

**MINUTES
CAUCUS/WORK SESSION
DECEMBER 11, 2018**

Council President Rachelski called the meeting to order at 7:35 p.m.

Flag Salute and Invocation

Council President Rachelski read the Public Meeting Notice pursuant to the Sunshine Law

Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski - present

Mayor Mark W. Tomko -absent

Borough Attorney Richard Cedzidlo-present

Borough Administrator Victor M. Polce –present

HEARING OF CITIZENS

Motion to Open the Meeting to the Hearing of Citizens by Dabal, Seconded By Androwis.

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

Kathy, a resident of Jordan Avenue, stated her concerns regarding the condition of the roadway on Jordan Avenue. Councilman Androwis provided information on future plans to repair streets in the Borough. He indicated that Jordan Avenue would be one of those roads. The resident also stated her concerns regarding yellow lines on Jordan Avenue. Councilman Rachelski answered that the Borough must comply with State Law.

Ms. Helena Plaskon of 86 Roehrs Drive questioned the ordinance for traffic on school streets and about the Do Not Enter sign on Alden Street and Mount Cedar Avenue. She requested changes to the ordinance. Borough Attorney Cedzidlo explained the procedure for ordinance adoption. Borough Attorney Cedzidlo stated that if he gets authorization by the Mayor and Council to make necessary changes to the ordinance, the first reading of the revised ordinance would be in January. Ms. Plaskon questioned the Mayor and Council on not answering her emails. Councilwoman Dabal and Councilman Rachelski answered Ms. Plaskon's concerns. Ms. Plaskon questioned the Borough's ability to control usage of the internet in Borough's Offices. Councilwoman Dabal stated that there is appropriate software in place. Ms. Plaskon questioned the furnishing of Borough's Administrator office and not being able to sit down and raise her concerns. Councilman Rachelski and Councilwoman Dabal answered her question.

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

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

Motion by Councilman Rachelski to enter into executive session for the purpose of discussing personnel matter, Seconded by Dabal. Motion failed due to Borough Clerk Baginski's request to have his Rice Notice presented during the open session. Borough Attorney Cedzidlo explained that nobody will be able to speak during the Rice Notice in open session.

Councilman Rachelski asked Labor Attorney Mr. Corrigan to present the Rice Notice to Borough Clerk Baginski, he also reminded everyone that there will be no open discussion. Labor Attorney Corrigan introduced himself and explained his task regarding Borough Clerk Baginski. Councilman Rachelski stopped Labor Attorney Corrigan and made a motion to have Deputy Borough Clerk Agnieszka Brynczka to take over recording of minutes, Seconded by Dabal Councilwoman Dabal. Mr. Baginski raised his concerns with regards to Robert's Rules and being in the executive session. Labor Attorney Corrigan remind Borough Clerk Baginski that it is not appropriate for him to make any comments and that he requested to remain in the open session. Borough Clerk Baginski stated his concerns regarding not being able to speak. Labor Attorney Corrigan presented his review of Borough Clerk Baginski's record of performance for potential illicit activity and failing to comply with the laws and regulations of the State of New Jersey.

- Borough Clerk Baginski repeatedly failed to comply with the Open Public Records Act, and due to his non-compliance, the Borough was obligated to pay the attorney's fees of over \$7,000.00.
- Borough Clerk Baginski failed to comply with the state law in preparation of meeting minutes.
- There was a determination regarding overtime that was not authorized based on an investigation by the State of New Jersey. Borough Clerk Baginski has not repaid the unauthorized payment that he received.
- There is evidence with respect of Borough Clerk Baginski double dipping regarding his cellphone. He has a cellphone paid by the Borough and in addition he is receiving a stipend for a cell phone.
- Borough Clerk Baginski failed to provide answers to a councilmembers request for information in regard to stipends.
- There was determination made that a business in town was receiving free electric and water. Water costs were over \$300,000 and electrical cost were over \$14,000, all of it under Borough Clerk Baginski's watch.
- Borough Clerk Baginski repeatedly refused to respond with information requested by councilmembers and required them to file OPRA requests which he is not complying with.
- Borough Clerk Baginski repeatedly acts without authority and is insubordinate to anyone who is a supervisor including an instance when he engaged in work place violence.
- There was a recent incident when Borough Clerk Baginski was tasked to deliver voter registration to the county office in Hackensack, he refused to perform this task unless he was driven to Hackensack. After being questioned why he is not performing his duties,

he walked off the job being insubordinate and stating that he was sick. In doing so, he took fraudulent use of sick time.

- Most recently one of the businesses in town requested to make a presentation to let the public know what they were doing, and requested Borough Clerk Baginski to notify councilmember. Instead, the first notice came out from the Democratic Club on Facebook.

Labor Attorney Corrigan stated that he prepared tenure charges and there are procedures to be followed. His recommendation is to file the tenure charges which needs to be done by resolution. Borough Clerk Baginski asked if he has an opportunity to answer. Labor Attorney Corrigan stated that Borough Clerk Baginski will have opportunity to respond. He was invited to meet with Mr. Corrigan but he did not, he also had opportunity to have his attorney present. Furthermore, Borough Clerk Baginski will have the opportunity to respond during the hearing. Borough Clerk Baginski insisted on answering to Labor Attorney Corrigan's statements and read his statement. "Mr. Baginski believes this is all in retaliation for his past complaints against the council, his rights of privacy in the doctor's office were violated by borough administrator under the direction of the council, his rights to access to the public building, he was also locked out from his computer since Monday." Labor Attorney Corrigan finished his presentation. If there are any questions they should be answered in the executive session due to attorney client privilege. Councilman Olkowski stated that he would like to ask a few questions in the executive session. Borough Clerk Baginski stated his objections to entering into executive session. Labor Attorney Corrigan answered his concerns.

Motion by Councilman Rachelski to have Deputy Clerk Agnieszka Brynczka to take over the minutes in the closed session, Seconded by Dabal.

Roll Call: All Ayes

Motion to enter into executive session by Rachelski, Seconded by Dabal.

Roll Call: All Ayes

Mr. Baginski recused himself from remainder of the meeting.

Motion by Brunacki to allow Mr. Baginski to recuse himself from the reminder of the meeting, Seconded by Dabal.

Roll call: All Ayes

Motion to enter to regular order of business by Brunacki, Seconded by Ivanicki.

Roll Call: All Ayes

APPROVAL OF MINUTES

Bid Meeting NJDOT Various Streets October 23, 2018

Motion by Dabal, Seconded by Olkowski,

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

Special Meeting – November 12, 2018

Motion by Dabal, Seconded by Olkowski,

Roll Call: Rachelski, Androwis, Dabal, Ivanicki, Olkowski- Ayes
Brunacki – abstain

Motion to table pending charges for Borough Clerk Baginski until the investigation for unpaid unemployment invoices is clarified, Seconded by Brunacki,

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

Labor Attorney Corrigan explained that nobody is being charged with the failure to pay unemployment invoices. An investigation is to be conducted. Labor Attorney Corrigan excused himself from the meeting

COMMUNICATIONS

ITEMS FOR DISCUSSION OR APPROVAL

From: Jasontown II Apartment Dwellers Susan Williams

Re: A request for help with a 206% Tax increase

From: The Wallington Zoning Board

Re: Submission of the Agenda

From: The NJ Conference of Mayors

Re: Notification of the 56th Annual Spring Conference

From: Job and Job Engineers

Re: Submission of updates on the CJ Estates Project

From: South Bergen Municipal Joint Insurance Fund

Re: Submission of the 2019 Proposed Budget

From: Bittiger Elias and Triolo Tax Attorneys

Re: Submission of the Monthly updates

From: Mr. Richard S. Cedzidlo Attorney at Law

Re: Submission of a Rice Notice to Mr. Baginski

From: The Wallington Planning Board

Re: Submission of the Agenda

From: NJ Transit
Re: Notification of a Public Hearing

From: The Wallington Public Schools
Re: Submission of an Approval to use the School facilities for a meeting on November 12, 2018

From: Michael Valenti of 22 Kossuth Street
Re: A request for help with a tenant

From: Eagle Creek Renewable Energy
Re: Submission for the Great Falls Hydroelectric Project

From: Beattie Padovano Counselors at Law
Re: A Notice of Objection for the November 12, 2018 DOKA Meeting

From: Wallington Board of Health Secretary Paula Gilbert
Re: Submission of expiration of terms

From: The State of NJ Department of Environmental Protection
Re: Information on the Wallington Avenue Water Main

From: Summit Risk Services
Re: Notification of the Denial of Coverage for the Donald Nuckel Claim

From: The Wallington Zoning Board
Re: Submission of the Agenda

From: Savannah Wallington Junior Football League Wallington Junior Panther Cheerleading Competition Team a request for Sponsors

From: Rajeanae Jackson of 111 Locust Ave
Re: A request for Ads

From: Bergen Community College
Re: Notification of receiving a Community College Opportunity Grant

From: Ms. JoAnn Lucchetti of 287 Hayward Place
Re: Submission of a letter about the DOKA Meeting

From: LSRP Environmental Consulting LLC
Re: Notification of Site Remediation at H&S Chemical

From: The County of Bergen
Re: Submission of the 2018-2020 Snow Plowing Agreement

From: Neglia Engineering
Re: Submission of Payment Voucher #1 for the Civic Center Generator Project and Payment Voucher #1 for King Street Sidewalk and Curb Improvements

From: Neglia Engineering
Re: Submission of an Email Quote for Playground Equipment State Contract for Mt. Pleasant and Crescent Park Improvements

From: Park Row Hose Company #3
Re: Notification of acceptance into membership of Mateusz Ignatowski

From: Loccke, Correia & Bukosky
Re: A follow-up letter on the Hazardous Exposure to Public Employees at 54 Union Blvd. building

From: The County of Bergen Board of Taxation
Re: Notification of a Revaluation Order hearing on December 5, 2018

From: Domino Center LLC 111 Lester Street
Re: A request for tree removal

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

From: Neglia Engineering
Re: Submission of the December Report

From: Bergen County CDBG
Re: Submission of the FY2019 Community Development Block Grant Program

From: Neglia Engineer
Re: Submission of Payment Voucher #2 for the Civic Center Generator Project

From: Neglia Engineer
Re: Submission of Playground Equipment State Contract PO for Mt. Pleasant Playground and Crescent Road Improvements

From: Ray Dynes
Re: Submission of a Vehicle and Equipment Auction List

From: RLG Environmental, Inc
Re: Jim John Ken Properties, Notification of Remedial Actions taken at 190 Main Avenue

From: Passaic Valley Sewerage Commission
Re: Notice of a City of Newark Appeal Regarding PVSC Assessments

From: 259 Paterson Avenue and 332 Maple Avenue/Rose Street
Re: Notice of a Zoning Board Hearing

From: Bergen County
Re: Notification of the Wonderland Opening Day in Van Saun Park

From: The Wallington Municipal Court
Re: Submission of Funds Collected and remitted by the Court for October 2018

From: Milk & Honey Realty LLC ETAL 14 Locust Avenue
Re: Submission of a Tax Appeal

From: The Wallington Board of Health
Re: Notification of Approved /Disapproved Handicap Parking

From: Bergen County Soil Convention District
Re: Submission of Approvals for Playground Improvements

From: The Passaic River Coalition
Re: A request for Annual Dues

From: Aneta Wygonik – Recycling Coordinator
Re: Submission of updates on Recycling

From: The Superior Court of NJ
Re: Notification of Municipal Court Session Cancellations Process for Providing Notice to the Public

From: Neglia Engineering
Re: Submission of Payment Voucher #1 for the Fire House Roof Replacements

Motion to refer the previous Communications to the proper Agencies by Brunacki Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

COMMITTEE REPORTS

COUNCILMAN JOSEPH BRUNACKI - Mt. Pleasant Park work has begun. DPW took the equipment apart and the resolution to purchase equipment is on tonight's agenda.

COUNCILMAN EUGENIUSZ RACHELSKI - attended a meeting with the Board of Taxation regarding mandatory reevaluation. He explained the need of planning of the future of the Borough. Councilman Rachelski also attended a meeting with the PBA regarding contract negotiations. Financial situation of the Borough will be challenging in coming years. There is a need of new ratables. Councilman Rachelski stressed importance of revaluation. Councilman Olkowski mentioned need of new tax maps.

COUNCILMAN KHALDOUN ANDROWIS - made a motion to authorize Borough Administrator to have a capital five year plan prepared, Seconded by Olkowski. Councilman Rachelski raised his concerns on authorizing the Borough Administrator with the task of preparing the five year plan. Discussion between councilmembers followed.

Roll Call: Brunacki, Androwis, Olkowski - Ayes

Rachelski, Dabal - Nay

Ivanicki - abstain

Councilman Androwis will supply the Borough Administrator with necessary information and feedback from the Chief of Police to prepare the five year plan.

Motion by Councilman Androwis to pay Mr. Lavaca for unused time in the amount of \$79,164.13 to pay in three yearly installments if possible, Seconded by Dabal.

Roll Call: All Ayes

Motion by Councilman Androwis to pay Chief Imbruglia for his back pay \$26,672.87 in three yearly installments 2019, 2020,2021, Second by Brunacki.

Roll Call: All Ayes

Motion by Councilman Androwis to have Borough Attorney send a letter requesting return of funds to the Borough for overpayment of unused days from Kim Lucas, Seconded by Ivanicki,

Roll Call: All Ayes

COUNCILWOMAN MELISSA DABAL - no report

COUNCILWOMAN WENDYSU IVANICKI – made a motion to hold a payment for the fire house roof replacement due to job performance issues, Seconded by Brunacki.

Roll Call: All Ayes

COUNCILMAN BRYAN OLKOWSKI - stated that the Board of Education Subcommittee met twice, there is a need to install new security doors at the Jefferson Annex. He also raised a question regarding a new school and how to pay for it. Discussion followed.

MAYOR'S REPORT - absent

ATTORNEY'S REPORT – no report

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 No. 2018 – 258

Approving the Transfer of Funds for 2018

WHEREAS, there exist certain budget expenditures with funds available in excess of the amounts approved in the 2018 budget of the Borough of Wallington; and

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of such funds during the last two months of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Wallington, County of Bergen that the following transfers be made within the 2018 Municipal Budget:

	Transfers in	Transfers out
General Administration S&W	2,000	
Municipal Clerk S&W	21,000	
Financial Admin S&W	3,700	
Financial Admin OE	20,000	
Rev Admin (Collection of Taxes) OE	2,000	
Assessment Admin OE	24,000	
Legal OE	85,000	
Engineer OE	22,000	
Planning Board OE	5,600	
Construction Code Official S&W		3,000
Parking Sticker Program S&W		5,000
Construction Code Official OE	2,000	
Parking Sticker Program OE		10,000

Rent Leveling Board S&W	100	
Liability (SBJIF)		176,060
Workmens Comp (SBJIF)		180,000
Health Benefit Waiver	28,000	
Fire OE		3,000
EMS OE	3,000	
Streets & Roads S&W	40,000	
Solid Waste Collection	1,000	
Buildings&Grounds	10,000	
Board of Health S&W	35,000	
Board of Health OE	5,000	
Senior Citizen OE		5,000
Celebration of Public Events	5,000	
Street Lighting	7,000	
Municipal Court S&W	27,000	
Municipal Court OE	15,000	
Maintenance of Public Liabrary	16,000	
Shared Service Health	2,000	
Green Acres Loan	660	
	<hr/> 382,060	<hr/> 382,060
	<hr/> <hr/>	<hr/> <hr/>

Motion by Dabal, Seconded by Brunacki

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

Resolution No. 2018-263

**MUNICIPAL ENDORSING RESOLUTION FOR FY18 BERGEN COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT**

WHEREAS, a FY18 Bergen County Community Development Block Grant (CDBG) totaling approximately \$130,000.00 has been proposed by the Borough of Wallington for Phase 1 of road resurfacing and curb and sidewalk rehabilitation along Jordan Avenue in the Borough of Wallington; and

WHEREAS, the proposed project limits are within an area of the borough deemed eligible per Bergen County CDBG mapping; and

WHEREAS, the proposed scope of work is considered eligible due to its area benefits, its intention to eliminate physical barriers to access and bring sidewalks and curbing into ADA compliance; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Wallington; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Wallington hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Bergen County Division of Community Development (Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, 4th Floor; Hackensack, NJ 07601) so that implementation of the aforesaid project may be expedited.

Motion by Brunacki, Seconded by Androwis,

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

Resolution No. 2018-264

**MUNICIPAL ENDORSING RESOLUTION FOR FY19 BERGEN COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT**

WHEREAS, a FY19 Bergen County Community Development Block Grant (CDBG) totaling approximately \$250,000.00 has been proposed by the Borough of Wallington for Phase

2 of road resurfacing and curb and sidewalk rehabilitation along Jordan Avenue in the Borough of Wallington; and

WHEREAS, the proposed project limits are within an area of the borough deemed eligible per Bergen County CDBG mapping; and

WHEREAS, the proposed scope of work is considered eligible due to its area benefits, its intention to eliminate physical barriers to access and bring sidewalks and curbing into ADA compliance; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Wallington; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Wallington hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Bergen County Division of Community Development (Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, 4th Floor; Hackensack, NJ 07601) so that implementation of the aforesaid project may be expedited.

Motion by Brunacki, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

Resolution No. 2018-265

MUNICIPAL ENDORSING RESOLUTION FOR FY19 BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT

WHEREAS, a FY19 Bergen County Community Development Block Grant (CDBG) totaling approximately \$250,000.00 has been proposed by the Borough of Wallington for road resurfacing and curb and sidewalk rehabilitation along Morrissee Avenue in the Borough of Wallington; and

WHEREAS, the proposed project limits are within an area of the borough deemed eligible per Bergen County CDBG mapping; and

WHEREAS, the proposed scope of work is considered eligible due to its area benefits, its intention to eliminate physical barriers to access and bring sidewalks and curbing into ADA compliance; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Wallington; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Wallington hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Bergen County Division of Community Development (Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, 4th Floor; Hackensack, NJ 07601) so that implementation of the aforesaid project may be expedited.

Motion by Brunacki, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

Resolution No. 2018-266

ACCEPTANCE OF PURCHASE ORDER

BE IT RESOLVED by the Mayor and Council of the Borough of Wallington, Bergen County, New Jersey upon the recommendation of the Borough Engineer, Michael J. Neglia, P.E., P.P., P.L.S., that the Purchase Order through State Contract for the:

MT. PLEASANT PLAYGROUND &

CRESCENT ROAD PARK IMPROVEMENTS

(OPEN SPACE AND CDBG GRANTS)

BOROUGH OF WALLINGTON

BERGEN COUNTY, NEW JERSEY

Be awarded to **Gametime, C/O MRC PO Box 106, Spring Lake, NJ 07762** in the amount of **Ninety-Seven Thousand Nine Hundred Seventy-Three Dollars and Nineteen Cents (\$97,973.19) for Quotes #144676, #144332 and #144333.** This Resolution to take effect upon certification of this Resolution by the Borough's Chief Finance Officer that sufficient funds are available.

