

**MINUTES  
CAUCUS/WORK SESSION  
OCTOBER 9, 2018**

Mayor Mark W. Tomko calls the meeting to order at 7:03 p.m.

Flag Salute and Invocation

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

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

Mayor Mark W. Tomko - present

Borough Attorney Richard Cedzidlo - present

Borough Administrator Victor M. Polce - present

**HEARING OF CITIZENS**

Motion by Dabal, Seconded by Androwis, to open the meeting to the hearing of citizens.

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

Ms. Theresa Ognewchuk of 4431 Blum Street would like to know why there is no clock on the wall in the Civic Center meeting room since it is also used as a polling place. Mayor Tomko advised that he will take care of it.

Mrs. Rebecky of 269 Hathaway Street would like to commend Councilwoman Dabal for all the research and great work that she performed on the parking permits.

Mr. Mendyk of 6 Azalea Drive was questioning resolutions from the last meeting in regards to tax appeals. Borough Attorney Mr. Cedzidlo stated that the Mayor and Council will discuss mentioned resolutions during the executive session meeting.

Motion by Dabal, Seconded by Androwis, to close the meeting to the hearing of citizens.

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

**APPROVAL OF MINUTES**

Caucus Work/Session September 11, 2018

Motion by Brunacki, Seconded by No Second

Roll Call: Motion failed

## **COMMUNICATIONS**

### ITEMS FOR DISCUSSION OR APPROVAL

From: The NJ Division of Community Affairs

Re: Submission of the SALT Contribution Law and an Opioid Litigation Survey

From: The Wallington Building Inspector

Re: Submission of the Monthly Report

From: Neglia Engineering

Re: Submission of a letter for the King Street Sidewalk and Curb Improvements

From: NJ League of Municipalities

Re: Submission of Proposed Membership Dues and the 21<sup>st</sup> Annual Elected Officials Hall of Fame

From: Mrs. Mary Mingolo of 65 Strong St., Monika Pienkowska of 314 Maple Ave., and Maria Leone of 33 Roehrs Dr.

Re: A request for Tree Removal

From: The Wallington Board of Health

Re: A request for use of the DPW Garage on Saturday, November 3, 2018 for the Annual Rabies Clinic

From: The Bergen County Executive

Re: Notification of the CDBG Grant for Currie Ave. Roadway Improvements in the amount of \$127,200.00

From: P.S.E. &G.

Re: Notification of a Public Hearing

From: Borough Attorney Richard S. Cedzidlo

Re: Submission of a Rice Notice to Mr. Baginski

From: Recycling Coach

Re: Submission of Information on a Recycling Program

From: Chasan Lamparello Mallon & Coppuzzo, P.C.

Re: Submission of the Township of Hackensack Housing Element of the Master Plan and Fair Share Plan

From: Job and Job Engineers

Re: Submission of Updates on the 23 Wallington Avenue Project

From: Mark Vangieri, CRP

Re: Submission of a request from Edgewater in reference to Plastic Bags

From: Neglia Engineering  
Re: Submission of the Monthly Report

From: Kaufman Semeraro & Leibman, LLP  
Re: Submission of a Civil Action Summons

Motion by Brunacki, Seconded by Ivanicki, refer the previous Communications to the proper Agencies.

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

### **COMMITTEE REPORTS**

Councilman Androwis would like to invite everyone to a Tree Planting event on Saturday, October 20<sup>th</sup> at 9AM. Multiple organizations, Borough employees and school children will be present. Planting will take place at the Liberty Park in Wallington.

Councilman Androwis also spoke about Shade Tree Commission and future ideas.

Borough Engineer - David Juzmeski presented his engineering report.

1. Wallington Fire Department Roof replacement - project is on the way.
2. Sidewalk Project on King Street - it is half way done on both sides.
3. Mt. Pleasant Playground and Crescent Road Park Project - bids were received on September 26<sup>th</sup> and exceed what was allocated for the project. Mr. Juzmeski suggested rejecting the bids and changing the scope of the project, including purchase of equipment through state contracts and use Department of Public Works to help remove existing playground equipment. Council members questioned the cost of the project, which grants are included, bonding and changes to the scope of the project. Discussion followed. Mr. Juzmeski answered all the questions and explained the new plan for the project.

