

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

September 24, 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.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to dispense with the regular order of business in order to enable the Mayor and Council to present award certificates to the winners of the Summer Reading Challenge at the library and to hold a public hearing on Ordinance No. 14-2013 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Mayor John Coiro went to the front of the dais and asked that Library Director Anne Krauthem and Children's Librarian Annemarie Shapiola join him for the presentation of the award certificates. Mayor Coiro announced that when Anne asked me about acknowledging the reading program, I thought it was a great idea to recognize the winners of the Summer Reading Challenge. Mayor Coiro asked that Anne explain a little more about the program, which she did. Annemarie then advised that they really challenged the readers when they went to the schools and are very proud of them all. Mayor Coiro then stated that we are lucky to have both Anne Krauthem and Annemarie Shapiola as dedicated librarians and how our library keeps expanding, while others have been cutting

back services. Mayor Coiro then went on with the presentation, by calling up each winner and presenting them with an award certificate. Pictures were taken.

Mayor Coiro called for a short recess.

Municipal Clerk Wassel announced that Ordinance No. 14-2013 has been advertised for public hearing for Tuesday, September 24, 2013.

Municipal Clerk Wassel read the legal notice and title of Ordinance No. 14-2013.

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. 14-2013.

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. 14-2013 by title:

ORDINANCE NO. 14-2013

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA TO
CREATE A NEW CHAPTER TO BE ENTITLED "TATTOO ARTISTS"**

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 14-2013 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.

Councilwoman Andriani: 1) Announced that the Board of Recreation will host their annual Hayride of Horror on October 18th at Corrado Farms; 2) Reported that the lightning detection equipment has been installed at the PAL fields and Minnisink Road field and there will be an informational meeting at the library on October 15th; 3) Commented that the Library Foundation will have its brunch this Sunday, September 29th at the Brownstone.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: 1) Said he brought some pictures of a tree by the PAL park between #'s 265 & 275 Lincoln Avenue and said the tree looks rotted; 2) Asked that more pine trees be planted between the walking path and his house to absorb water and block the lights. Mayor Coiro: Asked DPW Superintendent Jim Niland to check out both issues.

There was a motion by Councilman Waryas, seconded by Councilwoman Fontanella to approve the Minutes of the Mayor and Council for the meeting of September 10, 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. 2013-20 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 approve 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 of the Borough of Totowa is authorized to refund this amount.

<u>BLK</u>	<u>LOT</u>	<u>PROPERTY/OWNER</u>	<u>PAYABLE TO:</u>	<u>YEAR</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
9	34.15	25 Centennial Ct Pasquale Dellacave	Pasquale Dellacave c/o Budd Larner, P.C. 150 John F. Kennedy Pkwy Short Hills, N.J. 07078-2703	2010	1,599,400.00	1,357,500.00	\$4,131.65
				2011	1,529,300.00	1,265,000.00	\$5,193.50
				2012	1,529,300.00	1,265,000.00	\$5,444.58
						TOTAL CHECK	\$14,769.73

There was a motion by Councilwoman Fontanella, seconded by Councilman Picarelli to approve the following resolution authorizing the Treasurer to issue refunds to various property owners due to overpayment of 3rd Quarter 2013 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Tax Overpayments - 3rd Quarter 2013

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

WHEREAS, the tax payer is entitled to a refund; and

WHEREAS, the chart sets forth the refund, as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY/OWNER</u>	<u>PAYABLE TO:</u>	<u>OVERPAYMENT</u>
19	29	40 Franklin Place Innocenti, John & Mary	Chase Attn: Refund Dept. P.O. Box 961227 Ft. Worth, TX 76161-0227	\$1,298.17

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 approve the following resolution authorizing the Treasurer to effectuate the redemption of Certificate of Sale #11-00008 for 2 Dey Hill Trail, Block 155, Lot, 2. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #11-00008
Block 155, Lot 16
Property: 2 Dey Hill Trail
Owner(s): Lorusso, Rosemary (Deceased)

Redemption

WHEREAS, the Certificate of Sale #11-00008, on the above mentioned property was purchased by U.S. Bank-Cust/SASS MUNI VI DTR on October 27, 2011 at 0% interest and a premium of 30,000.00; and

WHEREAS, Jo Ann Vander Vliet, daughter of the deceased Rosemary Lorusso, is now paying the funds due on the Certificate of Sale; and

WHEREAS, the amount due U.S. Bank-Cust/SASS MUNI VI DTR for the tax lien is \$43,968.94, as of 9/24/13.

NOW, THEREFORE , BE IT RESOLVED, that the Treasurer of the Borough of Totowa is authorized to issue a check to "U.S. Bank-Cust/SASS MUNI VI DTR" at U.S. Bank Corporate Trust Services, Tax Lien Services Group, 2 Liberty Place, 50 South 16th Street-Suite 1950, Philadelphia, PA 19102, in the amount of \$43,968.94 for the funds due on the Certificate of Sale, plus an additional check in the amount of \$ 30,000.00 for the premium paid.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve a grade increase for Patrolman Gary Bierach from Grade 3 to Grade 2, effective September 28, 2013. 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 following Resolution Approving Submission Of A Grant Application And Execution Of A Grant Agreement Through The New Jersey Department Of Transportation's Highway Safety Fund Grant Program For Fiscal Year 2013. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 92-2013

RESOLUTION APPROVING SUBMISSION OF A GRANT APPLICATION
AND EXECUTION OF A GRANT AGREEMENT THROUGH THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION'S HIGHWAY SAFETY
FUND GRANT PROGRAM FOR FISCAL YEAR 2013

WHEREAS, the Borough of Totowa has been awarded \$8,796.76 through the New Jersey Department of Transportation's (NJDOT) Highway Safety Fund grant program for Fiscal Year 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa does hereby approve the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Council and Police Chief are hereby authorized to submit an electronic grant application identified as HSF-2013-Totowa Borough-00035 to the New Jersey Department of Transportation on behalf of the Borough of Totowa.

BE IT FURTHER RESOLVED, by the Mayor and Council that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Totowa and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

A letter from AAA North Jersey inviting the Mayor and Police Chief to attend the 2013 AAA Community Traffic Safety Awards Luncheon on Wednesday, October 23, 2013 at 11:00 a.m. at The Brownstone was received and filed.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Waryas, seconded by Councilman Puglise to accept the following bids for the Purchase and Delivery of Dump Truck. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Base Bid</u>	<u>Option #1</u>	<u>Option #2</u>	<u>Option #3</u>	<u>Option #4</u>	<u>Total Bid</u>
Hoover Truck Ctr	\$133,688	\$ 3,450	\$ 1,350	\$ 710	\$ 850	\$140,048

Upon the recommendation of the Committee, there was a motion by Councilman Waryas, seconded by Councilman Puglise to adopt the following resolution to award the contract to the lowest responsible bidder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 93-2013

RESOLUTION AUTHORIZING CONTRACT FOR THE PURCHASE
AND DELIVERY OF A DUMP TRUCK

WHEREAS, the Interim Superintendent for the Borough of Totowa Department of Public Works has recommended the Borough of Totowa purchase a new Dump Truck with a snow plow; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to purchase a new Dump Truck for use by the Department of Public Works; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for the purchase and delivery of a new Dump Truck to be added to the Department of Public Works fleet in accordance with its specifications entitled "Specifications and Proposal for the Purchase and Delivery of One (1) New Dump Truck for the Borough of Totowa, Passaic County, New Jersey"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on September 19, 2013; and

WHEREAS, the Mayor and Council of the Borough of Totowa on September 24, 2013 did examine all bids for materials and services called for; and

WHEREAS, Robert H. Hoover & Sons, Inc., 149 Gold Mine Road, Flanders, New Jersey 07105 has submitted a proposal to provide one new 2014 Freightliner 108SD Plow Truck and related equipment with a base bid the amount of \$133,688.00; a bid in the amount of \$3,450.00 for Option No. 1, Under Tailgate Spreader; a bid in the amount of \$1,350.00 for Option No. 2, Double Swing Bard Door; a bid in the amount \$710.00 for Option No. 3, 48" x 24" x 24" H.D. Aluminum Tool Box Saddle Mounted; and a bid in the amount of \$850.00 for Option No. 4. D Loop Quick Attach System for Snow Plow, for a total bid in the amount of \$140,048.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Interim Superintendent for the Borough of Totowa Department of Public Works has reviewed the proposal and recommended the Borough of Totowa authorize the award of a contract to Robert H. Hoover & Sons, Inc. for the purchase and delivery of the new 2014 Freightliner 108SD Plow Truck and related equipment; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Robert H. Hoover & Sons, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the bid of Robert H. Hoover & Sons, Inc. for the purchase and delivery of one (1) new 2014 Freightliner 108SD Plow Truck as the lowest responsible bid for the total sum of \$140,048.00.

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 necessary instruments relating thereto.

There was a motion by Councilman Waryas, seconded by Councilman Puglise to accept the following bids for the Abandonment of Shepherds Lane Pump Station. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Total Bid Amount</u>
John Garcia Construction Clifton, NJ 07013	\$ 68,000.05
Sanitary Construction Co. Rockaway, NJ 07866	\$ 79,310.00
Vortex Construction Ringwood, NJ 07456	\$ 87,810.00

F. Antonucci & Sons, Inc.
Paterson, NJ 07502

\$110,215.00

Upon the recommendation of the Committee, there was a motion by Councilman Waryas, seconded by Councilman Puglise to adopt the following resolution to award the contract to the lowest responsible bidder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 94-2013

RESOLUTION AWARDING CONTRACT FOR THE ABANDONMENT
OF THE SHEPHERDS LANE PUMP STATION

WHEREAS, the original Shepherds Lane Pump Station was not fully abandoned when the new Pump Station was installed at Shepherds Lane and remains connected to the Borough of Totowa's water system; and

