

BOROUGH OF WANAQUE  
RECORD OF PUBLIC INVOLVEMENT

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# PLANNING BOARD MEETING

## BOROUGH OF WANAQUE

### MINUTES

**October 15, 2009**

### Regular Meeting

Meeting called to order by Vice Chairman Joseph Graceffo with a salute to the flag.

#### ROLL CALL:

Vice Chairman Joseph Graceffo  
John DiMeglio David Slater  
Mayor Dan Mahler Ed O'Connell  
Kevin Platt John Shutte

**PRESENT:** Attorney Steven Veltri and Engineer Michael Cristaldi

**ABSENT:** Chairman Gilbert Foulon, Members William Rucci and Eugene Verba

#### READING: Open Public Meeting Announcement

This is a Regular Meeting of the Wanaque Borough Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Trends and the Herald News, mailed on January 16, 2009 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk.

**MINUTES:** from the September 17, 2009 Meeting.

**MOTION TO APPROVE:** made by Member Slater, seconded by Member Platt, voting yes were Members DiMeglio, Mahler, Platt, Slater and O'Connell. Vice Chairman Graceffo and Member Shutte abstained.

**COMMUNICATIONS REPORT:** No questions on correspondence.

**APPLICATIONS STATUS REPORT:** Eng. Cristaldi said he has no new applications to report.

#### HIGHLANDS ACT AND ITS IMPLICATIONS ON MASTER PLAN

#### PRESENTERS: BOB TESSIER & TOM CARROLL, BOROUGH ADMINISTRATOR

Bob Tessier: This is my second presentation to you on the Highlands. The first time we spoke about the Highlands Initial Assessment, which talked about where the Borough is versus where the Highlands Plan was, and the path to go through with the Modules and go into the Plan Conformance. Some areas of Wanaque are in the Highlands Planning Area, which is optional for the Borough to opt in or opt out of the Highlands. The area of Wanaque, which does have significant developed portions, is in the preservation area and that is non-optional participation. You have a track where you can go into conformance where you can make modifications to what the Highlands does, otherwise, the Highlands Council usurps the local authority and then takes over the whole planning functions. We are able to avoid this by going through conformance for both the preservation and planning areas.

Referring to the Map that was part of their Regional Master Plan, you can go and petition and get areas changed. What they set up is a series of zones, such as an Environmental Conservation Zone, Existing Community Zone, and Lake Community Subzone. When they did the Lake Subzone, I don't believe they took into account that it is a reservoir even though it has that huge embankment that separates it. They are looking at saying it is a lake community so I think there is some opportunity to change some of the areas, but this is their basic primary zoning.

After the Initial Assessment, we received a database from the Highlands. For Modules 1 and 2, we went through every lot in the borough, and worked with the Borough Administrator and Staff to determine what has sewer, water, what is developed and undeveloped. The product of that is the Municipal Build-Out Report, which the Highlands produced with our input. All Board Members received a copy to review at their leisure.

We are going to review just a few pages of this Build-Out Report to explain what the Highlands Council then did with our data. At the bottom of the first page, it talks about future activities and the Plan Conformance will address additional capacity and projected build-out analysis. They talk about Highlands Re-Development areas and you have re-development areas in your Plan and Town Center in your Plan. They are not including any of those in this build-out analysis. That is the next process we are going to go through with them and show them those areas.

On page 6, they have identified zero (0) acres in their analytical analysis as potential for re-developable areas. The next step is to talk to them about that. In the build-out, they also say what is exempt, any projects which are already approved, and any projects, such as the one you have the court case pending, are not subject to the regulations of the Highlands.

Vice Chairman Graceffo questioned Mr. Tessier about the Mountain Lakes project.

In Mountain Lakes, or another development in the Highlands that is in litigation, if the Court takes it out, are they exempting it from this Building Analysis? Highlands is saying their Build-Out does not include those types of areas that are jurisdiction of the Courts or have a pre-approval. I am not saying what the status of that project is, but I am saying that project could fall into that.

Vice Chairman Graceffo asked, if they win in the courts, they can come back and potentially build even though it is now defined as a restricted area? Mr. Tessier advised it all depends on what the court determines.

Tom Carroll: At this point, and I have not heard whether or not that they filed an appeal, based on the Commissioners' Ruling, the project does not have any approvals at all. All of their DEP approvals are gone and, since they did not have their approvals in place by March of 2004/2005, whatever the date was, they would not have a Highlands Exemption. Any decision that goes to the Appellate Division, is going to make a decision based on the record that is below, which is the applicability and validity of the permits that Mountain Lakes and Lakeside Manor had gotten from DEP that expired anywhere between the year 2000 and 2004. It is going to be a court decision, if it is appealed, as to whether or not it is going to be built or not, Highlands or no Highlands.

Bob Tessier: On page 2 it talks about developments that have been approved, but not completed as of 08/2009, potential future development that may be exempt from the Highlands Act, and the designation of Highlands Redevelopment Areas and that is where we are going to work with them to designate those redevelopment areas.

Vice Chairman Graceffo asked why do you think they actually said there is no identifiable redevelopment land in their Build-Out Report? Mr. Tessier believes that they have done that everywhere. What they have said in their instructions is when you come in with the Master Plan Element, which is the next Element, then that is what we are going to sit down and meet with them about and say that we have these areas that we want to have included. We have prepared a map, which proposes our town centers and redevelopment areas. I don't think they have designated any in the Highlands yet. I might be wrong, but they certainly haven't

designated very many, if they have.

Tom Carroll: The process that we are going to go through after tonight is Bob, Fred and I will go meet with the Highlands people to explain all of this and make the arguments for the redevelopment areas that we have in place. Keep in mind, that anything that is in Haskell, be it Fourth Avenue, what has been completed on Ringwood Avenue, and what we have on Union Avenue, is in the planning area not in the preservation area. The redevelopment ends at the four stores on Kressaty's side. We are going to go in and inform them and, apparently they are not aware of, that we have three redevelopment areas in the preservation area, (the Borough Hall property, the property we proposed the new Borough Hall on, and the property where Rita's is and the property next door and the property behind that), so that ultimately gets incorporated into the Highlands Master Plan. As Bob said, they came in and said there is nothing because they did not have any data on that and we are going to provide them with that in order to get it put into the Plan.

Bob Tessier: The direction they are coming from shows in their report when they talk about having one unit per twenty-five acres of non-forested land and one unit per eighty-eight acres of forested land. That is kind of a model they are throwing over all the Highlands communities and that is why the build-out analysis, except for the things that are excluded, that are approved, show such low numbers.

Tom Carroll: For all intents and purposes, in the preservation area, we are completely built-out. You are not going to see any more homes up off Conklingtown Road, except for whatever happens with Mountain Lakes Estates. The potential to subdivide properties on the other side of the reservoir is minimal because of the two acre zoning that we have there. There may be several lots that might be done, but they are only going to be able to be subdivided for one lot. The properties that are in the preservation area on this side of Ringwood Avenue, keeping in mind that on the north side of town, the line runs down the middle of Ringwood Avenue, for the most part are all developed. Any changes there, Highlands allows for 125% of existing impervious surface to be built upon should someone tear something down and rebuild or any type of redevelopment that goes on there. The difference between planning area and the preservation area is that if the Borough wishes to re-obtain the Town Center Designation for the Haskell section of town, those requirements are also going to be imposed on the planning area. All the preservation rules and regulations are also going into the planning area. Again, for all intents and purposes, it is going to be redevelopment, as opposed to new development and that is what we are going to clear up with the Highlands.

Bob Tessier: At the end of Module 2, which is really not a policy but more of what the existing conditions were; how much sewer, how much water, how many connections, we created a database and the Highlands gave us the Build-Out Report based on that data.

