

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

April 12, 2016

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, 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 enable the Mayor and Council to present Sports Award Certificates to the 2015/2016 Totowa PAL 5th and 6th Grade Girls Basketball, Team Alesandrelli players and coaches as champions of the Passaic Valley Youth Basketball League and to hold a public hearing on Ordinance No. 05-2016 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro went to the front of the dais and announced that it is always a happy event for us to celebrate our young athletes. And while we don't know a whole lot about your season it's always nice when one of our Totowa teams defeats another town's team and

we know that you had a big win over Little Falls in the finals, which reminds us of the dominance of the UCONN Woman's Basketball Team in the NCAA's. Mayor Coiro began by calling up each coach and presenting them with a Sports Award Certificate. Mayor Coiro then asked coach Chad Alesandrelli to give a synopsis of the season. Mayor Coiro continued by calling up each player and presenting them with a Sports Award Certificate. Mayor Coiro then commented on behalf of the Mayor and Council that he congratulated them all and said that he hopes to see them back again next year. Mayor Coiro announced that there would be a short recess. Pictures were taken.

Municipal Clerk Wassel announced that Ordinance No. 05-2016 has been advertised for public hearing for Tuesday, April 12, 2016.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 05-2016.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo 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. 05-2016.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo 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. 05-2016 by title:

ORDINANCE NO. 05-2016

**CALENDAR YEAR 2016 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 Puglise, seconded by Councilman D'Angelo to adopt Ordinance No. 05-2016 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 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.

There were no reports.

CITIZENS HEARD:

John Cavallo, 22 Wilson Avenue: Said that he was here about a sewage problem that happened yesterday at 4:00 p.m. and that it is the second time this year. Stated that he called the Police Department and Department of Public Works for someone to come out with a pump to get the sewerage out of his basement, but was told that was not available but then the DPW came out and found a blockage on Dunkerly Street. Mayor Coiro: Responded that we thought that we had the problem fixed years ago and then asked Sewer Superintendent Ernie Paese. Superintendent Paese: Said that we had the stand by crew go out and check all the manholes along Bogert and Dunkerly and that they found a blockage on Dunkerly about 30 feet down which appeared to be a piece of copper and other debris. Mr. Cavallo: Said that he wants the problem fixed. A conversation ensued. Mayor Coiro: Told Ernie to get the blockage cleared and also about a test for inflow/infiltration. Superintendent Paese: Answered that the only way is by a smoke test. Mayor Coiro: Asked Ernie to look into it.

Joe Puglise, 229 Totowa Road: Said regarding the fence at the corner of Totowa Road and Lewis Place, that the engineer did come out, but he thought that he was going to get a copy of the report. He said the engineer made the property owner do something to the fence, but they just moved the corner of the fence on an angle. Showed the Mayor and Council pictures because he said that he still can't see around the fence when he tries to pull out. Municipal Attorney Corrado: Told Mr. Puglise that this is a dispute between neighbors and you must resolve it because the Mayor and Council can't take one resident's side versus another's. Mayor Coiro: Also informed him that the fence was approved by Code/ordinance, so our hands are really tied.

Paula Jimenez, 39 Redman Place: Stated that she had moved in recently but can't pull out of her driveway because the road is narrow and cars park on both sides. Said she was told by a Police Officer that she should come to a Council Meeting and request that the street be made one side parking only. Mayor Coiro: Advised that a few years ago another resident of Redman wanted the same thing but none of the other residents wanted it. Went on to tell her that unless the mood of the residents has changed we probably wouldn't do anything, but said that she can take another poll of all the residents. Asked Police Chief Robert Coyle to have Captain Mark Aue do a study. Chief Coyle: Responded that he would.

