

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

June 24, 2014

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, 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 D'Angelo to dispense with the regular order of business in order to accept the nominees and appoint a person to fill the vacancy of Council on an interim basis. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel advised the Mayor and Council that he was in receipt of a letter from Peter A. Murphy, Chairman of the Totowa Borough Republican Club, Inc. regarding the submission of eligible nominees to fill the vacancy of Council on an interim basis that was created by the resignation of Councilman John Waryas.

Municipal Clerk Wassel read the following letter and names of the three (3) nominees.

TOTOWA BOROUGH REPUBLICAN CLUB, INC.
TOTOWA, NEW JERSEY 07512

June 17, 2014

Joseph Wassel, RMC
Borough of Totowa Municipal Clerk
Municipal Complex
537 Totowa Road at Cherba Place
Totowa, New Jersey 07512

RE: (A) Resignation of Councilman John Waryas
(B) Appointment of Interim Councilperson to December 31st

Dear Joe:

In response to the resignation of Councilman John Waryas which became effective on June 10, 2014, I am pleased to submit to the Mayor and Council of the Borough of Totowa three (3) nominees selected by the members of the Totowa Republican County Committee to fill on an interim basis the vacant Council position to December 31, 2014. Each of the nominees is a member of the Republican Party and has the requisite qualifications that are required by statute. The nominees are as follows:

1. Brendan Murphy
29 Pamela Drive, Totowa, New Jersey 07512
2. Annamaria Sole
9 Garfield Place, Totowa, New Jersey 07512
3. Michael Baker
68 Grant Avenue, Totowa, New Jersey 07512

The above nominees were unanimously selected by the Totowa Republican County Committee members at a meeting duly called for that purpose.

The Council of the Borough of Totowa shall, within thirty (30) days after the occurrence of the vacancy, appoint one (1) of the nominees as the interim councilperson to fill the vacancy.

Very truly yours,
Peter A. Murphy, Chairman

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to acknowledge receipt of the letter from Peter A. Murphy, Chairman of the Totowa Borough Republican Club, Inc. and accept the names of the three (3) nominees to fill the vacancy of Council on an interim basis as selected by the Totowa Republican County Committee. On roll call vote, all members of the Council present voted in the affirmative.

Councilman Puglise nominated Brendan Murphy to fill the vacancy of Council of the Borough of Totowa on an interim basis. The nomination was seconded by Councilman D'Angelo. There were no other nominations.

There being no further nominations, there was a motion by Councilman Puglise, seconded by Councilman D'Angelo to appoint Brendan Murphy as Councilman of the Borough of Totowa until December 31, 2014. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro advised everyone that there will be a swearing in ceremony for new Councilman Brendan Murphy at the next regularly scheduled Council Meeting to be held on Tuesday, July 8, 2014.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo 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 sponsor a Movie Night for a small fee at the Totowa Pool this Friday, June 27th, featuring Despicable Me 2 from 7:00 – 10:30 p.m.; 2) Stated that the recreation summer camp opened yesterday.; 3) Wished our County Clerk Kristin Corrado a Happy Birthday.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to approve the Minutes of the Mayor and Council for the meeting of June 10, 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. 2014-14 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 to effectuate the redemption of Tax Sale Certificate #12-00001 for 40 – 42 Lewis Place, Block 19, Lot 57. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #12-00001
Block 19, Lot 57

PROPERTY: 40-42 Lewis Place
Totowa, N.J. 07512
OWNER: Columbo J. & Giordano A. & M.

WHEREAS, at the Municipal Tax Sale on October 25, 2012, a lien was sold on Block 19, Lot 57, also known as 40-42 Lewis Place in Totowa, for 2011 delinquent taxes and water; and

WHEREAS, this lien known as Tax Sale Certificate #12-00001, was sold to DGP Capital LLC, for 0% redemption fee and a \$9,700 premium; and

WHEREAS, Attorney Leon Consales, on behalf of his client Joseph Columbo, has effected redemption of Certificate #12-00001 in the total amount of \$31,196.98 as of 6/24/14.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$31,196.98 payable to "DGP Capital, LLC, for the redemption of Tax Sale Certificate #12-00001.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$9,700 (premium) to the aforementioned Lien Holder.

