

MINUTES OF THE REGULAR MEETING OF THE
COUNCIL OF THE BOROUGH OF RINGWOOD,
HELD ON WEDNESDAY, DECEMBER 29, 1993, AT 8:00 P.M.,
AT THE VIOLET E. BOGERT MUNICIPAL ANNEX
60 MARGARET KING AVENUE, RINGWOOD, NEW JERSEY

The Council of the Borough of Ringwood met at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey, on Wednesday, December 29, 1993, at 8:00 P.M.

Mayor Casaleggio called the meeting to order and presided and all joined in the Salute to the Flag.

The following statement of compliance was read into the record by Mayor Casaleggio: Adequate notice of this meeting has been provided in accordance with the Open Public Meeting Law, P.L. 1975, Ch. 231, setting forth the time, date, place and purpose of this Regular Meeting, by Resolution #93-37, adopted January 1, 1993, through a Legal Notice published in The Trends issue of January 6, 1993, and through notices mailed to the following-named newspapers and posted on the Bulletin Board at Borough Hall on January 4th, 1993: The Trends, North Jersey Herald and News, and The Record.

Present on roll call: Councilmen Casaleggio, Davison, Holt, Schwesinger and Serafini. Councilmen Busino and Larsen were absent.

Also Present: Borough Manager/Clerk Kathleen D. Cenicola, Borough Attorney Richard J. Clemack and Borough Engineer Edward Haack. Also present were Councilmen Elect Heck and Taukus.

I. PROCLAMATIONS AND PRESENTATIONS

Mayor Casaleggio announced that The Trends had named Councilman Walter Davison as the recipient of their "Man of the Year" award. The Council extended their congratulations, together with a hearty round of applause, to Councilman Davison. Councilman Davison stated that this honor should be shared with his fellow Councilmen and the Administrative Staff of the Borough.

Mayor Casaleggio stated it was his privilege this evening to recognize the late Mayor Peter Cannici, our first "full-time" Mayor, as he was often referred to, by naming the street leading to the Borough's proposed Library, "Cannici Drive," in his honor.

Mayor Casaleggio, Councilmen Davison and Schwesinger reflected on their relationships with Pete, the influence he had in their lives while serving on the Council and as a long-time friend.

Mayor Casaleggio invited Mrs. Cannici to step forward and

introduce her family.

Mrs. Cannici was presented with the "Cannici Drive" street sign which will be put in place with a suitable ceremony when the weather permits.

On behalf of herself and her family, Mrs. Cannici thanked the Council for the wonderful tribute to her husband Pete, who loved Ringwood.

Mayor Cannici also recognized Mrs. Cannici for her contribution to the success of the Borough's 75th Anniversary Celebration.

II. APPROVAL OF MINUTES

Councilman Schwesinger, seconded by Councilman Davison, moved the Minutes of the Business Meeting of August 25 and the Special Meeting of December 1, 1993, be approved as written.

Said motion was carried on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Schwesinger and Serafini voted "aye". "Nays," none.

Councilman Serafini, seconded by Councilman Davison, moved the Minutes of the Work Session Meeting of November 10, 1993, be approved as written.

Said motion was carried on the following roll call vote: Councilmen Casaleggio, Davison and Serafini voted "aye". "Nays," none. Councilmen Holt and Schwesinger abstained.

III. OLD BUSINESS - Public Hearings on the following Ordinances:

Ordinance No. 1993-#26 - "An Ordinance to Amend Chapter 17, Traffic and Parking, of the Revised Ordinances of the Borough of Ringwood," (Stop Intersection) was read by title.

Councilman Schwesinger, seconded by Councilman Holt, moved Ordinance No. 1993-#26 - "An Ordinance to Amend Chapter 17, Traffic and Parking, of the Revised Ordinances of the Borough of Ringwood," be introduced for adoption by title.

Said motion was carried on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Schwesinger and Serafini voted "aye." "Nays," none.

Mayor Casaleggio stated this was the public hearing on Ordinance No. 1993-#26 and asked if any member of the public wished to speak on same.

There being no discussion, on motion of Councilman Holt, seconded by Councilman Serafini, the public hearing on Ordinance No. 1993-#26 was closed.

Roll Call: Councilman Casaleggio, Davison, Holt, Schwesinger, and Serafini voted "ayes." "Nays," none.

Councilman Holt, seconded by Councilman Serafini, moved "An Ordinance to Amend Chapter 17, Traffic and Parking, of the Revised Ordinances of the Borough of Ringwood," be and is hereby adopted and same be published in the official newspaper of the Municipality, as provided by law.

Said ordinance passed its final hearing, was adopted and approved on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Schwesinger and Serafini voted "aye." "Nays," none.

Ordinance No. 1993-#27 - "Bond Ordinance Providing for the Improvement of Conklintown Road in and by the Borough of Ringwood, in the County of Passaic, New Jersey, Appropriating \$189,000 Therefor and Authorizing the Issuance of \$180,000 Bonds or Notes of the Borough for Financing Such Appropriation," was read by title.

Mayor Casaleggio gave a brief background of this project which involves sharing the cost of paving Conklintown Road with the Borough of Wanaque, who owns a portion of this road. A portion of the cost will be covered by funds from a DOT Grant.

Borough Engineer Haack explained the cost and description of this of this reconstruction project.

Councilman Schwesinger, seconded by Councilman Davison, moved Ordinance No. 1993-#27 - "Bond Ordinance Providing for the Improvement of Conklintown Road in and by the Borough of Ringwood, in the County of Passaic, New Jersey, Appropriating \$189,000 Therefor and Authorizing the Issuance of \$180,000 Bonds or Notes of the Borough for Financing Such Appropriation," be introduced for adoption by title.

Said motion was carried on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Schwesinger and Serafini voted "aye." "Nays," none.

Mayor Casaleggio stated this was the public hearing on Ordinance No. 1993-#27 and asked if any member of the public wished to speak on same.

There being no discussion, on motion of Councilman Serafini, seconded by Councilman Davison, the public hearing on Ordinance No. 1993-#27 was closed.

Roll Call: Councilman Casaleggio, Davison, Holt, Schwesinger, and Serafini voted "ayes." "Nays," none.

Councilman Schwesinger, seconded by Councilman Serafini, moved "Bond Ordinance Providing for the Improvement of Conklintown Road in and by the Borough of Ringwood, in the County of Passaic, New Jersey, Appropriating \$189,000 Therefor and Authorizing the Issuance of \$180,000 Bonds or Notes of the Borough for Financing Such Appropriation," be and is hereby adopted and same be published in the official newspaper of the Municipality, as provided by law.

Discussion - Councilman Serafini stated that originally he was opposed to this project, but felt that at this point the project must proceed, and would therefore vote for this ordinance.

The roll call on this ordinance was as follows: Councilmen Casaleggio and Davison voted "aye." Councilman Holt voted "no."

At this point Borough Attorney Clemack pointed out that this was the second reading of a bond ordinance and would require five affirmative votes for adoption.

Under the circumstances, Councilman Serafini, seconded by Councilman Davison, moved to table Ordinance No. 1993-#27 to later this evening.

In light of this motion, Councilmen Casaleggio and Davison who had already cast their vote for adoption, agreed to withdraw their votes, pending the tabling of this ordinance.

Attorney Clemack explained that this was a superseding motion and Mayor Casaleggio asked for a roll call on the tabling motion.

Councilman Schwesinger, seconded by Councilman Davison, moved Ordinance No. 1993-#28 "Bond Ordinance Providing for the Purchase of New Equipment for the Fire Department of the borough of Ringwood, in the County of Passaic, New Jersey, Appropriating \$265,000 Therefor and Authorizing the Issuance of \$243,355 Bonds or Notes of the Borough for Financing Such Appropriation," be tabled to later this evening.

Said motion was carried on the following roll call vote: Councilmen Casaleggio, Davison, Schwesinger and Serafini voted "aye." Councilman Holt voted "no."

Ordinance No. 1993-#29 - "An Ordinance Amending Chapter 19, Water, of the Revised Ordinances of the Borough of Ringwood to Establish a Sewer User Fee," was read by title.

Councilman Serafini, seconded by Councilman Davison, moved Ordinance No. 1993-#29 - "An Ordinance Amending Chapter 19, Water, of the Revised Ordinances of the Borough of Ringwood to Establish a Sewer User Fee," be introduced for adoption by title.

Said motion was carried on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Schwesinger and Serafini voted "aye." "Nays," none.

(Borough Auditor Ferraioli joined the meeting at 8:35 p.m.)

Mayor Casaleggio stated this was the public hearing on Ordinance No. 1993-#29 and asked if any member of the public wished to speak on same.

Mr. C. Lesnik, 73 Edward Drive, President of the Ringwood Acres Homeowners Assn., requested this ordinance be tabled and felt that this was not an appropriate time to comment to this ordinance until the RAHA settlement proposal had been discussed in Closed Session.

Mayor Casaleggio pointed out that if the Council decided to table the public portion of Ordinance No. 1993-#29 until the settlement of legal action has been discussed, a Closed Session of the Council will be necessary, followed by a Closed Session with the representatives of RAHA to discuss the settlement and then come back into open session to take action on the entire matter.

Mayor Casaleggio stated he did not understand why RAHA felt this ordinance and the settlement proposal was connected.

Mr. Lesnik responded it was the feeling of RAHA that while there was pending litigation, with no approved settlement, they did not think it was appropriate to comment on the matter.

Councilman Serafini felt that the ordinance and the settlement agreement could be dealt with separately.

Mr. R. Kennedy, 35 Edward Drive, agreed with Mr. Lesnik's request to hold any comment because there is a relation between the user fee ordinance and the proposed settlement.

Upon conclusion, Mayor Casaleggio moved to table Ordinance No. 1992-#29 until after the Council goes into Closed Session to discuss the litigation with RAHA. Motion was seconded by Councilman Davison.

Said motion was carried on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Schwesinger and Serafini voted "aye." "Nays," none.

IV. NEW BUSINESS - NONE

V. PUBLIC PORTION

Mayor Casaleggio announced this was the public portion of the Council's Regular Business Meeting and asked if any member of the public wished to be heard.

Detective Bernard Lombardo, PBA President and Police Officer Paul Rothlauf presented to the Council a plaque received by the PBA from the American Cancer Society, for their participation in the Annual Toy Drive for children stricken with this disease. Detective Lombardo publicly thanked all the Ringwood residents who participated and so generously donated toys.

There being no further discussion, on motion of Councilman Schwesinger, seconded by Councilman Serafini, the public portion of Regular Business Meeting was closed.

Said motion was carried on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Schwesinger and Serafini voted "aye." "Nays," none.

Councilman Serafini, seconded by Councilman Davison, offered the following resolution

Resolution
#93 - 402

BE IT RESOLVED that the Municipal Council move into Closed Session to discuss the matter of Ringwood Acres Homeowners Association vs. Borough of Ringwood, et al; and

BE IT FURTHER RESOLVED that minutes of the said meeting be maintained and be available for public inspection.

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Schwesinger and Serafini voted "aye." "Nays," none.

Borough Attorney Clemack announced that at the conclusion of the Closed Session the Municipal Council will reconvene and formal action may be taken as a result of the Closed Session.

The Council took a short recess and the moved into Closed Session.

(Councilman Larsen joined the meeting at 9:00 p.m.)

The Council came back on the record at 10:13 p.m., on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini present.

Also present, Borough Manager Cenicola, Borough Attorney Clemack, Borough Auditor Ferraioli and Councilmen Elect Heck and Taukus.

Mayor Casaleggio stated that the Ringwood Acres Homeowners Assn. vs. Borough of Ringwood litigation was discussed in Closed Session and possible action may be taken on same.

Borough Attorney Clemack reported that the proposed settlement agreement between the Ringwood Homeowners Assn. and the Borough of Ringwood, as discussed in Closed Session, is as follows:

There is a certain litigation between the Borough of Ringwood and the Ringwood Acres Homeowners Assoc. and various individuals. A complaint was filed in Superior Court of Passaic County and an answer was filed on behalf of the Borough of Ringwood. The Parties are desirous of amicably resolving the matter and have consulted with each other and propose the following solution:

The same has been reduced preliminarily to writing and after this meeting will be reduced to writing in final form:

The essential outlines of a settlement of the case would be as follows:

1) The James Drive Treatment Plant users would pay an annual fee of \$1,200 commencing January 1, 1994, and that fee would hold for 1994, 1995 and 1996.

Thereafter that fee would be subject to adjustments based upon increases in the sewer budget subject to certain restrictions.

The restrictions would be that the fee would not be increased higher than the cost of living increase for the previous year. If we are talking about a 1997 fee, the rate of increase would not exceed the rate of the Consumer Price Index increase for 1996.

The elements that would go into the fee are the operations and maintenance costs. They would be all those costs necessary to operate and maintain the James Drive Sewerage Treatment Plant, including, but not limited to, salaries and wages, insurance, electricity, parts, equipment, supplies, engineering, legal and auditing fees and governmental fees and charges, but shall not include any costs or debt service attributed to any costs for capital improvements for useful life in excess of five years.

However, the replacement and maintenance of any parts or equipment necessary to maintain the plant shall not be deemed a capital cost. For example, if a machine or a pump which might be construed as a capital cost in general terms, is necessary and has to be replaced or maintained and costs are incurred, then that will not be deemed a capital cost for purposes of this agreement. It

would be a fact to be included in calculating the sewer fee for the year.

It is further provided that if the James Drive Treatment Plant is incorporated into the Wanauque Valley Regional Sewerage Authority Treatment Plant, there would be a new annual user fee. The fees just discussed would no longer be applicable. The new fees would be established for all users within a class consisting of single family residential dwellings or units.

It is further understood and agreed the Governing Body will not require existing James Drive Treatment Plant users to pay sewer hookup charges or fees.

It is further understood that if the James Drive Plant is incorporated into the Regional, while this is not binding on the Council or the Borough, it is contemplated that any capital improvements will not be funded through user fees, but will be funded through third party non-governmental sources or through grants of similar programs.

It is further understood that although the Governing Body would endeavor to fund capital improvements through third party sources or grants, the Governing Body is not obligated to so fund these capital improvements in that manner. So while this may be a contemplation, this is not a promise, this is not a covenant, and this Council is not bound by this.

The user fees of \$1,200 plus the increase, is subject to the CPI, would continue until, or unless, there is a tie-in to the Regional, or until the James Drive Treatment Plan is terminated, for whatever reason.

Attorney Clemack stated that there is a written document that has to be modified to incorporate what he stated, but he hoped that the statements he has made were the general outline of the settlement agreed upon.

He advised the Borough Manager and other appropriate officials should be authorized to execute any and all documents necessary to effect this settlement and this would be transferred into a Court Consent Order.

Mayor Casaleggio stated that the Council would have to now authorize the Borough Manager and the Borough Attorney to enter into a settlement agreement with reference to this matter consistent with the Council's discussions in Closed Session and consistent with the Borough Attorney's statements made regarding the settlement agreed upon.

Councilman Serafini asked if the interest would be waived if the residents of Ringwood Acres who had not paid their sewer fee,

or the arrears on their sewer fee, paid same by December 31, 1993? Is this part of the settlement? Attorney Clemack responded that this was part of the settlement, and included in, the agreement.

Councilman Serafini, seconded by Councilman Davison, offered the following resolution:

Resolution
#93 - 402

BE IT RESOLVED that the Municipal Council of the Borough of Ringwood hereby authorizes the Borough Manager and other appropriate officials to execute any and all documents necessary in connection with the settlement agreement of the Ringwood Acres Homeowners Association and the Borough of Ringwood.

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Schwesinger and Serafini voted "aye." Councilmen Holt and Larsen voted "no."

Councilman Serafini, seconded by Councilman Davison, moved to place Ordinance No. 1993-#29 "An Ordinance Amending Chapter 19, Water, of the Revised Ordinance of the Borough of Ringwood to Establish a Sewer User Fee," back on the table for the purpose of holding the public hearing on this ordinance.

Said motion was carried on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Schwesinger and Serafini voted "aye." Councilman Larsen voted "no."

Public Hearing on Ordinance No. 1993-#29 -

Mr. D. Everson, 168 Skyline Lakes Drive, questioned if the \$1,200 user fee would cover, operating expenses and debt? It was noted that the user fee covered only operating expenses and that a portion of the debt would be picked up by the Borough.

Ms. Mary Teel, 148 Art Street, expressed her displeasure at the possibility of Ringwood's taxpayers having to bear some of the cost for the homes hooked up to the James Drive plant, noting that no financial help is available to residents whose private septic systems have to be repaired or replaced.

Mayor Casaleggio responded that hopefully this settlement agreement will increase the assessment of the homes located in Ringwood Acres, enabling the those residents to pay their share of the tax burden.

Mr. Richard Kennedy, 35 Edward Drive, pointed out that RAHA members had never felt this was an issue between them and private septic users. The argument was with events that were allowed to happen a long time ago. Mr. Kennedy noted that the \$1,200 user fee

was being agreed to very reluctantly and pointed out the difference in the cost for a useful life of a septic system versus the annual cost to RAHA members hooked up to the treatment plant, over a twenty-year period. It is anticipated that the settlement would put the RAHA members on an equal footing with other taxpayers, increasing, and/or stabilizing the price of their homes closer to market value. He thanked all involved for their hard work and diligent efforts in concluding this matter.

Mr. C. Lesnik, 73 Edward Drive, President of RAHA, stated RAHA was not pleased to pay \$1,200 per year, but reluctantly agreed in the spirit of a compromise. He stated publicly that if this law suit had not been settled, a major portion of the Council's time and efforts would have been used up by this litigation, leaving many other important issues needing the Council's attention unattended. He expressed his thanks for the untiring efforts of all involved.