Module 3 is the COAH Plan that Art Bernard is working on so I am not presenting that.

Module 4 is the Environmental Resource Inventory and we completed a draft copy, which does not have the colored maps included. When we do the final, we will have all twenty-five maps included in it. We prepared this Inventory with the grant money, and the Highlands prepared the Build-Out Report. On page 8, the Inventory has mapping to breakdown all the watersheds and sub-watersheds in the community. It contains a mapping of a slope analysis of all the slopes in the community (221 acres of moderately constrained slopes in the planning area and 193 in the preservation area). At the bottom of page 16, it gives a specific breakdown of those and there is mapping with the critical habitat analysis, threatened and endangered species that are in the undeveloped areas and open space. On page 21, we are still checking the Highlands' numbers if they are correct regarding open space. You don't have any carbonate rock areas to worry about. There is a data on the net water availability based on the Highlands Model of what their considering the parameters of water availability, which I think there are very few communities that have any surplus there. We, of course, put a note in saying that you have a lot of availability in your water system than the actual capacity. Based upon your use, and the permanent capacity of the water system, you have excess. There is also a listing and analysis of the septic density. This Inventory is our document so we can add your side to the story. Also, there are some web links to the scientific work that they've done to come to these conclusions. All the maps are on

digital form so when you are doing your Master Plan Re-examination and the Master Plan, we can share those for your use.

The Four Modules and the Initial Assessment are pretty much concluded and now we are going into the Master Plan Revision. They have a model of the Master Plan Revision, which we have started to work on. I am anticipating you are going to be working with Ken Albert on the Re-Examination Report. At that process, I am hoping to meet and coordinate with Ken to give him this data so that both of our efforts come together and you obtain a comprehensive amendment. I think the information we have here will make Ken's job easier as well as his mapping easier. After we meet with the Highlands, I'll set a meeting with Ken and make sure we've shared all this information with each other.

The next step is Highlands is writing their own zoning ordinances and codes. They have a pretty extensive land use ordinance, septic regulation ordinance, and wellhead protection ordinance. Because the State Legislature gave the Highlands authority in the preservation area, they are pretty much in the driver's seat and, in the planning area, its optional.

We can make some tweaks and some amendments to these, but your Planning Board attorney is going to be primarily looking through this and I'll be working with him to try and modify them where possible with the Highlands so that the ordinances won't have a severe impact. I went to the informational session that they held on the ordinances. A few of the land use attorneys there complained about the Highlands writing all these ordinances and not reviewing them and not sending them to the committees. It seems because of time constraints, they assigned a couple of staff people to write zoning ordinances or land use ordinances for 88 towns in 45 days and this is the product.

Atty Veltri: I've looked at the ordinance package from a cursory point of view and there is a proposal before the Mayor & Council, so before I really jump into it, I want to be authorized to actually work on it.

Tom Carroll: I would like to talk after the meeting so that we can make sure we are all on the same page. I did provide copies to Mr. Graceffo and Mr. Rucci who sat on the committee and we will get that process going now.

As I mentioned, we will be meeting with Eileen Swan, the Executive Director of Highlands, in the next couple of weeks to hopefully firm up everything to get to their December date. I would anticipate that we will be back here at the November Planning Board Meeting with a report as to what happened at that meeting, whether or not there is any action that the Planning Board needs to take at that point, then bring it to the Mayor & Council at their December Meeting to submit the Petition for Highlands Certification. We will then continue to work on the ordinances and putting everything else into place. By submitting the Petition, it doesn't mean that we are done because I am sure they are going to come back with some questions. However, it has been a very open conversation between Highlands and the community so that I don't think we are going to get blind-sided like we do with COAH.

There are two things that I just want to point out. As Bob said, right now we are sitting in the lake community sub-zone. What they did was, any property within 1,000 feet of a body of water, they made into a lake community, and not realizing it is the reservoir. We are going to look to get that put into the existing community zone, which would allow for a little bit more flexibility in development and redevelopment. The other thing I just wanted to mention is originally we had a December 9th date that our COAH Plan had to be submitted, but that has been pushed back to June of 2010. We did have a meeting a few weeks ago with some Members of the Planning Board. Art Bernard is starting to work on putting his report together; however, we need to firm up the build-out analysis numbers so that Highlands is comfortable with those so that when we take it to COAH, Highlands will be on our side in defending the numbers.

Vice Chairman Graceffo: At this point, do you believe you're more prone to accept the Highlands Preservation Act as part of the town, rather than contrast it?

Tom Carroll: We put a lot of work in ten/eleven years ago for the Town Center Designation and that expired in 2008. There were two routes of going for Town Center. One of which was going through the Smart Growth Process, which was long, complicated and expensive, or going through the Highlands Process. From what I've seen so far, and given where we are in development in that most of the planning area is developed, there is very little if any negative effect of adopting the Highlands Regulations for the entire community. That is the route we are looking at because, as part of our Petition, we get the Town Center Designation back for the Haskell section of town. Right now I see no negatives, but will confirm this with Eileen Swan and Bob.

Vice Chairman Graceffo: Along Ringwood Avenue, even with the Highlands Act, we would still be able to do some re-development in that area and that would be the plus side without any further build-out? Tom responded yes because Highlands, as a rule, allows for the 125% lot coverage.

Vice Chairman Graceffo: Which means, if there is a building combination apartment and store front, you may be able to re-develop that into something 1.25 larger? Tom responded yes and that is impervious surface so that includes all the parking lots, garages or anything else that is there.

Bob Tessier: The key is that impervious area and expanding that.

Vice Chairman Graceffo: If it is a grassland or field, you have a problem with it? Tom responded yes. If you have a garage with a huge driveway you can petition to redevelop it? Tom responded yes.

The model sent to us of the land ordinances, which the state put out, doesn't fit all of our needs. We will need a final document and a lot needs to be looked at to see what remains, what gets pulled out, what gets modified.

Bob Tessier: Yes. That is in Module 7.

Tom Carroll: That is where we are going to now. I think one of the questions that comes to mind is there are items in the model ordinances that have no applicability to the Borough of Wanaque where they might apply to a town in Sussex County. Are they going to require us to adopt those any way or do we make an argument not to adopt them? I don't have an answer to that.

Bob Tessier: I think they are realizing the blanket approach doesn't work, so I am hoping that they will look at that we do have a wellhead ordinance, we don't need the carbonate rock ordinance because we don't have any of that situation. This is to be determined. What you have a copy of is simply what they provided us with. I have looked at and reviewed it, but I have not made any comments or marked it up. This is going to be the task ahead of us along with the Master Plan.

Member DiMeglio: With all this information you gave us, we have an engineer that we hired in the beginning in the year, can't our engineer do all this? Maybe save us some money. Didn't we authorize Alaimo Engineering to work on the Master Plan? Do we have to approve tonight the \$14,000 for re-examination report?

Tom Carroll: Actually, I spoke with Chairman Foulon several weeks ago along with Steve and, at his direction, we authorized that to move forward.

Member DiMeglio: Where are you getting the \$14,000?

Tom Carroll: That money I had budgeted. As far as the Master Plan, it has to go through a full funding situation so the Planning Board, if they authorized anyone, did not have the authority because the funding wasn't there. The re-examination report money is in the budget, but the Master Plan goes through a special emergency appropriation where we pay it out over five years. I have to go through an RFP process for it and take it from there.