Dated:

Certified: _____

Chief Finance Officer

Dated:

Approved: _____

Mayor

CERTIFICATION

I, Witold Baginski, Borough Clerk for the Borough of Wallington, Bergen County, New Jersey, do hereby certify that the foregoing resolution was adopted by the Mayor and Council of the Borough of Wallington at a regular meeting held _____, 2018.

Dated:

Clerk

NEA FILE: WALLMUN18.014

Motion by Brunacki, Seconded by Androwis,

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

Resolution No. 2018-267

RESOLUTIONS PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSANT 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

or 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,

WHEREAS:

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 2018 in the sum of **\$47,945.45** which item is now available as a revenue from the State of NJ, Dept of Law & Public Safety, Division of Highway Traffic.

SECTION 2

BE IT FURTHER RESOLVED THAT A LIKE SUM OF **\$47,945.45** be and the same is hereby appropriated under the caption of:

CURRENT FUND **\$47,945.45**

BE IT FURTHER RESOLVED, that the above is the result of funds available under said program to the Borough of Wallington for the year 2018.

Motion by Brunacki, Seconded by Androwis,

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

Resolution No. 2018-268

**RESOLUTION REGARDING REVIEW OF THE
2018 BEST PRACTICES INVENTORY**

WHEREAS, the Chief Financial Officer and Municipal Administrator of the Borough of Wallington have completed the Borough's annual Best Practices Inventory for 2018;

WHEREAS, the Mayor and Council has reviewed and discussed the completed Best Practices Inventory at its meeting of December 11, 2018; and

WHEREAS, the Borough will immediately certify that the governing body has discussed the Inventory as prepared by the Borough's Chief Financial Officer and Municipal Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Wallington, that the Borough Clerk is hereby authorized to certify to the Division of Local Government Services that the 2018 Best Practices Inventory was discussed at the public meeting of December 11, 2018.

Adopted: 12/11/2018

I, Agnieszka Brynczka, Deputy Borough Clerk, of the Borough of Wallington, County of Bergen, do hereby certify the foregoing to be a true and correct copy of the above resolution adopted by the Mayor and Board Commissioners of the Borough of Wallington at a meeting held on December 11, 2018

Motion by Brunacki, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

Resolution No. 2018-269

WHEREAS, the company known as Smith - SONDY Asphalt Construction Co., Inc. (hereafter Smith-Sondy) performed work for the Borough of Wallington on the municipal road improvement project which was completed in December 2015; and

WHEREAS, the former project engineer for the Borough of Wallington, Mr. Kenneth J. Job of Job & Job Consulting Engineers, has refused to sign the certificates of payment to close

out the project and to authorize the final payment to Smith-Sondy;

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

1) The Borough of Wallington desires to pay all contractors who completed work for the Borough of Wallington in a timely manner.

2) The Borough of Wallington is also concerned about its liability pursuant to the New Jersey Prompt Payment Act and other statutory laws which governs its duties and obligations.

3) The payment in amount of \$30,599.30 to Smith-Sondy is hereby authorized and all present borough employees and independent contractors and/or former employees and independent contractors are hereby directed to immediately take such action as necessary to facilitate this payment to Smith-Sondy.

Certification of Funds

The Chief Finance Officer certifies that sufficient funds are available to pay for the services described above from Account No.

Motion by Brunacki, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

Resolution No. 2018-270

WHEREAS, THE BOROUGH OF WALLINGTON received payment from Anna Bartoszewicz to redeem Tax Sale Certificate Number 17-006 2016; 268 Wallington Avenue, Wallington, New Jersey, Block 43, Lot 31, in the amount of \$12,053.13.

WHEREAS, Tax Sale Certificate Number #17-006 2016 is held by US Bank Cust for BV002 Trust & CRDT (Third Party Lien Holder), and,

WHEREAS, the Third Party Lien Holder, US Bank Cust for BV002 Trust & CRDT paid a premium in the amount of \$27,000.00 for Tax Sale Certificate Number 17-006 2016.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Wallington, that the Redemption be approved in the amount of \$39,053.13

(\$12,053.13 Tax Title Lien Redemption and \$27,000.00 Premium). The Borough Treasurer will issue a check made payable to: US Bank Cust for BV002 Trust & CRDT in the amount of \$39,053.13 and the Tax Collector shall adjust her books accordingly.

The payment should be mailed to: US Bank Cust for BV002 Trust & CRDT, 50 S 16th Street , Suite 2050, Philadelphia, PA 19102-2513

Motion by Brunacki, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

Resolution No. 2018-271

RESOLUTION AUTHORIZING SERVICE CHARGE ON RETURNED CHECK FOR INSUFFICIENT FUNDS

WHEREAS:

N.J.S.A.40:5-19 has been enacted to allow a municipality the authority to impose a service charge to be added on an account where payment by check or other written instrument was returned for insufficient funds; and,

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Wallington, County of Bergen, State of New Jersey, hereby authorizes the Tax Collector to charge the aforementioned fee at a rate of \$20.00 per check or other written instrument for all checks returned for insufficient funds during the current fiscal year, and,

BE IT FURTHER RESOLVED, that the Tax Collector may require future payments to be tendered in certified check, cashier's check, or cash, and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Chief Financial Officer, the Tax Collector and the Municipal Auditor.

Motion by Brunacki, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

Resolution No. 2018-272

WHEREAS, the following Property Owner listed below prepaid their 2018 Fourth Quarter Property Taxes and requested a refund due to the fact that they received a Homestead Benefit in the 2018 Fourth Quarter.

WHEREAS, this payment in the amount listed below resulted in an overpayment as follows:

Czopek, William & Wanda	49 Franklin Avenue	\$ 513.40
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NOW, THEREFORE, BE IT RESOLVED, that the Borough of Wallington shall refund the amount to the above referenced property owner and the Tax Collector shall adjust her books accordingly.

Motion by Brunacki, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

Resolution No. 2018-273

WHEREAS:

The Governing Body of the Borough of Wallington finds and declares that N.J.S.

A. 40A:5-17-1 empowers authorized municipal employees to process the cancellation of tax refunds and/or delinquencies of less than Ten (\$10.00) Dollars, and

WHEREAS:

The Governing Body further finds and declares that the Municipal Tax Collector is qualified to process the cancellation of tax refunds and/or delinquencies of less than Ten (\$10.00) Dollars, and

WHEREAS:

The Governing Body further finds and declares that it is in the best interest of the citizens of the Borough of Wallington for the Municipal Tax Collector to be authorized to process the cancellation of tax refunds and/or delinquencies of less than Ten (\$10.00) Dollars in accordance with N.J.S.A. 40A:5-17-1;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Wallington that Municipal Tax Collector Dorothy B. Siek is hereby authorized to process the cancellation of tax refunds or delinquencies of less than Ten (\$10.00) Dollars during the calendar year of 2017 in accordance with N.J.S.A. 40A: 5-17-1.

Motion by Brunacki, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

Resolution No. 2018-274

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR
POLICE CAMP TRUST FUND

WHEREAS, permission is required of the Director of Local Government Services for approval as a Dedication by Rider of certain revenues received by a municipality when the revenue is not subject to a reasonable accurate estimate in advance; and

WHEREAS, PL 1999, Chapter 292 and NJS 40:48-2.56 provides for receipt of Police Camp registration fees and donations by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Police camp are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Borough of Wallington, County of Bergen, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Borough of Wallington Police Camp.
2. The Borough Clerk of the Borough of Wallington, County of Bergen, is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Motion by Brunacki, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

Resolution No. 2018-275

RE: CANCELLING GRANT APPROPRIATED RESERVES

WHEREAS, unexpended appropriated grant reserve balances remain on the Current Fund Balance Sheet; and,

WHEREAS, it has been further been determined that the programs associated with these grants have been completed; and,

WHEREAS, it is necessary to formally cancel the appropriated grant reserve balances from the Current Fund Balance Sheet;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Wallington, County of Bergen, State of New Jersey that the following grant balances be cancelled of record:

Grant Description	Appropriation Reserve
Supplemental Fire Services Program State Entitlement	\$1,573.00
Drunk Driving Enforcement Fund Police SW	13,853.00
Clean Communities	73,010.00
COPS Fast Programs	73.00
Municipal Alliance- State	35,390.38
Legislative Grant- Emergency Services	9,530.00
Non Public Nursing	14,276.00
COPS More	1,579.00
Livable Communities -Acquisition of Fire Equipment	1,977.00
HAVA Grant	6,586.00
DEP Storm water Grant Safe and Secure	17,960.00

84,824.00

\$260,631.38

Motion by Brunacki, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

Resolution No. 2018-276

**AUTHORIZING THE BOROUGH OF WALLINGTON TO CANCEL OLD
OUTSTANDING CHECKS AND RECONCILING ITEMS**

WHEREAS, there exists outstanding checks in various bank accounts that are older than one year; and

WHEREAS, those checks need to be cancelled from the books and records of the Borough of Wallington.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Wallington, County of Bergen, State of New Jersey, that the following checks are hereby cancelled and the funds from said checks shall be realized in the current fund as miscellaneous revenue:

<u>Check Date</u>	<u>Check #</u>	<u>Amount</u>
3/26/2015	17356	128.76
3/26/2015	17363	128.76
4/9/2015	17387	82.48
4/23/2015	17391	273.38
4/23/2015	17474	60.00
6/25/2015	17678	96.03
6/25/2015	17729	921.06
9/24/2015	18002	106.74
9/24/2015	18017	314.70
12/12/2016	18103	395.66
10/16/2015	18121	24.97

6/24/2016	18125	3,950.00
12/10/2015	18185	2,585.77
6/24/2016	18202	3,950.00
12/10/2015	18281	1,000.00
6/24/2016	18297	5,925.00
12/17/2015	18332	314.70
12/31/2015	18407	409.00
<u>Check Date</u>	<u>Check #</u>	<u>Amount</u>
4/21/2016	18878	110.00
2/8/2017	19157	4,234.08
7/21/2016	19184	32.90
1/26/2017	19248	428.37
1/26/2017	19325	200.00
1/26/2017	19343	303.71
9/22/2016	19452	337.50
11/4/2016	19683	88.20
11/10/2016	19692	700.00
7/14/2017	19722	1,600.00
12/15/2016	19740	314.70
1/30/2017	19778	120.00
2/8/2017	19862	3,050.00
3/4/2017	19865	75.00
4/20/2017	20296	180.00
6/29/2017	20461	327.00

6/29/2017	20499	30.00
6/30/2017	20509	490.00
8/24/2017	20662	500.00
10/26/2017	20954	2,000.00
10/26/2017	20985	800.00
10/26/2017	20991	<u>32.57</u>
		<u><u>36,621.04</u></u>

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Chief Financial Officer of the Borough of Wallington for hers records.

Motion by Brunacki, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

Resolution No. 2018-277

WHEREAS, unexpended trust reserve balances remain on the Trust Fund Balance Sheet; and,

WHEREAS, it has been further been determined that the programs associated with these trust funds have been completed or spent through current fund appropriations; and,

WHEREAS, it is necessary to formally cancel the trust reserve balances from the Trust Fund Balance Sheet;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Wallington, County of Bergen, State of New Jersey that the following Trust reserve balances be cancelled of record:

<u>Trust reserve</u>	<u>Amount</u>
Iron and Steel Recycling	128.00
Handicap Trust	37.00
Hurricane Irene	<u>2,334.97</u>
	<u><u>2,499.97</u></u>

Motion by Brunacki, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

Resolution No. 2018-278

WHEREAS, CJ Estates, the owner of 23 Wallington Ave, Wallington New Jersey was required to construct ADA curb ramp improvements; and

WHEREAS, the former project engineer for the Borough of Wallington, Mr. Kenneth J. Job of Job & Job Consulting Engineers, has stated in his letter of October 19, 2018 that the open items in his review reports have been satisfied , but has requested a waiver from the Mayor and Council;

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

1) The Mayor and Council of the Borough of Wallington desires to close up construction projects in a timely manner and it appears that the owner of 23 Wallington Ave, Wallington, New Jersey has complied with the Americans with Disabilities Act and is entitled to receive any certifications or other documents which may be necessary;

2) This resolution shall act like a waiver or any other document which might be required by Kenneth Job, PE, former Borough Engineer to authorize a release of a the bond, if any, and for the insurance of a certificate of occupancy. This resolution is adopted with respect to the ADA curb ramp Improvements only. If any other construction items or other matters have not be completed, and the Mayor and Council has not been made aware of the same, this resolution shall not act as a waiver or release of any of those other items.

Motion by Brunacki, Seconded by Androwis,

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

ORDINANCES

Ordinance 2018 – 12 2nd Reading

An ordinance to Amend Chapter 40 Entitled Ethics

Motion to Open the Meeting to the Hearing of the Citizens relative to Ordinance No. 2018 – 12
by Brunacki Seconded by Olkowski

Roll Call: All Ayes

Mrs. Urbankowski asked to explain the ordinance. Borough Attorney explained.

Motion to Close the Meeting to the Hearing of Citizens by Brunacki Seconded by Androwis,
Roll Call: All Ayes

Motion to Adopt Ordinance No. 2018 –12 by Olkowski, Seconded by Androwis,
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

LIST OF BILLS AND SUPPLEMENTAL LIST OF BILLS

22408 BERGEN COUNTY FIRE PREVENTION	\$60.00
22409 BERGEN COUNTY FIRE PREVENTION	\$35.00
22410 GTBM/INFO-COP	\$7,064.88
22411 KENCOR INC.	\$117.00
22412 GENERAL CODE	\$1,195.00
22413 ALERT - ALL CORP	\$333.50
22414 CITY OF CLIFTON	\$4,330.00
22415 JOSEPH SMENTKOWSKI	\$38,250.00
22416 W.B. MASON COMPANY, INC.	\$507.88
22417 GTBM/INFO-COP	\$1,341.48
22418 EXCLUSIVE ACCOUNTING SERVICE	\$8.62
22419 ACTION DATA SERVICES INC.	\$35.98
22420 EXCLUSIVE ACCOUNTING SERVICE	\$62.36
22421 ACTION DATA SERVICES INC.	\$249.36
22422 W.B. MASON COMPANY, INC.	\$629.90
22423 PAYFLEX SYSTEMS USA, INC	\$33.00
22424 ANGELO'S PIZZA & PASTA	\$105.00
22425 NEGLIA ENGINEERING ASSOC.	\$4,055.00
22426 NEGLIA ENGINEERING ASSOC.	\$6,720.00
22427 BERGEN COUNTY TREASURY	\$8,501.25
22428 PASSAIC COUNTY POLICE ACADEMY	\$40.00
22429 EXCLUSIVE ACCOUNTING SERVICE	\$233.70
22430 MID-BERGEN REG. HEALTH COMM.	\$4,345.50
22431 HOME DEPOT CREDIT SERVICES	\$1,864.53
22432 TREASURER STATE OF NEW JERSEY	\$258.00
22433 TREASURER STATE OF NEW JERSEY	\$258.00

