

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

February 26, 2013

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman John Waryas, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

ABSENT: Councilman Lou D'Angelo.

Mayor John Coiro called the meeting to order and asked the Municipal Clerk to call the roll.

Municipal Clerk Wassel recited the Prayer of the Meeting followed with the Pledge of Allegiance to the Flag with the public participating.

Mayor Coiro asked the Clerk to read the statement of the meeting.

The Municipal Clerk read the following statement: This meeting of the Mayor and Council held on this day is being held in accordance with Chapter 231, P.L. 1975 of the State of New Jersey as amended. The agenda for this meeting has been prepared and distributed to the Mayor and Council and a copy has been on file in the Office of the Municipal Clerk.

Mayor Coiro asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

Mayor Coiro: Remarked that he was at the fire on Lincoln Avenue last Friday night along with other officials and said that our firefighters fought bravely and kept the fire under control and from spreading to other residences. Stated that some firefighters had to be treated, but all are safe and he appreciates their efforts.

Councilman Waryas: 1) Said he read in the paper about PSE&G upgrading their power plants on Jackson Road and Furler Street and asked OEM Coordinator Allen Del Vecchio if the stations will be raised to protect against flooding. OEM Coordinator Del

Vecchio: Responded that it mostly will consist of wire upgrades. Construction Code Official Allan Burghardt: Advised that PSE&G will be in front of the Planning Board so we will know what their plans are. 2) Congratulated Councilwoman Andriani and her family for her son Patrick winning the District wrestling tournament and making it to the Regions.

Councilwoman Andriani: Announced that the Board of Recreation will be sponsoring two events—Skate Night this Friday night at the Ice Vault and then the Easter Bunny Breakfast on Saturday, March 23rd at Washington Park School.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: Asked if there was an engineer's drawing on the current drainage system at the PAL and if so, does it drain into the town's system because with the last rain the storm drains were overflowing and the walkway was like a river. Mayor Coiro: Told him that there is a drawing and it does drain into the Borough's storm system. DPW Interim Superintendent Jim Niland: Said that he met with Mike on site and then advised that the DPW will be sewer jetting the drain lines because they are filled with clay and that some of the catch basins must be lowered because they are above grade and they will also check to make sure that they are all interconnected.

There was a motion by Councilman Waryas, seconded by Councilwoman Fontanella to approve the Minutes of the Mayor and Council for the meeting of February 12, 2013. On roll call vote, all members of the Council present voted in the affirmative. Councilman Puglise abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilwoman Fontanella, seconded by Councilman Picarelli to approve Resolution No. 2013-05 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilman Picarelli to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners pursuant to State Tax Court judgments. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there has been a State Tax Court judgment to reduce the evaluation on the following.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer is authorized to refund these amounts:

BLK	LOT	PROPERTY/OWNER	PAYABLE TO	YEAR	FROM	TO	AMOUNT
170.03	6	90 Maltese Dr/Star Warehouses	Owner c/o Frank Carlet, 1135 Clifton Ave., Suite 104 Clifton, NJ 07013	2012	3,250,000	3,000,000	\$5,150.00
171	14.01	383 Minnisink Rd/Spotless Industrial Lunch & Vending	Marcus Brody as Counsel for Plaintiff Marcus, Brody, Ford & Kessler, Attorneys at Law 5 Becker Farm Road Roseland, NJ 07068	2009	1,527,400	1,275,000	\$4,088.88
171	14.01	" "	" "	2010	1,527,400	1,275,000	\$4,310.99
171	14.01	" "	" "	2011	1,345,700	1,190,000	\$3,059.51
171	14.01	" "	" "	2012	1,345,700	1,190,000	\$3,207.42
TOTAL CHECK							<u>\$14,666.80</u>

There was a motion by Councilwoman Fontanella, seconded by Councilman Picarelli to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners due to overpayment of 1st Quarter 2013 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

RE: Tax Overpayments
1st Quarter 2013

WHEREAS, there has been an overpayment of taxes on the property listed below; and

WHEREAS, the taxpayers is entitled to a refund; and

WHEREAS, the chart sets forth the refund as follows:

BLK	LOT	PROPERTY	OWNER	OVERPAYMENT	PAYABLE TO
31	23	95 Elizabeth Place	Charles & Danielle Porter	\$1,531.61	Homeowners

NOW, THEREFORE, BE IT RESOLVED, that the overpayment shall be refunded to the taxpayer as stated above, and the Treasurer is authorized to issue separate checks for the refunds, which shall be paid to the stated property owner or taxing authority.

There was a motion by Councilwoman Fontanella, seconded by Councilman Picarelli to adopt the following resolution authorizing the Treasurer to issue a check in the amount of \$11,755.41 to DGP Capital, LLC for funds due on Certificate of Sale #12-00002, Louis M. Jr., & Monique Cinque, 340 Lincoln Avenue, Block 59, Lot 5 and an additional check for \$7,000.00 for premium paid. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale # 12-00002
Block 59, Lot 5
Property: 340 Lincoln Avenue
Owner(s): Cinque, Louis M., Jr. & Monique

WHEREAS, the Certificate of Sale # 12-00002 on the above mentioned property was purchased by DGP Capital, LLC on October 25, 2012 at 0% interest and a premium of \$7,000.00; and

WHEREAS, attorney Gregory Donelley, representing the sellers Louis and Monique Cinque, is now paying the funds due on the Certificate of Sale; and

WHEREAS, the amount due DGP Capital, LLC for the tax lien is \$11,755.41 as of February 26, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the Borough of Totowa is authorized to issue a check to "DGP Capital, LLC", 12-24 River Road, Fair Lawn, NJ 07410, in the amount of \$11,755.41 for the funds due on the Certificate of Sale, plus an additional check in the amount of \$7,000.00 for the premium paid.

COMMITTEE ON PUBLIC SAFETY:

There was no report.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Waryas, seconded by Councilman Puglise to adopt the following Resolution Authorizing The Award Of A Non-Fair And Open Contract For A Licensed Site Remediation Professional ("LSRP"). On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 38-2013

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR A LICENSED SITE REMEDIATION PROFESSIONAL ("LSRP")

WHEREAS, in 2001, the Mayor and Council Borough of Totowa authorized the removal of various storage tanks located within the Borough of Totowa and installation of new tanks at these same locations; and

WHEREAS, the Borough of Totowa requires the services of a Licensed Site Remediation Professional for the Borough of Totowa to ensure compliance with the removal and installation of these tanks in accordance with the regulations promulgated under New Jersey Department of Environment ("NJDEP") Protection Site Remediation Program; and

WHEREAS, Preferred Environmental Services, LLC, 177 Sargeant Avenue, Clifton, New Jersey 07013 has submitted a proposal for the necessary professional services, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, Preferred Environmental Services, LLC possesses the necessary experience and expertise to perform the professional services; and

WHEREAS, for providing the required services, the Borough of Totowa will compensate Preferred Environmental Services, LLC in accordance with the Fee Schedule set forth in their proposal; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize these professional services to ensure compliance with the existing NJDEP regulations and for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be authorized by the Borough of Totowa without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by Preferred Environmental Services, LLC to serve as a Licensed Site Remediation Professional for the Borough of Totowa.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into a contract with Preferred Environmental Services, LLC and authorize the Mayor and Municipal Clerk to execute any and all necessary instruments relating thereto.

There was a motion by Councilman Waryas, seconded by Councilman Puglise to table the next two items on the agenda—Accept/Reject the bids for the Purchase and Delivery of One Magnum Dry Prime Diesel Trash Pump and Recommendation of the Committee and resolution to award/reject for two weeks for further information. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from the Zerbini Family Circus requesting permission to put up various signs to advertise the Library circus fundraiser. There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application No. 1697 for the Totowa Parent Teacher Organization for a Tricky Tray to be held on April 26, 2013 at The PAL. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1698 & 1699 for the Lincoln Park First Aid Squad for a Tricky Tray and On-Premise 50/50, respectively, to be held on April 11, 2013 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application No. 1700 for the St. Joseph's Home for the Elderly of the Little Sisters of the Poor for an On-Premise 50/50 to be held on May 17, 2013. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application No. 1701 for St. James of the Marches, Knights of Columbus #6574 for a Casino Night to be held on March 8, 2013. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1702 & 1703 for the Arc of Bergen & Passaic Counties for a Tricky Tray and On-Premise 50/50, respectively, to be held on April 12, 2013 at Ruby Lounge. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application No. 1704 for the Do-Good Student Support Group for a Casino Night to be held on March 15, 2013 at the American Legion Hall. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro seeing another resident who arrived at the meeting after the public portion was closed reopened the Public Portion of the meeting:

CITIZENS HEARD:

Denise Gerrold, 15 Lincoln Avenue: Regarding the fire on Lincoln Avenue last Friday, she asked why certain fire hydrants were by-passed and whether or not she is safe in that area because it was scary. Fire Marshall Allen Del Vecchio: Explained why we use certain fire hydrants and by-pass others—so we don't draw water against each other in order to obtain maximum pressure from each hydrant—and explained that we also had a stand-by hose from Woodland Park—which was never used—and was only a back-up

to our back-up. Ms. Gerrold: Again asked if we are safe. Mayor Coiro: Advised her that we are safe and the fire hydrant selection was done as planned.

There being no further business to come before the Council, there was a motion by Councilman Puglise, seconded by Councilman Waryas that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk