REGULAR MEETING JUNE 30, 2016

CAUCUS MEETING

Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Present Robie - Absent

Mayor Mark W. Tomko - Present

Borough Attorney Richard Cedzidlo - Present

Borough Administrator Victor Baginski – Present

Discussion on the Alden Street/Park Row. Councilman Rachelski questioned extras.

Discussion on the Streetscape.

Discussion on the road project for 2016.

Executive Session for discussing Personnel and Litigation by Brunacki, Seconded by Kruk Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

Discussion on the Hathaway Street Payment. Seam is visible. Discussion on the Tax Assessor. No recommendation at this time.

Councilman Rachelski – list of users Resolutions of the usage Usage 2010 - 2016 2013

Discussion on the Gas Usage and Reports from Lodi

REGULAR MEETING

Mayor Mark W. Tomko calls the meeting to order at 7:55p.m.

Flag Salute and Invocation

Mayor Mark W. Tomko reads the Public Meeting Notice pursuant to the Sunshine Law

Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Present Robie - Absent Mayor Mark W. Tomko - Present

Borough Attorney Richard Cedzidlo - Present

HEARING OF CITIZENS

Motion to Open the Meeting to the Hearing of Citizens by Kruk, Seconded By Androwis, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

Ms. Brenda Kapusta of Alden Street asked what can be done with the house next door. Ms. Kapusta complained about the house not being listed properly on the Tax Rolls. Ms. Kapusta stated that the man has a Class A CDL license. What is he doing there on a public dime? Mr. Cedzidlo suggested speaking with Ms. Kapusta.

Ms. Diane Jozefczyk of 109 Pulaski Avenue asked when will the new flood maps be approved? Mr. Baginski tried to explain the FEMA system.

Mr. John Sobczyk of Jordan Avenue stated that he is here to speak about Prime Motors. The Mayor explained about the Sound Booth. Mr. Sobczyk stated that they are putting an addition on the building. That is an Industrial Property. Mr. Melfi stated that he can do a 24 hour operation because it is Industrial. Mr. Sobczyk stated that he is 11 feet off his property line.

Ms. Helena Plaskon of Roehrs Drive asked about providing a pool and Recreation Center. The Mayor stated that he would like to see the same but finances do not allow it. Ms. Plaskon stated that parents are sick of the same thing. The Mayor responded that everything costs money.

Ms. Plaskon made a statement on the swipe card system in the office – it is too small.

Ms. Plaskon asked about emails sent to the Councils and no anwer. The Mayor responded – you called and called.

Ms. Plaskon stated that she does not like people laughing at her. (List of attendees: Monica Kuzniecz, Rebecky, Marty, Pinto, Mrs. Jozefczyk, Carracozza, Kapusta, Milsop, Sobczyk).

Ms. Plaskon stated that Mr. Baginski did not submit her County Committee petition.

Mr. Cedzidlo explained that accusations have been made.

Ms. Plaskon asked to speak to Mr. Androwis about funds for the Hackensack River Clean-up.

The Mayor stated – let's get back to the subject. Mr. Androwis stated – look at this next year.

Mr. Kruk asked about liability for the kids.

Ms. Plaskon stated that the pink flowers are beautiful but the flowers in the Gazebo are too dark.

Ms. Dolores Rebecky asked about Resolution 2016 – 94 Intentionally Left Blank. What does this mean? Mr. Baginski explained.

Motion to Close the Meeting to the Hearing of Citizens by Androwis, Seconded By Kruk,

Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis - Ayes

Robie - Absent

APPROVAL OF MINUTES

Regular Meeting – May 19, 2016

Motion by Kruk, Seconded by Sinisi

Roll Call: Sinisi, Kruk, Rachelski, Androwis – Ayes

Brunacki – Abstain Robie – Absent

COMMUNICATIONS

From: The County of Passaic

Re: Notification of a Pre-Construction Meeting on June 22, 2016

From: Mr. Ruben Valle and Troy A. Steiger of Reservoir Court

Re: A request for the purchase of property

From: The Wallington Emergency Squad

Re: Notification of the acceptance of Maciej Szajwaj and the resignation of Nick Alcuri.

From: Wallington Truck Co. #1

Re: Notification of the resignation of Joseph Scotto Jr. and a thank you from the Truck Co. for the support during the funeral for Firefighter Frank Stetz

From: Wallington Engine Co 202 Re: Notification of the resignation of Stu Stolarz effective July 1st

From: Wallington Hose Co 203

Re: A request to use Centenial Field, Lackawanna and Spring Street to hold a "Strongman Fire

Truck Pull" on October 15

From: Job & Job Engineers

Re: Submission of Payment #3 for the County ADA Barrier Free Curb Ramps, Certificate of Payment # 1 for the State Aid Improvement of Main Street Sect 4, Certificate of Payment # 2 for the State Aid Improvement of Hathaway Street

From: Neglia Engineering

Re: Notification of the Streetscape/Alden Street/Park Row Bid Notice, Submission of Proposals

for the 2016 Municipal Roadway Program and the Solid Waste Bid Specification

From: Bruno Associates, Christopher J. Brown

Re: Notification of the Section 5310 Grant Program and the EPA River/Bay Grants

From: US Federal Energy Regulatory Commission

Re: Notice of intent to file a license application for the Great Falls Hydroelectric Company

From: The Wallington Zoning Board and Planning Board

Re: Submission of their Agendas

From: The State of NJ Dept of Treasury

Re: Notification of Retirement System Fund Changes

From: The NJ Courts

Re: Notification of the Municipal Court Alcohol Education, Rehabilitation and Enforcement

Fund

From: Passaic Valley Water Commission

Re: Submission of the 2016 Laboratory Services Contract

From: Suez Water New Jersey

Re: Notice of a Public Hearing on Water Rate Increases

From: The BC Utilities Authority

Re: Notification of a 2016 Environmental Awareness Challenge Grant

From: Stephen Luty 38 Willow Avenue, Helena Gandesa 218 Hathaway Street and Angela &

Robert Lewis 20 Pulaski Avenue Re: A request for tree removal

From: Betty & Tom Tursick

Re: A Thank you for the Memorial Day Service

From: Mr. Jessica Kosinska

Re: A Thank you for the Youth Civic Award Scholarship

From: Community Development

Re: Updates on requirements and Workshop Dates

From: Bittiger Triolo Tax Attorneys

Re: Submission of updates

From: The State of NJ Department of Health

Re: Submission of the on-Site Consultation Program

From: The State of New Jersey Department of Environmental Protection

Re: Notification of Suspected Substance Discharge at 72 Tuttle Street and 100 Strong Street

From: The Wallington Building Department Re: Submission of the Monthly Report

From: Wells, Jaworski & Liebman, LLP

Re: Updates on the Wallington Real Estate Investment Trust

From: Rosana Da Silva of PUSC

Re: Notification of the PUSC/Rutgers Green Infracture Technical Assistance Program

From: Gary J. Cucchiara, Esq. Special Tax Appeals Attorney

Re: Submission of Tax Appeals

From: John Garcia Construction Co.

Re: Submission of Proposals for Water Main Replacement on Jacob & Franklin and Alden Street

Sewer Replacement

From: HCR & Remediation Inc.

Re: Notification of the Classification Exception Area Biennial Certification

From: The South Bergen Municipal Joint Insurance Fund

Re: Submission of a Renewal

From: The Wallington Board of Education

Re: A Request for a Meeting to discuss finances

From: The Wallington Board of Health

Re: A Request to have Mr. Jon Sontz as the Boards Attorney

From: Mr. Bob Hartman

Re: A Thank you for Re-Naming of Union Blvd. in honor of his Father.

