANCE NUMBER 12-0-06 BY IMPLEMENTING A NINETEEN YEAR PAYMENT IN LIEU OF TAX PROGRAM FOR THE RINGWOOD AVENUE MIXED USE REDEVELOPMENT PROJECT CONSTRUCTED IN THE BOROUGH OF WANAQUE AND TRANSFERRED TO THE HASKELL TOWN CENTER URBAN RENEWAL, LLC FROM BALD EAGLE AT WANAQUE URBAN RENEWAL, LLC A SUBSTITUTE URBAN RENEWAL ENTITY, TOGETHER WITH APPROVING A FINANCIAL AGREEMENT PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.

Councilman Leonard said any improvements can still be done.
The Borough Administrator said yes.

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

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE AMENDING ORDINANCE NUMBER 12-0-06 BY IMPLEMENTING A NINETEEN YEAR PAYMENT IN LIEU OF TAX PROGRAM FOR THE RINGWOOD AVENUE MIXED USE REDEVELOPMENT PROJECT CONSTRUCTED IN THE BOROUGH OF WANAQUE AND TRANSFERRED TO THE HASKELL TOWN CENTER URBAN RENEWAL, LLC FROM BALD EAGLE AT WANAQUE URBAN RENEWAL, LLC A SUBSTITUTE URBAN RENEWAL ENTITY, TOGETHER WITH APPROVING A FINANCIAL AGREEMENT PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. pass first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Borough Council to be held on the 17th day of October 2016, at the

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Municipal Building in the Borough of Wanaque at 8:00 PM., 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. #21-0-16:

Re: Abandoned Property Ordinance

On entertainment of the Mayor, Councilmen Cortellessa and Willse moved that Ordinance #21-0-16 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: ORDINANCE OF THE BOROUGH OF WANAQUE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY CREATING A NEW SUB-CHAPTER 88-12 ET SEQ. OF THE CODE OF THE BOROUGH OF WANAQUE ENTITLED "REHABILITATION OF ABANDONED PROPERTY".

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

BE IT RESOLVED THAT an Ordinance entitled: ORDINANCE OF THE BOROUGH OF WANAQUE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY CREATING A NEW SUB-CHAPTER 88-12 ET SEQ. OF THE CODE OF THE BOROUGH OF WANAQUE ENTITLED "REHABILITATION OF ABANDONED PROPERTY" pass first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Borough Council to be held on the 14th day of November 2016, at the Municipal Building in the Borough of Wanaque at 8:00 PM., 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.

Nancy Misasi, 26 North Gate, Wanaque said regarding the Passaic County Development Block Grant I spoke when Deborah Hoffman was here and the three hundred seventy seven page new book that came out I asked the Council not to support the resolution and I was disappointed

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to find out it was passed here. Ringwood and Wayne did not pass it and I am sorry it was passed here. Not just a couple of towns rejected it other towns have also. If you did not fill out the grant yet it is not about the home rule and not paying the taxes and it is our rights what we want done in Wanaque and please strongly protect our property rights and also our rights for HUD. You may contact me please don't just decide it's about the money. I strongly ask you to consider my appeal.

Maurice Houckes, 10 Lines Avenue, Wanaque said the stream was to be checked by the Department of Environmental Protection and has anyone heard anything.

The Borough Administrator said we looked at it and the most inexpensive way is for the road department to do the work on it and to be getting it done this fall. We have to be careful as to what type of equipment we put down there for the cages and it is a dedicated right of way and it is our responsibility.

John DiMeglio, 414 Ringwood Avenue, Wanaque said if you brought in affordable housing where would it be.

The Mayor said it would not be many places.

John DiMeglio said how many are there.

The Borough Administrator said seventy six units in Haskell, forty seven units and twenty nine units where the school building was.

John DiMeglio said you can't move on this road at 5:00 P.M. and the water is going up and the taxes went up.

