

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

YOUTH WEEK

May 28, 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 Alternate Municipal Attorney Kristin Corrado.

ABSENT: Municipal Attorney Robert Corrado.

Mayor John Coiro called the meeting to order and asked Borough Clerk Joseph Wassel to call the roll of the Council.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following resolution authorizing the Youth Week Elected Officials to act in the place and stead of the Duly Elected Mayor and Council of the Borough of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 66-2013

YOUTH WEEK RESOLUTION

WHEREAS, in the observance of Youth Week, students have been designated in the place and stead of the Mayor and Council of the Borough of Totowa; and

WHEREAS, the said students shall conduct the business of the said Governing Body of the Borough of Totowa under the guidance of the duly elected Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey, that any and all actions taken on behalf of said Governing Body are hereby and herewith ratified and confirmed as the official actions of the Mayor and Council as if the same were acting directly and in person.

Mayor Coiro on behalf of the Mayor and Council presented each Youth Week Elected Official with their own "name plate" and congratulated all participants on their election to their respective positions and their dedication to learning more about the Government process and the Borough of Totowa.

Youth Week Mayor Matthew Mendoza called the meeting to order and asked Borough Clerk Julianna Arrabito to call the roll of the 2013 Youth Week Council.

PRESENT: Mayor Matthew Mendoza, presiding, Councilwoman Daria Cillindrello, Councilwoman Brianna Costic, Councilwoman Alexandra Juliano, Councilman Marco Manzi, Councilman John Minogue, Councilwoman Mariam Nassery, Municipal Clerk Julianna Arrabito and Municipal Attorney Victoria Ayoub.

ABSENT: None.

Mayor Mendoza asked everyone to stand for the Prayer and the Pledge of Allegiance to the Flag.

Borough Clerk Arrabito recited the following Prayer of the Meeting: Dear Lord, the Mayor and Council pray, that courage and strength abundant be given that the actions of this Council be of benefit to all of the residents of the Borough of Totowa. Lord, we also pray, that you give courage and strength to the Youth Week Mayor, Council and Officials, so that we may fulfill our duties—under the guidance of this duly elected Mayor and Council—to the best of our abilities. And Lord, may you bless our families and friends, teachers and school officials, who have come out tonight, for all of their love and support.

Borough Clerk Arrabito led everyone in the Pledge of Allegiance to the Flag with the public participating.

Mayor Mendoza asked Borough Clerk Arrabito to read the statement of the meeting.

Borough Clerk Arrabito 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 Borough Clerk.

Mayor Mendoza asked if any Members of the Council, the Borough Clerk or the Borough Attorney wished to address the Council.

Borough Attorney Aliah Colobong: Gave the following report.

Honorable Mayor and Members of the Council:

The Borough of Totowa has been involved for many years in an on-going environmental lawsuit commonly referred to as the Passaic River litigation. In 2005, the United States Environmental Protection Agency ("EPA") designated a 17 mile stretch of the Passaic River as a Superfund Site because some companies had dumped various chemicals, including Agent Orange, into the River. Also in 2005, the New Jersey Department of Environmental Protection ("DEP") filed a lawsuit against numerous chemical companies seeking to recover past and future clean-up costs as well as unspecified economic damages. In February of 2009, these chemical companies filed a third-party complaint against 81 municipalities, including Totowa, alleging that their municipal wastewater was being discharged directly into the River. Many sewer systems were installed in the 1800s and during periods of heavy rainfall, these systems overflow and discharge directly into the Passaic River. The complaint also claims that the municipal wastewater contains hazardous substances.

Totowa was served with the third-party complaint in the spring of 2009 and our insurance company declined coverage for this lawsuit. The Borough joined a Joint Defense Group with other towns to help defend against all of the allegations contained in the complaint. A Special Master of Discovery was assigned to the case and Totowa must comply with her Orders in addition to the Judge's Orders. All documents must be filed via a dedicated website. A Court Order was entered on January 28, 2011 directing all parties in the lawsuit to pay various assessments on a per party basis including costs of the Special Master and electronic discovery database. The defense of this lawsuit under the Per Capita Funding Order has taken a considerable toll on Totowa and its municipal budget.

A potential confidential settlement has been reached with the DEP and many of the Municipal Defendants. The settlement must be approved by the Court and both the direct Defendant Chemical Companies and the public have a right to object to same. Once the Court hears the matter and if it approves the settlement, the Defendants will probably appeal to the Appellate Court and we will have to await its decision.

Unfortunately even when the State litigation is over, there is a strong likelihood that the EPA will file suit against the same Defendant Chemical Companies. Once again, they will probably file a Third Party action against the Borough of Totowa and other towns that border the Passaic River.

I will continue to keep you advised as this lawsuit proceeds.

Councilman Manzi: Thanked everyone for attending our Memorial Day Parade.

Mayor Mendoza asked if any citizens wished to be heard.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilwoman Cillindrello, seconded by Councilwoman Costic to approve the Minutes of the Mayor and Council for the meeting of May 14, 2013. On roll call vote, all members of the Youth Week Council present voted in the affirmative. Councilwoman Nassery abstained from the voting.

COMMITTEE OF FINANCE:

Borough Clerk Arrabito announced that we will now have a report from the Tax Assessor and then the Tax Collector.

Tax Assessor Michael Dellanno: Gave the following report.

Honorable Mayor and Council,

2013 began with a decrease in total ratables from 2012 of approximately 37 million dollars. This decrease was due to reductions in assessments through tax appeals. The Assessment/Sale ratio increased from 102.33% to 110.79%.

The 2013 Tax Appeal deadline was April 1st. The Passaic County Board of Taxation received nearly 9,100 appeals of which 158 were filed by Totowa taxpayers. 127 of these appeals were heard on May 5th and the balance will be heard at a later date. 52 State Tax Court appeals were filed for 2013. 78 Tax Court cases have been settled or withdrawn in 2013 leaving a pending total of 179 at the State level. The Borough Tax

Counsel, appraiser and I continue to negotiate settlements or prepare for trial.

184 deeds were processed in 2012 which is an increase of 49 over the year prior. Of these 184, only 116 involved an exchange of money. So far for 2013, 50 deed transactions have been recorded but only 13 are considered valid for sales analysis.

Tax Collector Victoria Ayoub: Gave the following report.

Honorable Mayor and Council,

In Totowa, there are 3817 line items in total. 86 are for vacant land and 3426 are for residential properties. There are 238 commercial and 65 industrial properties. There are 2 farms. In addition, there are 93 exempt properties, 9 railroad properties, 1 telephone item, 1 public utility, 2 schools, 54 public properties, 9 charitable properties, 8 cemeteries and 20 miscellaneous items.

Taxes collected in the year 2013 thus far equal \$23,224,842.29. Also collected were past due 2012 taxes in the amount of \$354,876.43. The amount distributed to the County/Open Space is \$7,392,742.02, Totowa schools \$5,851,664.05 and Passaic Valley is \$3,957,201.50. Our collection percentage rate for 2012 was reported at 98.03%.

Regarding deductions given in the Borough for 2013, they are as follows: 163 senior citizens, 22 disabled persons, 312 veterans and 103 widow of veterans.

Tax appeals have resulted in \$1,253,893.10 being refunded to taxpayers thus far in the year 2013.

Reporting on our tax liens, there are 6 outside liens. There have been no recent foreclosures due to tax sale at this time.

There was a motion by Councilwoman Juliano, seconded by Councilman Manzi to approve Resolution No. 2013-12 for the payment of bills. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

Borough Clerk Arrabito announced that we will have a report from the Police Chief and then the Fire Chief.

Police Chief Giancarlo Rodolico: Gave the following report.

Honorable Mayor and Council,

Our Department is participating in the statewide "Click It Or Ticket" Program. This is an effort to increase seat belt use and cut down on serious crash injuries. The increased enforcement in this area will run from May 20th until June 2nd. Ticket totals will then be forwarded to the NJ Division of Highway Traffic Safety. Use of seat belts saves lives...

The three new Totowa Police recruits are halfway through their academy training at the Passaic County Police Academy. They have just recently completed the firearms and vehicle operations sections. They will be trained and ready to join our staff - upon their graduation on July 25th.

Our Officers took part in the annual aggressive driving crackdown prior to the Memorial Day Weekend. This countywide event took place on Friday May 24th from 11:00 am until 6:00 pm. We issued 26 tickets on that date and 1 marijuana arrest.

Our police motorcycle was given a recent tune-up and overhaul by the staff at the Department of Public Works. It is now running much better. As you know it is a 1989 model and has had problems with oil pressure. The Passaic County Sheriff's Department has reported that they are going to donate one of their spare cycles to our agency next month. We have two officers who have been trained through the Maryland State Police training course.

Fire Chief Alyssa Sole: Gave the following report.

Honorable Mayor and Council,

The following is for the past six months. The Totowa Fire Department has responded to 130 fire calls for 2013 and has attended all required fire training courses. The Fire Department battled two house fires in March, there were no injuries and I thank the firemen for a great job. Our membership roles have increased due to our junior fire fighter program. The junior firemen get appointed by the Mayor and Council at the age of sixteen and go fully active at the age of eighteen, at which time they are enrolled into the Passaic County Fire Academy for their Fire Training. There are currently eight members in the academy and will graduate in November.

On October 29, 2012 the area was hit with Superstorm Sandy, the Totowa Fire Department was put to the test once again. We experienced heavy winds which caused trees and Power lines to come down. The Fire Department responded to 103 calls due to storm related issues.

I was asked to command a task force from Passaic County to respond to Toms River to help out the victims of the storm. On Saturday, November 3, 2012 the task force was assigned for 36 hours to assist with storm related duties. The residences were very grateful for our help.

There was a motion by Councilwoman Cillindrello, seconded by Councilwoman Costic to approve Junior Firefighter application for Gregory Micheal Shields. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

A letter was received from the NJDOT advising the Mayor and Council that Totowa will receive funding from their FY2013 Municipal Aid Program for Gordon Avenue Improvements in the amount of \$135,000.00. There was a motion by Councilwoman Costic, seconded by Councilwoman Cillindrello to accept the grant funds. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

Borough Clerk Arrabito announced that we will now have a report from the Municipal Engineer.

Municipal Engineer Matthew Basile: Gave the following report.

Honorable Mayor and Council,

Storm Sewer Check Valves

This project was completed in the spring and the check valves are operating as designed.

Sanitary Sewer Lining Project

This project consists of the relining of certain sections of existing sanitary sewer mains within Jefferson Place, between Union Boulevard and Franklin Place, a portion of the sanitary sewer main within Dewey Avenue, between Stanley Street and Bogert Street, and a portion of the sanitary sewer main within Williams Place, between Totowa Road and Jefferson Place. The work generally consists of the installation of cured-in-place pipe liner and the sealing of manholes along the length of sanitary sewer main to be rehabilitated. The work also includes the sealing of sanitary sewer lateral connections at the main. This project is being funded by a Community Development Block Grant.

The purpose of lining the sewer main, sealing of the manholes and sealing lateral connections is to reduce the amount of groundwater that enters into deteriorated sections of the sanitary sewer system. The Borough has conducted studies of the existing sanitary sewer system, and these studies have identified that the existing sanitary sewer mains within Jefferson Place, Dewey Avenue and Williams are in poor condition with numerous open joints and fittings that allow ground water to enter the sewer system. Consequently, during significant rain events and during periods of high ground water, water is entering the sewer main and overloading the existing sanitary sewer system.

The project is near completion and we anticipate the project being completed within the next 2 to 3 weeks.

Lincoln Avenue Drainage Improvements and Road Resurfacing Project

This project consists of the installation of new storm sewer system piping and associated control structures, the installation of ADA compliant curb ramps, and the milling and paving of the road from Union Boulevard to Totowa Road. The new storm sewer pipe will provide supplemental storage of stormwater during significant rain events. The intent of this work is to reduce the amount of flood waters that collect on the surface of the road. The new storm sewer piping will be connected to the existing storm sewer system. The road repaving will not include the section of road recently repaved for the emergency sanitary sewer repair project. This project received \$175,000 Municipal Aid Grant from the NJDOT.

It is our understanding the project has been awarded to a contractor and our office is in the process of coordinating a preconstruction meeting.

Shepherds Lane Pump Station Abandonment

The Borough recently awarded our firm the engineering design and construction supervision of this project and we have initiated design of the project. This project consists of the final abandonment of the underground pump station near the intersection of Shepherds Lane and Union Boulevard. The work will include the installation of new valving and water main piping, and the removal, disposal and backfilling of the original pump station.

Digital Realty – 701 Union Boulevard

The Borough Planning Board recently granted Preliminary and Final Site Plan approval for a new data center to be constructed at 701 Union Boulevard. The project includes off-site improvements that require a developer's agreement to be executed between the applicant and the Borough. Our office is coordinating with the Borough Attorney and applicant in the preparation of the developer's agreement.

There was a motion by Councilman Manzi, seconded by Councilwoman Juliano to approve Payment Estimate No. 2 in the amount of \$49,368.23 to Allstate Power Vac, Inc. for the Sanitary Sewer Lining Project—Phase 1. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilman Minogue, seconded by Councilwoman Nassery to adopt the following Resolution Authorizing Annual Visual Electrical Inspection For The Borough Of Totowa Municipal Swimming Pool. On roll call vote, Councilwoman Cillindrello, Councilwoman Juliano and Councilman Manzi all voted in the negative, while Councilwoman Costic, Councilman Minogue and Councilwoman Nassery all voted in the affirmative, creating a tie vote. Borough Clerk Arrabito explained that in the Borough form of government, in the event there is a tie vote, the Mayor votes to break the tie. Borough Clerk Arrabito asked Mayor Mendoza to vote. Mayor Mendoza voted in the affirmative and the motion passed four votes to three.

RESOLUTION NO. 67- 2013

RESOLUTION AUTHORIZING ANNUAL VISUAL ELECTRICAL INSPECTION FOR THE BOROUGH OF TOTOWA MUNICIPAL SWIMMING POOL

WHEREAS, the State of New Jersey requires an Electrical Certificate of Compliance to be issued for community swimming pools pursuant to P.L.1998, c. 137 which was enacted on February 9, 1999; and

WHEREAS, this mandated State testing requires that a visual inspection be performed annually; and

WHEREAS, the Certificate of Compliance verifies that all wiring located in or about the pool pump and associated electrical equipment complies with the National Electrical Code; and

WHEREAS, the Interim Superintendent for the Borough of Totowa Department of Public Works has advised the Mayor and Council of the Borough of Totowa that the visual inspection of the Totowa Municipal Swimming Pool should be performed prior to the opening of the 2013 Pool Season; and

WHEREAS, the Borough of Totowa Department of Public Works ("DPW") Interim Superintendent has solicited quotes from licensed electrical contractors to provide the required inspection services; and

WHEREAS, Top Line Electric, Inc., P.O. Box 5606, Hillsborough, New Jersey 07884, License No. 13196, has submitted a proposal to perform the visual inspection in the amount of Three Hundred Ninety-Five and 00/100 Dollars (\$395.00), a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, Top Line Electrical, Inc. is a full service electrical contracting company specializing in electrical maintenance of community swimming pools; and

WHEREAS, the Interim Superintendent has reviewed the proposal and advised that Top Line Electrical, Inc. has the necessary experience to perform the inspection services; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the visual electrical inspection of the Totowa Municipal Swimming Pool to ensure the safety and well-being of the Pool members and employees; and

WHEREAS, pursuant to the applicable New Jersey State laws, the authorization of this service will not exceed the public bidding threshold and may be authorized 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 Top Line Electric, Inc. to perform the mandated annual visual electrical inspection of the Borough of Totowa Municipal Swimming Pool in the amount of Three Hundred Ninety-Five and 00/100 Dollars (\$395.00).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Top Line Electric, Inc. to provide the materials and perform the services set forth in their proposal.