Atty Veltri: Let me try to clarify where my concerns are as the Board Attorney. At the very beginning of the year, one of the things we wanted to tackle this year was re-examining the Master Plan. We have that duty and obligation every six years and that is one of the things we said we were going to do this year and we need to do. It is unusual in that we have a “couple of balls in the air” at the same time. We have the Highlands Proposal, which we are trying to meet, and the Mayor & Council hired some special people to tackle that, and then we had a couple of meetings where we thought we hired engineers and planners to work on the Master Plan. At one meeting we found out that maybe they were working on the same things. At the end of that meeting, I think it was decided that our engineer planner was not going to move forward with reviewing the Master Plan and that the people that the Mayor & Council hired were going to tackle the Highlands and the COAH issues that are before us.

When I attended the recent meeting on the Highlands update, my mind was triggered as to where is our Board’s goal in terms of re-examining the Plan. Is that going to be done by December 31st or are we going to face a possible issue in the future having not re-examined during 2009? I asked that question at the meeting. The answer was it probably is a good idea to re-examine in 2009 and the question was who is going to do it? Mr. Albert was at that meeting. He suggested that, because he was working on the Highlands and also had information with the COAH issues, he could probably do the re-examination within the three months that we have left. That is where this proposal on the table comes from. I agree that there was massive confusion as to who was going to work on this and why, but through all the confusion, my only goal is can we re-examine effectively by the end of December, 2009. My recommendation to the Board is that we should file the paperwork that we need to file statutorily. Who does it and how much we pay, those are not issues that I get involved with. I want to keep getting us back to where we started in January, are we going to re-examine and can we meet our goal to do it by the end of the year? Mr. Albert’s name was the name that was suggested as the guy who could do it and has the information available at this time to make it happen by the end of December. That is why it is on the agenda, but I do agree with you that there was a lot of confusion and a lot of people that we thought were doing the task that ended up not doing it for a variety of reasons. Right now, we have the Mayor & Council doing things with Highlands, the Board trying to do our functions and some of them cross. If we hired someone to do it, and they’ve already hired someone who has done, it does not make sense to pay two people to do the same thing. I hope this clarifies it.

Tom Carroll: In doing the Re-examination Report, the Planner is going to be pulling a lot of the information from Highlands and COAH in order to “give us something that is bullet proof”. A straight generic Re-examination Report is not going to cover all of the bases given the fact we are in this Highlands transition time also. It will also give the Planning Board a running start for doing the full Master Plan, which we hope can get done next year. The Highlands regulations are going to drive what we can and cannot do in the Master Plan so we need to get the Highlands finished, get approval and then the Planning Board can do a full-blown Master Plan, which we haven’t done in twenty years. In the meantime, we are able to sit comfortably with the Re-examination Report that meets the requirements of the statute but goes beyond it and also covers us for the transition time that we are in right now.

Atty Veltri: I think there might be more confusion because next year we are going to sit here in May and say “what did we do in December?” We are re-examining because we have a statutory obligation to re-examine within a six-year period, which ends on December 31st. In May, the Master Plan will probably be amended, changed and overhauled but hopefully a lot of what we are doing now will be part and parcel of what is done in May. Unfortunately, we have the six-year obligation that ends in December. We want to meet that obligation, and then we are going to do more work to overhaul the entire thing by the middle of next year.

Tom Carroll: I hope it is May or June of 2010. It may be May or June of 2011 depending on how fast Highlands goes.

Vice Chairman Graceffo: Tom, do you also want to say something about the Union Court development status?

Tom Carroll: I just wanted to mention that Mr. Benecke will be presenting to the Council at the November 9th Council Meeting an ordinance for designating certain properties on Union Court as an area in need of re-development. He will be here at the November 19th meeting to present it to the Planning Board. We had talked about the four or five properties along Union Court, putting them in a re-development area in order to attract a commercial development there; either another hotel, restaurant, or some other business service that would be beneficial for the highway.

Vice Chairman Graceffo: Thank you very much gentlemen.

**PUBLIC DISCUSSION:**

**MOTION TO OPEN PUBLIC PORTION:** made by Member Shutte, seconded by Member Slater, voting yes were Vice Chairman Graceffo, Members DiMeglio, Mahler, Platt, Slater, O'Connell and Shutte.

Sandy Lawson, 28 Haskell Avenue, came forward. She stated the information she heard tonight was interesting and good. Asked about the reports submitted/mentioned tonight and Mr. Tessier advised that the Initial Assessment and Build-Out Analysis are available on New Jersey Highlands Council website. The Resource Inventory is a draft and they haven't received that document yet. She is interested in the Resource Inventory, which could make a great addition to the Open Space Plan.

Does the Union Court re-development include all of those properties? Tom Carroll advised yes. She is concerned about traffic and exiting from Haskell and Greenwood Avenues, especially with Burger King and the hotel.

**MOTION TO CLOSE PUBLIC PORTION:** made by Member Slater, seconded by Member DiMeglio, voting yes were Vice Chairman Graceffo, Members DiMeglio, Mahler, Platt, Slater, O'Connell and Shutte.

**RESOLUTIONS:** None

**VOUCHERS:** None, other than Agreement for Re-examination by Ken Albert for \$14,000, which needs to be approved and signed based upon what was mentioned in the earlier part of this meeting.

**MOTION TO APPROVE:** made Member Slater, seconded by Member Mahler, voting yes were Vice Chairman Graceffo, Members DiMeglio, Mahler, Platt, Slater, O'Connell and Shutte.

**NEW BUSINESS:**

Member John DiMeglio presented the Board with his Resignation Letter. This will be his last meeting. Vice Chairman Graceffo, on behalf of the Board, regrettably accepted his resignation.

**MOTION TO ADJOURN AT 8:58 P.M.:** made by Member Slater, carried by a voice vote.

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**Jennifer A. Fiorito**  
**Planning Board Secretary**



# MAYOR AND COUNCIL MEETING

## BOROUGH OF WANAQUE

### MINUTES

#### Regular Meeting

November 9, 2009

A Regular Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, November 9, 2009, 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, Cisco, O'Connell, Pasquariello, Pettet and Theoharous. 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 dates, 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, 2009, and a notice thereof has been posted on January 2, 2009 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:

Regular Meeting of October 5, 2009.

On entertainment of the Mayor, Councilmen O'Connell and Theoharous 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. #16-0-09:**

Re: An Ordinance to Dissolve the Wanaque Valley Regional Sewerage Authority

On entertainment of the Mayor, Councilmen Pasquariello and O'Connell moved a motion to table Ordinance #16-0-09 to the December meeting.

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

#### **Public Hearing of Ord. #20-0-09:**

Re: Amend Chapter 91 – Sewers to Establish a Sewer Utility

On entertainment of the Mayor, Councilmen Pasquariello and O'Connell moved a motion that Ordinance #20-0-09 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 91, "SEWERS" TO CREATE A SEWER UTILITY.**

This Ordinance has been duly advertised in accordance with the statutes; a copy was posted on the bulletin board in the Municipal Building, a copy was available for the public to read in the Clerk's office; and copies are available for the public present here this evening.

**The Mayor opened the Public Hearing.**

Dave DaSilva, 108 Monroe Street, Haskell said are there additional costs with getting rid of the authority. The Borough Administrator said the preparation of the Debt Statements.

**The Mayor closed the Public Hearing.**

Councilmen Pasquariello and O'Connell moved that,

**BE IT RESOLVED** that an Ordinance entitled: **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 91, "SEWERS" TO CREATE A SEWER UTILITY** 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. #21-0-09:**

Re: Amend Chapter 108 – Vehicles and Traffic to amend Section 108-14 – No Parking portion of Tremont Terrace

On entertainment of the Mayor, Councilmen Pasquariello and Balunis moved a motion that Ordinance #21-0-09 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 108, VEHICLES AND TRAFFIC TO AMEND SECTION 14, SECTION I, NO PARKING.**

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.**

Joann Murphy, 88 Tremont Terrace, Wanaque said what is the background of the complaint from Tremont Terrace to Molinari Drive. Was it a resident who make the complaint and what was the issue.

The Mayor said it is a safety issue and was referred to the police department for their recommendation.

Joanne Murphy said it affects us and there are vans and buses go through. Large vehicles come through and it is not a problem for the neighbors it is a safety issue and if you enforce it here you have to enforce it everywhere.

The Mayor said we spoke to the neighbors and none objected.

Captain Fackina said we sent traffic officers up there the two way traffic wasn't enough to get by on the "s" turn.

Councilwoman Cisco said it is the same by DeBow Avenue onto Fredericks Street with the “s” turn. Captain Fackina said there is no parking on one side and the alternate parking for the snow ordinance is a conflict.

Rona Weissman, 7 Molinari Drive, Wanaque said we’re concerned about an issue with the fire department getting through.

**The Mayor closed the Public Hearing.**

Councilmen Pasquariello and Balunis moved that,

**BE IT RESOLVED** that an Ordinance entitled: **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 108, VEHICLES AND TRAFFIC TO AMEND SECTION 14, SECTION I, NO PARKING** 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. #22-0-09:**

Re: Amend Chapter 108 – Vehicles and Traffic to amend Section Bus Stops

On entertainment of the Mayor, Councilmen Pasquariello and Theoharous moved a motion that Ordinance #22-0-09 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 108, “VEHICLES AND TRAFFIC” TO AMEND SECTION 23, SCHEDULE X, BUS STOPS.**

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.**

Councilmen Pasquariello and Theoharous moved that,

**BE IT RESOLVED** that an Ordinance entitled: **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 108, “VEHICLES AND TRAFFIC” TO AMEND SECTION 23, SCHEDULE X, BUS STOPS** 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. #23-0-09:**

Re: Redevelopment Area – Union Court

On entertainment of the Mayor, Councilman Pasquariello and Councilwoman Cisco moved that Ordinance

#23-0-09 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 § 114-14.14 OF THE BOROUGH OF WANAQUE CODE PERTAINING TO THE RD-1 ZONE AND AMENDING THE 1998 REDEVELOPMENT PLAN FOR THOSE PROPERTIES LOCATED IN BLOCK 477, AS DEPICTED ON THE BOROUGH TAX MAP, SAID PROPERTIES BEING INCLUDED IN SAID PLAN AND BEING LOCATED ALONG, OR IN THE IMMEDIATE VICINITY OF, UNION AVENUE IN THE BOROUGH OF WANAQUE. FURTHER, DESIGNATING THE BOROUGH COUNCIL OF THE BOROUGH OF WANAQUE AS THE REDEVELOPMENT ENTITY FOR THE SERVICE BUSINESS DISTRICT-2 (A REDEVELOPMENT AREA) AND CREATING THE SBD-2 ZONE. CHAPTER 114 OF THE CODE OF THE BOROUGH OF WANAQUE ENTITLED 'ZONING AND LAND USE' IS HEREBY AMENDED TO INCLUDE THE SBD-2 ZONE.**

On entertainment of the Mayor, Councilman Pasquariello and Councilwoman Cisco moved that,

**BE IT RESOLVED** that an Ordinance entitled: **AN ORDINANCE AMENDING § 114-14.14 OF THE BOROUGH OF WANAQUE CODE PERTAINING TO THE RD-1 ZONE AND AMENDING THE 1998 REDEVELOPMENT PLAN FOR THOSE PROPERTIES LOCATED IN BLOCK 477, AS DEPICTED ON THE BOROUGH TAX MAP, SAID PROPERTIES BEING INCLUDED IN SAID PLAN AND BEING LOCATED ALONG, OR IN THE IMMEDIATE VICINITY OF, UNION AVENUE IN THE BOROUGH OF WANAQUE. FURTHER, DESIGNATING THE BOROUGH COUNCIL OF THE BOROUGH OF WANAQUE AS THE REDEVELOPMENT ENTITY FOR THE SERVICE BUSINESS DISTRICT-2 (A REDEVELOPMENT AREA) AND CREATING THE SBD-2 ZONE. CHAPTER 114 OF THE CODE OF THE BOROUGH OF WANAQUE ENTITLED 'ZONING AND LAND USE' IS HEREBY AMENDED TO INCLUDE THE SBD-2 ZONE** pass first reading, and that said Ordinance be further considered for final passage and adoption at a meeting of the Borough Council to be held on the 14th day of December 2009, at the Municipal Building in the Borough of Wanaque at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance; and **BE IT FURTHER RESOLVED** that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

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

**Introduction of Ord. #24-0-09:**

Re: 2010 Salary Ordinance (Police Only)

On entertainment of the Mayor, Councilman Pasquariello and Councilwoman Cisco moved that Ordinance #24-0-09 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 SALARY ORDINANCE FOR THE YEAR 2010.**

On entertainment of the Mayor, Councilman Pasquariello and Councilwoman Cisco moved that,

**BE IT RESOLVED** that an Ordinance entitled: **AN ORDINANCE TO AMEND THE SALARY ORDINANCE FOR THE YEAR 2010** pass first reading, and that said Ordinance be further considered for final passage and adoption at a meeting of the Borough Council to be held on the 14th day of December 2009, at the Municipal Building in the Borough of Wanaque at 8:00 P.M., and that at such time and place all

persons interested be given an opportunity to be heard concerning said Ordinance; and **BE IT FURTHER RESOLVED** that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

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

**Introduction of Ord. #25-0-09:**

Re: Bond Ordinance – Reconstruction of Melrose Avenue and Furnace Avenue

On entertainment of the Mayor, Councilman Pasquariello and Councilwoman Cisco moved that Ordinance #25-0-09 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:

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF MELROSE AVENUE AND FURNACE AVENUE IN AND BY THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$325,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$108,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION**

On entertainment of the Mayor, Councilman Pasquariello and Councilwoman Cisco moved that,

**BE IT RESOLVED** that an Ordinance entitled: **BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF MELROSE AVENUE AND FURNACE AVENUE IN AND BY THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$325,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$108,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION** pass first reading, and that said Ordinance be further considered for final passage and adoption at a meeting of the Borough Council to be held on the 14th day of December 2009, at the Municipal Building in the Borough of Wanaque at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance; and **BE IT FURTHER RESOLVED** that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

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

**Introduction of Ord. #26-0-09:**

Re: Bond Ordinance – Water Improvements - Melrose Avenue and Furnace Avenue

On entertainment of the Mayor, Councilmen Theoharous and Pasquariello moved that Ordinance #26-0-09 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: **BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER SUPPLY AND DISTRIBUTION SYSTEM (MELROSE AVENUE AND FURNACE AVENUE) IN AND BY THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$120,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$120,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

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

**BE IT RESOLVED** that an Ordinance entitled: **BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER SUPPLY AND DISTRIBUTION SYSTEM (MELROSE AVENUE AND FURNACE AVENUE) IN AND BY THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$120,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$120,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION** pass first reading, and that said Ordinance be further considered for final passage and adoption at a meeting of the Borough Council to be held on the 14th day of December 2009, at the Municipal Building in the Borough of Wanaque at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance; and  
**BE IT FURTHER RESOLVED** that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

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

**Introduction of Ord. #27-0-09:**

Re: Amend Chapter 91 – Sewers to establish Rates and Rules and Regulations

On entertainment of the Mayor, Councilmen Pasquariello and O’Connell moved that Ordinance #26-0-09 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 91, “SEWERS”, TO ESTABLISH REGULATIONS FOR THE SEWER UTILITY AND RATES, AND AUTHORIZING PUBLICATION BY REFERENCE.**

On entertainment of the Mayor, Councilmen Pasquariello and O’Connell moved that,

**BE IT RESOLVED** that an Ordinance entitled: **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 91, “SEWERS”, TO ESTABLISH REGULATIONS FOR THE SEWER UTILITY AND RATES, AND AUTHORIZING PUBLICATION BY REFERENCE** pass first reading, and that said Ordinance be further considered for final passage and adoption at a meeting of the Borough Council to be held on the 14th day of December 2009, at the Municipal Building in the Borough of Wanaque at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance; and  
**BE IT FURTHER RESOLVED** that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

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

**COMMITTEE REPORTS:** (Work Meeting)

**PUBLIC DISCUSSION:**

The Mayor opened the Public Discussion.

