

Regular Meeting
September 9, 2013

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, September 9, 2013, 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 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, 2012, and a notice thereof has been posted on December 28, 2012 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.

The Mayor asked for a moment of silence in remembrance of former Mayor Thomas Evangelista and in memory of September 11, 2001.

ADMINISTRATION OF OATH OF OFFICE AND APPOINTMENT OF POLICE OFFICER – Anthony Mulé – Resolution #132-0-13

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

BE IT RESOLVED that Anthony P. Mulé be and is hereby appointed as a Police Officer of the Borough of Wanaque, effective September 16, 2013 in accordance with the New Jersey Civil Service Certification OL130565; and

BE IT FURTHER RESOLVED that the starting salary shall be \$31,003.

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

ADMINISTRATION OF OATH OF OFFICE AND APPOINTMENT OF POLICE CHIEF – Thomas P. Norton – Resolution #133-0-13

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

BE IT RESOLVED that Thomas P. Norton be and is hereby appointed as Chief of Police of the Borough of Wanaque, effective immediately; and

BE IT FURTHER RESOLVED that Thomas F. Carroll, Borough Administrator, be and is hereby authorized and directed to execute the Civil Service Commission Certification of Eligible for Appointment naming Thomas P. Norton as Police Chief immediately upon its receipt; and

BE IT FURTHER RESOLVED that the employment agreement between the Borough of Wanaque and Thomas P. Norton be and is hereby approved.

Regular Meeting
September 9, 2013

The Mayor administered the Oaths of Office to Anthony Mulé – Police Officer and Thomas Norton – Police Chief.

The President of the Police Chiefs Association, the President of the Passaic County Police Chiefs Association and Sheriff Berdnik congratulated Chief Thomas Norton on his appointment and spoke about his integrity and qualifications.

The Mayor said we'll take a five minute recess.

RECONVENEMENT:

On roll call, the following responded Councilman Balunis, Councilman Cortellessa, Councilman Leonard, Councilman Pasquareillo, Councilman Pettet and Councilman Willse responded.

MINUTES:

August 12, 2013.

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

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

ORDINANCES:

Public Hearing of Ord. #11-0-13:

Re: Amend Cable Television Ordinance

On entertainment of the Mayor, Councilmen Pasquariello and Balunis moved that Ordinance #11-0-13 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 #6-0-13 ENTITLED AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE SYSTEM WITHIN THE BOROUGH OF WANAQUE, NEW JERSEY TO CABLEVISION OF OAKLAND, LLC.

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 Pettet moved that,

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE AMENDING ORDINANCE #6-0-13 ENTITLED AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE SYSTEM WITHIN THE BOROUGH OF WANAQUE, NEW JERSEY TO CABLEVISION OF OAKLAND, LLC pass final reading, and that said Ordinance be adopted as an Ordinance of the Borough of Wanaque; and

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

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

PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque said regarding the memorandum of understanding for Tilcon can I get a copy of it since it is being approved.

The Borough Administrator said yes.

The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #118-0-13:

Re: Redemption of Tax Sale Certificate #11-00018 for Block 273, Lot 2 in the amount of \$2,912.86

WHEREAS, a Tax Sale was held for 2011 delinquent Municipal charges on October 10, 2012, and

WHEREAS, US Bank Cust/Crestar Cap was the successful bidder for Block 273 Lot 2 for which Tax Sale Certificate #11-00018 was assigned,

WHEREAS Dovenmuehle Mortgage Inc., 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 \$2912.86 for the certificate.

Resolution #119-0-13:

Re: Refund of Tax overpayments on various properties in the amount of \$23,576.70

WHEREAS, there exists tax overpayments on the properties listed herein for the third quarter of 2013:

<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
313.01	4.08	2,790.53
304	3	1,581.32

Regular Meeting
September 9, 2013

269	28	2,291.82
253	1	2,028.56
200.18	3C0064	1,768.18
200.05	56	50.00
454	45	1,580.07
452	26	2,005.32
416	19	1,855.83
414	18	2,063.27
442	7	1,998.23
229	8	1,775.95
313.06	2.23	1,787.62

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

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund a total of \$23,576.70 as per the certification of the Tax Collector.

Resolution #120-0-13:

Re: Credit of Tax overbilling for the Year 2013 and the first half of 2014 due to clerical error in the assessment during the reval on Block 227, Lot 22 in the amount of \$2,575.69

WHEREAS, there exists a tax over billing on the property listed herein for the year 2013, and the first half of 2014 due to a clerical error in the assessment during the reval:

<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT OVERBILLED</u>
227	22	\$860.78– 3 rd quarter
		\$856.34 – 4 th quarter
		\$429.28 – off 1 st quarter of 2014
		\$429.29 – off 2 nd quarter of 2014

WHEREAS, the owners have requested a credit to the account;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector shall credit this account accordingly.

Resolution #121-0-13:

Re: Refund of Tax overpayment for Block 257, Lot 2 for the Year 2013 in the amount of \$1,874.85 and Credit the 4th Quarter and 1st and 2nd Quarter of 2014 which has already been billed

WHEREAS, the owner of Block 257 Lot 2 qualifies for a 100% disabled Veteran exemption from tax, beginning on July 12, 2013, the date of his current deed.

WHEREAS, the property owner has overpaid the tax for the year 2013 based upon proration and is due a full credit for the 4th quarter of 2013 along with a refund for part of the 3rd quarter of 2013.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer refund a total of \$1,874.85 as per the certification of the Tax Collector and the Tax Collector shall credit the 4th quarter of 2013 along with the 1st and 2nd quarter of 2014 that has already been billed.

Regular Meeting
September 9, 2013

Resolution #122-0-13:

Re: Passaic County Community Development Block Grant (CDBG) Sub Recipient Agreement No-Cost Time Extension Amendment for 2011 CDBG Grant Award

BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized and directed to execute a time extension for the 2011 Community Development Block Grant with the County of Passaic.

Three (3) Raffle Applications:

Re: Ringwood-Wanaque Ice Hockey – RA:854, RA:855 and RA:856

Resolution #123-0-13:

Re: Current Estimate #2 – UniMak LLC – Borough Hall Construction

BE IT RESOLVED that the current estimate #2 submitted by UniMak LLC for the Borough Hall construction in the amount of \$207,613.00 be and is hereby approved.

Resolution #124-0-13:

Re: Interlocal Agreement – Township of Lyndhurst – Recreation Registration Program

Removed from agenda.

Resolution #125-0-13:

Re: Easement – JCPL – Borough Hall

BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized and directed to execute an Easement agreement with JCP&L for the installation of poles, conduits and pads for the existing and new Municipal buildings.

Resolution #126-0-13:

Re: Approve Change Order #9 – Ringwood Avenue Improvements (Borough Hall Water and Sewer Connection)

BE IT RESOLVED that change order #9 for the Ringwood Avenue Phase III project, to install the water and sewer services for the new Municipal Building, in the amount of \$41,552.52 be and is hereby approved; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account WP-02-051-292 (\$13,552.52) and SW-05-550-204 (\$28,000).

Resolution #127-0-13:

Re: Current Estimate #1 – John Garcia and Son – Monroe Street Sewer Replacement

BE IT RESOLVED that current estimate #1 payable to John Garcia Construction for the Monroe Street/Jefferson Street sewer project in the amount of \$42,157.64 be and is hereby approved.

Regular Meeting
September 9, 2013

Resolution #128-0-13:

Re: Approve Current Estimate #2 – Robert Wogish and Son – Hagstrom Field Improvements

BE IT RESOLVED that current estimate #2 payable to Robert Wogish and Son for the Hagstrom Field reconstruction project in the amount of \$16,194.55 be and is hereby approved and current estimate #3 in the amount of \$11,211.63 be and is also hereby approved.

Resolution #129-0-13:

Re: Approve Payment to Tilcon, New York – 2013 Road Program

BE IT RESOLVED that current estimate #1 payable to Tilcon New York for the 2013 Road resurfacing program in the amount of \$318,626.92 be and is hereby approved.

Resolution #130-0-13:

Re: NJDOT Municipal Aid Grant Application

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Fifth Avenue/Leonard Place reconstruction project.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Wanaque formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Wanaque Borough-00386 to the New Jersey Department of Transportation on behalf of Borough of Wanaque;

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Wanaque and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on this 9th day of September, 2013.

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

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 2013 -
2. Police Department Report for August 2013 -
3. Tax Collector's Report for August 2013 -

4. Municipal Court Report for August 2013 -

On entertainment of the Mayor, Councilmen Cortellessa and Willse 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

None.