Motion by Brunacki, Seconded by Olkowski, to reject the bids and authorize re-advertisement on the revised scope of the project, subject to committee approval.

Roll Call: All Ayes

4. Civic Center Generator - pre-construction meeting was on September 20<sup>th</sup>, generator was ordered, there is a deadline from FEMA, December 30<sup>th</sup>, extension might be in order.
5. Additional PSE&G lighting - documents need to be signed allowing increase in the billing for additional lights.
6. 54 Union Boulevard - it was discussed how to proceed with the project.
7. FY2019 NJDOT Municipal Aid Applications - Hathaway Street, Curie Avenue, Spring Street and Chestnut Street, an application will be filed by the grant writer. Councilman Androwis questioned if Jordan Avenue can be added to the grant application, streets are bad. Mr. Juzmeski needs to check with the grant writer to see if the resolution can be updated to include mentioned streets.



8. Spring Street Pump station - Mr. Dynes is coordinating the project.
9. Emergency Vehicle traffic control at Paterson /Johnson Intersection - it was confirmed that additional signage as requested will be added.
10. Additional Stop sign installation at Wallington Avenue/Union Boulevard - accident reports were sent, traffic volume does not warrant for additional traffic sign on the county road.
11. Wallington Avenue water-main improvement - Grant writer needed additional information, Councilman Olkowski is following up with the water bank, curbs and sidewalks, soft cost could be included in the application, the bank is willing to meet with the small committee to discuss. Councilman Olkowski would like to form a committee to be involved in the meeting with the bank and following up with the project. Mayor suggested for Administrator Mr. Polce to coordinate the meeting.
12. 2017-2018 Municipal Road Program - Jacob Street is under construction, project will be closed out soon. Willow Avenue, Spring Street and Spring Court is out to bid, expected date for the bid October 23, 2018. Intention is to do all three streets as long as the bids come within the budget. Currie Avenue received CDBG funding, waiting for directions on how to proceed with the project. Councilman Olkowski questioned funding and how does it work, Councilwoman Dabal was asking if funds could be reprogrammed to different streets.
13. State aid improvement of Park Row - it will get closed out, striping has to be redone because of the parking on the street.

Mayor Tomko brought up concerns about Reservoir Avenue and what is happening under the surface. Borough Engineer Mr. Juzmeski suggested televising of the water pipe and see what is going on there. Proposal for televising will be submitted for approval.

Motion by Brunacki, Seconded by Androwis, to approve televising of Reservoir Avenue and obtain three quotes not to exceed \$6,000.

Roll Call: All Ayes

Sprint wants to update equipment on their cell tower. All work is to be done within the existing fence. Borough Engineer Mr. Juzmeski stated there is no objection to what they are proposing from an engineering point of view. Mayor has to sign the proposed contract.

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

#### **Current Account**

22354 ROBERT'S & SON	\$345.00
22355 PAUL STOLARZ	\$3,710.00
22356 WALLINGTON BOARD OF EDUCATION	\$447,222.00
22357 WALLINGTON BOARD OF EDUCATION	\$447,222.00
22358 WALLINGTON BOARD OF EDUCATION	\$447,222.00
22359 RICHARD S. CEDZIDLO	\$4,103.00

