

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

January 22, 2013

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

ABSENT: None.

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.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to dispense with the regular order of business in order to hold a public hearing on Ordinance Nos. 01-2013 & 02-2013 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance Nos. 01-2013 & 02-2013 have been advertised for public hearing for Tuesday, January 22, 2013.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 01-2013.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 01-2013.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 01-2013 by title:

ORDINANCE NO. 01-2013

AN ORDINANCE FIXING THE ANNUAL SALARIES AND WAGES OF THE OFFICIALS, EMPLOYEES AND THE APPOINTEES OF THE BOROUGH OF TOTOWA, COUNTY OF PASSAIC, STATE OF NEW JERSEY

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 01-2013 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 02-2013.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 02-2013.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 02-2013 by title:

ORDINANCE NO. 02-2013

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 75 ENTITLED "POLICE DEPARTMENT", ARTICLE XII, "GENERAL
RULES", SECTION 80, "OUTSIDE EMPLOYMENT REGULATED"**

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 02-2013 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

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

Councilman Waryas: 1) Said that he received a call from OEM Coordinator Allen Del Vecchio who said that even though a couple of meetings ago he told us that FEMA would come out to assess the conditions of the trees up at the PAL, today he was informed that FEMA will not be coming. He stated that the DPW will check it out now. 2) Thanked everyone for attending the Library fundraiser and also thanked Library Director Anne Krauthem.

Councilwoman Fontanella: 1) Congratulated Councilman Puglise on the birth of his granddaughter. 2) Advised that they met with both senior citizen groups and will have some upcoming meetings for the statewide databank called NJ Register Ready.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of January 8, 2013. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Resolution No. 2013-03 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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 this amount:

| BLK | LOT | PROPERTY/OWNER | PAYABLE TO | YEAR | FROM | TO | AMOUNT |
|------|-----|------------------------------|---|------|---------|-------------|-------------------|
| 9.05 | 21 | 43 Mountainwood Ct/Ted Oldja | Homeowner | 2011 | 829,600 | 786,700 | \$ 842.99 |
| 9.05 | 21 | 43 Mountainwood Ct/Ted Oldja | Homeowner | 2012 | 814,600 | 750,000 | \$1,330.76 |
| | | | | | | TOTAL CHECK | <u>\$2,173.75</u> |
| 149 | 5 | 170 Bogert St/D. Scovish | "Jacobus & Ass., LLC Trustee For Scovish, D." 301 South Livingston Ave, Suite 105 Livingston, NJ 07039 | 2012 | 344,900 | 324,900 | \$ 412.00 |

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution authorizing the Tax Collector to adjust the taxes for 2013 for Franklin Thoma, 82 Grant Avenue, Block 115, Lot 20 pursuant to a 100% Exemption for a 100% Permanent and Total Disability due to a wartime service connected disability. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Re: Franklin Thoma
Block 115, Lot 20
82 Grant Avenue
Totowa, NJ 07512

WHEREAS, Franklin Thoma has applied for 100% Exemption for a 100% Permanent and Total Disability due to wartime service connected disability; and

WHEREAS, Mr. Thoma has met all requirements for the exemption; and

WHEREAS, the 100% Disability became effective on June 8, 2012 and will be exempted from paying real estate taxes for the entire year of 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is authorized to adjust off the 1st and 2nd quarters of 2013 and the property will be listed on the 2013 tax list as "Exempt".

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve payment of the 1st Quarter 2013 Budget Allotment to the Borough of Totowa Public Library in the amount of \$178,914.00. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from the employees in the Municipal Complex requesting permission to exchange the following holidays: Lincoln's Birthday, February 12, 2013 for July 5, 2013 and Election Day, November 5, 2013 for the day after Thanksgiving, November 29, 2013. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following Resolution Of The Borough Of Totowa Authorizing The Payment Of Terminal Leave Benefits To Dennis M. Blakeley. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 27-2013

RESOLUTION OF THE BOROUGH OF TOTOWA AUTHORIZING THE
PAYMENT OF TERMINAL LEAVE BENEFITS TO DENNIS M. BLAKELEY

WHEREAS, Dennis M. Blakeley began his employment with the Borough of Totowa as a Patrolman in the Police Department on September 27, 1982; and

WHEREAS, Dennis M. Blakeley retired from the Borough of Totowa Police Department as a Captain effective January 1, 2013; and

WHEREAS, the policy of the Borough of Totowa is that employees with twenty-five (25) years of service are entitled to a maximum of one hundred thirty (130) days of Terminal Leave to be paid upon retirement; and

WHEREAS, the Terminal Leave amount is calculated at the amount of sick day benefits, not to exceed one hundred thirty (130) days or eighty-seven (87) days for those employees under the Pitman/12 Hour Shift Schedule, at the daily rate of pay of the last twelve (12) months of service upon retirement; and

WHEREAS, Dennis M. Blakeley has accumulated eighty-seven (87) unused sick days and has completed more than twenty-five (25) years of service as an employee of the Borough of Totowa; and

WHEREAS, Dennis M. Blakeley does hereby waive any other claim and/or claims for any salary, benefits and/or other compensation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that Dennis M. Blakeley is granted eighty-seven (87) days of accumulated sick leave (Terminal Leave) for a total amount of sixty-nine thousand two hundred ninety-four and 50/100 Dollars (\$69,294.50). Said monies are given in full and final consideration of any and all claims that Dennis M. Blakeley may have against the Borough of Totowa.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to certify the following names of the first three (3) qualified candidates on the Police Department Initial Appointment Certification List. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Flynn
Douglas Spinella
Thomas Bevacqua

Upon the recommendation of the Committee, there was a motion by Councilman Puglise, seconded by Councilman Waryas to appoint Joseph Flynn as a Probationary Patrolman of the Borough of Totowa Police Department with the swearing in ceremony to be held on February 12, 2013. On roll call vote, all members of the Council present voted in the affirmative.

MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Joseph Flynn as a Probationary Patrolman of the Borough of Totowa Police Department with the swearing in ceremony to be held on February 12, 2013.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to confirm the appointment. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to certify the following names of the next three (3) qualified candidates on the Police Department Initial Appointment Certification List. On roll call vote, all members of the Council present voted in the affirmative.

Douglas Spinella
Thomas Bevacqua
Sean Williams

Upon the recommendation of the Committee, there was a motion by Councilman Puglise, seconded by Councilman Waryas to appoint Douglas Spinella as a Probationary Patrolman of the Borough of Totowa Police Department with the swearing in ceremony to be held on February 12, 2013. On roll call vote, all members of the Council present voted in the affirmative.

MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Douglas Spinella as a Probationary Patrolman of the Borough of Totowa Police Department with the swearing in ceremony to be held on February 12, 2013.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to confirm the appointment. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to certify the following names of the next three (3) qualified candidates on the Police Department Initial Appointment Certification List. On roll call vote, all members of the Council present voted in the affirmative.

Thomas Bevacqua
Sean Williams
Michael Bastante

Upon the recommendation of the Committee, there was a motion by Councilman Puglise, seconded by Councilman Waryas to appoint Thomas Bevacqua as a Probationary Patrolman of the Borough of Totowa Police Department with the swearing in ceremony to be held on February 12, 2013. On roll call vote, all members of the Council present voted in the affirmative.

MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Thomas Bevacqua as a Probationary Patrolman of the Borough of Totowa Police Department with the swearing in ceremony to be held on February 12, 2013.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to confirm the appointment. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following Resolution Accepting A Vehicle From The County Of Passaic For The Borough Of Totowa Police Department. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 28-2013

RESOLUTION ACCEPTING A VEHICLE FROM THE COUNTY OF PASSAIC FOR THE BOROUGH OF TOTOWA POLICE DEPARTMENT

WHEREAS, the Passaic County Prosecutor's Office has advised the Borough of Totowa Police Department that the agency is in possession of several vehicles which are no longer needed for public use; and

WHEREAS, the Passaic County Prosecutor's Office has offered one (1) vehicle to the Borough of Totowa Police Department, more specifically identified as a 2001 Ford Crown Victoria model bearing Vehicle Identification Number 2FAFP71W91X155446; and

WHEREAS, the Borough of Totowa Police Chief has requested that this vehicle be acquired to be used by his Department and added to the Borough of Totowa fleet; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to accept the 2001 vehicle from the Passaic County Prosecutor's Office; and

WHEREAS, pursuant to the applicable New Jersey State laws, this vehicle may be acquired 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 authorize and accept the transfer of one (1) 2001 vehicle from the Passaic County Prosecutor's Office for the Borough of Totowa Police Department.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Council of the Borough of Totowa do hereby authorize the Municipal Clerk and Police Chief to execute any and all instruments relating thereto.

COMMITTEE ON PUBLIC WORKS:

A letter was received from Interim Superintendent/Public Works Manager Jim Niland requesting permission to exchange the following holidays: Lincoln's Birthday, February 12, 2013 for July 5, 2013 and Election Day, November 5, 2013 for the day after Thanksgiving, November 29, 2013. There was a motion by Councilman Waryas, seconded by Councilman Puglise to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was no report.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to introduce on first reading and advertise for public hearing the following entitled ordinance. On roll call vote, all members of the Council present voted in the affirmative.

ORDINANCE NO. 03-2013

AN ORDINANCE OF THE BOROUGH OF TOTOWA, IN THE COUNTY OF PASSAIC, NEW JERSEY, PROVIDING FOR THE LOCAL SHARE FOR THE REPLACEMENT OF A PORTION OF THE 24" SANITARY SEWER FORCE MAIN SHARED BY LITTLE FALLS, TOTOWA AND WOODLAND PARK IN AND FOR THE BOROUGH OF TOTOWA AND APPROPRIATING \$1,110,000 THEREFORE AND PROVIDING FOR THE ISSUANCE OF \$1,057,000 IN BONDS OR NOTES OF THE BOROUGH OF TOTOWA TO FINANCE THE SAME.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve the Supplemental Debt Statement. 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 adopt the Temporary Capital Budget Resolution. 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 adopt the following Resolution Authorizing An Automotive Sales License For Rod's Auto Sales, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 29-2013

RESOLUTION AUTHORIZING AN AUTOMOTIVE SALES LICENSE

WHEREAS, Rod's Auto Sales, LLC has applied for an Automotive Sales License for the property located at 285 Union Boulevard, Totowa, New Jersey 07512; and

WHEREAS, Rod's Auto Sales, LLC has agreed to fully comply with and abide by the rules and regulations of the Borough of Totowa as set forth in the Code Book of the Borough of Totowa, Chapter 122 entitled "Automotive Sales"; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the issuance of the Automotive Sales License appears to be in order and desire to authorize the subject license.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the issuance of an Automotive Sales License to Rod's Auto Sales, LLC in accordance with the provisions and requirements of the Borough of Totowa Code Book.

BE IT FURTHER RESOLVED, that the Municipal Council of the Borough of Totowa does hereby authorize the Mayor and Municipal Clerk to execute any and all instruments relating thereto.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1684, 1685 & 1686 for Bloomingdale Regional Animal Shelter Society, Inc. for a Tricky Tray, Off-Premise 50/50 and On-Premise 50/50, respectively, to be held on April 24, 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 Nos. 1687 & 1688 for St. Elizabeth Ann Seton Academy for a Tricky Tray and On-Premise 50/50, respectively, to be held on March 7, 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. 1689 for the Academy of St. Francis of Assisi for a Calendar Raffle for April, May & June 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. 1690 for St. Joseph's Home for the Elderly of the Little Sisters of the Poor for a Tricky Tray 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 Nos. 1691 & 1692 for Home & School Association School #5 for a Tricky Tray and On-Premise 50/50, respectively, to be held on March 14, 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. 1693 for BPOE #2111 Passaic Valley Elks for their annual Pull-Tab Raffle for 2013. On roll call vote, all members of the Council present voted in the affirmative.

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