Lawrence Montena, 1105 Ringwood Avenue, Haskell said the Mayor and Council put in parking lot for the Ringwood Avenue businesses. Have you looked at the shrubbery it looks horrible. I will put in plants at my own expense. If you give me a response within thirty days I will put flowers there and I will water them and take care of them.

The Borough Administrator said if everyone is in agreement it will be done tomorrow.

Lawrence Montena said we appreciate you helping us and especially during the fire at Easter time protecting us. Pompton Lakes also helped out during the fire and we lost water pressure there and had to run a water line to Rainbow Valley Lake. There are empty lots there also and the weeds were cut down there. You should make the business owners responsible for their property. Pierce Avenue there is a stream and wood fences and diesel trucks with a stench and it should be investigated. The other owner was issued a summons for the storage bins.

Maurice Houckes, 10 Lines Avenue, Wanaque said every town around has a day of yard sales and I think it's a good idea and it may get rid of things in town for everyone. You should look into it.

The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #152-0-16:

Re: Credit of Tax overbilling for 2016 and the first half of 2017 due to County Board
Judgments in the amount of \$456.00 for 2016 and \$228.00 for the first half of 2017

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for Block 313.03, Lot 3C0078

WHEREAS, there exists tax overbilling on Block 313.03 Lot 3C0078 for 2016 and the first half of 2017 as a result of a County Board Judgment;

WHEREAS, the credits total \$456.00 for 2016 and \$228.00 for the first half of 2017;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector shall adjust these accounts accordingly as per the certifications from the County.

Resolution #153-0-16:

Re: Refund of Tax overpayment on Block 239, Lot 12C0005 in the amount of \$1,234.88

WHEREAS, there exists a tax overpayment on Block 239 Lot 12 C0005, 16-5 East Belmont Avenue;

WHEREAS, the owner has requested a refund of said overpayment;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund \$1,234.88 as per the certification of the Tax Collector.

Resolution #154-0-16:

Re: Authorize execution of the Passaic County Open Space and Farmland Preservation Trust Fund Agreement

BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute the Passaic County Open Space and Farmland Preservation Trust Fund agreement in the amount of \$60,000 for the renovation of Back Beach Park.

Resolution #155-0-16:

Re: State Contract Purchase – 2017 Ford Super Duty F350 (Water Division)

BE IT RESOLVED that the purchase of one 2017 Ford Super Duty F350 SRW XL 4WD Utility truck under NJ State Contract A88727 from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ in the amount of 40,546.00 is hereby authorized and approved; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account 6-WP-02-051-292.

Six (6) Applications for Raffle Licenses:

Re: 1) Ringwood - Wanaque Ice Hockey Association, Inc. - RA:939, RA:940 and RA:941 and 2) Lakeland Chorale Association – RA:942, RA:943 and RA:944

Letter from the Fire Chief:

Re: Two (2) Membership Applications – 1) Manual Varela and 2) Sammy Saltos – Company No. 1 and remove Michael Stelling – Company No. 2 effective immediately

Resolution #162-0-16:

Re: Approve payment #3 in the amount of \$33,320.00 to First Quality Contracting for the Ringwood Avenue Wall replacement

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BE IT RESOLVED that current estimate #2 in the amount of \$59,397.80 payable to First Quality Construction for the Ringwood Avenue wall replacement be and is hereby approved.

Resolution #163-0-16:

Re: Approve Change Order #1 – Reduction of \$62,314.00 and progress payment #1 in the amount of \$161,964.00 to Reivax Contracting for Orchard Street/Maple Avenue Water Main replacement

BE IT RESOLVED that change order # 1 – reduction of \$62,314.00 and current estimate #1 in the amount of \$161,964.00 payable to Reivax Contracting Construction for the Maple/Orchard water main replacement project be and is hereby approved.

On entertainment of the Mayor, Councilmen Leonard and Willse 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 August 2016 -
2. Police Department Report for August 2016 -
3. Tax Collector's Report for August 2016 -
4. Municipal Court Report for August 2016 -

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

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

COMMUNICATIONS: None.

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

Held to the end of the meeting.

UNFINISHED BUSINESS:

Report of Michael Cristaldi, P.E. – Borough Engineer – Wanaque Reserve Performance Bond

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RESOLUTIONS:

Resolution #156-0-16:

Re: Approve Developers Agreement – 1049 Ringwood Avenue

Held.

Resolution #157-0-16:

Re: 2015 Audit and Corrective Action Plan

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

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

WHEREAS, The Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

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

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

General Comments
Recommendations

and

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

General Comments
Recommendations

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

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

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

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

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

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more than one year, or both, in addition shall forfeit his office.”

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

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON September 12, 2016.

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

Resolution #158-0-16:

Re: Appoint Assistant Supervisor – Public Works

Held.

Resolution #159-0-16:

Re: Appoint Senior Public Works Repairer

Held.

Resolution #160-0-16:

Re: Purchase of Fire Pumper - \$498,417.00 (Corrected)

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

BE IT RESOLVED THAT RESOLUTION 147-0-16 ADOPTED AUGUST 16, 2026 BE AMENDED TO READ AS FOLLOWS:

WHEREAS, the Borough of Wanaque is a member of the Houston Galveston Area Council Co-operative Pricing Program, and meets the requirement of the New Jersey Public Contracts Law with regards to cooperative pricing purchases; and

WHEREAS, the Borough of Wanaque wishes to purchase One (1) KME Predator SS Custom, 750 gallon pumper for the Wanaque Fire Department, and has received a detailed quote dated June 2, 2016; and

WHEREAS, the Fire Chief of the Borough of Wanaque Fire Department has certified that this vehicle meets the need of the Borough and recommends its purchase.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are authorized to execute a contract with KME Kovatch Organization, One Industrial Complex, Nesquehoning, PA 18240 for the purchase of One (1) KME Predator SS Custom, 750 gallon pumper for the Wanaque Fire Department in accordance with the quotation dated August 11, 2016 and specifications dated June 2, 2016 in the net amount of \$498,117.00 as per the Houston Galveston Area Council; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized and directed to make a payment of \$268,000.00 at the time that the Fire Chief certifies that the chassis has been completed; and

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BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account Ordinance #18-0-16.

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

Resolution #161-0-16:

Re: Purchase of Fire Rescue Truck - \$490,498.00 (Corrected)

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

BE IT RESOLVED THAT RESOLUTION 148-0-16 BE AMENDED TO READ AS FOLLOWS:

WHEREAS, the Borough of Wanaque is a member of the Houston Galveston Area Council Co-operative Pricing Program, and meets the requirement of the New Jersey Public Contracts Law with regards to cooperative pricing purchases; and

WHEREAS, the Borough of Wanaque wishes to purchase One (1) KME Predator Custom Rescue for the Wanaque Fire Department, and has received a detailed quote dated June 2, 2016; and

WHEREAS, the Fire Chief of the Borough of Wanaque Fire Department has certified that this vehicle meets the need of the Borough and recommends its purchase.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are authorized to execute a contract with KME Kovatch Organization, One Industrial Complex, Nesquehoning, PA 18240 for the purchase of One (1) KME Predator Custom Rescue for the Wanaque Fire Department in accordance with the quotation dated August 11, 2016 and specifications dated June 2, 2016, in the net amount of \$490,458.00 as per the cooperative pricing bid under the Houston Galveston Area Council; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized and directed to make a payment of \$228,000.00 at the time that the Fire Chief certifies that the chassis has been completed; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account Ordinance #18-0-16.

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

Resolution #164-0-16:

Re: Approve payment #31 to UniMak LLC for Borough Hall Construction (payment to subcontractors only)

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

BE IT RESOLVED that progress payment #31 in the amount of \$62,124.78 payable to UniMak LLC for the Borough Hall construction be and is hereby approved.