22360 TROPICANA CASINO AND RESORT	\$2,880.00
22361 GARBARINI & CO. P.C. CPAS	\$2,000.00
22362 GARBARINI & CO. P.C. CPAS	\$1,175.00
22364 THE SHERWIN-WILLIAMS CO	\$1,438.25
22365 INTERSTATE BATTERIES	\$1,407.40
22366 VERIZON WIRELESS	\$71.62
22367 BOROUGH OF CARLSTADT	\$4,430.71
22368 BOROUGH OF CARLSTADT	\$35,870.50
22369 BRUNO ASSOCIATES INC.	\$2,000.00
22370 MICHAEL MARCINIAK	\$33.50
22371 WALLINGTON BOARD OF EDUCATION	\$109.00
22372 BOROUGH OF WALLINGTON	\$112.61
22373 MUNICIPAL INFORMATION SYSTEMS	\$1,210.00
22374 THE CORRIGAN LAW FIRM	\$13,819.50
22375 TREASURER, STATE OF NEW JERSEY	\$900.00
22376 JOHNNY ON THE SPOT INC	\$498.40
22377 RICHARD S. CEDZIDLO	\$3,937.40
22378 SERVPRO	\$2,493.95
22379 COMCAST	\$150.84
22380 NORTH JERSEY MEDIA GROUP INC.	\$50.50
22381 NORTH JERSEY MEDIA GROUP INC.	\$56.50
22382 NORTH JERSEY MEDIA GROUP INC.	\$50.50
22383 BERGEN MUN EMP BENFT FUND	\$164,152.00
22384 JON D. SONTZ	\$400.00
22385 JON D. SONTZ	\$855.00
22386 C & K PRINTING CO.	\$49.80
22387 C & C TIRE, INC.	\$313.00
22388 ADVANCED ENTERPRISES	\$24,766.98
22389 RIDGEHURST AUTO PARTS	\$575.25
22390 MARTIN S. CEDZIDLO, ESQ.	\$1,900.00
22391 MARTIN S. CEDZIDLO, ESQ.	\$2,580.00
22392 HEDIGER'S FUEL OIL	\$690.35
22393 SOUTH JERSEY ENERGY	\$152.14
22394 SOUTH JERSEY ENERGY	\$723.29
22395 E-ZPASS	\$200.00
22396 GARBARINI & CO. P.C. CPAS	\$7,000.00
22397 PASSAIC VALLEY SEWERAGE COMM.	\$2,019.81
22398 ACTION DATA SERVICES INC.	\$259.84
22399 ACTION DATA SERVICES INC.	\$35.98
22400 EXCLUSIVE ACCOUNTING SERVICE	\$21.60
22401 ACTION DATA SERVICES INC.	\$233.70
22402 CARMELLO IMBRUGLIA	\$56.00
22403 PASSAIC VALLEY SEWERAGE COMM.	\$178,506.45
22404 EMERGENCY EQUIPMENT SALES	\$530.21
22405 MCI	\$149.25
22406 BRIAN ROSAS	\$1,079.61

22407 BEYER FLEET SALES & SERVICE	\$7,632.35
<b>TOTAL BILL LIST</b>	<b>\$1,819,402.79</b>

**WATER ACCOUNT**

63159 TROPICANA CASINO AND RESORT	\$240.00
63160 GARBARINI & CO. P.C. CPAS	\$950.00
63161 GARBARINI & CO. P.C. CPAS	\$7,500.00
63162 ADVANTAGE COMPUTER	\$645.00
63163 RIDGEHURST AUTO PARTS	\$266.75
72718 BOROUGH PAYROLL ACCOUNT	\$14,845.55
<b>TOTAL BILL LIST</b>	<b>\$24,447.30</b>

**GENERAL CAPITAL**

400900 SMITH-SONDY ASPHALT CONST. CO.	\$17,596.32
400901 NEGLIA ENGINEERING ASSOC.	\$5,314.50
400902 NEGLIA ENGINEERING ASSOC.	\$14,632.00
400903 NEGLIA ENGINEERING ASSOC.	\$3,375.52
400904 NEGLIA ENGINEERING ASSOC.	\$4,469.92
400905 NEGLIA ENGINEERING ASSOC.	\$1,987.50
400906 NEGLIA ENGINEERING ASSOC.	\$2,490.86
400907 NEGLIA ENGINEERING ASSOC.	\$155.00
400908 NEGLIA ENGINEERING ASSOC.	\$1,847.80
<b>TOTAL BILL LIST</b>	<b>\$51,869.42</b>