Christine Meakem, 215 Meadowbrook Avenue, Wanaque said has the lease been signed for the Pulte

building.

The Borough Administrator said it is to be signed tomorrow and Social Services is to agree to it.

Christine Meakem said I received the cost analysis but I am disappointed in the report. The cost is three hundred thousand dollars for Rainbow Valley Lake for ten years which is thirty thousand dollars a year for the taxpayers to cover extra expenses for real estate. The school revenues is fourteen thousand dollars off the tax rolls. The purchase of real estate is nine thousand dollars and can't meet the four percent waivers. We can't be in the real estate business. The Bonds supposedly can't be paid off early but the information given is you can pay the bonds early per the bond examination schedule. The bonds that are outstanding you should tie them into the schedule. The capital surplus information that was requested I did not receive it yet in the email for asset, revenue and general ledger money.

The Borough Administrator said that shows on the annual financial statement. The balance sheet per say. Christine Meakem said can I get a copy of the annual financial statement, capital surplus information and aminazation schedule.

The Borough Administrator said yes.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque said there may be an April referendum for the school does that come before the Mayor and Council and the swine flu vaccine is there an information update.

The Borough Administrator said no that's the school board. There are clinics when we receive the vaccine and the groups next in line will receive them.

Grace Maiello said three out of my four grandchildren have the flu and one has pneumonia.

Dave DaSilva, 108 Monroe Street, Haskell said what is the status regarding the Brown and Chemical notification letter.

The Borough Administrator said notification was sent out and there is no contamination on Second Avenue.

Dave DaSilva said it says that the property is of seven acres can you request the information for us.

The Borough Administrator said yes.

Dave DaSilva said what is the status of the flooding by Arrow Group Industries.

The Borough Administrator said we met with them. There is a grant available and we need to do a request for proposal and then it will go out soon.

Dave DaSilva said they did put leaders on and it has helped. What is the Valley View project status.

The Borough Administrator said we were informed it is going to foreclosure and we will get in touch with the bank.

Dave DaSilva said the road is a mess and the site also and the sign is still blowing around.

The Borough Administrator said the bank is foreclosing and the maintenance oneous is on them. Hopefully the site plan area will have a developer attracted to it.

The Mayor said the bank is to foreclose on it and get a developer in but it could be a year or two before something happens.

The Borough Attorney said the bankruptcy would escalate the plans possibly.

The Borough Administrator said we'll do some research.

Dave DaSilva said what is the status of US Aluminum.

The Borough Administrator said we're still waiting to hear from the DEP and monitoring what's going on and coming up with remediating some sites.

The Borough Attorney said there was a letter from April 29th and the DEP is in the process of going forward.

Dave DaSilva said what is the remediation on the property.

The Borough Administrator said we have copies and Sorgi has it also. The contamination level is not significant and they brought in a consultant.

Dave DaSilva said what is the requirement to let people within two hundred feet know what is going on.

The Borough Administrator said that have to notify them.

Dave DaSilva said what is the status of the Rhinesmith property.

The Borough Administrator said there is nothing yet.

Dave DaSilva said did the grass get cut.

The Borough Administrator said yes.

Dave DaSilva said what is the status of 815 Ringwood Avenue.

The Borough Attorney said we received a letter from the State Division of Alcoholic Beverage Control and there is no license there.

Dave DaSilva said what are the amounts on Bond Ordinances.

The Borough Administrator said sixty five thousand one hundred dollars and two cents for capital surplus.

Dave DaSilva said how much of the pilot money gets applied back to the town.

The Borough Administrator said there is a service charge amount that gets billed the fourth quarter minus the land payments.

Dave DaSilva said is that number reflected in the budget, paying land tax for the undeveloped land.

The Borough Administrator said the taxes are being received from those properties.

Dave DaSilva said how long is the agreement for.

The Borough Administrator said beginning October 2010 for fifteen years.

Dave DaSilva said the tax appraisal for the property off hand. Regarding the Board of Adjustment and Planning Board if there is no meeting there is no payment to them.

The Borough Administrator said correct.

Sandy Lawson, 28 Haskell Avenue, Haskell said where the Valley View project is something should be put there. There were units of housing that have been planned since it began and there was blasting and the property started development. The Ordinances there are give waivers and we should have a good developer come in.

### **The Mayor closed the Public Discussion.**

### **CONSENT AGENDA:**

Four (4) Applications for Raffle Licenses:

Re: 1) Wanaque School PTA – RA:724 and RA:725, 2) Lakeland Lancer Diamond Club – RA:726 and 3) Saint Francis Home Association – RA:727

Application for Tow Truck License:

Re: Roberto's Auto Body, 14 Haskell Avenue, Haskell

Payment to County of Passaic:

Re: 4th Quarter Taxes for the Year 2009 in the amount of \$1,688,864.62

Payment to County of Passaic:

Re: Open Space Taxes for the 4th Quarter Year 2009 in the amount of \$34,515.85

Payment to County of Passaic:

Re: Added Assessment Taxes and Open Space Taxes in the amount of \$18,474.56

### **Resolution #169-0-09:**

Re: Payment to Applied Landscape Technologies for final payment and retainage in the amount of \$31,832.81

**BE IT RESOLVED** that the final payment and retainage be paid to Applied Landscape Technologies, 145 River Road, Montville, New Jersey in the amount of \$31,832.81, providing all punch list items are completed.

### **Resolution #170-0-09:**

Re: Redemption of Tax Sale Certificate #08-00190 for Block 236, Lot 11 to Dennis Moeller for \$1,712.18



**WHEREAS**, a Tax Sale was held for 2008 delinquent Municipal charges on September 30, 2009, and  
**WHEREAS**, Dennis Moeller was the successful bidder for Block 236 Lot 11 for which Tax Sale Certificate #08-00187 was assigned, and  
**WHEREAS**, the property owner has redeemed said certificate of which funds have been deposited into the Current Account.  
**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer shall refund to the lien holder the amount of \$1,712.18 as per the certification of the Tax Collector.

**Resolution #171-0-09:**

Re: Refund of overpayment of 2009 4th Quarter Tax for Veteran deduction for Block 406, Lot 19 in the amount of \$250.00

**WHEREAS**, there exists a tax overpayment on the property listed herein for the fourth quarter of 2009 due to a Veterans Deduction:

BLOCK LOT AMOUNT  
406 19 \$250.00

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

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer shall refund a total of \$250.00 as per the certification of the Tax Collector.

**Resolution #172-0-09:**

Re: Redemption of Tax Sale Certificate #08-00190 for Block 272, Lot 7 to R. Rothman in the amount of \$8,422.16

**WHEREAS**, a Tax Sale was held for 2008 delinquent Municipal charges on September 30, 2009, and  
**WHEREAS**, R. Rothman was the successful bidder for Block 272 Lot 7 for which Tax Sale Certificate #08-00190 was assigned, and  
**WHEREAS**, the property owner 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 \$8,422.16 as per the certification of the Tax Collector.