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

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PUBLIC DISCUSSION: (Work Meeting)

FINANCE REPORT: Vouchers - Payrolls

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

VOUCHERS:

Current Operating 2015	\$ 1,305.03
Current Operating 2016	\$ 213,703.52
Water Operating 2016	\$ 128,768.04
Sewer Operating 2016	\$ 4,405.21
Water Capital	\$ 161,964.00
General Capital	\$ 188,287.92
Water Capital	\$ 21,112.00
Escrow	\$ 15,409.73
Recycle Trust	\$ 1,077.08
Animal Trust	\$ 17.40
Unemployment/Disability	\$ 453.67
Other Trust	\$ 1,140.00
Recreation Trust	\$ 3,405.00
Voucher Total:	\$ 719,936.60

Payroll:

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

PR #17	08/23/2016	\$ 215,358.10
PR #18	09/06/2016	\$ 219,702.49
Payroll Total:		\$ 435,060.59
Grand Total:		\$1,154,997.19

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

Daniel Mahler
Mayor

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UNFINISHED BUSINESS:

Report of Michael Cristaldi, P.E. – Borough Engineer – Wanaque Reserve Performance Bond

The Mayor said, moving back up the top we have unfinished business Number 13.1. Michael Cristaldi, Borough Engineer, Wanaque Reserve Performance Bond.

The Borough Attorney said, at this time, Councilman Dominick Cortellessa indicates he may have the appearance of a conflict and, therefore, he's removing himself from the discussion. He's removing himself from the Dais and from the room. Let the record so reflect.

The Borough Attorney states that he recalls that the Borough was involved in some litigation instituted by Pulte Homes of New Jersey, which resulted in an order by Judge Filko, Passaic County Law Division, in April 28th, 2015. Pulte's application for a summary judgment with respect to provision of an asbuilt was denied. And, in that order, Pulte was directed to prepare asbuilt claims in accordance with a list of deficiencies and recommendations made by our Borough Engineer at the time and that was to be submitted to the Borough Engineer and to the Borough.

In addition, the Court provided that when Mr. Cristaldi and Alaimo Engineer received the asbuilt plans and the recommendation for review of improvements that had been made or allegedly made, with the end toward reducing the bond or eliminating the bond. A set of asbuilt plans were received pursuant to a letter sent from Archer & Greiner, the Pulte Homes of New Jersey attorney. That letter was dated July 1st, 2016. It included the asbuilt plans and certain other documents that were appertaining to the asbuilts and the history of the development at that site. The order that I mentioned provided that the borough engineer was to have 65 days upon receipt to review that submission and to report to the counsel concerning his recommendations and observations. Mr. Cristaldi did so, and on August 24, 2016, submitted a 19-page report together with copiets, exhibits, and photographs. The Borough, according to the Court order, had 45 days upon receipt of Mr. Cristaldi's report to review his recommendations and take appropriate actions by way of resolution in order to accept the improvements and, consequently, set up and stage a reduction or elimination of the bond or to reject the improvements and, therefore, keep the bonding in place. Every member of the council has visited this site on occasions and everybody has gotten a copy of Mr. Cristaldi's lengthy report and has considered the same. And, at this time, just for the record, I would like Mr. Cristaldi to address his report and answer a few questions concerning the headings or subject matters of the report if you would.

The Borough Attorney said to Mr. Cristaldi that his report dated August 24, 2016 addressed some seven or eight various areas of concern that was discovered during your inspection. Is that correct?

The Borough Engineer answered yes.

The Borough Attorney asked, as it relates to pavement issues, there were 79 notations of deficiencies in the pavement covering pages 1 through 6 of your report. And just in summary fashion, were those deficiencies as a consequence of unevenness in the pavements, depression in the pavements anomalies of pavements that caused ponding of water?

The Borough Engineer answered yes.

The Borough Attorney asked if it was of a concern of his?

The Borough Engineer answered. Yes. The ponding after a rainstorm, especially in the winter, of melting snow, it doesn't drain off properly. It could freeze, create slipping hazards. And also if the water sits on the pavement, it just deteriorates the pavement.

The Borough Attorney said that would enhance its degradation and, ultimately, needs to be replaced, correct?

The Borough Engineer answered, that it shows signs of being degraded already in areas where the water was ponding.

The Borough Attorney said they indicated through pages 1 through 6, noted 79 different areas where that degradation and ponding was taking place?

The Borough Engineer answered, correct.

The Borough Attorney said, in addition, you had occasion to review the drainage, did you not, starting on Page 6? Were there comments with respect to the pavements and drainage and drainage throughout the site?

The Borough Engineer answered, yes. We have some drainage issues as well where drainage pipes in some places had been crushed. They had been reinstalled and I guess they did continuous construction after that and crushed the pipes and they're plugging up now and the water can't drain properly.

The Borough Attorney asked the Borough Engineer if he noted the ponding and evidence of ponding in the grass, the landscape there is a result of this deficiency and drainage?

The Borough Engineer answered, yes.

The Borough Attorney asked the Borough Engineer what would be the effect of that as it relates to the buildings themselves, as it relates to ponding of water in the grassy landscape area, mosquitos in the light?

The Borough Engineer answered that besides that, just the terrain then becomes very mushy so you should be able to walk on those areas and you can't. It's just soggy, soft ground.

The Borough Attorney said to the Borough Engineer, you called, specifically, attention to those sites Pages 6 through 8, there was 46 sites of deficiencies in drainage with respect to the various buildings on the site. Is that correct?

The Borough Engineer answered, correct.

The Borough Attorney said to the Borough Engineer, you then reviewed the site in terms of storm water, the storm water management. Did you note, again, in a summary fashion, any deficiencies in storm water management?

The Borough Engineer answered, yes. Almost every inlet, the inlets were beginning to collapse from the inside if you look inside the inlet, the block was starting to be pushed inward and that creates a problem with the grate. The grate then shifts and the pavement all around the grate starts to break and you just see the grate then is a low spot with broken pavement around it.

The Borough Attorney asked the Borough Engineer, this is a degradation of the system that had been installed?

The Borough Engineer answered, yes.

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The Borough Attorney said to the Borough Engineer, there were instances where you noted that the slope of the pipes did not comport to the design plans?

The Borough Engineer answered, correct.

The Borough Attorney asked the Borough Engineer what would happen where the slopes of the pipe were such that the water is not allowed to drain as was designed?

The Borough Engineer said what happens is the water can't move so any sediment in the water starts to drop out and as soon as it dries up you end up with more and more sediment in the pipe and they plugs up.

The Borough Attorney asked, the potential for the pipe plugging up?

The Borough Engineer said, correct.

The Borough Attorney asked, you noted that there were slopes that were not in compliance with the design plans?

The Borough Engineer answered, correct.

The Borough Attorney said, and I think there were 17 different areas noted in your report where this deficiency was found. Is that correct?

The Borough Engineer said, yes.

The Borough Attorney asked, now were there grading deficiencies with respect to the landscaping areas?

The Borough Engineer answered, yes. The landscape areas water can't drain into them anymore because they got them so high around the sidewalks that the water now is trapped on the sidewalks.

The Borough Attorney asked, with respect to grading between the buildings proper themselves and the roadway, was the grading sloped from the buildings downwards so that the water would not sit and pool next to the building or invade the building itself?

The Borough Engineer answered, not everywhere. There were locations where there were problems where you could see that the water had begun to rot the woodwork around the door frames.

The Borough Attorney asked, you called attention to those and several instances throughout the site. Is that true?

The Borough Engineer answered, yes.

The Borough Attorney asked, with respect to the sanitary sewer system, did you have occasion to review the sanitary sewer system on the development?

The Borough Engineer answered, yes.

The Borough Attorney stated, starting on Page 11, you had noted a number of deficiencies with respect to the sanitary sewer system. Can you just briefly review them for the council?

The Borough Engineer answered, the sanitary sewer in summarize didn't have the proper grades and that creates another problem with sediment also in those pipelines.

The Borough Attorney asked if there problems with respect to manholes and slopes regarding their proximity to manholes?

The Borough Engineer answered, yes. Some of the slopes in and out of the manholes weren't correct from manhole to manhole.

The Borough Attorney asked, you noted these all within your report in several areas?

The Borough Engineer answered, yes.

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The Borough Attorney asked, now in compliance with the American's Disability Act was a concern also, was it not?

The Borough Engineer answered, yes.

The Borough Attorney asked, this relates to safety of the site in conforming to those ADA requirements. I think there were several pages of deficiencies concerning ADA concerns. Generally, what did they consist of? What were they about?

The Borough Engineer answered, in the locations where there was lip at the ramps coming down off the sidewalks. The lips were too high for a wheelchair to make it up the ramp. We also had a few spots where the detectable warnings were not installed. And then there were areas, too, where we had cracks in the sidewalks and you just wouldn't be able to navigate them properly.

The Borough Attorney asked if there also slope issues with respect to ADA compliance.

The Borough Engineer answered, in some places, yes. The ramps were not sloped properly.

The Borough Attorney said, and you sent these with some particularity in several page of your report and observations. Were there problems with respect to the bridge that was at the entrance of the site?

The Borough Engineer answered, yes.

The Borough Attorney asked what he noted with respect to the bridge itself.

The Borough Engineer answered it the bridge is constructed in a number of panels and it looks like over time they've begun to shift.

The Borough Attorney asked and what concern do you have regarding such a shift?

The Borough Engineer answered it creates openings between the panels which connect to the sidewalk so water now gets in there and it can freeze and it just makes the cracks worse.

The Borough Attorney asked does the cracks deteriorate and cause a lack of integrity of the bridge structure itself?

The Borough Engineer said yes. The sidewalks in some places have sunk below the curb so they're not even even with the curb line anymore.

The Borough Attorney asked did you note some deficiencies with respect to the stream and its impact upon the walls that support the bridge?

The Borough Engineer said yes. The brook has washed up all the soil to one side of the structure so it looks like it's washing out at one side and depositing it onto the other side of the structure, so we could get some undermining there.

The Borough Attorney asked so that can then affect the integrity of the bridge, does it not?

The Borough Engineer stated, yes.

The Borough Attorney asked now in this many-page report with the exhibits, you set forth your opinion with respect to the acceptance of the improvements that Pulte has indicated that it had completed. Is that correct?

The Borough Engineer said yes.

The Borough Attorney asked the Borough Engineer's opinion with respect to that request is contained in the report?

The Borough Engineer said correct.

The Borough Attorney asked the Borough Engineer if his opinion is that the improvements not be accepted and the Performance Bond not released or reduced. Is that correct?

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The Borough Engineer said that was his recommendation. Yes.

The Borough Attorney states that he has no further questions with respect to Mr. Cristaldi. I wanted to expand on the record some of the items that were in his report. The report is much more comprehensive than his brief summary and you've all had occasion to do review it and you've all had occasion to just cite. It would be appropriate for the Mayor & Council in consonance with the court order since we have 45 days on which to act, and we cannot move into a next council meeting as we'll exceed that time limit to issue a resolution. At the request of a Pulte Homes of New Jersey, seeking approval of improvements covered by their Performance Bond, is rejected for reasons set forth in the borough's engineer's report of August 24, 2016, and a review thereof by said engineering and the governing body on September 12, 2016, which is today.

Councilman Leonard asked the Borough Attorney, regarding the issues with that bridge, is it up to us as our body to have a bridge inspection done? Do we assume weight limits change or something in the current situation? I just have concerns with the bridge?

The Borough Attorney answered that the bridge was a precast bridge as he understands it and asked the Borough Engineer if he was correct?

The Borough Engineer answered, yes. It's a culvert.

The Borough Attorney said it was designed to be installed in accordance with design plans that were approved at the time. And a Performance Bond was issued to ensure that the bridge was properly constructed and adequately made. Pulte wants to have that bond eliminated or reduced. The inspection by the Borough Engineer indicates that there are cracks of some concern that would cause the bridge to lose its integrity. There are gaps that could cause rain water to get in and expand and cause some problems. Now the structure that the engineer recommends we not approve and we not endorse and, therefore, to maintain and hold that bond to ensure its compliance. Also according to his testimony and his report and to the appendices that are appended to it, there has been a change in the flow of the stream so that the water now pushes gravel and dirt against one of the abutments or one of the pillars holding it and can undermine it. And because of that and the safety hazard it could engender, he recommends that the improvement not be accepted as is and, therefore, the bond remain in place.

Councilman Leonard said he understands. I'm thinking maybe to protect us at the Borough. Was this bridge ever inspected by state DOT for example?

The Borough Attorney stated he doesn't believe so and the Borough Engineer stated, no, it wasn't.

The Borough Engineer stated they all noticed some problems with the structure, that, you can't go to the point to think that the thing is ready to collapse, it's just that right now there's locations where the curb is moving away from the sidewalk and it creates a lot of tripping hazards. So, before you get worried that the thing is going to collapse, we're pointing these things out because we want Pulte to come in now and explain it and to remediate it.

The Borough Attorney says they planned the improvement. They submitted plans regarding the improvement. The improvement called for an integrated bridge without cracks in the sidewalk, without the expansion joints that are not tampered and filled and without curb separation. The bridge, as we look at it today, with their request for us to accept that approval as is, is not appropriate. It's inadequate.

Councilman said it's on Wanaque Reserve property, right?

The Mayor said it's their property and our property.

The Borough Administrator said that's on Pulte's property. It's all on private property.

The Borough Attorney said they designed the bridge. They had their engineers who designed the bridge. It was inspected initially and it has proved to be an improvement that is not acceptable and, therefore, we won't release the bond the bond is an insurance policy to fix irregularities or things that are not approvable by our engineer.

The Mayor said even though it's on Pulte's property we are going to be responsible to repair it if it fails. It's a common roadway.

The Borough Attorney said it's private property, but you got 755 families living there, so it's important if that's their only means of ingress and egress from this site.

Councilman said there's an emergency alternate. I'm also thinking about weight limits of vehicles.

The Borough Attorney said that's all within the design.

The Borough Administrator said we can't put a weight limit on it because we need to get fire trucks and garbage trucks in there.

Councilman said I think what I'm hearing from Mike is he's seeing signs that it may be beginning to deteriorate when it shouldn't be deteriorating.

The Borough Engineer agreed.

Councilman said not that two Honda Civics and one Ford pickup and the thing is in the water tomorrow, but there are signs that it will not last another 150 years, and that's not right. The Borough Attorney said those designs were part of the submission to the Planning Board many years ago. The plans were reviewed, but as they request us to accept the bridge as it was built, we noted these deficiencies, these degradations, lack of integrity and structure and, therefore, we don't accept the bridge as presently existing and we won't release the Performance Bond. So we need a resolution or motion to pass the resolution as I've indicated.

On entertainment of the Mayor, Councilmen Willse and Balunis moved a motion to approve the aforementioned Resolution #165-0-16.

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

The Mayor said for the record, we'll call our Resolution #165-0-16.

Councilman Cortellessa returned to the meeting – 9:10 P.M.

NEW BUSINESS:

Closed Session:

Re: Litigation/Negotiation/Personnel

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

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

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

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

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1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - 1) Litigation pending – COAH and threatened litigation.
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session when the reasons for discussing and acting on the matter in closed session no longer exist, but no later than one month of the Mayor and Council arriving at a final decision on the specified subject matter.

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

RECONVENEMENT:

On entertainment of the Mayor, Councilmen Willse and Balunis moved a motion to reconvene at 10:25 P.M.

On roll call, all were present.

ADJOURNMENT:

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

On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 10:25 P.M.

Katherine J. Falone, RMC, CMC
Municipal Clerk