

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

March 26, 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.

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

Councilwoman Andriani: 1) Thanked the Board of Recreation for the Easter Bunny Breakfast which was held on Saturday, March 23rd at Washington Park School and was well received with over 300 in attendance; 2) Announced that Library Director Anne Krautheim was honored by the Passaic County Freeholders for Irish Heritage; 3) Reminded everyone that Borough Nurse Darlene Walsh will assist with St. James Church's 20th Annual Blood Drive which will be held on Good Friday, March 29, 2013.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: Asked if there were any further updates on the Passaic County Open Space Meeting. Mayor Coiro: Advised him that the meeting was cancelled due to weather and has not been rescheduled yet.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve the Minutes of the Mayor and Council for the meeting of March 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 Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Resolution No. 2013-07 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 approve Resolution No. 2013-08 Authorizing The Transfer Of 2012 Budget Appropriations. 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 Re: Introduction Of 2013 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 46-2013

Re: Introduction Of 2013 Municipal Budget

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Borough of Totowa, Passaic County, New Jersey for the year 2013.

BE IT FURTHER RESOLVED, that the said budget be published in The North Jersey Herald and News in the issue of April 12, 2013, and that a hearing on the Budget will be held at the Municipal Building on April 23, 2013 at 8:00 o'clock (P.M.) or as soon thereafter as the matter may be reached.

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 State Tax Court judgments reducing the evaluation on the following properties.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the Borough of Totowa, is authorized to refund these amounts by way of separate checks to each property. (See attached):

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>TOTAL CHECK</u>
166.03	9	1 CENTER COURT	\$34,763.74
166.03	10	2 CENTER COURT	\$18,732.85
166.03	11	29 COMMERCE WAY	\$40,235.14
166.03	12	11 COMMERCE WAY	\$28,443.38
166.03	13	1 COMMERCE WAY	\$63,601.46
166.03	15	40 COMMERCE WAY	\$23,362.30
166.03	16	60 COMMERCE WAY	\$23,126.79
166.03	17	80-100 COMMERCE WAY	\$34,905.44
166.04	2	120-140 COMMERCE WAY	\$23,757.10

All of the above checks are to be made payable to "The Irwin Law Firm, Attorney Trust Account F.B.O. Commercenter Rlty Assoc., LLC c/o Mack-Cali.

BLK	LOT	PROPERTY/OWNER	PAYABLE TO	YEAR	FROM	TO	AMOUNT
166.03	9	1 CENTER COURT/ COMMERCENTER RLTY C/O MACK-CALI	THE IRWIN LAW FIRM ATTORNEY TRUST ACC F.B.O. COMMERCENTER RLTY C/O MACK- CALI 80 MAIN STREET, SUITE 410 WEST ORANGE NJ 07052	2009	5,594,300	5,064,900	\$ 8,576.28
166.03	9	" "	" " "	2010	5,594,300	4,831,200	\$13,033.75
166.03	9	" "	" " "	2011	5,149,900	4,480,500	\$13,153.71
TOTAL CHECK							\$34,763.74
166.03	10	2 CENTER COURT	" " "	2009	4,243,900	3,978,000	\$ 4,307.58
166.03	10	" "	" " "	2010	4,243,900	3,794,400	\$ 7,677.46
166.03	10	" "	" " "	2011	3,862,400	3,519,000	\$ 6,747.81
TOTAL CHECK							\$18,732.85
166.03	11	29 COMMERCE WAY	" " "	2009	7,052,600	6,360,900	\$11,205.54
166.03	11	" "	" " "	2010	7,052,600	6,067,300	\$16,828.92
166.03	11	" "	" " "	2011	6,247,800	5,626,900	\$12,200.68
TOTAL CHECK							\$40,235.14

166.03	12	11 COMMERCE WAY	"	"	"	2009	6,445,500	6,113,200	\$ 5,383.26
166.03	12	"	"	"	"	2010	6,445,500	5,831,100	\$10,493.95
166.03	12	"	"	"	"	2011	6,047,400	5,407,900	\$12,566.17
								TOTAL CHECK	\$28,443.38
166.03	13	1 COMMERCE WAY	"	"	"	2009	3,298,000	2,610,000	\$11,145.60
166.03	13	"	"	"	"	2010	3,298,000	2,610,000	\$11,751.04
166.03	13	"	"	"	"	2011	3,011,300	2,000,000	\$19,872.04
166.03	13	"	"	"	"	2012	3,011,300	2,000,000	\$20,832.78
								TOTAL CHECK	\$63,601.46
166.03	15	40 COMMERCE WAY	"	"	"	2009	6,767,700	6,574,800	\$ 3,124.98
166.03	15	"	"	"	"	2010	6,767,700	6,271,400	\$ 8,476.80
166.03	15	"	"	"	"	2011	6,414,700	5,816,200	\$11,760.52
								TOTAL CHECK	\$23,362.30
166.03	16	60 COMMERCE WAY	"	"	"	2009	6,703,800	6,543,900	\$ 2,590.38
166.03	16	"	"	"	"	2010	6,703,800	6,241,300	\$ 7,899.50
166.03	16	"	"	"	"	2011	6,431,400	5,788,300	\$12,636.91
								TOTAL CHECK	\$23,126.79
166.03	17	80-100 COMMERCE WAY	"	"	"	2009	6,547,600	6,123,000	\$ 6,878.52
166.03	17	"	"	"	"	2010	6,547,600	5,840,400	\$12,078.98
166.03	17	"	"	"	"	2011	6,228,100	5,416,500	\$15,947.94
								TOTAL CHECK	\$34,905.44
166.04	2	120-140 COMMERCE WAY	"	"	"	2009	5,048,900	4,667,600	\$ 6,177.06
166.04	2	"	"	"	"	2010	5,048,900	4,452,200	\$10,191.64
166.04	2	"	"	"	"	2011	4,505,000	4,129,000	\$ 7,388.40
								TOTAL CHECK	\$23,757.10