Mr. Shaun O'Regan, 9 Dewey Drive, stated as a RAHA homeowner he was not satisfied with the \$1,200 user fee he is going to have to pay. Mr. O'Regan also said that he, as well as the other RAHA members, will be sharing the tax burden based on the increased assessment of their homes. He thanked the Council for their vote on this issue.

There being no further discussion, on motion of Councilman Davison, seconded by Councilman Serafini, the public hearing on Ordinance No. 1993-#29 was closed.

On Roll Call: Councilman Casaleggio, Davison, Holt, Larsen, Schwesinger, and Serafini voted "ayes." "Nays," none.

Councilman Serafini, seconded by Councilman Davison, moved that "An Ordinance Amending Chapter 19, Water, of the Revised Ordinance of the Borough of Ringwood to Establish a Sewer User Fee," be and is hereby adopted and same be published in the official newspaper of the Municipality, as provided by law.

Discussion - Councilman Holt explained that although he voted against the terms of the agreement just passed, he would support this ordinance because it represents a 20% increase in the user fee for the Ringwood Acres homeowners. Also, he agrees with the Council that this problem was created a long time ago and that the Borough and agents of the Borough had a part in creating this problem.

Councilman Holt stated he supported the \$1,200 user rate fee based on savings realized by the refinancing of sewer bonds and stated he felt the user rate fee was fair and reasonable.

Said ordinance passed its final hearing, was adopted and approved on the following roll call vote: Councilmen Casaleggio,

Davison, Holt, Schwesinger and Serafini voted "aye."
Councilman Larsen voted "no."

Councilman Davison, seconded by Councilman Holt, offered the following resolution:

Resolution
#93 - 403

BE IT RESOLVED that the sewer payment schedule under the Ringwood Borough Sewerage Authority will continue until further notice.

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Schwesinger and Serafini voted "aye." "Nays," none. Councilman Larsen abstained.

Ordinance No. 1993-#27 - "Bond Ordinance Providing for the Improvement of Conklintown Road in and by the Borough of Ringwood, in the County of Passaic, New Jersey, Appropriating \$189,000 Therefor and Authorizing the Issuance of \$180,000 Bonds or Notes of the Borough for Financing Such Appropriation."

Councilman Serafini, seconded by Councilman Davison, moved to place Ordinance No. 1993-#27 "Bond Ordinance Providing for the Improvement of Conklintown Road in and by the Borough of Ringwood, in the County of Passaic, New Jersey, Appropriating \$189,000 Therefor and Authorizing the Issuance of \$180,000 Bonds or Notes of the Borough for Financing Such Appropriation," back on the table for the purpose of adoption.

Said motion was carried on the following roll call vote: Councilmen Casaleggio, Davison, Larsen, Schwesinger and Serafini voted "aye." Councilman Holt voted "no."

Borough Attorney Clemack read the following resolution regarding adoption of Ordinance No. 1993-#27:

BE IT RESOLVED that "Bond Ordinance Providing for the Improvement of Conklintown Road in and by the Borough of Ringwood, in the County of Passaic, New Jersey, Appropriating \$189,000 Therefor and Authorizing the Issuance of \$180,000 Bonds or Notes of the Borough for Financing Such Appropriation," be and is hereby adopted and same be published in the official newspaper of the Municipality, as provided by law.

Councilman Davison, seconded by Councilman Serafini, offered this resolution:

Discussion: Councilman Holt clarified his reason for not supporting this Ordinance. The Bond Ordinance calls for the

Council to raise or spend \$189,000, against a \$130,000 State grant. This project had not been included in the 1993 Capital Program for 1993. Yet, now the Council is going to approve an expenditure of \$59,000. Councilman Holt indicated that he would not support this ordinance.

Mayor Casaleggio stated he did not think the Council had considered Conklintown Road during site inspection since this road was split between Ringwood and Wanaque. Once the availability of grant monies and the fact that the Borough of Wanaque was making application for same was brought to the Council's attention, the Council decided to take advantage of this grant to correct the dangerous curve in this road, the limited sight distance and the on-going icing problem.

Said ordinance passed its final hearing, was adopted and approved on the following roll call vote: Councilmen Casaleggio, Davison, Larsen, Schwesinger and Serafini voted "aye." Councilman Holt voted "no."

Public Hearing on Ordinance No. 1993-#28 -

Councilman Schwesinger, seconded by Councilman Larsen, moved to place Ordinance No. 1993-#28 "Bond Ordinance Providing for the Purchase of New Equipment for the Fire Department of the Borough of Ringwood, in the County of Passaic, New Jersey, Appropriating \$265,000 Therefor and Authorizing the Issuance of \$243,355 Bonds or Notes of the Borough for Financing Such Appropriation," back on the table for the purpose of holding the public hearing on this ordinance.

Said motion was carried on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

Councilman Schwesinger, seconded by Councilman Larsen, moved "Bond Ordinance Providing for the Purchase of New Equipment for the Fire Department of the Borough of Ringwood, in the County of Passaic, New Jersey, Appropriating \$265,000 Therefor and Authorizing the Issuance of \$243,355 Bonds or Notes of the Borough for Financing Such Appropriation," be introduced for adoption by title.

Said motion was carried on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

Members of the Skyline Lakes Fire Department, Messrs. D. Everson, 168 Skyline Lakes Drive, R. Peplowski, 34 Lakeview Road, and J. Malgieri, Chief of the Skyline Lakes Fire Department, raised

many of the issues regarding their request to purchase a rescue support vehicle, the lack of support of the Council, etc.

These issues were discussed at length with the Council.

Several residents urged the Council to support the Fire Departments. It was suggested that perhaps a workable long-term plan for on-going funding could be put in place, the Firemen could then judge their needs accordingly.

Mayor Casaleggio explained that the funding for this purchase was not the problem. The Council is concerned whether this purchase is a priority and must be bought now, since the Erskine Lakes Fire Department already has one of these vehicles.

Because the Council has no expertise in what the needs of the fire departments are, the three Fire Companies were asked to provide the Council with a priority list equipment indicating what pieces of equipment were needed the most.

The list, with their recommendations, was not forthcoming from the three fire companies. Instead, Mayor Casaleggio received a letter from Erskine Lakes Fire Company objecting to the purchase of this piece of equipment by the Skyline Lakes Fire Department.

Councilman Larsen stated he felt that with all the hours donated by these volunteers, the Council should not deny their request.

There being no further discussion, on motion of Councilman Schwesinger, seconded by Councilman Davison, the public hearing on Ordinance No. 1993-#28 was closed.

Said motion was adopted on the following roll call vote: Councilman Casaleggio, Davison, Holt, Larsen, Schwesinger, and Serafini voted "aye." "Nays," none.

Councilman Schwesinger questioned, and was advised, that a letter had been received from the three fire chiefs supporting the purchase of a rescue support vehicle. It was Councilman Schwesinger's feeling that this letter would then indicate the support of the fire chiefs, REVOA and the Ambulance Corps. He urged the Council to support this ordinance.

Councilman Schwesinger, seconded by Councilman Larsen, moved the following:

BE IT RESOLVED that "Bond Ordinance Providing for the Purchase of New Equipment for the Fire Department of the Borough of Ringwood, in the County of Passaic, New Jersey, Appropriating \$265,000 Therefor and Authorizing the Issuance of \$243,355 Bonds or Notes of the Borough for Financing Such Appropriation," be and is

hereby adopted and same be published in the official newspaper of the Municipality, as provided by law.

Discussion: Councilman Serafini stated that he wholeheartedly supported the firemen, but he would vote "no" on this ordinance because he did not see the need to purchase this piece of equipment at this time.

Mayor Casaleggio stated there had been numerous meetings with the firemen to discuss the purchase of this truck, a number of issues have been raised by the Council, statistics on the number of rescue trucks other municipalities have, the number required by Ringwood, the price paid by neighboring municipalities for their rescue vehicles and the possibility of Skyline Fire Department purchasing a pumper/rescue. The Mayor indicated he would not vote for this ordinance since the three fire departments had not agreed that this purchase was a priority.

Roll call on the motion to adopt: Councilmen Davison, Larsen and Schwesinger voted "aye." Councilmen Casaleggio, Holt and Serafini voted "no." Ordinance No. 1993-#28 failed.

VI. RESOLUTIONS

Councilman Holt, seconded by Councilman Schwesinger, offered the following resolution:

Resolution
#93 - 384

BE IT RESOLVED that the following interappropriation transfers be made for General Current Account on the financial records of the Borough of Ringwood:

	<u>FROM</u>	<u>TO</u>
Radio & Communication S/W	\$ 1,000.00	
Traffic S/W	250.00	
Traffic O.E.	300.00	
Elections O.T.	550.00	
Elections O.E.	1,000.00	
Borough Manager S/W	1,000.00	
Data Processing O.E.	1,500.00	
Engineering O.E.	5,000.00	
Group Insurance O.E.	7,000.00	
Other Insurance O.E.	2,000.00	
Planning Board O.E.	2,000.00	
Board of Adjustment O.E.	1,000.00	
Industrial Commission S/W	550.00	
Snow S/W	10,000.00	
Parks & Playgrounds O.E.	1,000.00	
Ringwood CATV S/W	100.00	
P.F.R.S.	10,181.04	

Police Patrol O.E.		\$16,000.00
Judgments		6,531.04
Police Patrol S/W		1,550.00
Legislation O.E.		100.00
Borough Manager O.E.		1,000.00
Borough Attorney O.E.		9,000.00
Snow O.E.		10,000.00
Public Assistance O.E.		150.00
Ringwood CATV O.E.		100.00
	<u>\$44,431.04</u>	<u>\$44,431.04</u>

BE IT FURTHER RESOLVED that the following interappropriation transfers be made for Water Operating on the financial records of the Borough of Ringwood:

	<u>FROM</u>	<u>TO</u>
Water Operating O.E. Oper.Exp.	\$ 1,000.00	
Water Operating O.E. Equipment		\$ 600.00
Water Operating S/W		400.00
	<u>\$ 1,000.00</u>	<u>\$ 1,000.00</u>

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

Councilman Holt, seconded by Councilman Davison, offered the following resolution:

Resolution
#93 - 385

WHEREAS, the Director of Finance has certified that funds are available for the payment of the Selected Payment List in the amount of \$213,546.38 and Handwritten Checks in the amount of \$1,584,723.48 to be credited to the following accounts:

Selected Payment List:

General Current, O.E.	\$155,756.36
General Capital	501.16
General Ledger	4,035.20
Water Capital	3,989.32
AWARE	8,271.54
Special Trust	415.61
Water Operating, O.E.	23,619.56
Recreation Trust	<u>16,957.63</u>
	\$213,546.38

Handwritten Checks:

General Current, O.E.	\$ 188,683.74
Ringwood Board of Education	884,733.50
Lakeland Regional H.S.	343,215.00
General Capital	98,900.00
General Capital, G/L 161	59,400.00
Water Operating, O.E.	808.88
Prescription Trust	3,011.36
Special Dog	1,666.00
Unemployment Trust	<u>4,305.00</u>
	\$1,584,723.48

Grand Total \$1,798,269.86

BE IT RESOLVED that the resolution of the Governing Body dated December 29, 1993 for the payment of the Selected Payment List in the amount of \$213,546.38 and the Handwritten Checks in the amount of \$1,584,723.48, for a grand total of \$1,798,269.86 be received and spread in full on the Claim Register and the recommendation adopted.

Discussion: Councilman Schwesinger once again brought to the attention of the public that of all the monies collected by the Borough, less than a fourth goes for the Borough's use; the Borough serves as the collection agency for local and regional school taxes.

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

Councilman Holt, seconded by Councilman Schwesinger, offered the following resolution:

Resolution
#93 - 386

WHEREAS, the Director of Finance has certified that funds are available for the payment of Payroll and Payroll Transfers;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Ringwood hereby approves the following Payroll and Payroll Transfers for the following months

December, 1993:

GENERAL-----	\$233,826.66
WATER-----	\$ 13,241.00
GEN.LEDGER 177-----	\$ 841.91
DOGS-----	<u>\$ 199.14</u>
TOTAL-----	\$248,108.71

Said resolution was adopted on the following roll call vote:

Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

Councilman Holt, seconded by Councilman Larsen, offered the following resolution:

Resolution
#93 - 387

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$284,430 BOND ANTICIPATION NOTES OF THE BOROUGH OF RINGWOOD, IN THE COUNTY OF PASSAIC, NEW JERSEY.

