

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

June 14, 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 John Coiro asked everyone to remain standing and offer a moment of silence for those killed in the Orlando Night Club Massacre.

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 hold a public hearing on Ordinance No. 12-2016 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 12-2016 has been advertised for public hearing for Tuesday, June 14, 2016.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 12-2016.

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. 12-2016.

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. 12-2016 by title:

ORDINANCE NO. 12-2016

A CAPITAL ORDINANCE AMENDING ORDINANCE NOS. 08-2012, 06-2013, 10-2013, 05-2014 AND 09-2015 APPROPRIATING AN ADDITIONAL \$101,066 FOR SEWER MAIN IMPROVEMENTS TO BE UNDERTAKEN BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE AN ADDITIONAL \$101,066 FROM A COMMUNITY DEVELOPMENT BLOCK GRANT

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to adopt Ordinance No. 12-2016 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.

Councilman Puglise: Thanked the Di Paolo family and Century 21 for placing the flags around the Borough for Memorial Day and asked that a letter of thanks be sent.

Councilman D'Angelo: Stated that is very appropriate for today because it is Flag Day and wished Councilman Puglise a belated birthday.

Councilwoman Andriani: Announced the following: 1) That there will be a late registration tomorrow at the Library for Summer Recreation Camp; 2) The pool will be opening for the season on Friday, June 17th at 12:00 p.m.; 3) Just a Save the Date reminder for the Health Fair to be held on September 17th.

CITIZENS HEARD:

Rich Florian, 414 Riverview Drive: Said that he is concerned about two trees on the property next door that the town just purchased. Mayor Coiro: Advised him that we will check out the trees and have them trimmed as needed and also that we will be maintaining the property. Then informed him that we haven't demolished the home yet because we have to purchase one more through the program.

Lori DiPentima, 228 Grant Avenue & Ann Hritz, 224 Grant Avenue: Said that is has become difficult to park on their street because of buses that are parking there and too many people living in some of the homes there. Asked if the governing body could amend the ordinance to regulate commercial vehicles from parking on the streets and also to check out if illegal residents are living in the homes. Mayor Coiro: Responded that we can certainly look into amending the parking ordinance and would also send our Housing Officer Allen Del Vecchio to check out the homes in question for illegal residents.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to approve the Minutes of the Mayor and Council for the Youth Week meeting of May 24, 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. 2016-13 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 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:

<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>
145	8.01	589 Union Blvd Joseph & Marie Corrado	"Daniel G. Keough, Trustee"	2009	1,466,900	1,340,000	\$2,055.78
145	8.01	(same as above)	(same as above)	2010	1,466,900	1,220,900	\$4,201.68
Mail to:						Total ck	\$6,257.46
Ventura, Miesowitz, Keough & Warner Counselors At Law 783 Springfield Ave. Summit, N.J. 07901-2332							

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the Borough of Totowa is authorized to refund these amounts.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve the following resolution authorizing the Treasurer to effectuate redemption of Tax Sale Certificate #15-00006, Block 163, Lot 2, 226 Winifred Drive. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #15-00006
Block 163, Lot 12

PROPERTY: 226 Winifred Drive
Totowa, N.J. 07512
OWNER: James Gilday

WHEREAS, at the Municipal Tax Sale on October 22, 2015, a lien was sold on Block 163, Lot 12 also known as 226 Winifred Drive, Totowa, for 2014 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #15-00006, was sold to US Bank Cust BV001 Trst & Crdtrs, for a 0% redemption fee and a \$18,100.00 premium; and

WHEREAS, Evident Title Agency, Inc. on behalf of James Gilday, owner, has effected redemption of Certificate #15-00006 in the amount of \$16,727.08.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$16,727.08, payable to "US Bank Cust BV001 Trst & Crdtrs, 50 South 16th Street, Suite 2050, Philadelphia, Pa. 19102-2513, for the redemption of Tax Sale Certificate #15-00006.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$18,100.00 (Premium) to the aforementioned lien holder.

