

**MINUTES  
REGULAR MEETING  
May 28, 2020 AT 6:30 PM**

**You will be able to listen to the meeting by calling into (978) 990-5000 Access code 623528**

Mayor Melissa Dabal calls the meeting to order at 6:34 p.m.

Flag Salute and Invocation

Mayor Dabal read the Public Meeting Notice pursuant to the Sunshine Law

Mayor Dabal – Present  
Councilman Rachelski – Present  
Councilwoman Preinfalk – Present  
Councilman Orzechowski – Excused  
Councilman Sadecki - Present  
Councilwoman Ivanicki – Present  
Councilman Androwis – Present

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

**Motion to Dispense with the Regular Order of Business for the purpose of a Public Hearing on the Approved 2020 Budget which was introduced on April 30, 2020**

By Rachelski, Seconded by Androwis,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

**Resolution 2020 -102**

A resolution authorizing a waiver of reading in full of the 2020 Budget.

Motion by Rachelski, Seconded by Androwis,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

**Motion to Open the Meeting to the Hearing of Citizens for the Approved 2020 Budget.**

Motion Ivanicki, Seconded by Androwis,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

No comments or questions were presented.

**Motion to Close the Meeting to the Hearing of Citizens** by Rachelski, Seconded Ivanicki,  
Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

**Resolution 2020-103**

A Resolution to Introduce 2020 Budget Amendments for the 2020 Budget Introduced on April 30, 2020.

Motion Rachelski, Seconded by Androwis,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

**Motion to Open the Meeting to the Hearing of Citizens for the 2020 Budget Amendments.**

Motion Sadecki, Seconded by Rachelski,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

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

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

**Resolution 2020-104**

A Resolution to Adopt 2020 Budget and Amendments for the 2020 Municipal Budget Year.

Motion Rachelski, Seconded by Ivanicki,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

**Motion to resume with Regular Order of Business**

Motion by Preinfalk, Seconded By Rachelski,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

**HEARING OF CITIZENS**

Motion to Open the Meeting to the Hearing of Citizens by Preinfalk, Seconded by Rachelski,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

Bonnie Lu Gaspar, 535 Ridgebury Rd. Slate Hill, NY. 10973: Asked Questions regarding additional costs and burden to tax payors for COAH and low-income housing. Borough Attorney Richard Malagiere provided a high-level legal analysis on the situation. He outlined how the NJ legislature failed to address this, and the NJ Supreme Court has ruled that low-income housing is a constitutional right. Furthermore, the NJ Supreme Court ruled that negative externalities such as increases in services, infrastructure, police, fire, schools, and emergency medical are not to be factored into a defense for not allowing low income housing as per COAH. Lastly, Mr. Malagiere provided a high-level summary of the various legal entanglements and strategies exercised by the Government of Wallington to mitigate the impacts of this forced mandate. Ultimately, as compared to other towns Wallington did very well and the Mayor and Council should be lauded.

Grace Pluta, 16 Pleasant View Ter: Asked a question in regards to updating the Borough ordinance to allow chickens. She also provided two examples. One for the permission of Urban Chickens in Cedar Rapids Iowa and the second from the Borough of Lyndhurst New Jersey. Mayor Melissa Dabal referred the inquiry to the board of health for review, and upon their analysis will report back.

Helena Plaskon, 86 Roehrs Dr: Asked the following four questions:

- 1) When is an updated Mayors message coming: Mayor Dabal Stated in effect that it will be sent out via multiple forms by the end of next week.
- 2) If there are enough funds to continue fighting the COVID 19 OEM efforts: Mayor Dabal Stated in effect that there are enough funds to continue our efforts.
- 3) Asked about snake size banners: Mayor Dabal indicated that the design of the banner was intended to stress to the public to spread out and maintain social distancing.
- 4) Asked about minutes being posted: Mayor Melissa Dabal stated that minutes have been posted to the Borough website and are current, and additional minutes will be approved tonight.

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

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

## **APPROVAL OF MINUTES**

Regular Meeting -May 12, 2020

Motion by Preinfalk, Seconded by Ivanicki,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

## **COMMUNICATIONS**

From: Bittiger, Elias & Triolo P.C.

Re: Case Management Status

From: NJ Office of Emergency Management

Re: Civic Center Emergency Generator – Project Closeout

From: NJ Office of The Attorney General

Re: Order Extending 2019-2020 Liquor License from June 30 to September 30,2020

From: Wallington Board of Education

Re: Request for Funds Payment Schedule for 2020-2021 School Year.

From: Associated Appraisal Group

Re: Proposal for 2020 Added Assessments and 2020 Bergen County Appeals

From: Wallington Board of Health

Re: Approval of designated Handicapped Parking Space at 209 Hathaway Street.