WHEREAS, the Borough of Totowa has been directed by the New Jersey Department of Environmental Protection to complete the abandonment of the original Pump Station on Shepherds Lane; and

WHEREAS, by Resolution No. 49-2013 dated April 9, 2013, the Mayor and Council authorized Municipal Engineer Richard A. Alaimo Engineering Associates to provide the design, bid assistance and construction supervision services for the Abandonment of the original Shepherds Lane Pump Station; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for the Shepherds Lane Pump Station Abandonment Project in accordance with its specifications entitled "Specifications, Proposal and Contract Documents for Borough of Totowa Shepherds Lane Pump Station Abandonment, Borough of Totowa, Passaic County, New Jersey, Contract No. 2013-1"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on September 19, 2013; and

WHEREAS, the Mayor and Council of the Borough of Totowa on September 24, 2013 did examine all bids for materials and services called for; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the lowest responsible bid was submitted by John Garcia Construction Co., Inc., 183 Friar Lane, Clifton, New Jersey 07013 with a bid in the amount of Sixty-Eight Thousand and 05/100 Dollars (\$68,000.05), a copy of which is on file in the office of the Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by John Garcia Construction Co., Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the bid of John Garcia Construction Co., Inc. for the Borough of Totowa Shepherds Lane Pump Station Abandonment Project as the lowest responsible bid for the total sum of Sixty-Eight Thousand and 05/100 Dollars (\$68,000.05).

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 necessary instruments relating thereto.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing Vacation Of Maple Street. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 95-2013

RESOLUTION AUTHORIZING VACATION OF MAPLE STREET

WHEREAS, the Mayor and Council of the Borough of Totowa have received a request from Preakness Real Estate, LLC to vacate the unimproved Maple Street right-of-way; and

WHEREAS, Preakness Real Estate, LLC is a recently formed corporation that intends to purchase all properties adjacent to the right-of-way and potentially develop the site as a parking lot that stores buses; and

WHEREAS, the contract to purchase the adjacent parcels of land by Preakness Real Estate, LLC is contingent upon the buyer receiving site plan approval from the Borough of Totowa Planning Board which will require the vacation of Maple Street; and

WHEREAS, the Mayor and Council of the Borough of Totowa have referred the vacation request to the Borough of Totowa Municipal Engineer for a preliminary review; and

WHEREAS, the Engineer has reviewed the request to vacate Maple Street and has made the following recommendations:

1. The vacation of the right-of-way cannot create landlocked parcels. Individual lots purchased by Preakness Real Estate, LLC shall be consolidated concurrently with the vacation of the right-of-way to eliminate landlocked parcels.
2. The Borough of Totowa shall retain a utility easement over the same area occupied by the right-of-way for future potential development.

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the existing unimproved right-of-way does not provide a benefit to the Borough of Totowa from a planning or engineering perspective; and

WHEREAS, the Mayor and Council desire to authorize the vacation of Maple Street.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the vacation of the unimproved Maple Street right-of-way subject to the following conditions:

1. The vacation of the unimproved Maple Street right-of-way is contingent upon the sale of the parcels of land adjacent to Maple Street to Preakness Real Estate, LLC and Site Plan approval being granted to Preakness Real Estate, LLC by the Borough of Totowa for the proposed use of the consolidated property.
2. All recommendations made by the Borough of Totowa Municipal Engineer as referenced above must be complied with as well as any future recommendations made by the Engineer as part to the Site Plan review and approval process.
3. All costs incurred to vacate the right-of-way and consolidate the remaining parcels must be borne by the applicant, Preakness real Estate, LLC, including the posting of adequate escrow funds to cover the Borough of Totowa's costs related to the review of the various required by the Borough of Totowa Municipal Engineer and Municipal Attorney.

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 necessary instruments relating thereto.

BE IT FURTHER RESOLVED, that a copy of the duly adopted copy of the Ordinance Vacating Maple Street and all documents related to the consolidation of the individual parcels of land shall be recorded in the office of the Passaic County Clerk.

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. 15-2013

A WATER UTILITY CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$110,000 FOR THE ABANDONMENT OF THE SHEPHERDS LANE PUMP STATION TO BE UNDERTAKEN BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE \$110,000 FROM THE CAPITAL IMPROVEMENT FUND

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve the Capital Budget Amendment. 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 Approving A Place-To-Place Transfer (Expansion Of Premises) For Plenary Retail Consumption License No. 1612-33-003-002. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 96-2013

RESOLUTION APPROVING A PLACE-TO-PLACE TRANSFER (EXPANSION OF PREMISES) FOR PLENARY RETAIL CONSUMPTION LICENSE NO. 1612-33-003-002

WHEREAS, an application has been filed for a Place-To-Place transfer (Expansion of Premises) of Plenary Retail Consumption License No. 1612-33-003-002, for purposes of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa does hereby approve, effective September 24, 2013, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 375 Union Boulevard, Totowa, New Jersey, 07512 to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

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 Passaic Valley High School Football Parents Association for October 19, 2013 from 6:00 – 10:00 p.m. at the Totowa PAL. 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