Upon the recommendation of the Committee, there was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to appoint Irene Upritchard as a Violations Clerk for the Municipal Court. On roll call vote, all members of the Council present voted in the affirmative.

MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Irene Upritchard as a Violations Clerk for the Municipal Court for a one year term expiring on December 31, 2016.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to confirm the appointment. 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 approve the following Resolution Authorizing Execution Of An Agreement With The Morris County Cooperative Pricing Council To Renew Membership Therein For The Period Of October 1, 2016 Through September 30, 2021. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 79-2016

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH
THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO
RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF
OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Totowa desires to enter into an Agreement with the MCCPC, with the Township of Randolph as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Totowa, County of Passaic, State of New Jersey as follows:

1. The Mayor and Council of the Borough of Totowa hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2016 through September 30, 2021.
2. The Municipal Clerk of the Borough of Totowa is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.

4. Appropriate Borough of Totowa officials are authorized and directed to perform all required acts for the purpose of this Resolution.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution Authorizing Agreement Between The Borough Of Totowa And Language Line Services, Inc. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 80-2016

RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE BOROUGH OF TOTOWA AND LANGUAGE LINE SERVICES, INC.

WHEREAS, the Borough of Totowa Municipal Court Administrator has requested the use of an Over the Phone Interpreter ("OPI") Service Company for the Borough of Totowa Municipal Court; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this service for the Borough of Totowa Municipal Court system; and

WHEREAS, Language Line Services, Inc., One Lower Ragsdale Drive, Monterey, California 93949 has submitted a proposal and Master Agreement to the Borough of Totowa via email on June 1, 2016, 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 on June 14, 2016 examine the proposal submitted by Language Line Services, Inc.; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize an agreement with Language Line Services, Inc. for the OPI translation and interpreter services for the Borough of Totowa Municipal Court; and

WHEREAS, pursuant to the applicable New Jersey State laws, the agreement for these services may be authorized without public bidding.

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 an agreement with Language Line Services, Inc. to provide an Over the Phone Interpreter services for the Borough of Totowa Municipal Court in accordance with their Master Agreement.

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

COMMITTEE ON PUBLIC SAFETY:

A letter was received from Lincoln Fire Company requesting permission to attend the Mamaroneck, NY Fire Department's annual parade on Wednesday, June 29, 2016. There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to accept the following bids for the Supervisory Control And Data Acquisition (SCADA) System. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Total Bid</u>
Longo Electrical-Mechanical, Inc. Wharton, NJ 07885	\$75,297.00
Electronic Drives and Controls, Inc. Parsippany, NJ 07054	\$70,000.00

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilman Puglise to carry the motion to adopt the resolution to award the contract or reject the bids for the Supervisory Control And Data Acquisition (SCADA) System. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to adopt the following Resolution Authorizing The Purchase And Delivery Of A Line Striper Street Paint Machine. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 81-2016

RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF
A LINE STRIPER STREET PAINT MACHINE

WHEREAS, the Borough of Totowa Department of Public Works (“DPW”) Superintendent has requested that a street paint machine be purchased and added to the Borough of Totowa DPW equipment; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this equipment to be used by DPW personnel for street line painting throughout the municipality; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase of the street paint machine; and

WHEREAS, State of New Jersey Contract No. 8223 has been awarded to Sherwin Williams, 832 Mountainview Boulevard, Wayne, New Jersey 07470 for the purchase of a Line Striper-Line Lazer 3400; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this line striper street paint machine may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase and delivery of one (1) Line Striper-Line Lazer 3400 from Sherwin Williams in the amount of \$3,490.00.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Council of the Borough of Totowa do hereby authorize the Municipal Clerk and DPW Superintendent to execute any and all instruments relating thereto.

There was a motion by Councilman D’Angelo, seconded by Councilman Puglise to adopt the following Resolution Authorizing The Purchase And Delivery Of A Turf Liner Field Paint Machine. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 82-2016

RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF A
TURF LINER FIELD PAINT MACHINE

WHEREAS, the Borough of Totowa Department of Public Works (“DPW”) Superintendent has requested that a field paint machine be purchased and added to the Borough of Totowa DPW equipment; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this equipment to be used by DPW personnel for line painting the various sports fields throughout the municipality; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase of the field paint machine; and

WHEREAS, State of New Jersey Contract No. 8223 has been awarded to Sherwin Williams, 832 Mountainview, Boulevard, Wayne, New Jersey 07470 for the purchase of a Turf Liner Field Paint machine; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this field paint machine may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase and delivery of one (1) Turf Liner Field Marking machine from Sherwin Williams in the amount of \$1,899.00.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Council of the Borough of Totowa do hereby authorize the Municipal Clerk and DPW Superintendent to execute any and all 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 Reimbursement To The Borough Of Woodland Park For The Replacement Of Various Sections Of 24” Sanitary Sewer Main. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 83-2016

RESOLUTION AUTHORIZING REIMBURSEMENT TO THE BOROUGH OF
WOODLAND PARK FOR THE REPLACEMENT OF A SECTION OF
24” SANITARY SEWER MAIN

WHEREAS, in April of 2011, the Borough of Totowa was advised that the McBride Avenue 24" sanitary sewer force main utilized by the Township of Little Falls, Borough of Totowa and Borough of West Paterson had collapsed in the area of Curtis Place in the City of Paterson; and

WHEREAS, as a result of the collapse, it was necessary to replace approximately 160 feet of pipe at total cost of \$302,120.58; and

WHEREAS, the Borough of Woodland Park has paid for the costs incurred to date in connection with the replacement of the sanitary sewer force main; and

WHEREAS, pursuant to an agreement entered into by the three (3) municipalities, the cost of this repair project shall be split between the municipalities on a pro rata basis with the allocation of costs set at 32.3% for Little Falls, 36.9% for Totowa and 30.8% for Woodland Park; and

WHEREAS; pursuant to the terms set forth in the agreement, the Borough of Totowa was obligated to reimburse Woodland Park in the amount of \$287,224.01 for work done on Phases 1 and 3A of the project; and

WHEREAS, by Resolution No. 44-2012 dated March 12, 2012, the Mayor and Council of the Borough of Totowa authorized payment to Woodland Park in the amount of \$111,482.49 for Phase 1; and

WHEREAS, by Resolution No. 110-2012 dated November 27, 2012, the Mayor and Council of the Borough of Totowa authorized payment to Woodland Park in the amount of \$175,741.52 for Phase 3A; and

WHEREAS, the Borough of Woodland Park has incurred additional costs for Phases 2 and 3B of the repair project in the amount of \$231,921.24; and

WHEREAS, pursuant to the above referenced agreement, the costs of this portion of the project shall also be on a pro rata basis with the allocation of costs as set forth above; and

WHEREAS, the Borough of Woodland Park has invoiced the Borough of Totowa for their share of the costs for Phase 2 and 3B of the project in the amount of \$85,578.94; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize reimbursement to the Borough of Woodland Park for the above repairs.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to reimburse the Borough of Woodland Park the sum of \$85,578.94 for their share of costs incurred in the replacement of the 24” sanitary sewer force main.

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 instruments relating thereto.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Resurfacing Of Floor At The Fire Rescue Building. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 84-2016

RESOLUTION AUTHORIZING THE RESURFACING OF FLOOR AT THE FIRE RESCUE BUILDING

WHEREAS, the Borough of Totowa Fire Chief has advised that the existing floor at the Fire Rescue Firehouse is in need of repairs and has requested that the floor be resurfaced; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for the floor at the Fire Rescue building to be resurfaced; and

WHEREAS, American Blast Clean Concrete Restoration, Inc., P.O. Box 634, Hawthorne, New Jersey 07507 has submitted a proposal dated May 2, 2016 to provide the labor and materials necessary for the resurfacing of the Firehouse floor at a cost of \$8,000.00, a copy of which is on file at the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the resurfacing of the Fire Rescue Firehouse floor; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this vehicle may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize American Blast Clean Concrete Restoration, Inc. to provide the labor and materials necessary for the resurfacing of the Fire Rescue Firehouse floor at a cost of \$8,000.00 in accordance with their proposal.

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

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing Tree Trimming Services For Trees Along Union Boulevard And Around The Municipal Complex. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 85-2016

RESOLUTION AUTHORIZING TREE TRIMMING SERVICES ALONG
UNION BOULEVARD AND AROUND THE MUNICIPAL COMPLEX

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional tree trimming company to provide tree trimming services for the Borough of Totowa; and

WHEREAS, the tree trimming services include but are not limited to trimming and thinning all trees along Union Boulevard from Route 80 to Shepherds Lane, all trees at the intersection of Union Boulevard and Lincoln Avenue and the intersection of Union Boulevard and Totowa Road as well as the trees at the Municipal Complex; and

WHEREAS, Green Star Tree Service, P.O. Box 850, Saddle Brook, New Jersey 07663, has submitted a proposal to provide the tree trimming services in an amount not to exceed Fifteen Thousand Five Hundred and 00/100 Dollars (\$15,000.00), 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 on June 14, 2016 examine the proposal submitted by Green Star Tree Service; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be authorized without public bidding; and

WHEREAS, the Borough of Totowa has determined that the awarding of this contract for the aforementioned services will not cause the municipality to exceed the public bidding threshold.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Green Star Tree Service to provide professional tree trimming services as set forth in their proposal for the Borough of Totowa in the amount of Fifteen and 00/100 Dollars (\$15,000.00).

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.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Of The Borough Of Totowa Designating Certain Property In The Borough Of Totowa As An Area In Need Of Rehabilitation. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 86-2016

RESOLUTION OF THE BOROUGH OF TOTOWA DESIGNATING
CERTAIN PROPERTY IN THE BOROUGH OF TOTOWA AS
AN AREA IN NEED OF REHABILITATION

WHEREAS, the Local Redevelopment and Housing Law ("LRHL"), pursuant to N.J.S.A. 40A:12A-1 et seq., authorizes municipalities to determine whether certain parcels of land in the municipality constitute an area in need of rehabilitation; and

WHEREAS, in accordance with the LRHL, the Municipal Council of the Borough of Totowa believes the property commonly referred to as the Lower Borough and encompassing the properties south of Elizabeth Place, west of Willard Avenue and north and east of Totowa Road in the Borough of Totowa, more particularly as set forth in Exhibit "A" (the "Delineated Area") should be designated as an Area in Need of Rehabilitation pursuant to Section 14 of the LRHL, to N.J.S.A. 40A:12A-14; and

WHEREAS, Section 14 of the LRHL, N.J.S.A.40A:12A-14(a), also provides that prior to the adoption of a resolution designating the Delineated Area as an Area in Need of Rehabilitation, the Municipal Council must first submit a copy of the proposed resolution designating the Delineated Area to the Borough of Totowa Planning Board for review; and

WHEREAS, on May 10, 2016, the Municipal Council, acting by Resolution, referred a copy of this resolution to the Borough Planning Board for review and comment pursuant to Section 14 of the LRHL, N.J.S.A. 40A:12A-14(a); and

WHEREAS, the Borough of Totowa Planning Board received a Report from Richard A. Alaimo Engineering Associates dated May 6, 2016 verifying that a majority of the water and sewer infrastructure in the Delineated Area is at least 50 years old and is in need of repair or substantial maintenance and that a program of rehabilitation may be expected to prevent further deterioration and promote the overall development of the Borough of Totowa in accordance with the requirements of Section 14 of the LRHL, N.J.S.A. 40:12A-14(a); and

WHEREAS, based on the Report, the Borough of Totowa Planning Board found that the Delineated Area satisfied the statutory criteria to be designated as an area in need of rehabilitation under Section 14 of the LRHL, N.J.S.A. 40:12A-14(a); and

WHEREAS, the Borough of Totowa Planning Board reviewed this resolution and recommends its adoption and the designation of the Delineated Area as an area in need of rehabilitation in accordance with Section 14 of the LRHL, N.J.S.A. 40:12A-14(a).

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council of the Borough of Totowa hereby designates the Delineated Area as an area in need of rehabilitation pursuant to Section 14 of the LRHL, N.J.S.A. 40A:12A-14(a).
3. The Municipal Council of the Borough of Totowa hereby directs that the Municipal Clerk transmit a copy of this Resolution to the Commissioner of the Department of Community Affairs for review in accordance with the LRHL, N.J.S.A. 40A:12A-14(a).

4. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.
5. This resolution shall be effective immediately.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution In Support Of The Adoption Of Senate Bill 2254 And Assembly Bill 3821 To Clarify Municipal Affordable Housing Obligations. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 87-2016

RESOLUTION IN SUPPORT OF THE ADOPTION OF SENATE BILL 2254 AND ASSEMBLY BILL 3821 TO CLARIFY MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (“FHA”) to the Courts, many municipalities, including the Borough of Totowa, filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, the FHA and existing case law are clear that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” (See N.J.S.A. 52:27D-307(c)); and

WHEREAS, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct “gap period” obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

WHEREAS, this “gap period” issue arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

WHEREAS, aside from other inequities and issues imposed by a so-called “gap” obligation, the households counted in the “gap period” may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of “builder’s remedy” lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, hundreds of New Jersey’s municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State’s failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities;

NOW THEREFORE BE IT RESOLVED on this 14th day of June, 2016, by the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey, that:

1. The Mayor and Council hereby support the adoption of Senate Bill S2254 and Assembly Bill A3821 to clarify that a municipality’s present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called “gap period.”
2. The Mayor and Township Council urge the members of the New Jersey Senate, General Assembly and the Governor to swift and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.
3. A certified copy of this resolution be sent to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; and the Borough of Totowa’s Legislative Representatives in the State Senate and Assembly.

A letter of resignation was received from Planning Board Commissioner Joseph Niland. There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to accept his letter and send him a letter of thanks. On roll call vote, all members of the Council present voted in the affirmative.

A letter of resignation was received from Shade Tree Commissioner Arlene Festa. There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to accept her letter and send her a letter of thanks. On roll call vote, all members of the Council present voted in the affirmative.

MAYOR'S APPOINTMENT

I, Mayor John Coiro, do hereby appoint Norman Makoujy
as a Shade Tree Commissioner for an unexpired term
ending on December 31, 2019.

The above is a Mayor's appointment and does not require Council consent or confirmation.

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. 13-2016

**A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$132,720 FOR THE
INSTALLATION OF TENNIS COURTS AT LINCOLN FIELD TO BE UNDERTAKEN
BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE \$132,720 FROM
PASSAIC COUNTY OPEN SPACE GRANTS**

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to adopt the Resolution Approving Capital Budget Amendment. 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 No. 1931 for More Than Friends for an Off-Premise 50/50, to be held on October 29, 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 No. 1932 for Cedar Grove B.P.O. Elks #2237 for a Tricky Tray to be held on July 30, 2016 at Applebee's Neighborhood Grill. 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. 1933 & 1934 for America's Special Kidz for a Tricky Tray and On-Premise 50/50, to be held on September 16, 2016 at the Passaic Valley Elks building. 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. 1935 & 1936 for St. Joseph's Home for the Elderly of the Little Sisters of the Poor for a Tricky Tray and On-Premise 50/50, to be held on September 28, 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