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RINGWOOD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of the Borough of Ringwood, in the County of Passaic (herein called "local unit") entitled: "Bond ordinance appropriating \$794,400 and authorizing the issuance of \$284,430 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Ringwood, in the County of Passaic, New Jersey", finally adopted on May 26, 1992,, Bond Anticipation Notes of the local unit in a principal amount not exceeding \$284,430 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 2. The following matters in connection with said Bond Anticipation Notes are hereby determined:

a) All notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the local unit, provided that no note shall mature later than (i) one year from the date of the first note issued hereunder and (ii) three years from the date of the first note issued pursuant to the bond ordinance referred to in Section 1 hereof, unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;

b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit;

c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section

40A:2-25 of said Law notwithstanding that said form or resolution may otherwise provide.

Section 3. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution and his signature upon said notes shall be conclusive as to such determinations.

Section 4. The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time a public or private sale in such amounts as he may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 5. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 6. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 7. This resolution shall take effect immediately.

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

VII. CONSENT AGENDA RESOLUTIONS

Councilman Holt, seconded by Councilman Serafini, offered the following resolution:

Consent Agenda
Resolution
#94 - 388

BE IT RESOLVED that the Council hereby authorizes the passage of the Consent Agenda, as follows:

#93-388 Authorize passage of Consent Agenda

- #93-389 Authorize check be drawn from General Current Account and deposited into Water Operating Account
- #93-390 Authorize refund to the Petty Cash Account
- #93-391 Authorize clear all Inter Funds
- #93-392 Authorize renewal of Bingo License and 50/50 Raffle License for 1994 - St. Catherine's Church
- #93-393 Authorize processing/execution of 1994 Drunk/Driving Enforcement Fund Application
- #93-394 Authorize cancellation of Tax Sale Certificate Nos. 627, 666 and 705, based upon redemption by an outside buyer
- #93-395 Authorize check be drawn from Water Operating Account and deposited into General Current Account
- #93-396 Authorize release of Performance Bonds - Ballfield/Recreation Area Maintenance
- #93-397 Approval of 50/50 and On-Premise Raffle Licenses - Peter Cooper PTO
- #93-398 Authorize check be drawn from General Current Account and deposited into Water Assessment Trust
- #93-399 Establish Budget Meeting date - January 8, 1994
- #93-400 Authorize refund of overpayment of taxes - Block 921, Lot 20
- #93-401 Authorize Economic Development Loan - R. Houser
- #93-321 Rename Knollwood Drive "Cannici Drive"

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

VIII. MANAGER'S REPORT

Upon the request and discussion with the Council and Borough Manager Cenicola, Councilman Davison, seconded by Councilman Serafini, offered the following resolution:

Resolution
#93 - 404

WHEREAS, Notice to Bidders for the Furnishing and Delivery of Ice Control Aggregates (Grits), for the Borough of Ringwood was advertised in accordance with the Local Public Contracts Law; and

WHEREAS, two bids were received, opened and read on November 5, 1993; and

WHEREAS, said bids were reviewed and recommended to by the Borough Manager and the Director of Public Works;

NOW, THEREFORE, BE IT RESOLVED, that all bids be and are hereby rejected because the low bidder could not supply materials as per specifications.

BE IT FURTHER RESOLVED that all bid deposits be returned to

the unsuccessful bidders.

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

Borough Engineer Haack addressed the bids received for the Morris Road project, the grant monies and the disposition of the award.

Councilman Davison, seconded by Councilman Larsen, offered the following resolution:

Resolution
#93 - 405

WHEREAS, Notice to Bidders for Morris Road Improvements, Contract No. 1993-1, for the Borough of Ringwood was advertised in accordance with the Local Public Contracts Law; and

WHEREAS, five bids were received, opened and read on November 30, 1993; and

WHEREAS, said bids were reviewed and recommended to by the Borough Manager and Borough Engineer; and

WHEREAS, the Director of Finance has certified as to the availability of funds for this award;

NOW, THEREFORE, BE IT RESOLVED, that the award of bid for the Morris Road Improvements, Contract No. 1993-1, be awarded to the lowest qualified bidder, Dell Contractors, One Hill Street, Paterson, New Jersey, at their total bid proposal of \$130,546.00, for Items 1 - 21, subject to receipt of approval of the contractor by New Jersey Department of Transportation; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute the contract agreement; and

BE IT FURTHER RESOLVED that all bid deposits be returned to the unsuccessful bidders.

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Larsen, Schwesinger and Serafini voted "aye." Councilman Holt voted "no."

Manager Cenicola requested authorization to purchase a new police vehicle in the 1993 budget, based upon transfers made this evening.

Manager Cenicola also reported the Borough has received a \$20,000 grant for police equipment has been received from the State.

The Council discussed the availability of funds for this purchase through state contract.

Councilman Davison, seconded by Councilman Serafini, offered the following resolution:

Resolution
#93 - 406

WHEREAS, the Borough Manager has authorization to expend up to \$11,100, per transaction, for purchases, contracts or agreements, without Council approval; and

WHEREAS, there is a need to purchase a police car;

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Borough of Ringwood hereby authorizes the Borough Manager to purchase one police vehicle through State Contract, at a cost of \$16,000.

Discussion: Councilman Serafini asked if the Manager was aware of an extended warranty for this vehicle at a cost of \$1,500?

Manager Cenicola responded that Chief DiMuzio was looking into this and if Council agreed the authorization would have to be amended to include this amount.

Councilman Serafini withdrew his second and moved that the resolution be amended to include, the \$1,500 cost for an extended warranty on the vehicle, for a total authorization dollar amount of \$17,500. Councilman Larsen seconded the motion and same was carried on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

Said resolution was adopted, as amended, on the following roll call vote: Councilman Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

(At this point in the meeting, 11:45 p.m., Borough Engineer Haack left the meeting.)

Manager Cenicola asked for Closed Session discussion regarding a PBA negotiation item relative to the early retirement proposal in order to meet the December 31, 1993 time frame.

Even though the matter of the underground storage tanks was being carried to the January meeting, Councilman Holt brought to the Council's attention a newspaper article which stated that municipalities who did not comply with the state's mandate to replace their underground storage tanks, may actually save tax dollars. There is presently legislation being considered that would extend the December 31 deadline and make low-interest funding

available to municipalities to replace their underground storage tanks.

Councilman Holt pointed out that because the Borough, and other municipalities, had responded to the State's mandate, would we be penalized.

Councilman Holt proposed a resolution be drafted and sent to Senator McNamara, Assemblymen Felice and Russo and Governor Christine Todd Whitman, asking that if a municipality who had chosen not to comply with this State regulation, not be the recipient of any benefits that might result from the proposed legislation. If any relief is given, Councilman Holt asked that Ringwood, and the municipalities who have complied to the mandate, also be included and receive any of the grant monies and low-interest loans.

Councilman Holt, seconded by Councilman Serafini, offered the following resolution:

Resolution
#93 - 407

WHEREAS, the Borough of Ringwood has met the State of New Jersey's mandate for removal of underground storage tanks; and

WHEREAS, the total cost to the Borough of Ringwood for the underground storage tank removal was \$200,000; and

WHEREAS, there is pending legislation, Senate Bill No. 2075, which is proposing to fund 50% of the cost of replacement and grant low-interest loans to cover the other 50%;

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council wishes to make certain that Ringwood, and any other municipality who adhered to the State Mandate, would receive the same financial benefits as those municipalities who chose not to comply with State regulations; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to Governor Christine Todd Whitman, Senator Henry McNamara and Assemblymen David Russo and Nicholas Felice, requesting they support this resolution.

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

Mayor Casaleggio asked that the Council recognize the resignation of William Brunkhardt, a Class IV Member of the Ringwood Planning Board, due to the fact that Mr. Brunkhardt is presently employed by the Borough as a part-time Police Dispatcher.

Councilman Schwesinger, seconded by Councilman Larsen, offered the following resolution:

Resolution
#93 - 408

BE IT RESOLVED that the Municipal Council of the Borough of Ringwood hereby accepts the resignation of WILLIAM BRUNKHARDT as a Class IV Member of the Ringwood Planning Board, with regret.

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

IX. ATTORNEY'S REPORT

Attorney Clemack indicated PBA Early Retirement, possible settlement of the Wanague Valley Regional Sewerage Authority matter and the Ringwood Guild negotiations would be discussed in Closed Session. Formal action could be taken on these items as a result of the Closed Session discussion.

X. MAYOR AND MEMBERS OF THE COUNCIL

Councilmen Davison, Holt, Larsen and Serafini had no report.

Councilman Schwesinger referred to a recent ruling whereby municipalities and small businesses cannot be asked to pay for a share of the cost of hazardous waste cleanups and asked if this was similar to the underground storage tanks discussed this evening.

Attorney Clemack responded that the Borough's case was different. The case ruled that municipalities whose refuse is transported to a landfill cannot be held liable for any hazardous waste. In the Borough's case, Ringwood operated the landfill and it was our landfill that was under issue.

Attorney Clemack will keep abreast of this ruling.

Mayor Casaleggio acknowledged, for the record, the service and dedication of Councilman Schwesinger, with the thanks of the Council.

Councilman Davison, seconded by Councilman Holt, offered the following resolution:

Resolution
#93 - 409

BE IT RESOLVED that the Municipal Council move into Closed Session to discuss the following issues:

- A) Negotiations with the Ringwood Guild, a collective bargaining issue;
- B) PBA Negotiations regarding retirement and modifications to the PBA Agreement, also a collective bargaining matter;
- C) Wanaque Valley Regional Sewerage Authority vs. Ringwood, et al, a litigation matter

BE IT FURTHER RESOLVED that minutes of the meeting be maintained and that minutes be available of each upon conclusion of each the matters.

Attorney Clemack announced that formal action may be taken as a result of Closed Session discussion when the Council reconvenes in public session.

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

Mayor Casaleggio also publicly thanked Deputy Mayor Busino for his hours of dedicated service as Councilman and Deputy Mayor.

The Council moved into Closed Session at 12:05 a.m., with Councilmen-Elect Heck and Taukus joining the Council in Closed Session.

The Council came back on the record at 12:35 a.m.

Present on roll call: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini were present.

Also present were Borough Manager Cenicola, Borough Attorney Clemack, Borough Auditor Charles J. Ferraioli, Auditor James Cerullo and Councilmen-Elect Heck and Taukus.

Discussion on the Early Retirement Issue:

Auditors Ferraioli and Cerullo discussed the numbers and the costs savings of this program if the Police Department was restructured, reducing the force by two, with five officers retiring.

Manager Cenicola met with PBA President Lombardo to further discuss the Early Retirement issue as a way to restructure the Police Department in an effort to come up with a zero increase budget, rather than layoffs. The Council must make a decision by December 31, 1993.

Detective Lombardo explained that the PBA was looking at this program as an answer to meet the Council's request for a zero increase budget, possible layoffs and the CAP problem. The savings realized from this plan would benefit the PBA Member's families (no layoffs); boost the morale of the Police Officers and there would be no impact to the retirees.

Councilman Holt recapped the numbers from the PBA Accounting Firm and the Borough Auditor.

The Council also discussed the Borough's contribution to the Pension Fund; what interest rate the Pension Fund would charge over what period of time.

Based on Councilman Holt, Borough Manager Cenicola and Auditor Ferraioli's analysis and recommendations, Councilmen Casaleggio, Davison and Larsen would be in support of early retirement. Councilmen Schwesinger and Serafini would not.

Prior to taking any action on this matter, Attorney Clemack noted that the method of "Payouts" should be discussed.

Auditor Cerullo recommended Option #3, the Advanced Payment Option, as the option that would save the Borough money.

Auditor Ferraioli re-stated that the Borough would realize a savings only if the police staff was reduced by two persons without incurring overtime and if the force was not increased in the next five years.

Upon conclusion of the Council's discussion, Borough Attorney Clemack read the following resolution:

Resolution
#93 - 410

1993 PFRS EARLY RETIREMENT INCENTIVE RESOLUTION

BE IT RESOLVED that the Governing Body of the Borough of Ringwood elects to provide the benefits authorized by Chapter 99 Law of 1993 to its eligible employees. We understand that by electing to provide these benefits we are liable to pay the costs for these benefits as required by the law.

BE IT FURTHER RESOLVED that we elect to pay the liability for these benefits through the Advanced Payment Option; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby directed to certify and file a copy of this resolution with the Director of the Division of Pensions and Benefits no later than December 31, 1993.

For the record, Attorney Clemack asked PBA President Lombardo that if the Council passes this resolution, the PBA would then agree to adding an Addendum to the Collective Bargaining Agreement, which would change the base wage for employees hired to replace any employees retired pursuant to this program.

Mayor Casaleggio asked would this resolution then be contingent upon the Addendum to the contract, with Attorney Clemack responding "yes," and PBA President Lombardo stating that was accurate.

Councilman Holt, seconded by Councilman Larsen, offered the above resolution which was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt and Larsen voted "aye." Councilmen Schwesinger and Serafini voted "no."

Attorney Clemack indicated that the Council would have to take action on the Addendum to the PBA Collective Bargaining Agreement.

Councilman Holt, seconded by Councilman Serafini, offered the following resolution:

Resolution
#93 - 411

BE IT RESOLVED that the adoption of Resolution #93-410 is contingent upon the addendum to the Agreement between the Borough and the Ringwood Policemen's Benevolent Association, Local No. 247; and

BE IT FURTHER RESOLVED that the Municipal Council of the Borough of Ringwood hereby accepts/adopts the Addendum to the Agreement between the Borough of Ringwood and the New Jersey State Policemen's Benevolent Association, Ringwood, Local No. 247.

Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen and Serafini voted "aye." Councilman Schwesinger voted "no."

Councilman Larsen, seconded by Councilman Davison, moved that the Council go back into Closed Session to continue discussion on the following:

- A) Wanaque Valley Regional Sewerage Authority vs. Ringwood, et al, a litigation matter
- B) Negotiations with the Ringwood Guild, a collective bargaining issue.

Said motion was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

The Council moved into Closed Session at 1:15 a.m., December 30, 1993.

The Council came back on the record of the Business Meeting at
? a.m.

Attorney Clemack read the following resolution:

Resolution
#93 - 412

WHEREAS, on September 2, 1992 Superior Court of New Jersey entered a Judgment in favor of Wanaque Valley Regional Sewerage Authority against the Ringwood Borough Sewerage Authority, in the amount of \$894,860.12, together with interest; and

WHEREAS, the Borough of Ringwood caused the said Authority to be dissolved and its condition thereof assume the obligation of the said Authority; and

WHEREAS, the Borough of Ringwood and the Wanaque Valley Regional Sewerage Authority have engaged in settlement negotiations to resolve their differences;

NOW, THEREFORE, BE IT RESOLVED, as follows by the Municipal Council:

1) On or before January 31, 1994 Ringwood shall pay to Wanaque Valley Regional Sewerage Authority the outstanding balance due on the Judgment, along with the accrued interest. The amount shall be determined by Charles Ferraioli, of Ferraioli, Wesdyk and Cuva, whose decision shall be conclusive and binding on the Parties.

2) The Parties shall exchange mutual releases in satisfactory form so as to provide for recording of the documents and the Stipulation of Dismissal shall also be signed.

3) The Wanaque Valley Regional Sewerage Authority shall maintain and provide a capacity for the treatment of 600 EDU's. For the purpose of this Agreement an EDU's shall represent 200 to 250 gallons of sewage to be negotiated. These EDU's shall be reserved by the Authority for a period of seven years at no cost to the Borough. If during the seven years the Borough avails themselves of any of these EDU's, for each EDU the Borough shall be given a credit of \$750, up to a total of \$450,000.

The Borough shall be under no obligation in its dealings with the Wanaque Valley Regional Sewerage Authority to connect to the system or to supply any EDU's to the system, whether or not the Borough ties into that system, will be totally the decision of the Borough of Ringwood.

A Service Agreement shall be executed between the Parties and it is stipulated on behalf of the Borough that Service Agreement not contain any conditions contrary to the conditions of this resolution and not require mandatory hookup.

4) The new Service Agreement will provide that the Wanaque Valley Regional Sewerage Authority will afford Ringwood access to its system, if Ringwood so chooses, at a point at or near the intersection of Conklintown Road and Cannonball Road in the Borough of Wanaque. Such access shall be provided without cost to Ringwood or its users, other than the actual cost of treatment as provided in the new Service Agreement. That means there will be no connection fees charged to Ringwood for that.

BE IT FURTHER RESOLVED that the Borough Manager is hereby authorized to finalize a Settlement Agreement with the Wanaque Valley Regional Sewerage Authority in consultation with the Borough Attorney, Borough Engineer and Councilman Serafini, and her decision on this matter will be final and binding on the Borough.

BE IT FURTHER RESOLVED that the Borough Manager be authorized to execute any and all documents necessary to effectuate a settlement if she determines it is in the interest of the Borough.

Councilman Serafini, seconded by Councilman Davison, offered the above resolution. Said resolution was adopted on the following roll call vote: Councilmen Casaleggio, Davison, Holt, Larsen, Schwesinger and Serafini voted "aye." "Nays," none.

There being no further business to come before the Council at its Regular Business Meeting, Councilman Larsen, seconded by Councilman Davison, and, on roll call carried, the meeting was adjourned at



GILES W. CASALEGGIO, MAYOR

KATHLEEN D. CENICOLA, RMC/CMC
BOROUGH MANAGER/BOROUGH CLERK

Approved: February 23, 1994