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution authorizing the Treasurer to issue a refund to 179 Union Boulevard, LLC pursuant to a State Tax Court judgment. 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
40	20	179 Union Blvd/179 Union Blvd, LLC	Jennifer R. Jacobus, Esq. Attorney for Union Blvd, LLC 301 Livingston Ave Livingston, NJ 07039	2012	\$558,800	\$522,000	\$758.08

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Requesting Permission For The Dedication By Rider For Law Enforcement—Disposal Of Forfeited Property As Required By N.J.S.A. 2C:64-6. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 47-2013

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR LAW ENFORCEMENT—DISPOSAL OF FORFEITED
PROPERTY AS REQUIRED BY N.J.S.A. 2C:64-6

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimate in advance; and

WHEREAS, N.J.S.A. 2C:64-6 provides for receipt of funds, from the Department of Justice for a share of forfeited property and proceeds to participating state and local law enforcement agencies that directly participate in an investigation or prosecution that results in federal forfeiture, by the municipality to provide for operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated for LAW ENFORCEMENT—DISPOSAL OF FORFEITED PROPERTY are hereby anticipated as revenue and are hereby appropriated for the purposes to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa, County of Passaic, and State of New Jersey as follows:

1. The Mayor and Council hereby request permission from the Director of the Division of Local Government Services to pay expenditures of the Law Enforcement – Disposal of Forfeited Property as per N.J.S.A. 2C:64-6.
2. The Municipal Clerk of the Borough of Totowa, County of Passaic is hereby directed to forward two certified copies of the Resolution to the Director of the Division of local Government Services.

A letter from American Legion Memorial Post No. 227 inviting the Mayor and Council to participate in their annual Memorial Day parade on Sunday, May 26, 2013 at 1:00 p.m. was received and filed.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Waryas to authorize the Borough Attorney to prepare the specs and the Borough Clerk to advertise for the receipt of bids for the purchase and delivery of one fire rescue truck. 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 approve the fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Aslon Goow, Jr. for Volunteer Fire Company No. 1. On roll call vote, all members of the Council present voted in the affirmative.

A letter from resident Denise Hagan thanking police officers Park Balloutine and Nick Varcadipane for their professional police duties and compassion while caring for her Mom on two different occasions was received and filed with copies to be placed in their personnel jackets.

COMMITTEE ON PUBLIC WORKS:

There was no report.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from the Paterson Columbiettes requesting permission to use the Municipal Parking Lot on Sunday, April 21, 2013 for their trip to Atlantic City. There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from the Passaic Valley Sewerage Commission along with a check in the amount of \$1,192.33 for the Municipal Rebate Incentive Program. There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to accept the funds. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

A letter from the Totowa Historical Society inviting the Mayor and Council to their Totowa Honors Our Heroes presentation on Monday, April 22, 2013 at 7:00 p.m. at Washington Park School was received and filed.

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. 04-2013

**CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).**

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to adopt the following Proclamation In Honor Of North Jersey Developmental Center's 28th Volunteer Recognition Ceremony. On roll call vote, all members of the Council present voted in the affirmative.

**PROCLAMATION IN HONOR OF NORTH JERSEY DEVELOPMENTAL
CENTER'S 28TH VOLUNTEER RECOGNITION CEREMONY**

WHEREAS, the North Jersey Developmental Center (hereinafter referred to as "NJDC"), is a residential facility that was opened in February of 1928 for individuals with developmental disabilities and is located on a 188 acre tract of land in Totowa, New Jersey; and

WHEREAS, NJDC is the northernmost residential developmental center in New Jersey and provides a wide range of habitation, medical and psychological services for its residents; and

WHEREAS, the campus like setting of NJDC includes 35 buildings that contain 11 different living areas, a school building, a chapel, a sheltered workshop, a vocational building, an auditorium, recreational facilities and a swimming pool; and

WHEREAS, volunteers, both past and present, have been instrumental in enhancing the lives of the residents of NJDC; and

WHEREAS, on Sunday, April 21, 2013, NJDC will host a special day of recognition to celebrate and acknowledge their many volunteers; and

WHEREAS, the Mayor and Council of the Borough of Totowa wish to publically honor and thank the hard-working and inspiring volunteers who are devoted to improving the quality of life for their neighbors that reside at NJDC.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey do hereby give special recognition to the many volunteers who so selflessly give their time to serve the NJDC family.

BE IT FURTHER PROCLAIMED that this Proclamation be made a part of the permanent records of the Borough of Totowa and that a copy of said Proclamation be presented to the North Jersey Developmental Center.

Given in tribute this 26th day of March, 2013 by the Mayor and Council of the Borough of Totowa.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve the Application For Special Permit For Social Affair from the State Of New Jersey Division Of Alcoholic Beverage Control for the BPOE #2111 Passaic Valley Elks for April 19, 2013 from 6:00 p.m.—11:45 p.m. 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. 1707 & 1708 for St. Peter's Haven for a Tricky Tray and On-Premise 50/50, respectively, to be held on May 23, 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. 1709 & 1710 for HSA Demarest for a Tricky Tray and On-Premise 50/50, respectively, to be held on May 3, 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. 1711 for the Borough of Totowa First Aid Squad, Inc. for Off-Premise 50/50's to be held on June 4, August 6, October 1 & December 3, 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