**TRUST ACCOUNT - PLANNING**

2784 MARTIN S. CEDZIDLO, ESQ.	\$500.00
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**TRUST ACCOUNT - RECREATION**

1243 ANDREA SOLLITTO	\$150.00
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**TRUST ACCOUNT - DOG**

1205 NJ DEPARTMENT OF HEALTH	\$12.00
1206 NJ DEPARTMENT OF HEALTH	\$19.20

Motion by Brunacki, Seconded by Ivanicki, to Pay List of Bills  
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski - Ayes

Motion to enter into executive session by Rachelski, Seconded by Adnrowis,  
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski – Aye



## **RESOLUTION NO. 2018 – 245A**

### **RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**WHEREAS** the Governing Body of the Borough of Wallington is authorized, pursuant to N.J.S.A. 10:4-12 to exclude the public from that portion of this meeting for purposes of discussing specific matters as permitted by N.J.S.A. 10:4 - 12; and,

**WHEREAS**, the Governing Body of the Borough of Wallington intends to discuss certain matters which are deemed confidential pursuant to N.J.S.A 10:4-12, in Executive Session:

**WHEREAS**, at this time the Governing Body of the Borough of Wallington cannot determine the time when the discussion to be held in Executive Session will be made public, but will disclose the minutes of the Executive Session when the need for confidentiality no longer exists

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Wallington that this meeting shall be adjourned to an Executive Session (closed session) and the Public will be excluded in order that the Governing Body may discuss the items listed below, and upon reconvening the public meeting will resume. This resolution is authorized and allowed by and pursuant to N.J.S.A 10:4-13

1. For discussion of proposed settlements of tax appeals with the Borough's tax attorney.
2. For discussion of the pending affordable housing litigation and the scheduling of a special meeting.
3. Discussion of pending litigation.

Motion to resume regular order of business by Dabal, Seconded by Olkowski,  
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski – 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 2018 – 213**

### **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**, Jasontown II Associates, has filed a tax appeal with respect to the assessed valuation of the real property commonly known as 11-21 Midland Avenue, Block 71, Lot 3, 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 Jasontown II Associates; 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/or 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 she 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 year 2014, 2015, 2016, 2017 and 2018 filed by Jasontown II Associates with respect to the real property located at 11-21 Midland Avenue, Block 71, Lot 3, Wallington, New Jersey;
- b)
- c) 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 Jasontown II Associates that the Mayor and Council is authorizing its counsel to settle are as follows:
  - 1. For tax years 2014, 2015, 2016 and 2017, the Complaints shall be withdrawn by Jasontown II Associates as a condition of the settlement.
  - 2. For tax year 2018, the original assessment for Block 71, Lot 3 was Land - \$7,480,000.00; Improvements - \$12,742,000.00 for a total assessment of \$20,222,000.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2018 as follows: Land - \$7,480,000.00; Improvements \$12,492,000.00; for a total of \$19,972,000.00
- d) Statutory interest, pursuant to N.J.S.A. 54:3-27.2, 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) Paul M. Elias, 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 table by Brunacki, Seconded by Androwis,  
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

#### **RESOLUTION 2018 – 214**

##### **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**, FMJ LLC has filed a tax appeal with respect to the assessed valuation of the real property commonly known as 23 Chestnut Street, Block 65.08, Lot 3, 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 FMJ 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/or 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 she 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:

- d) 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, 2015, 2016 and 2017 filed by FMJ LLC with respect to the real property located at 23 Chestnut Street, Block 65.08, Lot 3, Wallington, New Jersey;

- e) 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;
- f) the terms of the tax appeal filed by FMJ LLC that the Mayor and Council is authorizing its counsel to settle are as follows:

3. For tax year 2013, the original assessment was Land - \$320,000.00; Improvements - \$1,880,000.00 for a total assessment of \$2,200,000.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2013 as follows: Land - 320,000.00; Improvements \$1,480,000.00; for a total of \$1,800,000.00.
4. For tax year 2014, the original assessment was Land - \$320,000.00; Improvements - \$1,480,000.00 for a total assessment of \$1,800,000.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2014 as follows: Land - 320,000.00; Improvements \$1,380,000.00; for a total of \$1,700,000.00.
5. For tax year 2015, the original assessment was Land - \$320,000.00; Improvements - \$1,480,000.00 for a total assessment of \$1,800,000.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2015 as follows: Land - 320,000.00; Improvements \$1,380,000.00; for a total of \$1,700,000.00.
6. For tax year 2016, the original assessment was Land - \$320,000.00; Improvements - \$1,480,000.00 for a total assessment of \$1,800,000.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2016 as follows: Land - 320,000.00; Improvements \$1,280,000.00; for a total of \$1,600,000.00
7. For tax year 2017, the original assessment was Land - \$320,000.00; Improvements - \$1,480,000.00 for a total assessment of \$1,800,000.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2017 as follows: Land - 320,000.00; Improvements \$1,280,000.00; for a total of \$1,600,000.00



- g) Statutory interest, pursuant to N.J.S.A. 54:3-27.2, 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.
- h) Paul M. Elias, 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 table by Brunacki, Seconded by Androwis,  
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

### **RESOLUTION NO. 2018 - 215**

#### **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**, IStar Bowling Centers I LP has filed a tax appeal with respect to the assessed valuation of the real property commonly known as 299 Paterson Avenue, Block 49.18, Lot 5, Block 49.18, Lot 8 and Block 49.18, Lot 9 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 IStar Bowling Centers I LP; 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/or 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 she 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:

- f) 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 year 2016, 2017 and 2018 filed by IStar Bowling Centers I LP with respect to



the real property located at 299 Paterson Avenue, Block 49.18, Lot 5, Block 49.18, Lot 8 and Block 49.18, Lot 9, Wallington, New Jersey;

g) 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;

i) the terms of the tax appeal filed by IStar Bowling Centers I LP that the Mayor and Council is authorizing its counsel to settle are as follows:

8. For tax years 2016 and 2017, the Complaints shall be withdrawn by IStar Bowling Centers I LP as a condition of the settlement.

9. For tax year 2018, the original assessment for Block 49.18, Lot 8 was Land - \$557,200.00; Improvements - \$1,092,800.00 for a total assessment of \$1,650,000.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2018 as follows: Land - 557,200.00; Improvements - \$945,000.00; for a total of \$1,502,200.00

10. For tax year 2018, the original assessment for Block 49.18, Lot 5 was Land - \$518,000.00; Improvements - \$51,300.00 for a total assessment of \$569,300.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2018 as follows: Land - \$518,000.00; Improvements \$51,300.00; for a total of \$569,300.00

11. For tax year 2018, the original assessment for Block 49.18, Lot 9 was Land - \$128,500.00; Improvements - \$0.00 for a total assessment of \$128,500.00. The Tax Counsel for the Borough of Wallington is authorized to request a Tax Court Judgment for calendar year 2018 as follows: Land - \$128,500.00; Improvements - \$0.00; for a total of \$128,500.00

j) Statutory interest, pursuant to N.J.S.A. 54:3-27.2, 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.

k) Paul M. Elias, 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 table by Brunacki, Seconded by Androwis,  
Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski

**RESOLUTION NO. 2018 – 216**

**WHEREAS**, Bergen County Board of Taxation issued a Memorandum of Judgment for Domino Center LLC, 111 Lester Street, Wallington, New Jersey 07057, Block 8, Lot 5, as per Appeal No. 65-1800108L reducing the 2018 property tax assessment from \$989,700.00 to \$800,000.00 and,

**WHEREAS**, the reduction in 2018 property tax assessment is \$189,700.00 or \$5,599.95 in 2018 property tax and,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Wallington, that a refund in the amount of \$5,599.95 is approved and the Tax Collector shall adjust her books accordingly.