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 March 22, 2016. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2016-09 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 Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing The Cancellation Of Escrow Account Balances In Other Trust Account. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 50-2016

RESOLUTION AUTHORIZING THE CANCELLATION OF ESCROW ACCOUNT BALANCES IN OTHER TRUST ACCOUNT

WHEREAS, the Treasurer has advised that there exists old and inactive escrow account balances that remain outstanding in the Other Trust Fund; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to cancel these account balances of record – as detailed on the attached list – in the amount of \$23,305.71 and transfer to Surplus.

NOW, THEREFORE, BE IT RESOVLED, by the Mayor and Council of the Borough of Totowa, that the Treasurer be authorized to cancel the account balances of the old and inactive escrow accounts in Other Trust Fund as detailed on the attached list in the total sum of \$23,305.71.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Totowa that the Treasurer transfers the total sum of \$23,305.71 from Other Trust Fund to Surplus.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve payment of the 2nd Quarter 2016 Budget Allotment to the Borough of Totowa Public Library in the amount of \$185,674.00. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to adopt the following Resolution Approving Participation With The State Of New Jersey Federal Grant Program Administered By The Division Of Criminal Justice, Department Of Law And Public Safety. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 51-2016

RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Mayor and Council of the Borough of Totowa wishes to apply for funding of approximately \$60,000 with a match of \$247,133 for an approximate project total cost of \$307,133 for a project under the State of New Jersey Safe and Secure Communities Program (Grant # P-6760-16); and

WHEREAS, the Mayor and Council of the Borough of Totowa has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Borough of Totowa, for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that:

- 1) As a matter of public policy, the Mayor and Council of the Borough of Totowa wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
- 2) The Attorney General of New Jersey will receive funds on behalf of the applicant.
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
- 4) The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law.

There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to adopt the following Resolution Of The Borough Of Totowa Authorizing The Payment Of Terminal Leave Benefits To Raymond S. Keeley. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 52-2016

RESOLUTION OF THE BOROUGH OF TOTOWA AUTHORIZING THE PAYMENT OF TERMINAL LEAVE BENEFITS TO RAYMOND S. KEELEY

WHEREAS, Raymond S. Keeley began his employment with the Borough of Totowa as a Patrolman in the Police Department on July 16, 1990; and

WHEREAS, Raymond S. Keeley retired from the Borough of Totowa Police Department as a Lieutenant effective March 1, 2016; and

WHEREAS, the policy of the Borough of Totowa is that employees with twenty-five (25) years of service are entitled to a maximum of one hundred thirty (130) days of Terminal Leave to be paid upon retirement; and

WHEREAS, the Terminal Leave amount is calculated at the amount of sick day benefits, not to exceed one hundred thirty (130) days or eighty-seven (87) days for those employees under the Pitman/12 Hour Shift Schedule, at the daily rate of pay of the last twelve (12) months of service upon retirement; and

WHEREAS, Raymond S. Keeley has accumulated forty (40) unused sick days and has completed more than twenty-five (25) years of service as an employee of the Borough of Totowa; and

WHEREAS, Raymond S. Keeley does hereby waive any other claim and/or claims for any salary, benefits and/or other compensation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that Raymond S. Keeley is granted forty (40) days of accumulated sick leave (Terminal Leave) for a total amount of thirty-two thousand five hundred ninety-six and 00/100 Dollars (\$32,596.00). Said monies are given in full and final consideration of any and all claims that Raymond S. Keeley may have against the Borough of Totowa.

COMMITTEE ON PUBLIC WORKS:

A letter was received from the New Jersey Department of Transportation advising that Totowa will receive funding from their FY2016 Municipal Aid Program for the Furler Street Improvement Project in the amount of \$235,000. There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to accept the funds. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

Upon the recommendation of the Committee, there was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to hire Randolph Simonetti as a part time Custodian. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from the Italian American Club requesting permission to use the Municipal Parking Lot on April 17, 2016 for their trip to Atlantic City. There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from a resident requesting permission to use the Municipal Parking Lot on April 17, 2016 for a trip to Pennsylvania. There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to grant permission. 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 Bucher to adopt the following Resolution Fixing The Fee Schedule For The Totowa Municipal Swimming Pool For 2016. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 53-2016

