

**REGULAR MEETING**  
**MAYOR AND COUNCIL**  
**JULY 17, 2017**

**Opening Items**

Mayor Chegwidden called the Meeting to Order.

Mayor Chegwidden read the Open Public Meeting Statement.

**Roll Call**

Mayor Chegwidden requested Roll Call:

Council President Binkoski – Present  
Councilman Corbett – Present  
Councilwoman Hayes- Absent, Excused  
Councilwoman Veres- Absent, Excused  
Councilwoman Wickenheisser- Present  
Councilman Yeager- Present

Also in attendance were Administrator Jon Rheinhardt, Borough Clerk Gabrielle Evangelista, and Attorney George Johnson.

**Flag Salute**

Mayor Chegwidden led those in attendance with the salute to the American Flag.

Mayor Chegwidden asked Robin Ghebreal to come up to present checks to the Wharton Historical Society and to William J. Hocking American Legion Post 91 from some of the profits from the recent Municipal Alliance and Wharton FOP Carnival. They are using the rest of the profits to create an after-school program this year. Both organizations are pillars of our community and are thanked for all that they do for the community.

**Open to the Public**

In accordance with Local Ordinance O-18-03, “Persons making public comment at the first public portion shall be limited to five (5) minutes. During the second public portion, the Mayor or Council President shall have the discretion to terminate any repetitive, irrelevant or excessive public comment in the interest of permitting all members of the public time to speak on any governmental issue and completing the public business within a reasonable period of time”.

Mayor Chegwidden opened the meeting to the public.

No one wishing to be heard, Mayor Chegwidden closed the meeting to the public.

**Resolution**

Council President Binkoski presented R-100-17, “Resolution Consenting to the Transfer of a Controlling Interest in Wharton Investors II, LLC to Threadneedle Wharton LH LP.” He advised that this carries over the original conditions and allows Threadneedle to develop the property.

A motion was made by Council President Binkoski and was seconded by Councilman Corbett to approve R-100-17.

ROLL CALL VOTE: YEA-4 NAY-0 ABSENT-2 ABSTAIN- 0

MOTION CARRIED

**Resolution**

Councilwoman Wickenheisser presented R-101-17, “Resolution Consenting to the Transfer of Block 1319 Lots 1 and 1.01 and the Assignment by Equinet Properties LLC of Interest in the Redevelopment Agreement and Five Year Tax Agreement to Park Valley Wharton, LLC.”

A motion was made by Councilwoman Wickenheisser and was seconded by Councilman Yeager to approve R-101-17.

**ROLL CALL VOTE: YEA-4 NAY-0 ABSENT-2 ABSTAIN- 0** **MOTION CARRIED**

**Discussion**

- **Ordinance Authorizing the Acceptance of Utility Easements-** Mr. Johnson explained that part of this ordinance is for sewer and water easements, under Route 80, under the CCKK property, and for Pondview and part is a blanket easement to allow us to go onto Pondview’s property to make repairs to the water system. Mayor Chegwidden advised that all of these are actually already in place but need to be formalized. After more discussion everyone agreed to have this on for first reading on the next agenda.
- **Request for permission to film at Columbia Street Park-** the Police Chief received a request from 48 Hours for filming at Columbia Street Park and they have provided all required documentation and insurance. Everyone agreed that the request be approved.

**Consent Agenda**

The following items are considered to be routine and non-controversial by the Mayor and Council and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen so requests, in which case, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

**Approval of Bills: All bills referred to the finance committee to be paid if found correct.**

**Approval of Minutes from June 12, 2017 Meeting and June 26, 2017 Meeting**

- Resolutions:**
- R-102-17: Payout Resolution Gorgia**
  - R-103-17: Urge State Legislature to Extend 2% Cap on Police and Fire Arbitration Contract Awards**
  - R-104-17: Chapter 159 Municipal Alliance**
  - R-105-17: Approve Reassessment Agreement**
  - R-106-17: Authorize Signing CDBG Agreement- Oxford/Cambridge**
  - R-107-17: Approve Tax Sale Redemption TSC 2016-012**
  - R-108-17: Amend R-88-17**
  - R-109-17: Consent for Verizon to use poles within Public Right-of-Way**
  - R-110-17: Approve Change Order #3 East Central Avenue**
  - R-111-17: Approve Purchase of Garbage Truck through NJ Cooperative Purchasing Program**

**Approve waiving construction permit fees for Wharton Schools**

**Approve Blue Light Permit for James Ayers**

**A motion was made by Council President Binkoski and was seconded by Councilman Corbett to approve all of the items listed on the Consent Agenda.**

ROLL CALL VOTE: YEA-4 NAY-0 ABSENT-2 ABSTAIN- 0

MOTION CARRIED

Correspondence

- Notice from RVRSA
- Monthly Reports Clerk and Construction

Mr. Johnson gave the Mayor and Council an update on the RVRSA litigation with Jersey City. The trial is expected to start on August 1<sup>st</sup> and it is expected to be a lengthy trial. He has had some discussion with the other municipal attorneys, as they are expected to be there every day, but are not actually participating. He is planning on attending the first few days and asked the Mayor and Council if it would be possible to approve another attorney as a substitute, who is already planning on being there each day, to save some money on legal fees. The attorney is David Penella who is the former attorney for Dover. Other towns may be doing the same thing so we can pool the costs.

Councilman Yeager made a motion to approve this which was seconded by Councilwoman Wickenheisser.

ROLL CALL VOTE: YEA-4 NAY-0 ABSENT-2 ABSTAIN- 0

MOTION CARRIED

Council Reports

Council President Binkoski: He introduced and read R-113-17, which renews the liquor license for Nokternal Lounge. There is a date limitation and we received the last item we needed for the renewal so he'd like to act on it now. The special conditions on the renewal are remaining the same as they have for many years. Councilman Corbett seconded the motion.

ROLL CALL VOTE: YEA-4 NAY-0 ABSENT-2 ABSTAIN- 0

MOTION CARRIED

He continued that he had a meeting about personnel with Lt. Young. They have posted the job opening and are looking for qualified candidates. He also met with Chief Nunn at the Fire Department and everything is going well. He attended meetings with the Mayor and some developers, one of whom was on the Agenda today. He also got a tour of the water tower site and the construction on Mill Street with Mr. Rheinhardt.

Councilman Corbett: He received a subpoena for the RVRSA trial with Jersey City. At the RVRSA meeting they discussed the trial, which is going to start with a tour of the RVRSA facilities. Jersey City's attorney did reach out to the RVRSA attorneys about a possible settlement, but with no specific proposal. Previously, there was a mediation during the course of which they made a very low offer and we responded with a counter proposal based on an analysis which Mr. Rheinhardt and other Administrators made to which they never responded. The towns would need to decide on any settlement, not the RVRSA. All of the RVRSA commissioners were subpoenaed. He also attended a user charge meeting of the RVRSA. They discussed how the RVRSA plant is only allowed to process 12 million gallons of sewage a day and if they go beyond that they are subject to severe fines. They are keeping a very close eye on that to avoid any issues since there are a lot of proposed developments in the member towns. He also met with the Infrastructure Committee of the RVRSA.

On another matter, someone recently asked him why the town couldn't put more money into a certain program. He explained to them that the town is subject to both an appropriation CAP and a tax levy CAP, so if we wanted to give more money to one organization we'd have to take it from another. The CAPs are important because they control property tax levels. They are so important that members of

both parties are very concerned about them expiring at the end of the year. Mayor Chegwidden advised that the New Jersey Conference of Mayors has asked both candidates for Governor to say they will extend the CAP.

Councilman Corbett then introduced and made a motion to approve R-112-17, awarding the bid for roadway improvements Terry Lane. Bids were received on Friday after the Agenda was complete, but we would like the contractor to be able to begin work as soon as possible. The winning bid was almost \$10,000 less than our engineer's estimate. Council President Binkoski seconded the motion.

<b>ROLL CALL VOTE: YEA-4 NAY-0 ABSENT-2 ABSTAIN- 0</b>	<b>MOTION CARRIED</b>
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Councilwoman Hayes: Absent.

Councilwoman Veres: Absent.

Councilwoman Wickenheisser: We have 172 children enrolled in the Summer Recreation Program and the free breakfast program is going very well. The Municipal Alliance has a trip to Madison Square Garden this week as well as laser tag. She'd like to thank the Morris County Sheriff's Department for bringing the Hope One Van to Wharton again last week.

Councilman Yeager: He attended the Tenancy Review Board. There were a few that had zoning issues that will need to go before the Board.

Mayor Chegwidden's Report

He'd first like to discuss a change to the signage for trucks on East Dewey Avenue. The trucks are still passing the signage and trying to go down the one lane road. He has spoken with the people who live on that road and there is an island where they can add a sign stating no trucks on that road. Councilman Corbett also asked for additional signage on Main Street and Harry Shupe Boulevard. Everyone agree to task the Police Chief with updating the signage.

He met with the new developers for Port Oram Village and they are excited to get started on that project. He also met with developers for the Harry Shupe area, they are hoping to put in a restaurant, which will come before the Planning Board.

He attended the movie night at the park. Summer recreation has grown and it's great what how much that they offer with that event, the regular program, the NJ State Police helicopter visit, and others. Kudos to Ms. Ghebreal for that. He thanks the Council for putting the Municipal Alliance in place. He spoke with the Wharton Seniors at their meeting and let them know about a new program from the Department of Agriculture that provides food for seniors.

In other news, we are one of two towns that are not in the lawsuit about COAH because we were proactive in taking care of the issue. Mr. Johnson advised that all of the cases in Morris County were consolidated and the court appointed a special master to study COAH needs on a County wide basis. Wharton and Dover had already settled their cases so we are not involved, saving us a lot of money and our approved settlement is not oppressive at all. It's a fair and just way of providing housing for people who need it. We don't have to build anything new under it, the only changes are if there is new construction or redevelopment.

Mayor Chegwidden discussed the flooding issue that has been happening recently with some of the new construction. He has met with residents on that road and the developer. The flooding is because there is no drainage constructed yet, but they are putting in some trenches to start alleviating the problem. The drainage will be going in, in the next couple of weeks. The developer is making some adjustment and will be coming before the Planning Board again. The residents have been very understanding. That particular project was a part of our COAH obligation and we

could have been forced by the Court to allow a much larger project than the one which the Planning Board approved.

The Fire Department did a great job putting out the fire on Third Street. They got there quickly and were able to put it out, kudos to them.

As a follow up to the recent meeting with the Planning Board about economic development for the Borough we have created an online survey based on the results of the SWOT analysis which asks for more feedback and ideas. It will be on our website, facebook, and twitter. Once we get the additional feedback we will have another meeting. Councilwoman Hayes and Councilwoman Wickenheisser are also working on the Business Development Committee that he put together at the last meeting.

Open to the Public

Mayor Chegwidden opened the meeting to the public.

Harold Kay, 25168 Westview: Mr. Kay asked Councilman Corbett about how Pondview fits into the sewage limit he discussed in his report. Councilman Corbett advised that about 25 years ago, Pondview went to court because they were not in the RVRSA service area. The judge at the time ordered the RVRSA to provide sewage to Pondview. Mr. Johnson advised that Pondview is located in Rockaway Township and it doesn't affect Wharton. Councilman Corbett clarified that they are not that close to the limit, but they are just being cautious because of recent development projects in many of the member towns. They do have an application into the State to increase the allotted gallonage.

Robin Ghebreal: She advised that she knows the 9/11 Memorial Committee is having trouble getting an artifact for the memorial. There is a family in town who lost an immediate family member and they have a flag with the name of all of the victims that they are willing to donate to the Mayor and Council for the proposed memorial.

No one else wishing to be heard, Mayor Chegwidden closed the meeting to the public.

Adjournment

No further business to attend to this evening Council President Binkoski, made a motion to adjourn this meeting. This was seconded by Councilman Yeager. This motion was approved by a voice vote.

July 17, 2017

ATTEST:

BOROUGH OF WHARTON

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WILLIAM J. CHEGWIDDEN,  
MAYOR

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Gabrielle Evangelista,  
Borough Clerk