The refund check shall be made payable to: “Bertone Piccini LLP” and sent Joseph A. Pojanowski, III, Esq., Bertone Piccini LLP, 777 Terrace Avenue, Suite 201, Hasbrouck Heights, NJ 07604.

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

**RESOLUTION 2018 – 240**

**WHEREAS**, THE BOROUGH OF WALLINGTON received payment from Shovan and Namewattie Burua to redeem Tax Sale Certificate Number 17-008 2016; 341 Paterson Avenue, Wallington, NJ Block 49.18, Lot 6, in the name of Shovan and Namewattie Burua, in the amount of \$29,573.26 and,

**WHEREAS**, Tax Sale Certificate Number 17-008 is held by Robert Rothman Pension Plan, 411 Grand Avenue, Englewood, NJ 07631-4104 (Third Party Lien Holder), and,

**WHEREAS**, the Third Party Lien Holder Robert Rothman Pension Plan paid a premium in the amount of \$3,000.00 for Tax Sale Certificate Number 17-008 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 \$32,576.26 (\$29,576.26 Tax Title Lien Redemption and \$3,000.00 Premium). The Borough Treasurer will issue a check made payable to: Robert Rothman Pension Plan, 411 Grand Avenue, Englewood, NJ 07631-4104 in the amount of \$32,576.26 and the Tax Collector shall adjust her books accordingly.

The payment should be mailed to Robert Rothman Pension Plan, 411 Grand Avenue, Englewood, NJ 07631-4104.

Motion by Dabal, Seconded by Rachelski,

Roll Call: Brunacki, Rachelski, Androwis, Dabal, Ivanicki, Olkowski  
**RESOLUTION NO. 2018 - 241**

RESOLUTION TO ADVERTISE FOR BIDS

**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, that the bid for:

**COMMUNITY DEVELOPMENT BLOCK GRANT &**  
**BERGEN COUNTY OPEN SPACE FUNDED PROJECT**  
**MOUNT PLEASANT PLAYGROUND AND**  
**CRESCENT ROAD PARK IMPROVEMENTS**

be rejected as the bids exceeded the Borough's appropriation for the project. Therefore, in accordance with N.J.S.A. 40A:11-13.2b, Neglia Engineering Associates recommends that the Borough of Wallington reject all bids.

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized and directed to return the certified checks and/or bid bonds of the unsuccessful bidders.

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Wallington, Bergen County, New Jersey that the Borough Clerk is hereby directed to re-advertise for bids.

This Resolution to take effect immediately.

Dated:

Approved: \_\_\_\_\_  
Mark W. Tomko, Mayor

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CERTIFICATION

I, \_\_\_\_\_, 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:

\_\_\_\_\_  
Deputy Borough Clerk



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

### **OLD BUSINESS**

Councilman Olkowski asked for an update on the ordinance for the separation of powers for Borough Clerk, CFO and Borough Attorney. Mr. Cedzidlo said he researched all the laws in the State of New Jersey and he is drafting an ordinance per Councilman Olkowski's request.

### **NEW BUSINESS**

Councilman Androwis - had a discussion with Chief of the Police about a Community program on October 15<sup>th</sup> at 6pm. The idea is to meet with residents and talk about issues and problems. It should be posted on the Borough's website and sent by Swift 911.