22434 BITTIGER ELIAS & TRIOLO PC	\$1,925.00
22435 VERIZON	\$36.83
22436 RAINBOW CLEANERS	\$205.00
22437 PROCOPY INC.	\$357.00
22438 VERIZON WIRELESS	\$705.87
22439 BRUNO ASSOCIATES INC	\$2,000.00
22440 VERIZON WIRELESS	\$314.54
22441 COMCAST	\$150.84
22442 P.S.E.&G.	\$13,313.22
22443 ADVANCED ENTERPRISES	\$24,766.98
22444 DE LAGE LANDEN	\$278.25
TOTAL BILL LIST	\$124,688.47

WATER ACCOUNT

63164 AMERICAN HOSE & HYDRAULIC CO	\$205.12
63165 W.B. MASON COMPANY, INC.	\$480.87
63166 P.S.E.&G.	\$1,299.22
63167 VERIZON	\$450.46
63168 U.S. POST OFFICE	\$1,050.00
63169 U.S. POST OFFICE	\$6.70
63170 PASSAIC VALLEY WATER COMM.	\$69,800.20
TOTAL BILL LIST	\$73,292.57

GENERAL CAPITAL

400909 NEGLIA ENGINEERING ASSOC.	\$880.00
400910 NEGLIA ENGINEERING ASSOC.	\$820.00
400911 NEGLIA ENGINEERING ASSOC.	\$160.00
400912 NEGLIA ENGINEERING ASSOC.	\$100.00
400913 NEGLIA ENGINEERING ASSOC.	\$934.18
400914 NEGLIA ENGINEERING ASSOC.	\$350.00
400915 NEGLIA ENGINEERING ASSOC.	\$90.00
400916 BERGEN COUNTY SOIL	\$1,075.00
TOTAL BILL LIST	\$4,409.18

TRUST ACCOUNT - ZONING

2787 NEGLIA ENGINEERING ASSOC	\$160.00
2790 NEGLIA ENGINEERING ASSOC	\$820.00
2788 NEGLIA ENGINEERING ASSOC	\$505.82
2790 NEGLIA ENGINEERING ASSOC	\$2,118.04
TOTAL BILL LIST	\$3,603.86

Motion to Pay List of Bills by Brunacki, Seconded by Dabal.
Councilman Brunacki abstain on check #22548

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

OLD BUSINESS

Motion by Councilman Olkowski to authorize Wallington Borough to continue with the application with New Jersey Water Bank to fund Wallington Avenue water main replacement project, Seconded by Androwis.

Councilman Rachelski followed up with questions and asked for an explanation of the costs and details of the project.

Roll Call: All Ayes

Motion by Councilman Olkowski to authorize and approve Neglia Engineering for the agreement of professional services dated June 22, 2018 to develop the design of the Wallington Avenue water main replacement project pending certification of funds availability by the CFO, Seconded by Androwis.

Discussion followed on funding and process of securing funds for the motion. Borough CFO will advise about available funds. Councilman Olkowski withdrew the motion.

NEW BUSINESS

Motion by Councilman Olkowski to serve Borough Attorney with the Rice Notice for the next town council meeting to discuss the following items:

1. Mr. Cedzidlo advisement and actions taken with regards to current litigation.
2. Mr. Cedzidlo advisement with regards to the master plan.
3. Any other item related to the job performance.

Seconded by Androwis

Roll Call: Brunacki, Androwis, Ivanicki, Olkowski - Ayes

Rachelski, Dabal – Nay

Motion by Councilman Olkowski to have Deputy Borough Clerk to take the minutes of the Rice hearing for the Borough Attorney Cedzidlo, Seconded by Brunacki.

Roll Call: Brunacki, Androwis, Ivanicki, Olkowski - Ayes

Rachelski, Dabal – Nay

ADJOURNMENT

Motion to adjourn at 9:55 by Olkowski, Seconded by Androwis,

Roll Call: All Ayes

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

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Seconded by Androwis

Roll Call: Brunacki, Androwis, Ivanicki, Olkowski - Ayes

Rachelski, Dabal – Nay

Motion by Councilman Olkowski to have Deputy Borough Clerk to take the minutes of the Rice hearing for the Borough Attorney Cedzidlo, Seconded by Brunacki.

Roll Call: Brunacki, Androwis, Ivanicki, Olkowski - Ayes

Rachelski, Dabal – Nay

ADJOURNMENT

Motion to adjourn at 9:55 by Olkowski, Seconded by Androwis,

Roll Call: All Ayes



Agnieszka Brynczka
Deputy Borough Clerk