RESOLUTION FIXING THE FEE SCHEDULE FOR THE TOTOWA MUNICIPAL SWIMMING POOL FOR 2016

WHEREAS, the Mayor and Council of the Borough of Totowa pursuant to the Code of the Borough of Totowa, Chapter 367 entitled "Swimming Pools", Article I, "Municipal Pool" and any amendments thereto, is authorized to annually establish the "fees" for the Totowa Municipal Swimming Pool; 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 2016 Fee schedule for the Totowa Swimming Pool, to wit:

2016 Fee Schedule

	<u>ENTIRE SEASON</u>	<u>AS OF AUG 1st</u>	<u>WEEKNIGHTS (FROM 5 PM)/ WEEKENDS/HOLIDAYS</u>	<u>AS OF AUG 1st</u>
FAMILY	\$400.00 plus \$35.00 per child	\$200.00 plus \$18.00 per child	\$280.00 plus \$25.00 per child	\$140.00 plus \$13.00 per child

(The per child rate will be applied to the first 2 children, each additional child is free.)

SENIOR CITIZEN (Age 62* or older)	\$ 90.00	\$ 45.00	\$ 60.00	\$ 30.00
SINGLE (Age 18* or older)	\$265.00	\$ 133.00	\$185.00	\$ 93.00
CHILDREN (Ages 4-17**)	\$ 95.00	\$ 48.00	\$ 70.00	\$ 35.00

* Age at time of registration. ** Must be purchased with any other package.

Family is defined as an adult couple or 1 or 2 legal guardians plus unmarried children under 21 as of 5/25/16 or under 26 as of 5/25/16 and a full time student who resides in the same residence.

A \$100.00 discount will be applied to the entire season rate for families who register for the pool and also register their children for Summer Camp with the Borough of Totowa Board of Recreation Camp. (Camp receipt must be shown when registering for the 2016 Pool Season in order for the discount to be applied.)

WHEREAS, the Mayor and Council of the Borough of Totowa after conferring with the Board of Recreation and for good cause has also approved the following half-price rates for volunteers of the Borough of Totowa Fire Department and First Aid Squad; to wit:

2016 Fee Schedule For Volunteers

	<u>ENTIRE SEASON</u>	<u>AS OF AUG 1st</u>	<u>WEEKNIGHTS (FROM 5 PM)/ WEEKENDS/HOLIDAYS</u>	<u>AS OF AUG 1st</u>
FAMILY	\$235.00	\$118.00	\$165.00	\$83.00
SENIOR CITIZEN (Age 62* or Older)	\$ 45.00	\$ 23.00	\$ 30.00	\$15.00
SINGLE (Age 18* or Older)	\$133.00	\$ 67.00	\$ 93.00	\$47.00
CHILDREN (Ages 4-17**)	\$ 48.00	\$ 24.00	\$ 35.00	\$18.00

* Age at time of registration. ** Must be purchased with any other package.

**There will be a \$20.00 late fee for anyone registering after May 25, 2016.
Refunds will not be given once the pool has opened for the season.

Guest Fees-

Under 4 Years of Age	Free
Age 4 and up – Weekdays Per Person	\$ 8.00
Age 4 and up – Weekends/Holidays Per Person	\$ 9.00
Five Passes Purchased on Registration Days	\$35.00

In addition to the fees established above, the following fees shall be put into effect for 2016 for special events:

Totowa Non-Members \$150.00
(Plus \$5.00 guest fee for every non-member, including parents.)