**Resolution #173-0-09:**

Re: Appointment of Part-Time Telecommunications Operator Jay Hardy, 140 Long Pond Road, Hewitt effective immediately

**BE IT RESOLVED** that Jay Hardy, 140 Long Pond Road, Hewitt be and he is hereby appointed as a Part Time Public Safety Telecommunicator effective immediately at minimum wage during training and \$17.82 per hour after training is complete.

**Resolution #174-0-09:**

Re: Appointment of Part-Time Telecommunications Operator Luke Krol, 9 Ferndale Place, Pompton Plains effective immediately

**BE IT RESOLVED** that Luke Krol, 9 Ferndale Place, Pompton Plains be and he is hereby appointed as a Part Time Public Safety Telecommunicator effective immediately at minimum wage during training and \$17.82 per hour after training is complete.

**Resolution #175-0-09:**

Re: Final Payment – Mike Fitzpatrick and Son – Booster Station Rebuild – Payment #5 - \$30,279.06 and

Payment #6 - \$14,490.30

**Resolution #176-0-09:**

Re: Approve Civil Service Titles of Public Works Repairer for Robert Leto, James Spratt and Charles Gritmon (no change in salary)

**BE IT RESOLVED** that in accordance with the New Jersey Civil Service Commission Certification of Eligibles for Appointment #PL091486 that Robert Leto, James Spratt and Charles Gritmon be and are hereby appointed as Public Works Repairers, effective November 9, 2009 with no change in salary.

**Resolution #177-0-09:**

Re: Current Estimate No. 1 and Final and Change Order No. 1 – A.J.M. Contractors, Inc. – 2009 Road Program in the amount of \$76,875.53

**BE IT RESOLVED** that payment be made to A.J.M. Contractors, Inc. for the 2009 Road Program approving Current Estimate No. 1 and Final and Change Order No. 1 in the amount of \$76,875.53 in accordance with the Borough Engineers letter dated November 2, 2009.

**Resolution #178-0-09:**

Re: Budgetary Transfers

Be It Resolved By the Mayor & Council of the Borough of Wanaque that the following inter-appropriation transfers affecting the year 2009 Local Municipal Budget be approved;

Be It Further Resolved That the proper Borough Officers are hereby directed to enter the said transfers on the financial records of the Borough:

FROM TO

9-CU-01-099-127 \$16,000.00 9-CU-01-124-264 \$16,000.00  
Police S&W Police O.E.

9-CU-01-117-282 \$ 1,000.00 9-CU-01-105-212 \$ 1,000.00  
Public Bldg O.E. Data Processing

9-CU-01-117-282 \$ 5,000.00 9-CU-01-111-276 \$ 5,000.00  
Public Bldg O.E. Legal

9-CU-01-099-142 \$ 6,500.00 9-CU-01-122-398 \$ 6,500.00  
CCO S&W Unemployment Ins.

9-CU-01-099-142 \$ 2,400.00 9-CU-01-099-145 \$ 2,400.00  
CCO S&W Plumbing S&W

9-CU-01-099-107 \$10,000.00 9-CU-01-099-134 \$10,000.00  
Tax Assessor S&W Bd of Health S&W

9-CU-01-104-221 \$ 1,000.00 9-CU-01-138-328 \$ 1,000.00  
Munic Clerk O.E. Golden Age Club

9-CU-01-104-221 \$ 2,500.00 9-CU-01-101-299 \$ 2,500.00  
Munic Clerk O.E. Admin O.E.

9-CU-01-117-299 \$2,500.00 9-CU-01-203-244 \$ 2,500.00

Public Bldg. O.E. Sewer Fees

2010 Re-Organization Meeting Date  
January 4, 2010 at 7:00 P.M.

Two (2) Applications to Amend Raffle Licenses – West Milford Midget Football Association – RL:710 and RL:711

**Resolution #179-0-09:**

Re: Authorize a Two Year Contract with Metropolitan Life for Dental Contract

**BE IT RESOLVED** that the Mayor and Borough Clerk be and are hereby authorized and directed to execute an agreement with the Metropolitan Life Insurance Company for the period of January 1, 2010 – December 31, 2011 at the following monthly rates:

Single \$ 40.57

Parent & Child \$ 84.54

Husband & Wife \$ 82.11

Family \$143.21

**Resolution #180-0-09:**

Re: Refund of Tax overpayment for 2009 4th Quarter in the amount of \$7,228.04 for Block 448, Lot 16.01 as a result of a County Tax Judgment

**WHEREAS**, there exist a tax overpayment on the property listed herein for the fourth quarter of 2009 as a result of a County Tax Court Judgment:

BLOCK LOT AMOUNT

448 16.01 \$7,228.04

**WHEREAS**, the owners have requested a refund of said overpayments;

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer shall refund a total of \$7,228.04 as per the certification of the Tax Collector.

**Resolution #181-0-09:**

Re: Refund of Tax overpayment for 2009 4th Quarter in the amount of \$2,977.04 for Block 313.03, Lot 1.11

**WHEREAS**, there exist a tax overpayment on the property listed herein for the fourth quarter of 2009:

BLOCK LOT AMOUNT

313.03 1.11 \$2,977.04

**WHEREAS**, the owners have requested a refund of said overpayments;

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer shall refund a total of \$2,977.04 as per the certification of the Tax Collector.

**Resolution #182-0-09:**

Re: Effectuate the redemption of Tax Title Lien #08-00194 for Block 432, Lot 36 Which was acquired by Wanaque Borough at the Tax Sale held on September 30, 2009

**WHEREAS**, the Borough of Wanaque is the holder of Tax Sale Certificate #08-00194 for Block 432 Lot 36, acquired at a tax sale held September 30, 2009, and

**WHEREAS**, the property owner has requested to redeem said certificate for which funds have been deposited into the Current Account.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor & Council members do hereby authorize the redemption of said tax sale certificate.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized and empowered, to make, execute and deliver any and all documents, which may be necessary or desired to effectuate the redemption.

**Resolution #183-0-09:**

Re: Redemption of Tax Sale Certificate #08-00182 for Block 254, Lot 8 to US Bank Cust/Sass Muni V dtr in the amount of \$20,087.73

**WHEREAS**, a Tax Sale was held for 2008 delinquent Municipal charges on September 30, 2009, and

**WHEREAS**, US Bank-Cust/Sass Muni V dtr was the successful bidder for Block 254 Lot 8 for which Tax Sale Certificate #08-00182 was assigned, and

**WHEREAS**, the property owner 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 \$20,087.73 as per the certification of the Tax Collector.

On entertainment of the Mayor, Councilmen Pasquariello and O'Connell 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 NONE.
2. Police Department Report - NONE.
3. Tax Collector's Report for October 2009 NONE.
4. Municipal Court Report for October 2009
5. Welfare Report for October 2009 - NONE.

On entertainment of the Mayor, Councilmen Pasquariello and Theoharous 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.**

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**Daniel Mahler**  
**Mayor**

Administrator:

Engineer:

Attorney:

**COMMUNICATIONS:**

**Letter from John DiMeglio:**

Re: Resignation from the Planning Board effective December 1, 2009

On entertainment of the Mayor, Councilman Pasquariello and Councilwoman Cisco move a motion to accept the letter of resignation.

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

**NEW BUSINESS:**

**Closed Session:**

Re: Litigation / Negotiation / Personnel

Held prior to the meeting.

**UNFINISHED BUSINESS:** None.

**RESOLUTIONS:**

**Resolution #184-0-09:**

Re: Extension of Employment Agreement – John Reno, Chief of Police

On entertainment of the Mayor, Councilmen Theoharous and O'Connell moved that,  
**BE IT RESOLVED** that the employment agreement between the Borough of Wanaque and John W. Reno, Chief of Police, for the period of January 1, 2008 through December 31, 2009 be and is hereby extended for a period of five (5) years, terminating on December 31, 2014.

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

**Resolution #185-0-09:**

Re: Highlands Conformance Plan

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

**SUBMISSION OF PETITION FOR PLAN CONFORMANCE TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL FOR LAND IN THE PRESERVATION AREA AND IN THE PLANNING AREA**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highland Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and  
**WHEREAS**, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

**WHEREAS**, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, or September 8, 2008, each municipality located wholly or partially in the Preservation Area shall submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

**WHEREAS**, Section 13:20-15.a, of the Highlands Act states that for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan, and:

**WHEREAS**, Borough of Wanaque is located in the Highlands Region with lands lying within the both the Preservation Area and Planning Area, as defined by section 7 of the Highlands Act; and

**WHEREAS**, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

**WHEREAS**, the Highlands Council's Plan Conformance Guidelines require that a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009 for Preservation Area lands, which includes a comprehensive package of draft planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines; and

**WHEREAS**, in accordance with the Highlands Act and Plan Conformance Guidelines, the Highlands Council shall consider a Petition for Plan Conformance, and accept, reject or accept with conditions, a Petition for Plan Conformance, as it deems appropriate, to conform them to the Regional Master Plan; and

**WHEREAS**, since Plan Conformance by the municipality is strictly voluntary for lands in the Planning Area, Borough of Wanaque may at any time voluntarily revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the Regional Master Plan; and

**WHEREAS**, at any time during the Plan Conformance process, Borough of Wanaque may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area, and any approvals, rejections or approvals with conditions of the revised municipal master plan and development regulations recommended by the Highlands Council during the Plan Conformance process will not be binding on Borough of Wanaque as they relate to the development and use of land in the Planning Area; and

**WHEREAS**, should Borough of Wanaque choose to conform its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, with the Regional Master Plan and Plan Conformance Guidelines, in accordance with a decision of the Highlands Council, Borough of Wanaque is required under the Highlands Act to enact an ordinance setting forth such intention; and

**WHEREAS**, upon application of Borough of Wanaque into the Plan Conformance Grant Program, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to Borough of Wanaque for the reasonable costs associated with the revisions of the master plan, development regulations or other regulations, as applicable to the development and use of land in the Preservation Area and the Planning Area, which are designed to bring those plans and regulations into conformance with the Regional Master Plan; and

**WHEREAS**, the Highlands Council shall make grant funds available for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and shall also make available grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council; and

**WHEREAS**, should Borough of Wanaque formally withdraw from the Plan Conformance process with regard to the Planning Area, grant funding awarded to Borough of Wanaque up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Wanaque hereby submits this Petition for Plan Conformance to the Highlands Council, as it relates to the development and use of land for the entire municipality, in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines; and

**BE IT FURTHER RESOLVED**, should Borough of Wanaque choose to conform its master plan, development regulations, and other regulations, as they relate to the development and use of land in the Planning Area, with the Highlands Regional Master Plan in accordance with the Highlands Council's decision regarding a Petition for Plan Conformance, Borough of Wanaque shall enact an ordinance setting forth such intention, as required by the Highlands Act.

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

**Resolution #186-0-09:**

Re: Award Bid – Garbage Disposal (Tentative)

Held.

**Resolution #187-0-09:**

Re: Green Acres Enabling Resolution – Memorial Field Lights

On entertainment of the Mayor, Councilmen Pasquariello and O'Connell moved that,

**WHEREAS**, the New Jersey Department of Environmental Protection Green Acres Program, provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Borough of Wanaque desires to further the public interest by obtaining a loan of \$275,000 from the State to fund the following projects:

Replacement of lights at Memorial Field

**NOW, THEREFORE**, the governing body resolves that Daniel Mahler or the successor to the office of Mayor is hereby authorized to:

- a) Make application for such a loan and/or such grant
- b) Provide additional application information and furnish such documents as may be required.
- c) Act as the authorized correspondent of the above named applicant, and

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Wanaque:

1. That the Mayor of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State know as Replacement of lights at Memorial Field, and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$ N/A.
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

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

**Resolution #188-0-09:**

Re: Capital Budget Amendment

On entertainment of the Mayor, Councilmen Pasquariello and O'Connell moved that,

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

**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 PREPAID \$ 19,926.22  
CURRENT 2009 1,158,650.51  
WATER OPERATING PREPAID 471.90  
WATER OPERATING 2009 88,445.69  
GENERAL CAPITAL 182,105.63  
ANIMAL TRUST 78.13  
ESCROW 2,889.80  
PUBLIC ASSISTANCE 16,692.20  
UNEMPLOYMENT/DISABILITY 233.03  
RECYCLING TRUST 5,616.68  
RECREATION TRUST 1,865.00  
WATER CAPITAL 20,000.00  
OTHER TRUST 223,994.26  
ASSESSMENT TRUST 30,852.68  
OPEN SPACE TRUST 228,750.00  
PUBLIC ASSISTANCE I & II 427.65  
FLEX SPENDING 250.00  
TOTAL VOUCHERS \$1,975,412.70

**On roll call, all voted yes, and the Mayor declared the resolution adopted and forthwith approved it.  
APPROVED: November 9, 2009**

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**Daniel Mahler**  
**Mayor**

Payrolls:

Councilmen Pettet and O'Connell moved a resolution approving the following payrolls:

Payroll #20 p/e 10/06/09 \$200,003.91

Payroll #21 p/e 10/20/09 \$200,900.59

Payroll #22 p/e 11/03/09 \$189,993.52

Payroll Total \$590,898.02

GRAND TOTAL \$2,566,310.72



**On roll call, all voted yes, and the Mayor declared the resolution adopted and forthwith approved it.  
APPROVED: November 9, 2009**

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**Daniel Mahler**  
**Mayor**

**NEW BUSINESS:**

**Closed Session:**  
Re: Negotiations / Personnel / Litigation

Held prior to the meeting.

**ADJOURNMENT:**

On entertainment of the Mayor, Councilmen Pasquariello and O'Connell moved a motion to adjourn the meeting.

On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 9:10 P.M.

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**Katherine J. Falone, RMC, CMC**  
**Municipal Clerk**

# PLANNING BOARD MEETING

## BOROUGH OF WANAQUE

### Regular Meeting November 19, 2009

Meeting called to order by Chairman Gilbert Foulon with a salute to the flag at 8:03pm.

#### ROLL CALL:

Chairman Gilbert Foulon David Slater (arrived 8:04pm)  
Mayor Dan Mahler Eugene Verba  
Vice Chairman Joseph Graceffo (arrived 8:15pm) John Shutte  
Kevin Platt

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Members John DiMeglio, William Rucci and Ed O'Connell

#### READING: Open Public Meeting Announcement

This is a Regular Meeting of the Wanaque Borough Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Trends and the Herald News, mailed on January 16, 2009 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk.

**MINUTES:** from the October 15, 2009 Meeting.

**MOTION TO APPROVE:** made by Member Platt, seconded by Member Shutte, voting yes were Members Mahler, Platt, Slater and Shutte. Chairman Foulon and Member Verba abstained.

**COMMUNICATIONS REPORT:** No questions on correspondence.

**APPLICATIONS STATUS REPORT:** Eng. Cristaldi said he has no new applications to report.

#### HIGHLANDS ACT UPDATE: BOB TESSIER

Bob Tessier: We have gone over the Initial Assessment before, which goes over where you are in relationship to the Highlands. We've completed Modules 1 and 2, which generated the Highlands Municipal Build-Out Report. I am not working on COAH, but I guess the COAH project is proceeding. We have now completed the draft for the Highlands Environmental Resource Inventory, which has been completed with larger detailed maps. We just need to review this with the Borough one more time and then we'll have this available. This is more of a natural resource inventory. It gives you the database and the mapping. The next step has to do with procedure for the Master Plan Element, which is a separate element about the Highlands. The preservation area is mandatory compliance per state statute and the planning area is optional with Resolutions passed by the towns in the Highlands saying they will conform. We need to have some discussion in that process with the Planning Board about the Master Plan Element.

Tom Carroll and I meet with Eileen Schwan to discuss some of the issues that we had when comparing the Borough with the Highlands Plan and how to address them in the draft Master Plan Element. I think this forms the basis for whether or not you completely opt in both the planning and preservation areas. One thing that we talked about was the mapping that they have done, which was included in the Initial Assessment. It is their Land Use Capability Map, which sets the framework later in their regulations for what they allow to be done. It's not zoning, but more of a regulatory overlay. You have large areas that are developed in what they have classified as Lake Community Sub-zones, which is much more restrictive than existing Community Zones. Because of the reservoir area being labeled a "lake community", we spoke to Ms. Schwan about the process to get their map amended to show these areas as Community Zones. They have a two-map amendment process. If based on a factual in the field type condition, like this isn't a lake community, it is just an area which is 1,000 feet below the reservoir, they can do an amendment to the map just with their staff so it doesn't have to go before the Highlands Council and make a big policy change. As part of the Master Plan Element that we are doing, we are recommending and forming some arguments for amending these areas and putting them into the existing Community Zones.

The second item we spoke about was regarding the Town Center designation, which was approved by the State and lapsed over time. The Highlands indicated that we could put that into the Master Plan Element and they would look at considering establishing that same center since they have a Town Center designation. The only thing that would change is some of the areas are now wetlands and will not be developed so some minor boundary changes will have to be made. We also went over the redevelopment areas that you have designated in the community and we went through each one with Ms. Schwan. There is a Highlands' definition for Highlands Redevelopment Area so they also seemed receptive to include those redevelopment areas. They did not see any big impediments so we will be working on that with the Highlands Master Plan Element showing those redevelopment areas and recommending that they consider them.

It is hard to say what, ultimately, the Highlands Staff will do, but, with all the comments and concerns we raised about complying with the Highlands Plan, the staff, at least, seemed positive when we talked to them. We will now try and put those in the Master Plan Element, discuss them with the Borough and you and then when we submit that, we'll see if they actually follow through and make those recommendations. Based on what happens with that, I guess you'll make a policy decision on the next element. The next step after that are all the regulatory resolutions and the land use regulations, copies of which have been given to your legal counsel.

I believe what is driving them to be somewhat flexible in the changes to the maps, the designation of the redevelopment areas, and the Town Center are that you are a developed community for the most part, you are in the urban developed part of the State Master Plan and they want as many municipalities to participate in the planning area, since the preservation area is already mandated by the State.

Mayor Mahler: The wetlands on the map, where exactly is that?

Bob Tessier: I think in the Town Center area you are looking at a new redevelopment area off Union Avenue, and at the edge of the Borough there was a little corner that Tom said was wet. I have not gone out and look.

Mayor Mahler: I wouldn't call it wet. The State has designated there are certain wetlands on property north of Union Avenue. Hiking back there, I don't know what they are talking about. You see a couple of cattails here and there, but it's not a swamp and I think it could have been misclassified.

Bob Tessier: As I said, I have not gone out and look at that yet. I've done a lot of wetlands delineations so I'll know if that is wetlands or not. A lot of people don't recognize what is a wetlands. They are defined by a federal manual and it says that any area where the high water table comes up ten days during the growing season within ten inches of the surface, so you can see soil changes, because that water comes up and you can see vegetation changes and there some hydrology that creates that. You can actually have a piece of property where the water never breaks the surface and it would be considered wetlands. I know the owner of Lafayette Village brought a big piece of property next to that, which was farm/cornfields and there was never water at the surface, but it was just a hydrological condition where it came up close enough and when they went in and actually took soil samples, the whole center part of the field was wetlands so they had to deal with that issue. Typically, cattails can be an indicator that there might be something going on. You may be seeing phragmites, which is the tallest grass and has the plume on the top. It is not a listed species that can be in wetlands or not in wetlands. You can have a bank of these and it will not tell you.

Mayor Mahler: We have to walk that because there is a lot of rock there and it is high. Don't know who or why the area is designated as wetlands.

Bob Tessier: This would have to be addressed at the time of the Master Plan. I will take a look at this for you if you wish.

#### **REDEVELOPMENT PLAN FOR UNION COURT:**

Everyone at the meeting was given a copy of Ordinance #23-0-09 pertaining to the redevelopment of the properties on Union Court, introduced by the Mayor & Council at its Regular Meeting on November 9, 2009.

Mayor Mahler: The Council put forth an Ordinance for a redevelopment zone down off Union Avenue on a street called Union Court. It is a small street adjacent to the entrance of 287 across from Roar of the Crowd (formerly Conrad's) between the highway ramp and Burger King. There are about four or five houses with some vacant land. It is not the road that leads to the recreational facility right next to Burger King. Union Court is a little street before that. Since it is right off the highway, I felt it would be a good location for some time off-highway development such as restaurant or a hotel, no gas station. We contacted the homeowners and we asked them if they wanted to go into the redevelopment zone. If they all said no, there would be no project, but they all agreed to it.

Chairman Foulon questioned Mayor Mahler as to why the Mayor & Council are passing zoning ordinances, especially when the Planning Board is in the middle of doing the Master Plan. Why not wait until the Master Plan is developed. The Mayor advised that this was suppose to be done a year or so ago so they are doing it now.

Member Platt questioned the fact that the reservoir has property in this area. Mayor Mahler advised the developer would have to discuss that with the reservoir as Stop & Shop did.

Atty Veltri: In reviewing the Ordinance tonight, the only thing that caught my eye as the attorney for the Planning Board was in Section 5 subparagraph B. The language says the "Wanaque Planning (I assume they mean Planning Board) shall liberally apply subdivision standards and grant reasonable subdivisions including the redrawing of the lot..." I don't necessarily ever like to see our standard being liberally applied. I think we apply the ordinance fairly and reasonably. If the Board wants that to be the standard, then we'll leave the language, but I would suggest that standard be eliminated from any ordinance. It is an awkward standard for any board or any governmental entity to apply. You apply your ordinances reasonably and fairly. I don't think we

ever apply anything liberally.

Chairman Foulon asked that the section be stricken and the Mayor agreed.

Discussions ensued regarding the total area of this redevelopment, specifically the lots that are included, and about the older map (before highway built) attached to the ordinance. Reference was made to page 2 and 3 of the ordinance listing all the lots and blocks included and excluded, and the fact that Lot 4.02 is excluded (not in area) and is right in the middle of the redevelopment zone. The ordinance, as prepared, is specifically excluding Lot 4.02.

Chairman Foulon directed the Secretary to send a letter to the Mayor & Council, on behalf of the Planning Board, regarding the Ordinance, the attached outdated map and several deficiencies, which should be changed before final adoption.

**OPEN TO PUBLIC DISCUSSION:** None / Closed

**RESOLUTIONS:** None

**VOUCHERS:** None

**MOTION TO ADJOURN AT 8:37 P.M.:** made by Member Slater, seconded by Member Shutte, and carried by a voice vote.

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**Jennifer A. Fiorito**  
**Planning Board Secretary**