From: Neglia Engineering

Re: Submission of the Monthly Report

Motion to refer the previous Communications to the proper Agencies by Kruk, Seconded by

Brunacki,

Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis - Ayes

Robie - Absent

CONTINUING WITH COMMUNICATIONS

From: Wallington Board of Education

Re: Request # 1 in the amount of \$1,346,663.00

Motion to pay subject to fund availability by Kruk, Seconded by Brunacki,

Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes

Robie - Absent

COMMITTEE REPORTS

COUNCILMAN CHRISTOPHER SINISI

Councilman Sinisi reported that the EMS answered 84 calls and Rescued 23 calls.

Councilman Sinisi reported that the Scuba Team is in the process of re-organizing their Mutual Aid Organization.

Councilman Sinisi reported that the EMS answered 463 calls for the year. 3.5 calls per day for the last 5 months.

Councilman Sinisi reported that Preventative Maintenance is in progress for all Apparatus.

Councilman Sinisi reported that he has met with the 202 Engine Company Truck Committee.

Councilman Sinisi thanked everyone for the funeral of Frank Stetz.

Councilman Sinisi congratulated Stu Stolarz on his retirement.

Councilman Sinisi reported that the Fire Prevention is working on new Ordinances.

Councilman Sinisi reported that the Shade and Tree Committee last meeting was Cancelled. Next meeting needs to be moved to 6:00p.m.

Motion to send a letter to Senator Paul Sarlo supporting S 2107, and to Governor Christie, Assemblyman Schaer, and Assembly Woman Caride by Sinisi, Seconded by Brunacki

Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Robie - Absent

This hurts the volunteers.

Councilman Sinisi reported that the Bridge Closure Pre-construction meeting was attended.

Councilman Sinisi advised that the PVSC/Rutgers meeting will take place once Mr. Baginski returns from vacation.

COUNCILMAN ROMAN KRUK

Buildings and Grounds

Councilman Kruk reported that the Building and Grounds meeting last night was most attended. Several issues have been brought up for the Capital Improvements Projects.

Recreation

Councilman Kruk reported that the girls won 4-2 tonight. They are the District Champions. Summer Recreation Program continues to grow up. We have a record of 215 children. We need more funding for the Counselors and equipment. The County has assisted with this. As the program continues, next year poses other issues.

COUNCILMAN JOSEPH BRUNACKI

Councilman Brunacki reported that the Police Department handled 811 incidents last month. The Accreditations are ongoing. New Vehicles are in. Carbines will be ordered soon.

Councilman Brunacki reported that the Recreation Department is looking for a Summer Band to play in August.

COUNCILMAN EUGENE RACHELSKI

Councilman Rachelski reported that the DPW Department answered 22 EMS calls.

Councilman Rachelski reported that the DPW Department performed the following last month: General Maintenance; Clean-ups; Grass Cutting Continues; 125 Utility Mark outs.

Councilman Rachelski reported the following on-going projects: Meter replacement; Centennial Field.

Councilman Rachelski reported the Over Time was most related to Memorial Day Parade. Councilman Rachelski advise that they are still awaiting formal training for Ray Dynes.

Code Enforcement

Councilman Rachelski reported that several tickets have been issued.

Councilman Rachelski reported that the parking Sticker Project will be restarted and back on track.

Councilman Rachelski reported that the Capital Improvements and Recreation Budgets have not been cut.

COUNCILWOMAN SHARON ROBIE

No report - Absent

COUNCILMAN KHALDOUN ANDROWIS

Councilman Androwis stated that he does not have much to say about the finance. The budget passed last month with a zero increase for the town.

Councilman Androwis reported that the Passaic Valley increased the water rate by 5% but the governing body was able to move some of the Salaries to other line items. The Budget Surplus in the Water will be used next year.

Councilman Androwis advised that the Capital Improvement will continue. It will be prioritized.

MAYOR'S REPORT

The Mayor stated that this is what it is about working together. The Mayor reported that he met with the County Executive about the Wallington Avenue traffic issues and the Bridge Closing. We need to make sure that the traffic stays on Rt. 21.

The Mayor reported that he had the opportunity to speak with the Regional Governor Representative about the School Funding. Wallington would see a 191% increase in funding. The neighboring towns have been enjoying most of the funding. The money needs to come back to the small towns. The Mayor and Council will stay on top of this.

The Mayor reported that he also met with a neighboring town official about a Bounty Program issuing a credit to the people.

The Mayor reported that he received a letter from the Popek Family about naming a street for David.

Library

The Mayor reported that there was an issue with the contractor about the Roof.

The Mayor reported that while he was in Pennsylvania last week, he saw people making donations from people for Banners for home town heroes. To see it, it is a fine tribute to the service men.

The Mayor made some remarks to the Newspaper, the Photo coverage is less than desirable. Nothing – in Garfield someone blows their note – a picture. Frankly, the reporting is good but no pictures. You Grin and Bear it, but don't insult the Borough. The Mayor advised that he will contact the Gazette.

ATTORNEY'S REPORT

Mr. Cedzidlo made one Personnel Comment, I served with Carl in Bergen County.

RESOLUTIONS

The following Resolutions can be approved "En Mass" by Consent Agenda. These items are either routine in nature (i.e. raffle license, payment of bills, etc.) or discussed and unanimously approved in the Work Session meeting.

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 –79

RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S. 40a:4-87 (Chapter 159, P.K. 1948)

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county of municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREA, Said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Wallington hereby requests the Director of the Division of Local Government Services to approve the insertion of any item of revenue in the budget of the year 2016 in the sum of \$22,772.28 which item is now available as a revenue from the Reimbursement for expenses incurred by 2016 CLEAN COMMUNITIES received from the State of New Jersey.

SECTION 2

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$22,722.28 be and the same is hereby appropriated under the caption of:

CURRENT FUND \$22,722.28

BE IT FURTHER RESOLVED, that the above is the result of funds available

Under said program to the Borough of Wallington for the year 2016.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie - Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 – 80

WHEREAS, THE BOROUGH OF WALLINGTON received payment from Wells Fargo Bank to redeem Tax Sale Certificate Number 14-003 2013; 119 Halstead Avenue, Wallington, New Jersey, Block 25, Lot 10, in the amount of \$20,242.81.

WHEREAS, Tax Sale Certificate Number #14-003 2013 is held by US Bank Cust/PC4 FIRSTRUST (Third Party Lien Holder), and,

WHEREAS, the Third Party Lien Holder, US Bank Cust/PC4 FIRSTRUST paid a premium in the amount of \$14,000.00 for Tax Sale Certificate Number 14-003 2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough

of Wallington, that the Redemption be approved in the amount of \$34,242.81(\$20,242.81 Tax Title Lien Redemption and \$14,000.00 Premium). The Borough Treasurer will issue a check made payable to: US Bank Cust/PC4 FIRSTRUST in the amount of \$34,242.81 and the Tax Collector shall adjust her books accordingly.

The payment should be mailed to: US Bank Cust/PC4 FIRSTRUST, 50 S 16th Street, Suite 2, Philadelphia, PA 19102.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 – 81

WHEREAS, THE BOROUGH OF WALLINGTON received payment from Quicken Loans to redeem Tax Sale Certificate Number 15-004 2014; 21 Bond Street, Wallington, New Jersey, Block 33, Lot 9, in the amount of \$6,407.50.