UNFINISHED BUSINESS:

Resolution #116-0-13:

Re: Approve Memorandum of Understanding - Tilcon

MEMORANDUM OF UNDERSTANDING AND INTENT

This memorandum made by and between the Borough of Wanaque, a Municipal Corporation of the State of New Jersey, hereinafter “the Borough” and Tilcon New York, Inc., with offices at 625 Mount Hope Road, Wharton, New Jersey, 07885, hereinafter “Tilcon”

WHEREAS, Tilcon intends to develop certain lots currently owned by Timberhill Property’s 2, LLC, and the Borough of Wanaque, and the New Jersey Elk’s Association Special Committee, Inc., (the proposed Tilcon site) located in the Borough which are more particularly set forth and identified on **Exhibit A** annexed hereto.

WHEREAS, Tilcon intends to utilize the proposed Tilcon site in order to extend Susquehanna Avenue, located in the Borough, to its existing quarrying facilities in the Borough of Pompton Lakes and the Borough of Bloomingdale for use by its commercial vehicles (including trucks) and to the extend its quarrying operations onto portions of the proposed Tilcon site (collectively, “the Proposed Development”)

WHEREAS, Tilcon and the Borough have entered into preliminary discussions and are in agreement that the Borough will: (i) investigate the proposed Tilcon site and certain other adjacent properties within the Borough south of Kearfott Lake (the “Redevelopment Area”) as being an “area in need of redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., (ii) present such findings to the Borough Planning Board and the Borough’s Mayor and Council for approval, (iii) if approved, designate Tilcon as the redeveloper of the Redevelopment Area, and (iv) grant necessary approvals, permits, waivers, variances and such other relief necessary for Tilcon to effectuate the Proposed Development, provided, that Tilcon and the Borough proceed in good faith and in an expeditious manner, to accomplish the same.

In consideration of the terms and conditions set forth below, the party agrees as follows:
Tilcon:

- (1) In addition to the Proposed Tilcon Site, Tilcon shall acquire certain vacant lots owned by the Borough within the Redevelopment Area (the “Borough Lots”), which are set forth in Schedule B annexed hereto. The purchase price for such lots shall be based upon an appraised value, and not the assessed value. The cost for the appraisal, to be borne by Tilcon
- (2) Tilcon, at its sole cost and expense, shall obtain all necessary, municipal, county, state and agency approvals and construct a new camp site for the Elks Club on a portion of property located at 1202-1204 Union Valley Road (Block 800.002, Lots 5 and 8), West Milford, new Jersey, which site shall be conveyed to the Elks Club in exchange for the Elks Club’s lots set forth in Schedule B.
- (3) Tilcon, at its sole cost and expense, shall obtain Title to lots owned by Timberhill 2, LLC as set forth on Schedule B.
- (4) The Borough shall sell, transfer and assign to Tilcon its Tax Title Liens and Certificates on all properties within the Redevelopment Area on which the Borough holds the same. Tilcon shall be responsible for foreclosing such Tax Title Liens and Certificates and obtaining title thereto in the event that the subject property owners fail to redeem the same.
- (5) Tilcon shall make good faith offers to acquire all other lots within the Redevelopment Area that are privately owned. Such property owners are not obligated to sell and Borough will not condemn.
- (6) Tilcon shall, at its sole cost and expense, obtain necessary approvals from all applicable state, county, municipal, as well as other governmental agencies that may have jurisdiction over the Proposed Development which may include, but not limited to, the Borough of Wanaque, the Borough of Wanaque Planning Board,

Passaic County Board of Chosen Freeholder's, Passaic County Planning Board, the New Jersey Highlands Council, Hudson Essex Passaic Soil Sediment Control District, North Jersey District Water Supply, the New Jersey Department of Environmental Protection, and the New Jersey Department of Transportation.