Swimming Lessons \$ 50.00 members
\$ 80.00 non-members

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa has adopted the aforementioned Fee Schedule for the Totowa Swimming Pool for 2016.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Fixing The Fee Schedule For The Totowa Board Of Recreation Summer Camp For 2016. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 54-2016

RESOLUTION FIXING THE FEE SCHEDULE FOR THE TOTOWA
BOARD OF RECREATION SUMMER CAMP FOR 2016

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 2016 will run from Monday, June 27, 2016 through Friday, August 5, 2016; 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 2016 Fee schedule for the Board of Recreation Summer Camp, to wit:

2016 Fee Schedule

One Child	\$230.00
Two Children	\$420.00
Three or More Children	\$520.00

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa has adopted the aforementioned Fee Schedule for the Board of Recreation Summer Camp for 2016.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing An Application To The State Of New Jersey For A Community Forestry Program: Community Stewardship Incentive Program (CSIP) For Resiliency Planning To Fund A Risk Tree Assessment. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 55-2016

RESOLUTION AUTHORIZING AN APPLICATION TO THE STATE OF NEW JERSEY
FOR A COMMUNITY FORESTRY PROGRAM: COMMUNITY STEWARDSHIP
INCENTIVE PROGRAM ("CSIP") FOR RESILIENCY PLANNING TO FUND
A RISK TREE ASSESSMENT

WHEREAS, the Mayor and Council of the Borough of Totowa desire to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$10,000.00 to fund the following project: Community Forestry Program: Community Stewardship Incentive Program ("CSIP") for Resiliency Planning to fund a risk tree assessment.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Totowa do hereby authorize John Coiro, Mayor of the Borough of Totowa, (a) to make an application for such grant, (b) if awarded, to execute a grant agreement with the State of New Jersey for a grant in the amount of not less than \$1.00 and not more than \$10,000.00 and (c) to execute any amendments thereto.

BE IT FURTHER RESOLVED, that the Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules and regulations in its performance of the agreement.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing Amendment To Developer's Agreement Dated August 11, 2009 By And Between The Borough Of Totowa And Leal Properties, Inc. For Property Commonly Known As Block 128, Lot 4.03 As Shown On The Official Tax Map Of The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 56-2016

RESOLUTION AUTHORIZING AMENDMENT TO DEVELOPER'S AGREEMENT
DATED AUGUST 11, 2009 BY AND BETWEEN THE BOROUGH OF TOTOWA AND
LEAL PROPERTIES, INC. FOR PROPERTY COMMONLY KNOWN AS BLOCK 128,
LOT 4.03 AS SHOWN ON THE OFFICIAL TAX MAP OF THE
BOROUGH OF TOTOWA

WHEREAS, Leal Properties, Inc. (hereinafter referred to as "Developer") was the prior owner of and applicant for the development of real property consisting of one (1) existing lot that is known and identified as Block 128, Lot 4.03 on the Official Tax Map of the Borough of Totowa and located off Riverview Drive and Crescent Avenue (hereinafter identified as the "subject property"); and

WHEREAS, Developer had filed an application with the Borough of Totowa Planning Board to subdivide the subject property into three (3) lots and construct three (3) new single family dwellings on each lot; and

WHEREAS, Developer had obtained Borough of Totowa Planning Board approval for its project, subject to entering into a Developer's Agreement with the Borough of Totowa; and

WHEREAS, on August 11, 2009, a Developer's Agreement was entered into by and between the Borough of Totowa and Leal Properties, Inc. which is hereby incorporated hereby in reference as though set forth at length; and

WHEREAS, Developer lost its right, title and interest in and to the subject property pursuant to a Final Judgment of the Superior Court, Passaic County, Chancery Division, dated August 21, 2014 to Empire TF4 Jersey Holdings, LLC recorded September 3, 2015 in Deed Book 2516, page 69; and

WHEREAS, on May 27, 2015, 458 Riverview Dr LLC, a limited liability company with principal offices located at 8 Lookout Point Trail, Totowa, New Jersey, acquired title to the subject property by Deed from Empire TF4 Jersey Holdings, LLC recorded on June 8, 2015, which is hereby incorporated herein by reference as though set forth at length; and

