

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

April 22, 2014

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 and Municipal Clerk Joseph Wassel.

ABSENT: Municipal Attorney Robert Corrado.

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 the 2014 Municipal Budget and Ordinance No. 04-2014 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that the 2014 Municipal Budget and Ordinance No. 04-2014 have been advertised for public hearing for Tuesday, April 22, 2014.

Municipal Clerk Wassel read the Municipal Budget Notice.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following Resolution Re: Waiver Of Reading In Full The 2014 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 55-2014

RE: WAIVER OF READING IN FULL THE 2014 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall

- a) be posted in a public place where public notices are customarily posted; and
- b) is made available to each person requesting the same during said week and during the public hearing; and

WHEREAS, the Borough of Totowa has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the Borough of Totowa is hereby permitted to waive the reading in full, of the Municipal Budget for the year ending December 31, 2014.

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 the 2014 Municipal Budget.

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.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Resolution No. 56-2014 To Amend The 2014 Municipal Budget. 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 Resolution No. 57-2014 To Adopt The 2014 Municipal Budget. 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. 04-2014.

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. 04-2014.

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. 04-2014 by title:

ORDINANCE NO. 04-2014

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 398 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II, "PARKING",
SECTION 11, "HANDICAPPED PARKING", AND ARTICLE XIII, "SCHEDULES",
SECTION 65, "SCHEDULE XVIII: HANDICAPPED PARKING"**

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 04-2014 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: Thanked Councilwoman Andriani for coordinating the Mayor and Council to attend the PAL Baseball/Softball Opening Day Ceremony.

Councilwoman Andriani: 1) Announced that the annual Rabies Clinic will be held on Tuesday, May 6th at the DPW building from 7:00—8:00 p.m. 2) Stated that Pool Registrations will be held on Friday, May 16th and Thursday, May 22nd at the Library from 6:30—9:00 p.m.

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 April 8, 2014. 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. 2014-10 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 endorsing the submission of the 2013 Recycling Tonnage Grant Application and Tax Reimbursement Certification to the New Jersey Department of Environmental Protection. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 58-2014

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2013 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Totowa to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa hereby endorses the submission of the Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Joseph Wassel, Certified Recycling Professional, 537 Totowa Road at Cherba Place, Totowa, NJ, 07512, to ensure that the application is properly filed.

BE IT FURTHER RESOLVED, that the monies received from the Recycling Tonnage Grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing Reimbursement For 2013 Lighting And Snow Removal Costs To Hickory Hills Homeowners Association Pursuant To A Municipal Services Agreement With The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 59-2014

RESOLUTION AUTHORIZING REIMBURSEMENT FOR 2013 LIGHTING AND SNOW REMOVAL COSTS TO HICKORY HILLS HOMEOWNERS ASSOCIATION PURSUANT TO A MUNICIPAL SERVICES AGREEMENT WITH THE BOROUGH OF TOTOWA

WHEREAS, in accordance with New Jersey's Municipal Services Act, the Borough of Totowa is required to either perform certain specified services on roads and streets for qualified private communities or to reimburse these communities in accordance with the statute; and

WHEREAS, Hickory Hills is a residential gated community located in the Borough of Totowa within which all of the roads located throughout the development are private; and

WHEREAS, Hickory Hills Homeowners Association is a not-for-profit entity that operates and administers the general affairs of this qualified private community as defined by N.J.S.A. 40:67-23.2; and

WHEREAS, by Resolution No. 36-2008 dated March 25, 2008, the Mayor and Council of the Borough of Totowa entered into a municipal services agreement with the Hickory Hills Homeowners Association to provide partial reimbursement for street lighting and snow removal services for the residents of the Hickory Hill community; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment to the Hickory Hill Homeowners Association for costs incurred in 2013 for street lighting and snow removal services in accordance with the terms of the agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to the Hickory Hills Homeowners Association for reimbursement of costs incurred in 2013 for street lighting and snow removal services pursuant to the terms of the Municipal Services Agreement with the Borough of Totowa.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve a grade increase for Patrolman Gary Potenzone from Grade 2 to Grade 1, effective April 24, 2014. 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 Authorizing Emergency Repairs To Borough Of Totowa Fire Department Truck 1. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 60-2014

RESOLUTION AUTHORIZING EMERGENCY REPAIRS TO
BOROUGH OF TOTOWA FIRE DEPARTMENT TRUCK 1

WHEREAS, the Fire Chief for the Borough of Totowa Volunteer Fire Department has advised the Mayor and Council of the Borough of Totowa that one of the Department's fleet trucks did not satisfactorily complete inspection and testing in accordance with NFPA 1911, Performance Testing of Fire Department Aerial Devices, 2012 Edition; and

WHEREAS, more specifically, Fire Truck 1 of the Borough of Totowa Fire Department fleet, a 1995 Smeal Aerial Truck bearing VIN No. 4S7AT9D01SC016959, displayed hydraulic leaks which must be repaired for certification; and

WHEREAS, this situation adversely affects the public health, safety and welfare of the residents of the Borough of Totowa and requires immediate repairs to the Borough Totowa Fire Truck 1; and

WHEREAS, the Borough of Totowa Fire Chief has solicited quotes from licensed and certified fire apparatus repair vendors to perform the necessary repairs to Fire Truck 1; and

WHEREAS, New Jersey Emergency Vehicles, 2201 Atlantic Avenue, Manasquan, New Jersey 08736 has submitted a proposal to undertake the necessary repairs to the Fire Truck in the amount of Seven Thousand Four Hundred Fifty and 00/100 Dollars (\$7,450.00), a copy of which is on file in the office of the Municipal Clerk; and

WHEREAS, the Fire Chief for the Borough of Totowa Fire Department has reviewed the proposal and recommended that the Borough of Totowa proceed with the repairs; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the emergency repairs to Fire Truck 1 of the Borough of Totowa Fire Department fleet to protect the public health, safety and welfare of the residents of the Borough of Totowa; and

WHEREAS, pursuant to the applicable New Jersey State laws, the authorization of these emergency repair services may be awarded 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 New Jersey Emergency Vehicles for the repair of Fire Truck 1 in the amount of Seven Thousand Four Hundred Fifty and 00/100 Dollars (\$7,450.00).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize New Jersey Emergency Vehicles to provide the materials and perform the services as set forth in their proposal.

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

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve a Junior Firefighter application for Zachary Michael Zavattaro. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was no report.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from the Passaic Valley Sewerage Commission along with a check in the amount of \$3,782.28 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:

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Fixing The Summer Camp Fees For The Board Of Recreation For 2014. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 61-2014

RESOLUTION FIXING THE SUMMER CAMP FEES FOR
THE BOARD OF RECREATION FOR 2014

WHEREAS, the Borough of Totowa Board of Recreation hosts an annual summer camp for the youth of the community; and

WHEREAS, the camp season for 2014 will run from Monday, June 23, 2014 through Friday, August 1, 2014; and

WHEREAS, the Mayor and Council of the Borough of Totowa after conferring with the Board of Recreation and for good cause shown has approved the following 2014 Fee schedule for the Board of Recreation Summer Camp, to wit:

<u>2014 Fee Schedule</u>	
One Child	\$220.00
Two Children	\$400.00
Three or More Children	\$490.00

(There will be a \$10.00 late fee per child for anyone registering after May 22, 2014.)

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa does hereby adopt the aforementioned Fee Schedule for the Board of Recreation Summer Camp for 2014.

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. 05-2014

A CAPITAL ORDINANCE AMENDING ORDINANCE NOS. 08-2012, 06-2013 AND 10-2013 APPROPRIATING AN ADDITIONAL \$105,432 FOR SEWER MAIN IMPROVEMENTS TO BE UNDERTAKEN BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE AN ADDITIONAL \$105,432 FROM COMMUNITY DEVELOPMENT BLOCK GRANTS

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 and refer to the Planning Board for their review and comments. On roll call vote, all members of the Council present voted in the affirmative.

ORDINANCE NO. 06-2014

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 415 ENTITLED "ZONING AND LAND USE", PART 3, "SUBDIVISION AND SITE PLAN REVIEW", ARTICLE XIII, "DESIGN STANDARDS"

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 and refer to the Planning Board for their review and comments. On roll call vote, all members of the Council present voted in the affirmative.

ORDINANCE NO. 07-2014

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 415 ENTITLED "ZONING AND LAND USE", PART 4, "ZONING", ARTICLE XXIV, "CONDITIONAL USES", TO CREATE A NEW SUB-SECTION 190(A) ENTITLED "SMOKE SHOPS"

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 and refer to the Planning Board for their review and comments. On roll call vote, all members of the Council present voted in the affirmative.

ORDINANCE NO. 08-2014

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

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1782 & 1783 for Passaic Valley High School Operation Graduation for a Tricky Tray and On-Premise 50/50, respectively, to be held on May 13, 2014 at The Bethwood. 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