- (7) Tilcon, shall at its sole cost and expense, obtain necessary county and state approvals and install a traffic light at the intersection of Susquehanna Avenue and Union Avenue. This light shall be activated only when there is truck traffic on Susquehanna Avenue.
- (8) Tilcon shall confirm whether Susquehanna Avenue remains a private right-of-way, an easement, or is a municipally owned road. If Susquehanna Avenue remains a private right-of-way, or easement, Tilcon shall obtain access to utilize said for its commercial vehicles. If any portion of Susquehanna Avenue is owned by the Borough, title thereto, to the extent of the Borough's ownership, shall be transferred to Tilcon at a cost or price to be determined by appraisal.
- (9) Tilcon shall, at its sole cost and expense, construct and maintain the proposed extension of Susquehanna Avenue to its Pompton Lakes facility.
- (10) Tilcon shall, at its sole cost and expense, make all appropriate dam repairs or reconstruction efforts to satisfy current NJDEP requirements in connection with the outflow creek leading from Upper Twin Lakes.
- (11) Tilcon shall install sufficient buffering and covenant that quarrying operations on the Proposed Tilcon Site (other than commercial/ industrial vehicular traffic along Susquehanna Avenue) shall not be visible from Union Avenue for a period of 40 years.
- (12) Tilcon, its successors and assigns, shall pay to the Borough an annual licensing fee for quarrying, access to the facility, and related activities on the Proposed Tilcon Site in the amount of \$250,000 for each of 2014, 2015, 2016 and 2017 calendar years; \$150,000 per year thereafter for a minimum of 40 years or so long as quarrying related activities occur on site, whichever is later, which activities shall include the use of Susquehanna Avenue by commercial vehicles to and from quarrying operations (the "Annual Fee"). Each annual fee shall be due and payable on or before June 30th. The Annual Fee obligation shall "run with the land" for the Proposed Tilcon Site and shall be binding on Tilcon's successors, transferees and assigns.
- (13) During the planning process, and presentation before the Borough Planning Board and Mayor and Council, Tilcon shall have the responsibility and obligation, at its sole cost and expense to perform and pay for a traffic study on the impact of the Proposed Project, including, but not limited to, the number of truck trips per day on an hourly basis, the impact upon the I-287 interchange with emphasis on acceleration lanes both North and South, existing I-287 North and the stacking lanes to make left-hand turns onto Union Avenue, timing of all traffic lights at the interchange and the effect of traffic on Union Avenue and Ringwood Avenue. This shall also include the establishment of a left-turn lane. The analysis shall further address the increased local road traffic and evaluating additional truck traffic coming onto Tilcon's premises along local roads due to increased volume. Truck traffic on Greenwood Avenue is expressly forbidden.

- (14) Tilcon shall pay all normal assessed and imposed real estate taxes on any property owned thereby in Wanaque, as same may be assessed by the Wanaque Tax Assessor; provided, however, that Tilcon shall not waive its right to appeal the assessed value(s) of same in the event that there is ever an increase in the assessed value(s) of such lot(s).
- (15) Tilcon shall establish an escrow account with the Borough, to be estimated initially at \$20,000 by the Borough's Business Administration, which shall be used to pay and to defray the professional fess of the Borough attorney, engineer, Economic Development Coordinator and such other professional fees as may be committed in connection with the implementation of this Letter of Intent and Memorandum.
- (16) Upon the procurement and perfection of all necessary approvals by Tilcon in connection with the Proposed Development, the parties' obligations set forth above, including, but not limited to, the payment of the Annual Fee, shall be more particularly set forth in an agreement to be recorded in the Passaic County Land Records.
- (17) This Memorandum of Understanding and Letter of Intent shall not be binding on either party and is subject to a formal contract to be entered into and agreed upon by the parties and the same being duly executed in accordance with law.

IN WITNESS WHEREOF, the parties hereto have duly executed this memorandum as of the date and year first written above.

Tilcon New York, Inc.

by: _____

WITNESS

Borough of Wanaque

by: _____

KATHERINE FALONE, Municipal Clerk

DANIEL MAHLER, Mayor

RESOLUTIONS:

Resolution #131-0-13 – Appointment of Road Department Laborer – Matt Halker

BE IT RESOLVED that Matt Halker, 67 Frederick Street, Wanaque NJ be and is hereby appointed as a Laborer effective September 16, 2013 at an annual salary of \$35,000.

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 2013	\$219,348.47
Water Operating 2013	\$ 38,815.94

Regular Meeting
September 9, 2013

Sewer Operating	\$ 950.00
Escrow	\$ 142.50
General Capital	\$266,785.02
Animal Trust	\$ 29.40
Recreation Trust	\$ 585.00
Unemployment/Disability	\$ 818.59
Other Trust	\$ 300.00
Recycling Trust	\$ 240.00
Voucher Total:	\$ 528,014.92

Payroll:

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

PR #17	8/23/13	\$ 206,689.86
PR #18	9/06/13	\$ 218,119.15
Payroll Total:		\$ 424,809.01
Grand Total:		\$ 952,823.93

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

APPROVED: September 9, 2013

Daniel Mahler
Mayor

ADJOURNMENT:

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

On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 8:30 P.M.

Katherine J. Falone, RMC, CMC
Municipal Clerk

Regular Meeting
September 9, 2013