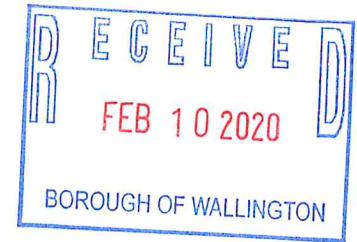


**MINUTES  
REGULAR MEETING  
NOVEMBER 14, 2019**



This is listed as a courtesy and attempt to inform the public of actions being considered by the Mayor and Council. There may be additions and deletions prior to the Council taking final action. Any action may be taken at any meeting, which includes all work and public sessions.

Mayor Mark W. Tomko calls the meeting to order at 7:30 p.m.

Flag Salute and Invocation

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

Mayor Tomko – Here  
Councilman Rachelski –Here  
Councilman Brunacki –7:34PM  
Councilman Androwis – Here  
Councilwoman Dabal – Here  
Councilwoman Ivanacki – 7:35PM  
Councilman Olkowski – absent

Borough Attorney Richard Malagiere – present  
Borough Administrator Hector Olmo – present

Motion to suspend normal order of Business for Presentation of Real Estate Agent by Dabal,  
Seconded By, Androwis  
Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

Borough Administrator, Hector Olmo, advised that he was asked to seek out an RFQ for a Real Estate Professional for the KC landscaping property. Danielle Leigh from Team Resources was present for the presentation. Richard Malagiere, Borough Attorney, asked what your title and background credentials is. Miss Leigh stated that she is a licensed sales person and vice president of Team Resources commercial real estate brokers. She advised the council that she has performed similar work throughout Bergen County to lease land. The public sector has more rules and regulations with land use. She has optimized returns for many properties such as this; A few options for this piece of land include a trucking company and overflow from car dealers. Councilwoman President Dabal asked if there are any easements; the location is a narrow piece of property adjacent to the river. Miss Leigh advised that there are a lot of possibilities and depending on use will depend what permits are needed; My company has been around for 30 years and we have experience to know what needs to happen. Borough Attorney Richard Malagiere asked what the process is to market this and the price point. Miss Leigh advised that her company sends out flyers and internet advertising to potential clients. Councilman Gene

Rachelski asked what the timeline is. Miss Leigh advised that the winter may slow things down, but she estimates that it will take anywhere between 3-6 months and the marketing campaign will take about 30 days to ramp up and be executed. Councilwoman Dabal asked based on your experience with like properties what is the expected market rate. Can we get more than the \$1,500 we were receiving for 1.2 acres from KC Landscaping? Miss Leigh advised approximately \$8,800.00 per month. Councilwoman Dabal then asked was water included and Miss Leigh answered, "No." Finally, Councilman Gene Rachelski stated that we would have ultimate control, and this is a positive step. Miss Leigh Thanked the Council.

Motion to resume the normal order of Business by Dabal, Seconded By, Rachelski,  
Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

### **HEARING OF CITIZENS**

Motion to Open the Meeting to the Hearing of Citizens by Brunacki, Seconded By Rachelski,  
Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

Cathy Blumenschein, 8 Lilac Lane: Approached the Mayor and Council and addressed the audience. Mrs. Blumenschein stated that because she never received a delinquent tax notice on \$7,100, the town should waive the interest approximately \$3,000. Councilman Androwis asked if a letter was sent out. Borough administrator, Hector Olmo, stated that we follow state law. We have no jurisdictional control over the tax collector. Borough Attorney, Richard Malagiere, stated, "That is correct." Mayor Tomko suggested that the BA sit down with the current tax collector to investigate. Councilwoman President Dabal stated that when Mrs. Blumenschein visited the M&C last year and stated that her taxes were showing delinquent on the Website, both Municipay and the former tax collector were notified immediately. Mrs. Blumenschein stated that she never received anything from Mrs. Siek.

John Rebecky, 269 Hathaway: Addressed the mayor and council and then addressed the audience: "Your statement is that you did not receive a tax bill for 3 years." Mr. Rebecky then stated, as my parents were aging, my siblings and I made decisions as to their care and assets. We made a decision together to not pay taxes on their house. As soon as we were delinquent, we started receiving mail from numerous financial magicians. I simply do not understand how this happened.

Andrew Donaldson, 54 Jordan Ave, Congratulated Mayor Elect Melissa Dabal and thanked the Mayor and Council.

Celina Urbankowski, 29 Pine Street: Congratulated the Mayor Elect, Susan & Thomas. This was her dream as councilwoman and wished everyone good luck.

Helena Plaskon, 86 Rose Drive: spoke on the following topics; 1) Congratulated Councilwoman President on her Election win and wished everyone luck 2) Raised concerns over the leadership of the Democratic party and their strategic decisions; Mayor Tomko then interrupted Miss Plaskon; If this is about politics I don't want to hear it. Miss Plaskon then stated that Mr. Mayor, "You fell down." 3) She doesn't like summarized high level minutes. Would prefer if minutes were transcribed versus summarized. 5) She has sent numerous e-mails on various topics 6) Requested to volunteer as the Mayors assistant

John Rebecky, 269 Hathaway: Congratulated all who won in the most recent election. Thanked Councilman Brunacki for his service.

Mike Chirlo, 64 Jordan Ave: What is the reason we are not required to send a tax bill. Mr. Chirlo was advised that we are governed by law; There is an estimated tax bill that is sent out and when the county and town budget is finalized a final bill is sent out.

Ruth Kumka, 1 Gardenia Drive: Raised concerns over tax bills. Councilwoman Dabal stated in effect that our new Tax Collector is doing a great job and we are following the law.

Nancy Chirlo, 60 Crescent Road: Addressed the Mayor and Council with Ms. Blumenschein's concerns. Mrs. Chirlo stated that a resident came here to blame the Mayor and Council. Maybe this resident owes the town more?

At this juncture, Mayor Tomko brought the meeting to order, and stated, "We are veering off."

George Blumenschein, 8 Lilac Lane: When did the Borough hall become a trial court?

John Rebecky, 269 Hathaway: Addressed the tax issues and was interrupted by Mayor Tomko. Mayor Tomko brought the meeting to order a second time, "We have had enough on this subject."

Motion to Close the Meeting to the Hearing of Citizens by Dabal, Seconded By Rachelski,  
Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

## **APPROVAL OF MINUTES**

Caucus/Work Session Meeting October 8, 2019

Motion by Brunacki, Seconded by Dabal,

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

## **COMMUNICATIONS**

From: Building Department  
Re: Cash Receipts Audit Report Oct.2019

From: South Bergen Municipal JIF  
Re: 2020 Proposed Budget – Public Hearing

From: Grace Episcopal Church  
Re: 47<sup>th</sup> Annual Holly Fair

From: Law Office of Richard Malagiere  
Re: KC's Landscaping request for extension

From: Wallington Board of Health  
Re: Expiration of two members terms

From: Citizen Improving Affordable Housing  
Re: COAH information

From: Bittiger Elias & Triolo P.C.  
Re: Case Management Spreadsheet

From: Borough of Hawthorne  
Re: Numerous Resolutions to support

From: Neglia Engineering  
Re: November 2019 Engineering Report

From: Law Office of Richard Malagiere  
Re: Withdrawal Order in Polce v. Wallington

From: Neglia Engineering  
Re: 2019 Road Improvement Contract Award Hathaway St., Chestnut Street & Jordan Ave.  
(NJDOT & CDBG Funded)

Motion to refer the previous Communications to the proper Agencies

Motion by Androwis, Seconded by Rachelski.

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

## **CONTINUING WITH COMMUNICATIONS**

From: Wallington Board of Education

Re: Request #6 in the amount of \$1,372,391.00

Motion to pay subject to fund availability

Motion by Androwis, Seconded by Brunacki,

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

## **COMMITTEE REPORTS**

### **COUNCILMAN EUGENIUSZ RACHELSKI**

Congratulated everyone including the new Mayor.

### **COUNCILMAN JOSEPH BRUNACKI**

December 6 Tree lighting reminder.

### **COUNCILMAN KHALDOUN ANDROWIS**

Shade tree: a couple new requests. Multiple trees need trimming and list is growing. Shade tree is having a special meeting on November 25, 2019. Provided high level overview of 2019 capital projects. No major claims for insurance. No report for Health Department.

### **COUNCILWOMAN MELISSA DABAL**

Need to pass a resolution for RFQ alongside a cost benefit analysis of parking stickers. There are varying issues throughout the town of Wallington and the needs differ by location. Garfield and Lodi have programs and experienced unforeseen increases in maintenance. Most surrounding towns with parking sticker programs treat the program and department managing it as a cost center. Spoke to Mr. Caruso in Lodi, they saw a half time employee estimate morph into 2 full time employees managing the parking sticker program. We need plate readers to help manage this at \$40,000 each. Councilman Brunacki interjected at this point and stated, "I brought up the readers in April." Mrs. Dabal responded, "you also motioned to conduct a study eight months earlier on the parking sticker program and never delivered."

### **COUNCILWOMAN WENDYSU IVANICKI**

DPW has been busy. Saved the town money by connecting Police Trailers to town sewer resulting in approximately \$1,000 savings per month. DPW continues to paint curbs and sidewalks. Removed benches at Crescent Park.

### **MAYOR'S REPORT**

Provided high level summary of EMS; Inundated with calls about 5-8 a day. Advised that ladder truck is back in service. Provided a high level overview of ceremonies that

took place at the civic center, stated that “Everything worked out well.” Still taking orders for banners.

#### **ATTORNEY’S REPORT**

Police case was dismissed on summary judgement: Warrant for removal of KC’s property.

#### **ADMINISTRATOR REPORT**

Shredding event on Saturday from 9-1. 3 issues to be discussed in executive session.

Motion for Executive Closed Session:

Motion by Androwis, Seconded by Dabal,

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

Motion to come back from Executive Closed Session:

Motion by Dabal, Seconded by Rachelski,

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

#### **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.

##### **Resolution 2019 – 182**

A Resolution to refund unused escrow to Mr. Petrevski for Block 72, Lot 25 (105 Park Row)

##### **Resolution 2019– 183**

A Resolution to authorize an Appraisal Report be prepared by McNerney and Associates for settlement purposes only, for tax year 2012-2017.

##### **Resolution 2019– 184**

A Resolution to Amend Ordinance 340-31 Towing rates to be charged. Adopt the NJ State Police Fee Schedule.

##### **Resolution 2019– 185**

A Resolution to Authorize a 2% raise to the Tax Assessor as per N.J.S.A. § 40A:9-165.

##### **Resolution 2019– 186**

A Resolution to authorize the tax Collector remove the property 47 Roehrs Drive from the Delinquent tax List.



**Resolution 2019– 187**

A Resolution to authorize the tax Collector remove the property 9 Maple Avenue from the Delinquent tax List.

**Resolution 2019– 188**

A Resolution to authorize the tax Collector remove the property 93 Van Winkle Avenue from the Delinquent tax List.

**Resolution 2019– 189**

A Resolution to authorize the tax Collector to credit Domino Center, 111 Lester Street for the Tax Appeal amount of \$5599.95.

**Resolution 2019– 190**

A Resolution to Award 2019 Roadway Improvement Program for various streets (NJDOT & CDBG) Hathaway St., Chestnut St. and Jordan Ave. to the lowest bidder Smith-Sondy Asphalt Construction, 150 Anderson Avenue Wallington NJ in the amount of \$589,956.30.

**Resolution 2019– 191**

A Resolution to approve and Emergency Appropriations with respect to legal fees for \$300,000.00 pursuant to NJS 40A:4-48.

Councilman Brunacki questioned why this wasn't included in the budget. Councilwoman President Dabal stated in effect that the CFO stated we had to cover legal fees.

Councilman Rachelski stated that no one anticipated this level with Attorney and planning requirements. This included but is not limited to: 1) Fell Case, 2) Wallington PD / Councilman Case, 3) COAH/Affordable Housing, 4) Polce, 5) KC Landscaping, 6) DOKA, 7) Baginski tenure 8) Baginski Federal) 9) Labor: Police Contract, WEA 10) slip and fall

**Resolution 2019– 192**

A Resolution to approve application to Bergen County FY 2020 CDBG Project for \$455,724.00 for improvements to Van Dyke Street and Wadsworth Street.

**Resolution 2019– 193**

A Resolution to approve application to Bergen County FY 2020 CDBG Project for \$215,590.00 for improvements to Orchid Drive, Tulip Place and Primrose Drive.

**Resolution 2019– 194**

A Resolution to authorize the Borough Administrator to submit Request for Qualifications for all borough professionals for the year 2020.

Motion by Androwis, Seconded by Rachelski,

Roll Call: Rachelski AYE, Brunacki NO to 2019-191 & Aye to rest, Androwis Aye, Dabal Aye, Ivanicki Aye,

## **ORDINANCES**

**2019- 010      2nd Reading by Title Only:** An Ordinance to Bond \$200,000 for the acquisition of office and computer equipment for the use of various Borough Department Offices and Agencies in the Borough of Wallington.

Motion by Androwis, Seconded by Rachelski,

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

Motion to Open the Meeting to the Hearing of the Citizens relative to Ordinance No. 2019 – 010 by Androwis, Seconded by Rachelski,

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

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

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

Motion to Adopt Ordinance No. 2019-010 by Brunacki, Seconded by Rachelski,

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

Councilman Rachelski stated in effect that this is the first step to modify and modernize the office. This is a must.

**2019- 011      1st Reading by Title Only:** An Ordinance to require residential pools not in use require a cover. To prevent public health issues as breeding of insect and pests.

Motion by Dabal, Seconded by Androwis,

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

## **LIST OF BILLS AND SUPPLEMENTAL LIST OF BILLS**

Motion to Pay List of Bills by Brunacki, Seconded by Androwis,

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

## **OLD BUSINESS**

## **NEW BUSINESS**

Motion to deny request for leave of absence made by Ivanicki, Seconded by Rachelski



Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

Borough Attorney suggested an offer to sue Witold Baginski for lost monies (including lawyers fees) related to KC's Landscaping.

Motion to authorize Borough Labor Attorney to sue W. Baginski made by Rachelski, Seconded by Dabal.

Roll Call: Rachelski Aye, Brunacki NO, Androwis Aye, Dabal Aye, Ivanicki Aye,

Borough Administrator suggested providing a stipend of \$3,500.00 for treasury and tax support work conducted by K. Rapacz.

Motion to provide an annual stipend to K. Rapacz in the amount of \$3,500.00 for treasury and tax office support work introduced by Dabal, Seconded by Ivanicki.

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

Borough attorney suggested a motion to engage Team Resources to list and rent the property commonly referred to as the KC's property.

Motion to engage Team resources to List and rent the KC's Property introduced by Dabal, Seconded by Rachelski.

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

## **ADJOURNMENT**

Motion to adjourn at 9:48 PM by Brunacki, Seconded by Androwis,

Roll Call: Rachelski Aye, Brunacki Aye, Androwis Aye, Dabal Aye, Ivanicki Aye,

Respectfully Submitted By:

Grzegorz Zagaja

Acting Deputy Clerk