COMMITTEE ON LEGISLATIVE & ORDINANCES:

There was a motion by Councilwoman Nassery, seconded by Councilman Minogue to adopt the following Proclamation In Honor Of Monsignor Eugene M. Boland. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

PROCLAMATION IN HONOR OF MONSIGNOR EUGENE M. BOLAND

WHEREAS, Eugene M. Boland was born in the Village of Eyrecout, County Galway, Ireland on May 12, 1939, the eldest child of John and Nora (Potter) Boland; and

WHEREAS, Eugene M. Boland entered St. Patrick's Seminary in Carlow in September of 1957 and was ordained to the priesthood at the Cathedral in Carlow on June 8, 1963; and

WHEREAS, Father Boland came to the United States on August 16, 1963 and was temporarily assigned to St. Vincent the Martyr Parish in Madison, New Jersey before being given a position as an Associate Pastor at St. George's Church in Paterson; and

WHEREAS, on June 29, 1971, Father Boland was assigned to St. James of the Marches, Totowa, New Jersey where he served with Monsignor Michael F. Hart; and

WHEREAS, Father Boland was appointed Pastor of St. James on August 8, 1990 and was honored with the title of Monsignor on October 10, 1993; and

WHEREAS, Monsignor Boland retired as Pastor in June of 2009 after 38 years of faithful service at St. James Parish and now serves as Pastor Emeritus for the church; and

WHEREAS, Monsignor Boland, during his time at St. James Parish, baptized 1,263 infants, witnessed 470 marriages, administered the First Eucharist to 2,864 children, attended 37 confirmations, graduations, May Crownings and reorganization meetings of the Mayor and Council of the Borough of Totowa, served as the Chaplain of the Totowa Fire Department, attended numerous Religious Education Classes, Knights of Columbus meetings, Boy Scout and Girl Scout functions and made numerous sick calls and Communion visits over the years; and

WHEREAS, on June 8, 2013, Monsignor Boland will celebrate his 50th anniversary of ordination to the priesthood; and

WHEREAS, the Mayor and Council of the Borough of Totowa wish to publicly honor Monsignor Eugene Boland on his 50th anniversary for his commitment and service to God as well as to the parishioners of St. James and the residents of Totowa.

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 Monsignor Eugene Boland for his distinguished career and devoted service to our community.

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 Monsignor Eugene Boland.

Given in tribute this 28th day of May 28, 2013 by the Mayor and Council of the Borough of Totowa.

Mayor John Coiro, on behalf of the Mayor and Council thanked all for attending the Youth Week Council Meeting and once again congratulated the Youth Week participants on winning their respective elections and complimented them on a job well done. Explained that every year we like to give the students a taste for what goes on daily and at meetings and informed the parents that these were actual votes that will go into the Minutes. Said he hoped that the students learned something about Municipal Government and gained some insight into how our town is run. Communicated to the parents that sometimes residents show up with different issues. Remarked that maybe some of you will look into government in the future. Acknowledged the hard work that was put into making their posters and told them to feel free to take their posters home, along with their commemorative name plate. Also advised the parents that Youth Week continues on Thursday, May 30th when we will take all the Youth Week Elected Officials on a tour of the town—to Caravan Ingredients, lunch at Ruby Lounge at The Holiday Inn and the State Police.

This concludes the Youth Week portion of the Council Meeting.

Recess.

Municipal Attorney Robert Corrado arrived at 9:00 p.m. and replaced Alternate Municipal Attorney Kristin Corrado.

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

Municipal Clerk Wassel announced that Ordinance Nos. 06-2013 & 07-2013 have been advertised for public hearing for Tuesday, May 28, 2013.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 06-2013.

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. 06-2013.

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. 06-2013 by title:

ORDINANCE NO. 06-2013

A CAPITAL ORDINANCE AMENDING ORDINANCE NO. 08-2012 APPROPRIATING AN ADDITIONAL \$40,000 FOR THE LINCOLN AVENUE IMPROVEMENTS TO BE UNDERTAKEN BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE AN ADDITIONAL \$40,000 FROM THE CAPITAL IMPROVEMENT FUND

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 06-2013 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. 07-2013.

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. 07-2013.

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. 07-2013 by title:

ORDINANCE NO. 07-2013

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 415 ENTITLED "ZONING AND LAND USE", PART 4, "ZONING"**

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 07-2013 on second and final reading. 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