Councilwoman Dabal made a motion to authorize the Borough Attorney to advertise cancelation of November 1<sup>st</sup> meeting Second by Androwis.  
Roll Call; All Ayes

Councilwoman Dabal made a motion to schedule a special meeting to discuss DOKA at the lecture hall at the Wallington Jr/Sr High School on November 12<sup>th</sup> at 7 pm, Second by Rachelski.  
Roll Call: All Ayes

### **RESOLUTION # 2018 - 244**

**WHEREAS**, The Mayor and Council of the Borough of Wallington has determined that it is necessary to conduct a special meeting for the purpose of reviewing the three proposals submitted to it in the litigation entitled IMO of the Borough of Wallington for a Judgment of Compliance and Repose ;

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

1) A special meeting will be conducted by the Mayor and Council of the Borough of Wallington on Wednesday, October 24, 2018 at 7 o'clock pm for the sole purpose of reviewing of the three proposals submitted in the above referenced lawsuit. The meeting shall be conducted at the Wallington Senior and Civic Center, 24 Union Boulevard, Wallington, New Jersey. The borough attorney is hereby directed to prepare the required public notice.

Motion by Rachelski, Seconded by Androwis,

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

Motion by Councilman Olkowski to authorize borough attorney to work with borough engineer to close out the project claim filed by Garcia Construction company Seconded by Rachelski  
Roll Call: All Ayes

## **RESOLUTION NO. 2018-242**

**WHEREAS**, the position of nurse and the position of Court Administrator have been previously eliminated by the Borough of Wallington and the employment of the employees serving in those positions shall end as of October 22, 2018; and

**WHEREAS**, the Mayor and Council of the Borough of Wallington has a policy of providing health benefits for any employee who is subject to a layoff for a period of 30 days after the last day of employment.

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

1) Ms. Mary Van Eck's and Ms. Andrea M. Heyler - Infante's employment with the Borough of Wallington shall end as of October 22, 2018 and they shall receive no pay or other compensation beyond that date except as follows. They shall both receive health benefits from the Borough of Wallington through November 30, 2018.

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

## **RESOLUTION # 2018 - 243**

**WHEREAS**, the Mayor and Council of the Borough of Wallington previously served the Borough Clerk, Witold Baginski, with a Rice Notice returnable for the meeting of October 9, 2018.

**WHEREAS**, Witold Baginski was on vacation and unable to attend the meeting and requested an adjournment of the Rice Notice hearing.

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

1) The borough attorney is hereby directed to issue a "Rice Notice" to Mr. Witold Baginski, Borough Clerk for the Borough of Wallington. The Rice Notice shall provide notice to Mr. Baginski that at 7 o'clock pm on October 25, 2018 at the Wallington Senior & Civic Building located at 24 Union Boulevard, Wallington, New Jersey the Mayor and Council will discuss: 1) the job performance of Mr. Baginski in preparing the minutes; 2) his failure to meet with David Corrigan, Esq. as requested 3.) his job performance in responding to OPRA requests. 4). his failure to include correspondence and other items in the packet sent to the members of the Mayor and Council for their review prior to the meetings. 5). his failure to establish or otherwise comply with an e-mail records retention policy.6) .instances when he acted without authority. 7). Areas of non-compliance with the Policies and Procedures Manual.

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



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Motion by Rachelski, Seconded by Androwis,

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

### **RESOLUTION # 2018 - 245**

**WHEREAS**, UMDASCH REAL ESTATE USA LTD, has filed a law suit against the Borough of Wallington in the Superior Court of New Jersey, Bergen County, Law Division; and

**WHEREAS**, the Mayor and Council of the Borough of Wallington must appoint litigation counsel to enter an answer and to otherwise defend the allegations of the said lawsuit;

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

1) Richard S. Cedzidlo, Esq., 177 Paterson Avenue, Wallington, NJ, the borough attorney for Wallington, is hereby appointed as litigation counsel to defend the Borough of Wallington against the allegations of the lawsuit filed by the UMDASCH REAL ESTATE USA, LTD in the Superior Court of New Jersey, Bergen County, Law Division designated as Docket Number as BER-L-7028-18

#### Certification of Funds

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

\_\_\_\_\_  
CFO


Motion by Rachelski, Seconded by Androwis,

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



## ADJOURNMENT

Motion to adjourn at 9:45 PM by Brunacki, Seconded by Ivanicki,  
Roll Call: All Aye

  
Agnieszka Brynczka, RMC CMR

Deputy Borough Clerk