WHEREAS, Tax Sale Certificate Number #15-004 2014 is held by US Bank Cust/BV002 TRUST & CREDIT (Third Party Lien Holder), and,

WHEREAS, the Third Party Lien Holder US Bank Cust/BV002 TRUST & CREDIT paid a premium in the amount of \$1,900.00 for Tax Sale Certificate Number 15-004 2014.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Wallington, that the Redemption be approved in the amount of \$8,307.50(\$6,407.50 Tax Title Lien Redemption and \$1,900.00 Premium). The Borough Treasurer will issue a check made payable to: US Bank Cust/BV002 TRUST & CREDIT in the amount of \$8,307.50 and the Tax Collector shall adjust her books accordingly.

The payment should be mailed to: US Bank Cust/US Bank Cust/BV002 TRUST & CREDIT, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 – 82

GRANTEE AUTHORIZING RESOLUTION

BE IT RESOLVED, that the Mayor and Council of Borough of Wallington wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$27,176.00 matching grant award from the 2015 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled Mount Pleasant Playground Improvement Phase I located in on the tax maps of the Borough of Wallington;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Witold T. Baginski to be a signatory to the aforesaid Contract; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about May 18, 2018; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements. This resolution was adopted by the Mayor and Council of Borough of Wallington at a meeting on **June 30, 2016**.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 - 83

RESOLUTION AUTHORIZING THE SETTLEMENT OF A TAX APPEAL AND AUTHORIZING THE EXECUTION AND DELIVERY OF A STIPULATION OF SETTLEMENT TO BE FILED WITH THE TAX COURT OF NEW JERSEY

WHEREAS, 85 Midland Avenue, LLC. has filed a tax appeal with respect to the assessed valuation of the real property commonly known as 85 Midland Avenue, Block 71, Lot 10, located within the Borough of Wallington; and

WHEREAS, the Mayor and Council of the Borough of Wallington, County of Bergen, has determined that it is in the best interest of the citizens of the Borough of Wallington to enter into a settlement agreement in full and final settlement of the tax appeal filed by 85 Midland Avenue, LLC.; and

WHEREAS, the Mayor and Council has received the advice of its Special Tax Counsel with respect to this tax appeal. The Special Tax Counsel for the Borough of Wallington has represented that he has made such examination of the value and proper assessment of the property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the property as he deemed necessary and appropriate for the purpose of enabling him to enter into this Stipulation and to fairly advise the Mayor and Council of the Borough of Wallington of the consequences of the settlement and the possible outcomes if the appeal proceeded to trial. The Special Tax Counsel for the Borough of Wallington also represented that he consulted with the assessor of the Borough of Wallington and that he has concurred with the settlement;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Wallington does hereby make the following findings:

- a) that it is in the best interest of the Borough of Wallington to reach an economic and businesslike resolution of the tax appeal for calendar years 2014 and 2015 filed by 85 Midland Avenue, LLC. with respect to the real property located at 85 Midland Avenue, Block 71, Lot 10, Wallington, New Jersey;
- b) that the proposed settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law;

- c) the terms of the tax appeal filed by 85 Midland Avenue, LLC . that the Mayor and Council is authorizing its counsel to settle are as follows:
- 1. For tax year 2014, the original assessment was Land \$234,400.00; Improvements \$176,900.00 for a total assessment of \$420,300.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2014 as follows: Land \$234,400.00; Improvements \$176,900.00; for a total of \$420,300.00.
 - 2. For tax year 2015, the original assessment was Land \$234,400.00; Improvements \$176,900.00 for a total assessment of \$420,300.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2014 as follows: Land \$234,400.00; Improvements \$165,600.00; for a total of \$400,000.00.
- d) Statutory interest having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment.
- e) Gary Cucchiara, Esq. is hereby directed to enter into the Stipulation of Settlement which he reviewed with the Mayor and Council of the Borough of Wallington pertaining to this matter and that he cause the same to be filed with the Tax Court of New Jersey.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 - 84

RESOLUTION AUTHORIZING THE SETTLEMENT OF A TAX APPEAL AND AUTHORIZING THE EXECUTION AND DELIVERY OF A STIPULATION OF SETTLEMENT TO BE FILED WITH THE TAX COURT OF NEW JERSEY

WHEREAS, 77 Midland Avenue, LLC. has filed a tax appeal with respect to the assessed valuation of the real property commonly known as 77 Midland Avenue, Block 71, Lot 7, located within the Borough of Wallington; and

WHEREAS, the Mayor and Council of the Borough of Wallington, County of Bergen, has determined that it is in the best interest of the citizens of the Borough of Wallington to enter into a settlement agreement in full and final settlement of the tax appeal filed by 77 Midland Avenue, LLC.; and

WHEREAS, the Mayor and Council has received the advice of its Special Tax Counsel with respect to this tax appeal. The Special Tax Counsel for the Borough of Wallington has represented that he has made such examination of the value and proper assessment of the property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the property as he deemed necessary and appropriate for the purpose of enabling him to enter into this Stipulation and to fairly advise the Mayor and Council of the Borough of Wallington of the consequences of the settlement and the possible outcomes if the appeal proceeded to trial. The Special Tax Counsel for the Borough of Wallington also represented that he consulted with the assessor of the Borough of Wallington and that he has concurred with the settlement:

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Wallington does hereby make the following findings:

- a) that it is in the best interest of the Borough of Wallington to reach an economic and businesslike resolution of the tax appeal for calendar years 2012 and 2013 filed by 77 Midland Avenue, LLC. with respect to the real property located at 77 Midland Avenue, Block 71, Lot 7, Wallington, New Jersey;
- b) that the proposed settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law;
- c) the terms of the tax appeal filed by 77 Midland Avenue, LLC . that the Mayor and Council is authorizing its counsel to settle are as follows:
- 1. For tax year 2012, the original assessment was Land \$212,400.00; Improvements \$182,00.00 for a total assessment of \$394,400.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2012 as follows: Land \$212,400.00; Improvements \$172,600.00; for a total of \$385,000.00.
 - 2. For tax year 2013, the original assessment was Land \$212,400.00; Improvements \$182,000.00 for a total assessment of \$394,400.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2013 as follows: Land \$212,400.00; Improvements \$172,600.00; for a total of \$385,000.00.
- d) Statutory interest having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment.
- e) Gary Cucchiara, Esq. is hereby directed to enter into the Stipulation of Settlement which he reviewed with the Mayor and Council of the

Borough of Wallington pertaining to this matter and that he cause the same to be filed with the Tax Court of New Jersey.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 - 85

RESOLUTION AUTHORIZING THE SETTLEMENT OF A TAX APPEAL AND AUTHORIZING THE EXECUTION AND DELIVERY OF A STIPULATION OF SETTLEMENT TO BE FILED WITH THE TAX COURT OF NEW JERSEY

WHEREAS, 79 Midland Avenue, LLC. has filed a tax appeal with respect to the assessed valuation of the real property commonly known as 79 Midland Avenue, Block 71, Lot 8, located within the Borough of Wallington; and

WHEREAS, the Mayor and Council of the Borough of Wallington, County of Bergen, has determined that it is in the best interest of the citizens of the Borough of Wallington to enter into a settlement agreement in full and final settlement of the tax appeal filed by 79 Midland Avenue, LLC.; and

WHEREAS, the Mayor and Council has received the advice of its Special Tax Counsel with respect to this tax appeal. The Special Tax Counsel for the Borough of Wallington has represented that he has made such examination of the value and proper assessment of the property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the property as he deemed necessary and appropriate for the purpose of enabling him to enter into this Stipulation and to fairly advise the Mayor and Council of the Borough of Wallington of the consequences of the settlement and the possible outcomes if the appeal proceeded to trial. The Special Tax Counsel for the Borough of Wallington also represented that he consulted with the assessor of the Borough of Wallington and that he has concurred with the settlement;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Wallington does hereby make the following findings:

a) that it is in the best interest of the Borough of Wallington to reach an economic and businesslike resolution of the tax appeal for calendar years 2012, 2013,2014, and 2015 filed by 79 Midland Avenue,

- LLC. with respect to the real property located at 79 Midland Avenue, Block 71, Lot 8, Wallington, New Jersey;
- b) that the proposed settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law;
- c) the terms of the tax appeal filed by 79 Midland Avenue, LLC . that the Mayor and Council is authorizing its counsel to settle are as follows:
- 1. For tax year 2012, the original assessment was Land \$217,400.00;
 Improvements \$116,100 for a total assessment of
 \$333,500.00. The Tax Counsel for the Borough of
 Wallington is authorized to request a Tax Court Judgment
 for calendar year 2012 as follows: Land \$217,400.00;
 Improvements \$74,200.00; for a total of \$291,600.00
 - 2. For tax year 2013, the original assessment was Land \$217,400.00; Improvements \$116,100.00 for a total assessment of \$333,500.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2013 as follows: Land \$217,400.00; Improvements \$74,200.00; for a total of \$291,600.00.
 - 3. For tax year 2014, the original assessment was Land \$167,900.00; Improvements \$123,700.00 for a total assessment of \$291,600.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2014 as follows: Land \$167,900.00; Improvements \$123,700.00; for a total of \$291,600.00.
 - 4. For tax year 2015, the original assessment was Land \$167,900.00; Improvements \$123,700.00 for a total assessment of \$291,600.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2015 as follows: Land \$167,900.00; Improvements \$123,700.00; for a total of \$291,600.00.

- d) Statutory interest having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment.
- e) Gary Cucchiara, Esq. is hereby directed to enter into the Stipulation of Settlement which he reviewed with the Mayor and Council of the Borough of Wallington pertaining to this matter and that he cause the same to be filed with the Tax Court of New Jersey.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 - 86

RESOLUTION AUTHORIZING THE SETTLEMENT OF A TAX APPEAL AND AUTHORIZING THE EXECUTION AND DELIVERY OF A STIPULATION OF SETTLEMENT TO BE FILED WITH THE TAX COURT OF NEW JERSEY

WHEREAS, 19 Pulaski Avenue, LLC. has filed a tax appeal with respect to the assessed valuation of the real property commonly known as 19 Pulaski Avenue, Block 41, Lot 11, located within the Borough of Wallington; and

WHEREAS, the Mayor and Council of the Borough of Wallington, County of Bergen, has determined that it is in the best interest of the citizens of the Borough of Wallington to enter into a settlement agreement in full and final settlement of the tax appeal filed by 19 Pulaski Avenue, LLC.; and

WHEREAS, the Mayor and Council has received the advice of its Special Tax Counsel with respect to this tax appeal. The Special Tax Counsel for the Borough of Wallington has represented that he has made such examination of the value and proper assessment of the property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the property as he deemed necessary and appropriate for the purpose of enabling him to enter into this Stipulation and to fairly advise the Mayor and Council of the Borough of Wallington of the consequences of the settlement and the possible outcomes if the appeal proceeded to trial. The Special Tax Counsel for the Borough of Wallington also represented that he consulted with the assessor of the Borough of Wallington and that he has concurred with the settlement;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Wallington does hereby make the following findings:

- a) that it is in the best interest of the Borough of Wallington to reach an economic and businesslike resolution of the tax appeal for calendar years 2012 and 2013 filed by 19 Pulaski Avenue, LLC. with respect to the real property located at 19 Pulaski Avenue, Block 41, Lot 11, Wallington, New Jersey;
- b) that the proposed settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law;
 - c) the terms of the tax appeal filed by 19 Pulaski Avenue, LLC. that the Mayor and Council is authorizing its counsel to settle are as follows:
- 1. For tax year 2012, the original assessment was Land \$152,200.00; Improvements \$64,600.00 for a total assessment of \$216,800.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2012 as follows: Land \$152,200.00; Improvements \$30,100.00; for a total of \$182,300.00.
 - 2. For tax year 2013, the original assessment was Land \$152,200.00; Improvements \$16,200.00 for a total assessment of \$168,400.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2013 as follows: Land \$152,200.00; Improvements \$16,200.00; for a total of \$168,400.00.
- d) Statutory interest having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment.
- e) Gary Cucchiara, Esq. is hereby directed to enter into the Stipulation of Settlement which he reviewed with the Mayor and Council of the Borough of Wallington pertaining to this matter and that he cause the same to be filed with the Tax Court of New Jersey.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 - 87

RESOLUTION AUTHORIZING THE SETTLEMENT OF A TAX APPEAL AND AUTHORIZING THE EXECUTION AND DELIVERY OF A STIPULATION OF SETTLEMENT TO BE FILED WITH THE TAX COURT OF NEW JERSEY

WHEREAS, Wargacki, Walter & Barbara has filed a tax appeal with respect to the assessed valuation of the real property commonly known as 115 Reservoir Avenue, Block 65.10, Lot 29.01, located within the Borough of Wallington; and

WHEREAS, the Mayor and Council of the Borough of Wallington, County of Bergen, has determined that it is in the best interest of the citizens of the Borough of Wallington to enter into a settlement agreement in full and final settlement of the tax appeal filed by Wargacki, Walter & Barbara.; and

WHEREAS, the Mayor and Council has received the advice of its Special Tax Counsel with respect to this tax appeal. The Special Tax Counsel for the Borough of Wallington has represented that he has made such examination of the value and proper assessment of the property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the property as he deemed necessary and appropriate for the purpose of enabling him to enter into this Stipulation and to fairly advise the Mayor and Council of the Borough of Wallington of the consequences of the settlement and the possible outcomes if the appeal proceeded to trial. The Special Tax Counsel for the Borough of Wallington also represented that he consulted with the assessor of the Borough of Wallington and that he has concurred with the settlement;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Wallington does hereby make the following findings:

- a) that it is in the best interest of the Borough of Wallington to reach an economic and businesslike resolution of the tax appeal for calendar years 2012,2013 and 2014 filed by Wargacki, Walter & Barbara. with respect to the real property located at 115 Reservoir Avenue, Block 65.10, Lot 29.01, Wallington, New Jersey;
- b) that the proposed settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law;
- c) the terms of the tax appeal filed by Wargacki, Walter & Barbara . that the Mayor and Council is authorizing its counsel to settle are as follows:

- 1. For tax year 2012, the original assessment was Land \$285,000.00; Improvements \$299,200.00 for a total assessment of \$584,200.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2012 as follows: Land \$285,000.00; Improvements \$265,000.00; for a total of \$550,000.00.
 - 2. For tax year 2013, the original assessment was Land \$285,000.00; Improvements \$299,200.00 for a total assessment of \$584,200.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2013 as follows: Land \$285,000.00; Improvements \$265,000.00; for a total of \$550,000.00.
 - 3. For tax year 2014, the original assessment was Land \$250,000.00; Improvements \$259,600.00 for a total assessment of \$509,600.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2014 as follows: Land \$250,000.00; Improvements \$259,600.00; for a total of \$509,600.00
- d) Statutory interest having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment.
- e) Gary Cucchiara, Esq. is hereby directed to enter into the Stipulation of Settlement which he reviewed with the Mayor and Council of the Borough of Wallington pertaining to this matter and that he cause the same to be filed with the Tax Court of New Jersey.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 - 88

RESOLUTION AUTHORIZING THE SETTLEMENT OF A TAX APPEAL AND AUTHORIZING THE EXECUTION AND DELIVERY OF A STIPULATION OF SETTLEMENT TO BE FILED WITH THE TAX COURT OF NEW JERSEY

WHEREAS, 203 Paterson Avenue, LLC. has filed a tax appeal with respect to the assessed valuation of the real property commonly known as 203 Paterson Avenue, Block 49.03, Lot 17, located within the Borough of Wallington; and

WHEREAS, the Mayor and Council of the Borough of Wallington, County of Bergen, has determined that it is in the best interest of the citizens of the Borough of Wallington to enter into a settlement agreement in full and final settlement of the tax appeal filed by 203 Paterson Avenue LLC.; and

WHEREAS, the Mayor and Council has received the advice of its Special Tax Counsel with respect to this tax appeal. The Special Tax Counsel for the Borough of Wallington has represented that he has made such examination of the value and proper assessment of the property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the property as he deemed necessary and appropriate for the purpose of enabling him to enter into this Stipulation and to fairly advise the Mayor and Council of the Borough of Wallington of the consequences of the settlement and the possible outcomes if the appeal proceeded to trial. The Special Tax Counsel for the Borough of Wallington also represented that he consulted with the assessor of the Borough of Wallington and that he has concurred with the settlement:

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Wallington does hereby make the following findings:

- a) that it is in the best interest of the Borough of Wallington to reach an economic and businesslike resolution of the tax appeal for calendar years 2012, 2013,2014,2015 and 2016 filed by 203 Paterson Avenue, LLC. with respect to the real property located at 203 Paterson Avenue, Block 49.03, Lot 17, Wallington, New Jersey;
- b) that the proposed settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law;
- c) the terms of the tax appeal filed by 203 Paterson Avenue, LLC . that the Mayor and Council is authorizing its counsel to settle are as follows:
 - 1. For tax year 2012, the original assessment was Land \$473,300.00; Improvements \$1,029,400.00 for a total assessment of \$1,502,700.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2012 as follows: Land \$473,300.00; Improvements \$926,700.00; for a total of \$1,400,000.000.
 - 2. For tax year 2013, the original assessment was Land \$473,300.00; Improvements \$1,029,400.00 for a total assessment of \$1,502,700.00. The Tax Counsel for the Borough of Wallington

- is authorized to request a Tax Court Judgment for calendar year 2013 as follows: Land \$473,300.00; Improvements \$926,700.00; for a total of \$1,400,000.000.
- 3. For tax year 2014, the original assessment was Land \$468,300.00; Improvements \$806,700.00 for a total assessment of \$1,275,000.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2014 as follows: Land \$468,300.00; Improvements \$806,700.00; for a total of \$1,275,000.00.
- 4. For tax year 2015, the original assessment was Land \$468,300.00; Improvements \$806,700.00 for a total assessment of \$1,275,000.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2015 as follows: Land \$468,300.00; Improvements \$806,700.00; for a total of \$1,275,000.00.
- 5. For tax year 2016, the original assessment was Land \$468,300.00; Improvements \$806,700.00 for a total assessment of \$1,275,000.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2016 as follows: Land \$468,300.00; Improvements \$731,700.00; for a total of \$1,200,000.00.
- d) Statutory interest having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment.
- e) Gary Cucchiara, Esq. is hereby directed to enter into the Stipulation of Settlement which he reviewed with the Mayor and Council of the Borough of Wallington pertaining to this matter and that he cause the same to be filed with the Tax Court of New Jersey.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 – 89

WHEREAS, without a 2016 Certified Tax Rate, the Tax Collector of the Borough of Wallington will be unable to issue 2016 Tax Bills in a timely matter, and,

WHEREAS, the Mayor and Council of the Borough of Wallington has determined that there will be insufficient cash flow to support operations in late July 2016 unless Third Quarter 2016 revenues are received on time, and,

WHEREAS, the Tax Collector, the Borough Clerk/Administrator and the Finance Officer have reviewed and computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.2 and N.J.S.A. 54:4-66.3.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Wallington as follows:

- 1. The Tax Collector of the Borough of Wallington is hereby authorized and directed to prepare and issue tax bills for the Borough of Wallington for the Third Installment of 2016, (August), Property Taxes. The Tax Collector shall proceed and take such actions as are permitted and required by N.J.S.A. 54:4-66.2 and 54:4-66.3.
- 2. The estimated tax levy for 2016 is estimated at \$27,092,670.19.
- 3. The Tax Collector shall take any additional steps necessary to immediately implement this Resolution.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 – 90

RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE SOUTH BERGEN MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Borough of Wallington is a member of the South Bergen Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2016 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

- 1. The Borough of Wallington agrees to renew its membership in the South Bergen Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
- 2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the South Bergen Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 - 91

WHEREAS, an emergency has arisen with respect the sanitary sewer line on Alden Street from Pulaski Avenue to King Street; and

WHEREAS, the Borough Department of Public Works has obtained emergency service certification pertinent to N.J.AC. 5:34-1 et seq. and N.J.S.A. 40A:11-6 et seq. to remedy the emergent condition; and

WHEREAS, John Garcia Construction Co., Inc. of 183 Friar Lane, Clifton, New Jersey was contacted to perform the necessary sanitary sewer line; and

WHEREAS, the Borough Council has reviewed the recommendations made by the Borough Engineer, Borough Administrator, Borough Department of Public Works and Borough Attorney on said emergency work; and

WHEREAS, the Financial Officer has determined sufficient funds are available in the General Account as is evidenced by Treasurer's Certification attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Wallington, County of Bergen, State of New Jersey that the emergency utility work for the sewer line repairs on Alden Street from Pulaski Avenue to King Street, in the Borough of Wallington is hereby affirmed and approved with John Garcia Construction Co., Inc. for an amount not to exceed amount of \$114,150.00, unless additionally approved based upon sub-surface conditions.

BE IT FURTHER RESOLVED that the Mayor and Council confirm and ratify any and all prior action taken by any and all officials of the Borough of Wallington with respect to the subject project.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 - 92

WHEREAS, funding was previously authorized for certain streets in the Borough of Wallington as set forth in ordinance 2012-21; and

WHEREAS, the Mayor and Council of the Borough of Wallington have been advised that monies remain available to effect needed repairs to streets located within the Borough of Wallington; and

WHEREAS, the Mayor and Council of the Borough of Wallington has determined that there is an urgent need for water main replacement on Jacob Street and Franklin Street and

NOW, THEREFORE, BE IT RESOLVED by the Borough of Wallington, County of Bergen, and State of New Jersey that

- 1. The Borough Administrator/Borough Clerk is hereby authorized to take such steps as are necessary to utilize the surplus funds previously approved in 2012 as aforesaid to complete the necessary water main repairs to Jacob Street and Franklin Street.
- 2. This Resolution shall take effect and be in force from and after the earliest date allowed by law.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes

Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 – 93

WHEREAS, THE BOROUGH OF WALLINGTON received payment from Altisource Inc. to redeem Tax Sale Certificate Number 14-002 2013; 97 Wallington Avenue, Wallington, New Jersey, Block 24, Lot 21, in the amount of \$2,029.76.