From: NJ League of Municipalities

Re: Weekly Round -up of May 22, 2020

From: NJ State Senate

Re: Elementary and Secondary School Emergency Relief Fund

Motion to refer the previous Communications to the proper Committees or Agencies

Motion by Rachelski, Seconded by Sadecki,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

#### **CONTINUING WITH COMMUNICATIONS**

From: Wallington Board of Education

Re: Request #12 in the amount of \$1,372,265.00

Motion to pay subject to fund availability

Motion by Androwis, Seconded by Ivanicki,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

#### **COMMITTEE REPORTS**

##### **COUNCILMAN EUGENIUSZ RACHELSKI**

Is pleased with the current budget process and the smoothest it's been since he has been a council member; Is very pleased with the professionals working for and supporting the town. Outlined three major issues that are causing an increase. They included unpaid unemployment insurance, unpaid tax liens, and legal fees associated with addressing corruption from the past. Lastly, he pointed out the lack of professionalism and competency from critical support positions causing these issues that have been addressed. Lastly, pointed out a debt refinancing initiative that will save the town \$600,000 over a number of years in interest expense.

**COUNCILWOMAN SUSANNE PREINFALK**

Provided a high-level summary of conflicting messages coming from the Governor's office. Councilwoman Preinfalk then overlaid these mixed messages and the struggles the board of education is facing with implementing plans and maintaining safety for students and addressing various end of year graduation efforts. Sponsors for the three new town signs has been obtained that will result in a zero expense to the borough. The library grant application has been submitted. Lastly, the state has expanded COVID 19 testing and working with CVS. Currently the borough has 12 deaths as a result of COVID 19, and approximately 177 confirmed cases.

**COUNCILMAN TOMASZ ORZECOWSKI**

Excused- No Report

**COUNCILMAN TOMASZ SADECKI**

Provided an update on the 2020 capital program and how various roads are going out to bid. Congratulated our bond attorney and financial professionals for the refinancing effort. Reported that there was no Zoning Board of Adjustment Meeting held; so, there is no report to be made on that meeting.

**COUNCILWOMAN WENDYSU IVANICKI**

The Council President provided a high-level overview of the DPW's efforts for the first six months. Mayor Melissa Dabal added that the fire hydrants have not been painted for many years and the ones that have been painted look fantastic. Council President acknowledged the late former Fire Chief David Pinto for his service to Wallington and expressed the Council's condolences to the Family and Fire Department.

**COUNCILMAN KHALDOUN ANDROWIS**

Councilman Androwis provided a high-level update on Borough insurance issues. Reported that he went door-to-door at the Mayor's request. Councilman Androwis thanked the Borough Administrator for requesting lights that were out in town being replaced.

**MAYOR'S REPORT**

Mayor Dabal provided an update on Kearny Bank and its potential for the New Police Station. With COVID 19 these efforts have been delayed, and after talking with executives, she expects them to deliver site plans for review to the Borough Administrator. Mayor Dabal outlined how Wallington appears to have one of the slowest rates of infection with approximately 160 confirmed cases and 12 deaths. Mayor Dabal reported on her continued efforts with property maintenance and building code compliance on non-owner-occupied residents. Mayor Dabal reported that the Council's efforts to provide food and necessities to Wellingtonians in need continues. Mayor Dabal thanked the numerous donors who donated food and other essentials. Mayor Dabal spoke about the private Memorial Day ceremony during COVID 19 and contrasted this

with the annual parade and Ceremony to which Wallington residents have grown accustomed. Mayor Dabal e spoke about Ex Chief Pinto and what a great loss his death was to the community of Wallington and provided her condolences.

#### **ATTORNEY'S REPORT**

No Report

#### **ADMINISTRATOR REPORT**

Provided a summary of the budget and refinancing efforts by the financial professionals. Outlined that there have been multiple prospective clients interested in the 125-River Road property and it appears that this will be a massive success story for Wallington. Looking at various grants for electric Buses. Lastly provided summary statistics for the Census, and Wallington's efforts. Spoke about a mailer that will be going out in the middle of June for the Census 2020.

#### **RESOLUTIONS**

The following Resolutions can be approved "En Mass" by Consent Agenda.

##### **Resolution 2020 -105**

A resolution to redeem Tax Sale Certificate No. 17-004 for 203 Hayward Place Block 37 Lot 47 in the amount \$8,023.61 (\$6,923.61 for Tax Sale Certificate and \$1,100.00 for the Premium) the Tax Collector will adjust the books accordingly.

##### **Resolution 2020-106**

A resolution to approve Appraisal Systems to provide inspection and valuation of approximately 150 building permits for changes to real property at a fee not to exceed \$8,000.00 and to prepare comparative analysis and to make one appearance at the County Tax Board for a fee of \$125.00 per appeal. They will also charge \$125.00 per hour in defense of tax appeals.

##### **Resolution 2020 -107**

A resolution authorizing the submission of an application for the NJ DOT's FY21 Municipal Aid Program. For the enhancements along Van Dyke, Wadsworth Street, Orchid Drive, Tulip Place and Primrose Drive

##### **Resolution 2020 -108**

A resolution authorizing the submission of an application for the NJ DOT's FY21 Municipal Aid Program. For the enhancements along Gardenia Drive, Jasmine Drive, King Street, and Parkview Drive.

### **Resolution 2020-109**

A resolution to authorize the Tax Collector make an adjustment to the books for the property at Block 62 Lot 3, 48 Fradkin Street. Due to posting error in 2017 and 2018 by the former Tax Collector.

Motion by Ivanicki, Seconded by Preinfalk,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

### **ORDINANCES**

**2020-001      2<sup>nd</sup> Reading by Title Only:** Delete and Replace Chapter “26 Defense and Indemnification” with Chapter 26A Defense and Indemnification

Motion to Open the Meeting to the Hearing of the Citizens relative to Ordinance No. 2020-001

By Sadecki, Seconded by Rachelski,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

Public Comment: None.

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

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

Motion to Adopt Ordinance No. 2020-001 by Preinfalk, Seconded By Sadecki,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

### **Reintroduction of Ordinance as Amended:**

**2020-007      1<sup>st</sup> Reading by Title Only:** An Ordinance to Amend and Supplement Chapter 365, Zoning to Create and Establish a New Article Entitled “Affordable Housing Zone”.

Motion to Reintroduce Ordinance 2020-007 as Amended: by Sadecki, Seconded by Rachelski,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

**2020- 008      Motion to Carry to June 25 meeting:** An Ordinance to Amend and Supplement Chapter 153, Titled “Affordable Housing”.

Motion to carry Ordinance No. 2020-008 by Rachelski, Seconded by Sadecki,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

**2020- 009      2<sup>nd</sup> Reading by Title Only:** An Ordinance to Create a New Section Titled “Alarm Devices”.

Motion to Open the Meeting to the Hearing of the Citizens relative to Ordinance No. 2020-009 by Preinfalk, Seconded By Rachelski,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

Public Comment: None.

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

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

Motion to Adopt Ordinance No. 2020-009 by Androwis, Seconded by Rachelski,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

**2020- 010      2<sup>nd</sup> Reading by Title Only:** An Ordinance to Amend and Supplement Chapter 272, Titled “Peddling and Soliciting”

Motion to Open the Meeting to the Hearing of the Citizens relative to Ordinance No. 2020-010 by Rachelski, Seconded by Androwis,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

Public Comment: None.

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

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

Motion to Adopt Ordinance No. 2020-010 by Rachelski, Seconded by Sadecki,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

**2020- 011      Carry to June 25<sup>th</sup> meeting:** An Ordinance to Amend and Supplement Chapter 330, Article VIII, On-Tract Improvement.

Motion to carry Ordinance No. 2020-011 by Rachelski, Seconded by Sadecki,

Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

**2020- 012      2<sup>nd</sup> Reading by Title Only:** Amend and Supplement Chapter “355 Water” Section 5, Section 13 and Section 16 of the Borough Code to increase water rates the amount that PVWC increased the rates they charge the Borough of Wallington. The increase shall be the same amount of their increase of 3.5%



Motion to Open the Meeting to the Hearing of the Citizens relative to Ordinance No. 2020-012 by Rachelski, Seconded by Ivanicki,  
Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.  
Public Comment: None.

Motion to Close the Meeting to the Hearing of Citizens by Sadecki, Seconded by Androwis,  
Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

Motion to Adopt Ordinance No. 2020-012 by Rachelski, Seconded by Androwis,  
Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

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

Motion to Pay List of Bills Subject to Fund Availability by Androwis, Seconded by Rachelski,  
Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

### **OLD BUSINESS**

Councilman Rachelski thanked all council members for stepping up and spearheading the food basket efforts for the needy. He was grateful as some of his health challenges prevents him from doing as much as he can during this COVID 19 pandemic.

### **NEW BUSINESS**

Councilman Androwis brought up line painting and asked about lights. Borough administrator provided a June timetable  
Councilman Sadecki thanked the DPW for their efforts and outlined locations where Poison IVY needs to be remediated.

### **ADJOURNMENT**

Motion to adjourn at 7:40PM by Ivanicki, Seconded by Androwis,  
Roll Call: Rachelski AYE, Preinfalk AYE, Sadecki AYE, Ivanicki AYE, Androwis AYE.

Respectfully Submitted By:  
Greg Zagaja  
Acting Deputy Clerk