WHEREAS, the Mayor and Council of the Borough of Totowa are requiring 458 Riverview Dr LLC to enter into an Amendment to the initial Developer's Agreement and affirm that its development shall be subject to and in accordance with all of the terms and conditions of said Agreement and that it shall be expressly bound by all of the terms and conditions contained therein.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Borough of Totowa does hereby authorize the Borough of Totowa to enter into an amendment to the Developer's Agreement dated August 11, 2009 with 458 Riverview Dr LLC, the owner of record and Developer of property known and identified as Block 128, Lot 4.03 as shown 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.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing A Contribution To The Consortium Group Pursuant To The Municipal Shared Services Defense Agreement For Affordable Housing Constitutional Compliance. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 57-2016

RESOLUTION AUTHORIZING A CONTRIBUTION TO THE CONSORTIUM GROUP PURSUANT TO THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT FOR AFFORDABLE HOUSING CONSTITUTIONAL COMPLIANCE

WHEREAS, by Resolution No. 84-2015 dated June 23, 2015, the Mayor and the Council of the Borough of Totowa authorized the Municipal Attorney and Planning Board Attorney, as Co-Counsel, to prepare and file a Complaint for Declaratory Judgment Action in the Superior Court of New Jersey, Passaic County in furtherance of the Supreme Court's March 10, 2015 decision captioned in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center (“FSHC”), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the “FSHC Numbers”) for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality’s affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, by Resolution No. 86-2015 dated June 23, 2015, the Mayor and Council of the Borough of Totowa entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with the Supreme Court Decision; and

WHEREAS, the 284 municipalities have entered into the MSSDA and the members of this Consortium Group are collectively battling the FSHC and New Jersey Builder’s Association in this on-going litigation; and

WHEREAS, each member of the MSSDA initially contributed the sum of \$2,000.00 to retain one or more alternative experts, consultants and/or other professionals to assist the Consortium Group in the litigation; and

WHEREAS, Jeffrey R. Surenian, Esq., has assumed the role of the administrative and lead attorney of the Consortium Group; and

WHEREAS, Mr. Surenian has advised that it is necessary to replenish the initial MSSDA fund to continue to cover the costs of this litigation and has requested an additional contribution of \$2,000.00 from each of the member municipalities; and

WHEREAS, the Mayor and Council of the Borough of Totowa recognize that the Litigation requires immediate action and may require additional monies due to the complexity and multiplicity of issues raised in this litigation; and

WHEREAS, pursuant to the terms of the MSSDA, the Mayor and Council of the Borough of Totowa must authorize the expenditure of all funds to effectuate the intent and purpose of the MSSDA.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment of the sum of \$2,000.00 to Jeffrey R. Surenian and Associates, LLC- Attorney Trust Account to replenish the Consortium Group fund and cover various costs associated with the Litigation pursuant to the MSSDA for Affordable Housing Constitutional Compliance.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Bucher, seconded by Councilman Picarelli 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. 06-2016

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 38 ENTITLED "ETHICS, CODE OF"**

There was a motion by Councilman Bucher, seconded by Councilman Picarelli 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. 07-2016

**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 Bucher, seconded by Councilman Picarelli to adopt the following Resolution Opposing Assembly Bills A-1475 And A-326. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 58-2016

RESOLUTION OPPOSING ASSEMBLY BILLS A1475 AND A326

WHEREAS, municipalities such as the Borough of Totowa seek various ways and resources to provide incentives for developers to invest in infrastructure and proceed with redevelopment projects; and

WHEREAS, one of the few tools and resources available is what is known as a "Payment in Lieu of Taxes" ("PILOT") whereby the developer and/or landowner makes payments to the municipality by way of an annual service charge in lieu of taxes; and

WHEREAS, the annual service charge benefits the municipality with additional funding in excess of a conventional ratable and provides an incentive to developers who seek to provide redevelopment in a community; and

WHEREAS, certain municipalities that have engaged in PILOT Programs and redevelopment plans have found that the correlation with the overall appreciation of residential values and revitalization of communities; and

WHEREAS, PILOT Programs provide additional general revenue to a municipality and have contributed to reducing the overall local property tax burden in communities; and

WHEREAS, presently 95% of the revenue from PILOT Programs goes directly to the municipal general fund to stabilize and reduce local property taxes; and

WHEREAS, if A1475 and A326 are approved, it would result in a 50% loss of revenue for any PILOT Programs in municipalities such as the Borough of Totowa who seek to revitalize and redevelop its community and also jeopardizes the financial stability, incentives and redevelopment of projects in communities such as the Borough of Totowa that are presently considering qualifying projects within their municipality; and

WHEREAS, A1475 and A326 jeopardize the ability of the Borough of Totowa to successfully achieve such development for its residents, for the over benefit of the community, as well as the overall aesthetics, value and financial wherewithal of the community; and

WHEREAS, A1475 and A326, if approved, would require municipalities that are part of regional school districts such as the Borough of Totowa to share annual revenue generated by redevelopment projects with the county and regional schools causing a significant reduction in the anticipated municipal revenues for these projects.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the following:

1. The Borough of Totowa opposes Assembly Bills 1475 and 326 which would require municipalities to share payments received in lieu of taxes with county and school districts.
2. The Borough of Totowa opposes such legislation for the reasons stated herein in this Resolution.

3. A copy of this Resolution shall be forwarded to all Passaic County municipalities, the Borough of Totowa's Legislative Representatives in the State Senate and Assembly and Governor Chris Christie.

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to adopt the following Resolution Supporting The New Jersey Historic Trust. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 59-2016

RESOLUTION SUPPORTING THE NEW JERSEY HISTORIC TRUST

WHEREAS, in November 2014, New Jersey voters overwhelmingly approved an amendment to the New Jersey State Constitution to direct funds from the Corporate Business Tax to save open space, farmland and historic resources; and

WHEREAS, the original \$3 Million for grants-in-aid for historic preservation projects was pulled from the State budget, based on a decision by the Administration, leaving no funding available for the New Jersey Historic Trust to support matching grants for projects such as the Dey Mansion restoration, the Gun Mill, the Great Falls, Hinchcliff Stadium, Lambert Castle, the Long Pond Ironworks, the Morris Canal Park, the Old Paterson Post Office, City Hall and Courthouse, the Rogers Locomotive Complex and the Schulyer-Colfax House in Passaic County; and

WHEREAS, historic sites that are actively used become valuable assets and benefit the community which protects its assets by taking good care of them; and

WHEREAS, historic preservation works by providing sustainability wherein it fosters the reuse and recycling of older buildings instead of demolishing them and creating jobs; and

WHEREAS, the New Jersey Historic Trust estimated that it needs approximately \$10 Million annually to continue to be a partner in restoring the cultural and economic vitality of New Jersey's municipalities.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby recommend that \$10 million be allocated to the New Jersey Historic Trust in the 2017 budget and further recommends that a copy of this Resolution be forwarded to all Passaic County municipalities, the Borough of Totowa's Legislative Representatives in the State Senate and Assembly and Governor Chris Christie.

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to adopt the following Proclamation In Honor And Celebration Of The Ninetieth Anniversary Of Saint James Of The Marches Church. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION IN HONOR OF THE 90TH ANNIVERSARY OF
ST. JAMES OF THE MARCHES CHURCH

WHEREAS, the Church of St. James of the Marches was established on July 4, 1926 in response to the need for a Catholic parish in the Borough of Totowa, New Jersey and the first mass was celebrated by Father Luke Panfoeder in Hargreaves Hall, a converted factory building on the corner of Grant Avenue and Church Street; and

WHEREAS, on June 27, 1927, a cornerstone was laid for the new church on the corner of Totowa Road and McKinney Avenue, which is now known as Killian Place. In 1944, the administration of St. James Church was transferred from the Franciscan Friars to the Diocesan Clergy and Father Francis O'Reilly was appointed Pastor on January 1, 1945; and

WHEREAS, as the Borough of Totowa continued to grow so did the parish and additional lots were purchased and the Church facilities expanded to cover an entire block. The present day rectory was built along with a larger Church, the older Church was converted into an elementary school and a convent was added for the Sisters; and

WHEREAS, Mass was celebrated in the new Church on October 15, 1955 and St. James School was opened in September of 1956. The school has since merged with Our Lady of Holy Angels School in Little Falls to form the Parish school now known as The Academy of St. Francis of Assisi; and

WHEREAS, the Church has recently undergone renovations with the installation of a new marble floor in the sanctuary and a magnificent marble altar depicting the Last Supper. The altar was anointed and Mass was celebrated by Bishop Arthur J. Serratelli on May 14, 2015; and

WHEREAS, since the completion of the new Church in 1955 and in addition to Father Reilly, the parish has been served by Msgr. Michael F. Hart, Msgr. Eugene Boland, Father Joseph Murphy and Father J. Patrick Ryan, who was appointed as the Church's current Pastor on July 1, 2011; and

WHEREAS, as St. James Church celebrates its 90th Anniversary, it remains a symbol of commitment and dedication to God, family and the community and the Mayor and Council of the Borough of Totowa wish to publicly honor the Church and all their members as they celebrate this milestone Anniversary.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the Borough of Totowa that special recognition is given to the Church of Saint James of the Marches for ninety years of devotion to the Church and their community.

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to adopt the following Proclamation In Recognition Of The Eightieth Anniversary Of The North Jersey Federal Credit Union. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION IN HONOR OF NORTH JERSEY FEDERAL CREDIT UNION'S
80th ANNIVERSARY

WHEREAS, in 1936, the Passaic County Teacher's Credit Union was founded to serve teachers in Passaic County, New Jersey and eighty years later, the North Jersey Federal Credit Union has expanded its service area to include Bergen, Essex, Hudson, Middlesex, Morris, Passaic and Union Counties; and

WHEREAS, North Jersey Federal Credit Union is a not-for-profit financial services cooperative organized to return all profits to member-owners in the form of lower loan rates, higher savings rate and lower fees; and

WHEREAS, North Jersey Federal Credit Union has been a strong member of the Borough of Totowa business community since January 1, 1982; and

WHEREAS, North Jersey Credit Union's missions statement says: Our goal is to enable members to have financial freedom and to empower our communities to reach their goals. We pledge to build and strengthen relations with our members and employees by treating them with dignity and respect; and

WHEREAS, North Jersey Federal Credit Union's goals are to give back to its community and provide comprehensive financial literacy programs through its website www.NJFCU.org and via presentations in their service area; and

WHEREAS, North Jersey Federal Credit Union Foundation was founded to raise funds for various organizations and charities and has provided financial support to Autism Radio, the Boys and Girls Club of Paterson and Passaic, Eva's Village, Marines Care Organization and the Boy and Girl Scouts of Northern New Jersey, among others.

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 North Jersey Federal Credit Union for its commitment to their customers and the communities they serve.

BE IT FURTHER PROCLAIMED that Mayor and Council of the Borough of Totowa do hereby congratulate the North Jersey Federal Credit Union on its Eightieth Anniversary.

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to approve Raffle License Application Nos. 1923 & 1924 for the Lincoln Park Schools PTO for a Tricky Tray and On-Premise 50/50, respectively, to be held on May 5, 2016 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to approve Raffle License Application Nos. 1925 & 1926 for the Bloomingdale PTA for a Tricky Tray and On-Premise 50/50, respectively, to be held on April 29, 2016 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 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