WHEREAS, Tax Sale Certificate Number #14-002 2013 is held by US Bank Cust/PC4 Firstrust (Third Party Lien Holder), and,

WHEREAS, the Third Party Lien Holder US Bank Cust/PC4 Firstrust paid a premium in the amount of \$100.00 for Tax Sale Certificate Number 14-002 2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Wallington, that the Redemption be approved in the amount of \$2,129.76(\$2,029.76 Tax Title Lien Redemption and \$100.00 Premium). The Borough Treasurer will issue a check made payable to: US Bank Cust/PC4 Firstrust in the amount of \$2,129.76 and the Tax Collector shall adjust her books accordingly.

The payment should be mailed to: US Bank Cust/PC4 Firstrust, 50 S 16th Street, Suite 2, Philadelphia, PA 19102.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

RESOLUTION NO. 2016 – 94

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BOROUGH OF WALLINGTON BERGEN COUNTY, NEW JERSEY RESOLUTION NO. 2016 - 95

Resolution Re: Emergency Appropriation in Accordance with N.J.S.A. 40A:4-48 – Replacement of Alden Street Sewer Main

WHEREAS, an emergency has arisen with respect to the funding of the replacement of the Alden Street sewer main to protect the health, safety and welfare of the residents of Wallington, and

WHEREAS, no adequate provision was made in the 2016 budget for the unforeseen aforesaid purpose, and N.J.S.A. 40A:4-48 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$140,000 and, three percent (3%) of the total operating appropriations in the Budget for the year 2016 is \$359,789.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Wallington, County of Bergen (not less than two-thirds of all members thereof affirmatively concurring) that the emergency appropriation made for the replacement of Alden Street sewer main in the amount of \$140,000 will be provided in full by a General Capital Fund ordinance to be adopted prior to December 31, 2016 and that in accordance with N.J.S.A. 40A:4-48 that

1. An emergency appropriation be and the same is hereby made for:

Current Fund Capital Improvements

- 2. Said emergency appropriation shall be provided for in full by the adoption of a General Capital Fund ordinance.
- 3. That funds for the appropriation shall be provided from surplus funds on hand.
- 4. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.
- 5. That the statements required by the Local Finance Board have been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government Services.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Robie – Absent

BOROUGH OF WALLINGTON BERGEN COUNTY, NEW JERSEY RESOLUTION NO. 2016 - 96

Resolution Re: Requesting Approval to Change Title of Appropriation in Accordance with N.J.S.A. 40A:4-85

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality; and

WHEREAS, the Borough's 2016 adopted budget included expenses for a grant writer in the legal other expenses budget appropriation; and

WHEREAS, the Borough will now account for its grant writer expenses in municipal clerk other expenses budget appropriation.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S. 40A:4-85, the Borough of Wallington hereby requests the Director of the Division of Local Government Services to make the following adjustments in the budget of the year 2016:

	<u>From</u>	<u>To</u>
Legal Services and Costs – Other Expenses	\$24,000	
Municipal Clerk – Other Expenses		\$24,000

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO 2016 - 97

BE IT RESOLVED, that the Mayor and Council of the Borough of Wallington, State of New Jersey do hereby renew the following liquor licenses for the 2016-2017 said licenses being subject to all legal requirements as required by law:

LICENSE NUMBER	LICENSE HOLDER	TRADE NAME
0265-33-038-003	ROSEBUD ENTERPRISES 485 Main Avenue	PEPPY'S PLACE
0265-31-045-001	HILLSIDESAC INC. CLUB 26 First Street	HILLSIDE SAC INC. CLUB
0265-33-010-003	171 HATHAWAY ST INC 171 Hathaway Street	KRYSTYNAS PLACE
0265-33-004-006	SANDEX INC 365 Main Avenue	WALLINGTON EXCHANGE
0265-33-013-002	DONNA SIKORA EXECUTRIX 166 Maple Avenue	EDWARDS BAR AND LIQUORS
0265-33-043-004	JANTAR BAR INC 62 Wallington Avenue	JANTAR BAR INC
0265-33-024-003	KAROLS PUB LLC 252 Maple Avenue	KAROLS PUB
0265-32-017-005	HONURIS CAUSA, LLA 375 Paterson Avenue	HONURIS CAUSA, LLA
0265-33-034-004	GLENNS STEAKHOUSE INC 250 Main Avenue	GLENNS STEAKHOUSE, INC
0265-32-005-007	SEWERYN, LLC 32 Locust Avenue	COUGAR
0265-33-028-004	AMF BOWLING CENTERS, INC	AMF BOWLING CENTERS, INC

	299 Paterson Avenue	
0265-33-009-003	POLKA DOT REST INC 77 Maple Avenue	POLKA DOT RESTAURANT
0265-33-007-010	HEADQUARTERS TAVERN 63 Union Blvd.	HEADQUARTERS TAVERN
0265-33-032-005	OFFSIDEZ SPORTS BAR 115 Main Avenue	KASTAR, LLC
0265-44-036-004	KING LIQUORS LLC 434 Main Avenue, Unit No. 8	SCOTTY'S LIQUORS
0265-33-003-007	KURAK INC 208 Main Avenue	KRAKUS RESTAURANT
0265-33-023-008	ALDINA LEMOS PROPERTIES 457 PATERSON AVENUE	ALDINA LEMOS PROPERTIES
0265-33-020-012	STINGER'S CLASSIC GRILL, LLC 413 PATERSON AVENUE	STINGER'S CLASSIC GRILL, LLC
0265-33-029-002	POLISH PEOPLES HOME, INC 196 198 MAIN AVENUE	CRACOVIA MANOR
0265-33-025-007	BEST SZECHUAN LLC 209 PATERSON AVENUE	BEST SZECHUAN LLC

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

FOUR STAR LLC

168-5 MAIN AVENUE

0265-44-016-007

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 - 98

BLUE RIDGE WINE & LIQUORS

WHEREAS, Lynda Branick has tendered her resignation as the Board of Health-Registrar for the Borough of Wallington effective April 1, 2016; and

WHEREAS, it has been a practice of the Mayor and Council to act on resignations of Borough employees in good standing by analyzing the record and past performance of the retiring employee and the items of pay, accumulated and unused holiday, sick, and vacation time to which such retiring officer is entitled;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Wallington on this 30th day of June, 2016 that

- a) The retirement of Lynda Branick effective April 1, 2016 is hereby accepted;
- b) The Borough Administrator is hereby authorized to pay to Lynda Branick for her accumulated and unused holiday, sick and vacation time the sum of \$4,617.53. This sum is based upon the calculation set forth on the worksheet attached hereto dated June 2,2016 This payment is subject to all federal and state income taxes and other withholdings required by law.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 – 99

A RESOLUTION AUTHORIZING ADDITIONAL OFFERINGS OF ALTERNATIVE HEALTH BENEFIT PLANS TO THE EMPLOYEE HEALTH BENEFITS PROGRAM

WHEREAS, the Borough provides medical benefits to its eligible employees and dependents through its membership in the Bergen Municipal Employee Benefits Fund, hereinafter, the HIF; and

WHEREAS, under the legislative requirements set forth by P.L. 2011 c. 78 (commonly known as Chapter 78), municipalities are encouraged to offer alternate health benefit plans that provide choice to employees afforded such benefits in accordance with the cost contribution requirements set forth by the legislation; and

WHEREAS, the Borough's Health Benefits Consultant has performed due diligence in obtaining pricing on several alternate plan designs developed in conjunction with the HIF that provide alternative methods of benefit delivery at costs lower that the existing base plan of the Borough; and

WHEREAS, more specifically, the Health Benefits Consultant met with Borough Officials to review plan designs that include:

PPO 20/35 Plan, EPO 15/25, EPO 20/35 Plan and a High Deductible (HAS)Plan that collectively, provide cost-effective alternative plan designs for consideration by employees looking to contain/reduce their contributions, based upon their personal and family needs

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Wallington, County of Bergen, State of New Jersey, hereby endorses and authorizes the offering of the alternate plans for eligible employees to consider in determining the health plan best suited for their needs; and

BE IT FURTHER RESOLVED, the Borough Benefits Consultant and Borough Administration are hereby authorized to coordinate these offerings as a part of the Borough's Employee Health Benefits Program and will request a Special Open Enrollment period within the 3th Quarter of 2016 for an effective date of September 1, 2016 or as soon thereafter as administratively practical; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to the Borough CFO, Auditor and PIA Security Programs, Inc., 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ Benefits Consultant to the Borough.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes
Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 – 100

AWARD OF CONTRACT

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Wallington, Bergen County, New Jersey upon the recommendation of the Borough Engineer, Michal J. Neglia, that the Contract for:

ROADWAY IMPROVEMENTS PROJECT, PARK ROW AND ALDEN STREET BOROUGH OF WALLINGTON BERGEN COUNTY, NEW JERSEY

Be awarded to Smith Sondy Paving of Wallington, New Jersey in the amount of Three Hundred Seventy-Five Thousand Six Hundred Seventy-Four Dollars and Seventy-Five Cents (\$375,674.75) for the Base Bid. This Resolution to take effect upon certification of this Resolution by the Borough's Chief Finance Officer that sufficient funds are available. This Resolution is subject to approval by the Jew Jersey Department of Transportation.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 - 101

WHEREAS, the Borough of Wallington has entered into a Three – Year cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A: 8A-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1 through June 30.

NOW, THEREFORE, BE IT RESOLVED, that the governing body hereby appoints Kathy Polten as its representative to participate on the Community Development Regional Committee; and

BE IT RESOLVED, that Dennis Glover be appointed as the alternate representative.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Robie – Absent

BOROUGH OF WALLINGTON COUNTY OF BERGEN, NEW JERSEY RESOLUTION NO. 2016 – 102

WHEREAS, the Borough of Wallington has entered into a Three – Year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A: 8A-1 et seq. And Title I of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Mayor of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1 through June 30.

NOW, THEREFORE, BE IT RESOLVED that the Mayor hereby appoints

James Furtak As its representative to participate on the Community Development Regional Committee; and

BE IT FURTHER RESOLVED, that Gregory Fabijanczuk be appointed as the alternate representative.

Motion to pay subject to fund availability by Brunacki, Seconded by Kruk, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Robie – Absent

Motion to Pull Resolution 2016-83 and 2016-88 by Rachelski, Seconded by Androwis, Roll Call: Sinisi, Rachelski, Androwis – Ayes

Robie – Absent Kruk, Brunacki – No

ORDINANCES

LIST OF BILLS AND SUPPLEMENTAL LIST OF BILLS

CURRENT ACCOUNT

19001	WALLINGTON BOARD OF EDUCATION	\$442,900.00
19002	WALLINGTON BOARD OF EDUCATION	\$442,900.00
19003	WALLINGTON BOARD OF EDUCATION	\$442,900.00
19004	U.S. POSTAL SERVICE	\$302.65
19005	U.S. POSTAL OFFICE	\$470.00
19007	VERIZON WIRELESS	\$330.61
19008	JOANNE WALSH	\$500.00
19009	AQUARIUS SUPPLY INC	\$405.55
19010	ALL AMERICAN SEWER SERVICE	\$1,100.00
19011	CHRIS AND BUD LAWNMOWER INC	\$284.96
19012	INTERSTATE BATTERIES	\$114.95
19013	SUPERIOR DISTRIBUTORS	\$135.80
19014	SUPERIOR DISTRIBUTORS	\$83.34
19015	MEDICAL LABORATORY	\$3,858.50
19016	RIDGEHURST AUTO PARTS	\$545.59
19017	ROBERT'S & SON	\$235.00
19018	BERGEN MUN EMP BENFT FUND	\$173,724.00
19019	VERIZON	\$65.89
19020	ATD HIGHWAY PRODUCTS LLC	\$372.70
19021	JOHN GARCIA CONSTRUCTION CO.	\$4,532.20
19022	NEW JERSEY DIVISION OF ELECTIONS	\$72.00
19023	TROPHY KING	\$55.00
19024	P.S.E.&G.	\$46.43
19025	AM CONSULTANTS	\$850.00
19026	RICHARD S. CEDZIDLO	\$2,650.50
19027	RICHARD S. CEDZIDLO	\$1,817.31
19028	YONNY GOMEZ	\$100.00
19029	FIREFIGHTER ONE LLC	\$2,158.80
19030	HEDIGER'S FUEL OIL	\$509.97
19031	STAPLES BUSINESS ADVANTAGE	\$253.42
19032	ALL AMERICAN SEWER SERVICE	\$75.00
19033	UNITED PARCEL SERVICE	\$35.91
19034	PENGUIN MANAGEMENT, INC	\$1,656.00
19035	TREASURER, STATE OF NEW JERSEY	\$356.00

19036	AGL INHALATION THERAPY CO.	\$112.16
19030	AGL WELDING SUPPLY CO., INC.	\$37.76
19037	THE SHERWIN-WILLIAMS CO	\$618.03
19039	DIRECT ENERGEY BUSINESS	\$43.23
19039	STEPHEN A. KRISO, M.D.,	\$460.00
19040	VERIZON	\$980.31
19041	WALLINGTON BOARD OF EDUCATION	\$226.80
19042	BELMONT PAINT & DECORATING	
	FRANK CLEMENS	\$78.00
19044		\$629.40
19045	BERGEN COUNTY TREASURY	\$8,501.25
19046	MEDPRO US	\$990.00
19047	RACHLES/MICHELE'S OIL COMPANY	\$1,750.41
19048	LYNDA M. BRANICK	\$314.70
19049	RITA V LASIW	\$314.70
19050	THEODORE STANKIEWICZ	\$314.70
19051	JOSEPH BOHNARCZYK	\$314.70
19052	JOSEPH J. RYS	\$629.40
19053	FRED SURDYKA JR.	\$629.40
19054	THOMAS CILIENTO	\$314.70
19055	WILLIAM MASTROBERTE	\$314.70
19056	VERIZON	\$66.18
	VERIZON	\$193.88
19058	LORRAINE KLAMERUS	\$314.70
19059	IRENE BARNAS	\$314.70
19060	ANNA TENCZA	\$314.70
19061	ARLINE GALEVICH	\$314.70
19062	JENNIE KAVA	\$629.40
19063	EDWARD SKORUPA	\$314.70
19064	LINDA KUSNIESZ	\$30.00
19065	JOYCE POPEK	\$30.00
19066	SHERRY ELRAYES	\$30.00
19067	DONNA TOMKO	\$30.00
19068	MAYANN PALMER	\$30.00
19069	KATHERINE POLTEN	\$30.00
19070	ROBYN FEDERICO	\$30.00
19071	FELDMAN BROTHERS ELECTRICAL	\$338.26
19072	VIVIAN DESBIENS	\$314.70
19073	WALTER BEDNARZ	\$629.40
19074	RACHLES/MICHELE'S OIL COMPANY	\$3,647.60
19075	PROCOPY INC.	\$357.00
19076	PROCOPY INC.	\$357.00
19077	EXCLUSIVE ACCOUNTING SERVICE	\$249.30
19078	P.S.E.&G.	\$5,580.38
19079	DE LAGE LANDEN	\$54.00

19080	DE LAGE LANDEN	\$330.75
19080	STAPLES CREDIT PLAN	\$137.99
19081	EXCLUSIVE ACCOUNTING SERVICE	\$70.98
19082	COMCAST	\$150.90
19083	EXCLUSIVE ACCOUNTING SERVICE	\$249.30
19085	ACTION DATE SERVICES INC.	\$307.97
19085	JOB & JOB CONSULTING	\$858.50
19080	READY REFRESH	\$102.94
19087	ACTION DATE SERVICES INC.	\$333.60
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19089	BRUCE'S FLORAL DESIGN	\$75.00
19090	LERCH, VINCL & HIGGINS	\$12,000.00
19091	LERCH, VINCI & HIGGINS	\$940.00
19092	DIRECT ENERGEY BUSINESS	\$2,314.87
19093	BITTIGER ELIAS & TRIOLO PC	\$2,629.52
19094	BRUNO ASSOCIATES INC	\$2,000.00
19095	FIRE AND SAFETY SERVICES, LTD	\$1,975.00
19096	RACHLES/MICHELE'S OIL COMPANY	\$808.61
19097	EAST COAST FLAG & BANNER	\$1,126.50
19098	BITTIGER ELIAS & TRIOLO PC	\$5,590.00
19099	ANDREA HEYLER, DCA	\$60.00
19100	ONE CALL CONCEPTS, INC	\$158.75
19101	ANDREA SOLLITTO	\$120.00
19102	RACHLES/MICHELE'S OIL COMPANY	\$5,693.48
19103	P.S.E.&G.	\$3,916.94
19104	BERGEN COUNTY ASSOCIATION	\$175.00
19105	DRAGER SAFETY DIAGNOSTICS INC	\$169.00
19106	VERIZON WIRELESS	\$776.95
19107	NORTH JERSEY MEDIA GROUP INC.	\$83.08
19108	STORR TRACTOR COMPANY	\$90.80
19109	REGIONAL COMMUNICATIONS, INC	\$165.50
19110	RAYMOND DYNES	\$164.56
19111	HOME DEPOT CREDIT SERVICES	\$596.95
19112	JOSEPH SMENTKOWSKI INC	\$23,607.25
19113	ACTION DATE SERVICES INC.	\$278.75
19114	ESI-ADVANCED ENTERPRISES	\$23,266.24
19115	JOSEPH IVANICKI	\$1,240.00
19116	JOSEPH IVANICKI	\$1,515.00
19117	GOVDELIVERY, INC	\$2,781.00
19118	ACTION DATE SERVICES, INC.	\$1,002.34
19119	C & D COMPUTER SUPPLIERS, INC	\$38.08
19120	READY REFRESH	\$96.36
19121	ONE CALL CONCEPTS, INC	\$37.20
19122	UNITED PARCEL SERVICE	\$23.03
19123	THE LINCOLN NATIONAL LIFE	\$92,098.00

19124	BOROUGH OF CARLSTADT	\$1,800.00
19126		\$1,440.00
19127		\$1,800.00
_	VERIZON WIRELESS	\$131.74
19129		\$12,837.50
19130		\$75.00
19131	·	\$1,142.56
TOTAL BILL LIST		\$1,767,556.52
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	WATER ACCOUNT	
62742	MODERN GROUP LTD	\$8,816.18
62743	RAYMOND DYNES	\$44.00
62744	LERCH, VINCI & HIGGINS	\$4,000.00
62745	LERCH, VINCI & HIGGINS	\$12,500.00
62746	PASSAIC VALLEY WATER COMM.	\$192.00
62747	LERCH, VINCI & HIGGINS	\$250.00
62748	PASSAIC VALLEY WATER COMM.	\$1,072.00
62749	CAR KINGS	\$129.95
62750	STAPLES BUSINESS ADVANTAGE	\$219.36
62751	US VOIP	\$887.17
62752		\$36.64
62753	PASSAIC VALLEY WATER COMM.	\$66,602.80
62754		\$220.00
62755	PROCOPY INC.	\$272.49
62756		\$907.58
62757		\$552.50
62758	PASSAIC VALLEY WATER COMM.	\$70,039.55
TOTAL BILL LIST		\$166,742.22
	GENERAL CAPITAL ACCOUNT	
400772		\$3,552.34
400773		\$49,539.00
400774		\$1,151.50
400775		\$4,122.50
400776		\$5,683.50
400777	JOB & JOB CONSULTING	\$2,442.25
400778	SMITH-SONDY ASPHALT CONST.	\$71,520.26
400779	NEGLIA ENGINEERING ASSOC.	\$7,097.50
400780	NEGLIA ENGINEERING ASSOC.	\$8,300.00
400781	SMITH-SONDY ASPHALT CONST.	\$83,949.45
TOTAL BILL LIST		\$237,358.30
	TRUST ACCOUNT - DOG LICENSE	

1178 NJ DEPARTMENT OF HEALTH

77.4

	TRUST ACCOUNT - PLANNING	
2576	MARTIN S. CEDZIDLO, ESQ.	500
2577	MARTIN S. CEDZIDLO, ESQ.	500
2578	MARTIN S. CEDZIDLO, ESQ.	500
2579	NORTH JERSEY MEDIA GROUP	44.85
	TRUST - ZONING	
2580	JOB & JOB CONSULTING ENGINEERS	1916.13
	SUPPLEMENTAL BILL LIST	
19135	MUNICIPAL RECORD SERVICE	\$356.00
	TREASURER, STATE OF NEW JERSEY	\$6,560.32
19137	·	\$47.50
	NEWMAN TRAFFIC SIGNS	\$971.24
	S & A SCREEN PRINTING	\$2,152.50
	TENTANDTABLE.COM	\$4,183.15
	CHARACTER ED TOOLS	\$107.00
	RESEARCH PRESS	\$338.72
19143	SOCIAL STUDIES SCHOOL SERVICE	\$307.44
19144	CONCEPT PRINT	\$1,840.00
19145	LIBERTY SCIENCE CENTER	\$1,767.75
19146	JUMPONIN	\$466.95
19147	JUMPONIN	\$466.95
19148	CARMELLO IMBRUGLIA	\$20.00
19149	PASSAIC VALLEY SEWERAGE COMM.	\$175,260.57
19150	BOROUGH OF WALLINGTON	\$23.01
19151	P.S.E.&G.	\$5,526.16
TOTAL BILL LIST		\$200,395.26
	SUPPLEMENTAL BILL LIST	
62750	US VOIP	895.86
02739	UJ VOIF	053.00
	SUPPLEMENTAL BILL LIST - TRUST DOG	
1180	NEW JERSEY DEPARTMENT VET. PUBLIC HEALTH	46.2

Motion to Pay List of Bills by Kruk, Seconded by Rachelski, Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Brunacki – (Check No. 19139) Abstain Robie – Absent

OLD BUSINESS

No Old Business

NEW BUSINESS

Councilman Sinisi stated that the entrance Area to Consolidated needs to be cleaned-up. Councilman Sinisi stated that we need to remind the garage Sale folks about the placement of signs.

Councilman Sinisi welcomed the Polish Slavic Credit Union into Wallington. It will be an asset to the town. It's nice to be part of it.

The Mayor wished everyone a happy 4th of July.

ADJOURNMENT

Motion to adjourn at 9:20 by Brunacki, Seconded by Kruk Roll Call: Sinisi, Kruk, Brunacki, Rachelski, Androwis – Ayes Robie – Absent