Upon the recommendation of Municipal Court Judge Mario Batelli, there was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to increase the hours of the Violations Clerk position. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

A letter was received from Fire Rescue Company 4 requesting permission to attend the Lincoln Park Wet Down on June 28, 2014 from 3:00—9:00 p.m. There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to grant permission, subject to the rules and regulations of the Fire Department. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to approve Change Order No. 3 for a net decrease of \$22,640.79 and Payment Estimate No. 3 in the amount of \$137,922.11 to Mark Paving Co., Inc. for the Lincoln Avenue Improvements. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to authorize the Borough Attorney and Borough Clerk to prepare the specifications and advertise for the receipt of bids for the purchase of a new chipper. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing The Preparation Of And The Advertisement For Request For Proposals For Professional Services For Acquisition And Demolition Of Five (5) Flood Properties Pursuant To CDBG-DR Program And Green Acres Grants. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 69-2014

RESOLUTION AUTHORIZING THE PREPARATION OF AND THE ADVERTISEMENT FOR REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES FOR ACQUISITION AND DEMOLITION OF FIVE (5) FLOOD PROPERTIES PURSUANT TO CDBG-DR PROGRAM AND GREEN ACRE GRANTS

WHEREAS, the New Jersey Department of Community Affairs submitted a Community Development Block Grant – Disaster Recovery (“CDBG-DR”) Action Plan on September 27, 2012 that identified activities to address damages caused by Hurricane Irene during a period of time covering August 27, 2011 to September 5, 2011; and

WHEREAS, one of the major activities that the State of New Jersey has identified as a priority is to buyout property owners that have experienced repetitive property loss from flooding; and

WHEREAS, the Borough of Totowa has identified five (5) properties that have sustained severe damage and are in high risk of additional disasters; and

WHEREAS, the Borough of Totowa has received grants from the CDBG-DR Program and Green Acres to participate in the disaster recovery buyout project and purchase these properties at the pre-flood market value of the land and structure; and

WHEREAS, funding for the State’s CDBG-DR Program was provided by a grant from the United States Department of Housing and Urban Development, State Community Development Block Grant Program; and

WHEREAS, the properties located in the designated area must be deed restricted to remain green space in perpetuity; and

WHEREAS, the acquisition and demolition of the five (5) flood properties in the Borough of Totowa will require the assistance of professional firms and individuals licensed to practice in the State of New Jersey in accordance with the terms of the federally funded CDBG - DR Program; and

WHEREAS, some of the professional services required for the acquisition and demolition of these properties include, but are not limited to, Project Manager, Construction Manager, Appraiser and Review Appraiser, Environmental/Asbestos and Lead Testing and Preliminary Site Assessment, Surveyor as well as legal and engineering services; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the Municipal Attorney and Municipal Clerk to prepare the Request for Proposals for Professional Services and advertise same.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Attorney and Municipal Clerk to prepare and advertise the Request for Proposals for Professional Services for the acquisition and demolition of five (5) flood properties in the Borough of Totowa pursuant to the terms of the CDBG-DR Program and Green Acres grants.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to accept the following bids for Leasing of Space on Water Tank on Block 75, Lot 22. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Bid/Month</u>	<u>Bid/Annual</u>
New Cingular Wireless PCS, LLC (AT&T) 15 East Midland Avenue, Paramus, NJ 07652	\$6,250.00	\$75,000.00

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to adopt the following resolution to award the contract. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 70-2014

RESOLUTION AUTHORIZING THE LEASING OF SPACE ON
WATER TANK ON BLOCK 75, LOT 22

WHEREAS, the Borough of Totowa is the owner of Water Tank located on Block 75, Lot 22 on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough have determined that this property is not needed for public use; and

WHEREAS, by Resolution No. 36-2013 dated February 12, 2013, the Mayor and Council of the Borough of Totowa authorized the public leasing of a portion of the Water Tank located on Block 75, Lot 22 on the official tax map of the Borough of Totowa;

WHEREAS, the lease rights will include the right to install and maintain antennae for use in connection with radio transmitting and receiving equipment on the property; and

WHEREAS, pursuant to the provisions of N.J.S.A 40:A12-14(a), the governing body fixed a minimum rental fee of Six Thousand and 00/100 Dollars (\$6,000.00) per month with the reservation of the right to reject all bids where the highest bid is not accepted; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Specifications for Lease of a Portion of Public Property Within the Borough of Totowa, Lot 22, Block 75, As Shown on the Official Tax Map of the Borough of Totowa, County of Passaic and State of New Jersey, 2014"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on June 18, 2014; and

WHEREAS, a bid was submitted by New Cingular Wireless PCS, LLC ("AT&T"), 15 East Midland Avenue, Paramus, New Jersey 07652 in the amount of Six Thousand Two Hundred Fifty and 00/100 Dollars (\$6,250.00) per month for the total rental amount of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) annually, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa did examine the bids for the lease rights and did accept said bid on June 24, 2014; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14(a) the Mayor and Council have determined that bid submitted by New Cingular Wireless PCS, LLC ("AT&T"), should be accepted.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into a lease agreement with New Cingular Wireless PCS, LLC ("AT&T"), for a five (5) year lease for a portion of the Water Tank located on Block 75, Lot 22 on the official tax map of the Borough of Totowa.

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 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. 10-2014

AN ORDINANCE TO AMEND THE 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 Picarelli, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Borough Clerk To Renew The Division Of Alcoholic Beverage Control Liquor Licenses For The 2014 – 2015 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 71-2014

RESOLUTION AUTHORIZING THE BOROUGH CLERK TO RENEW THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSES FOR THE 2014 – 2015 LICENSE TERM

WHEREAS, the liquor licenses that have been issued by the Borough of Totowa during the year 2013/2014 will expire on June 30; and

WHEREAS, State and Municipal regulations require that liquor licenses be renewed prior to July 1, 2014; and

WHEREAS, applications have been made by the holders of liquor licenses as issued by the Borough of Totowa during the year 2013/2014, and said holders of licenses have made application that their licenses be renewed.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Municipal Clerk be authorized to issue said license to the following licensed premises for the year 2014/2015 and that a copy of each application for each licensed premise be forwarded to the Division of Alcoholic Beverage Control.

1612-33-001-010	Apple Food Service of Totowa, Inc.
1612-33-002-005	The 46 Lounge, LLC
1612-33-003-003	Anthony Murphy, Inc.

1612-33-004-007	Murphy's Steakhouse, LLC
1612-33-005-002	The Bethwood Corporation
1612-44-006-005	DTJ, Ltd.
1612-33-007-004	Crestview Motel, Inc.
1612-44-009-007	Daystar Trading Company
1612-33-010-009	New Sushi, LLC
1612-33-011-005	Totowa Barnyard, Inc.
1612-31-012-001	Totowa Boro Memorial Post #227
1612-31-013-001	Italian American Ind Club of Totowa
1612-31-014-001	Passaic Valley Elks Lodge BPOE #2111

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Renewal Application For ABC Liquor License No. 1612-33-008-008 For The 2014 – 2015 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 72-2014

RESOLUTION AUTHORIZING THE RENEWAL APPLICATION FOR ABC LIQUOR LICENSE NO. 1612-33-008-008 FOR THE 2014-2015 LICENSE TERM

WHEREAS, Amber Group LLC has filed a verified petition to the New Jersey Division of Alcoholic Beverage Control ("ABC") requesting authorization for the local issuing authority to consider a renewal application for License No. 1612-33-008-008 for the 2013-2014 and 2014-2015 license terms pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS, the ABC Director Michael I. Halfacre has reviewed the petition and considered all the facts and circumstances related to the inactive status of the license; and

WHEREAS, the ABC Director has found that the licensee Amber Group LLC has established good cause in accordance with the statutory provisions to warrant an application for renewal of the license for the 2013-2014 and 2014-2015 license terms; and

WHEREAS, on July 31, 2013 the ABC issued a Special Ruling dated July 31, 2013 directing the Borough of Totowa to consider the application for renewal of the subject license for the 2013-2014 and 2014-2015 license terms in accordance with the above findings of the ABC Director; and

WHEREAS, the Special Ruling contains a Special Condition stating that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2015; and

WHEREAS, the Mayor and Council of the Borough of Totowa adopted Resolution No. 87-2013 on August 13, 2013, which authorized the renewal of Plenary Retail Consumption License No. 1612-33-008-008 for the 2013-2014 license term; and

WHEREAS, the Mayor and Council of the Borough of Totowa after due and diligent consideration has determined that the request for renewal should also be granted for the 2014-2015 license term subject to the above condition.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the renewal of Plenary Retail Consumption License No. 1612-33-008-008 for the 2014-2015 license term for the reasons set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Clerk to renew ABC License No. 1612-33-008-008 for the 2014-2015 license term.

BE IT FURTHER RESOLVED, that the renewal shall contain a Special Condition requiring activation of the liquor license by June 30, 2015.

There being no further business to come before the Council, there was a motion by Councilman Puglise, seconded by Councilman D'Angelo that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk