

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

May 10, 2016

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman Lou D'Angelo, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

ABSENT: Councilwoman Carolyn Fontanella.

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 hold a public hearing on Ordinance Nos. 02-2016, 08-2016, 09-2016 & 10-2016 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance Nos. 02-2016, 08-2016, 09-2016 & 10-2016 have been advertised for public hearing for Tuesday, May 10, 2016.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 02-2016.

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. 02-2016.

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. 02-2016 by title:

ORDINANCE NO. 02-2016

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 415 ENTITLED "ZONING AND LAND USE", ARTICLE IV,
"FEES & ESCROW", SECTION 14, "DEVELOPMENT FEES"**

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to adopt Ordinance No. 02-2016 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 08-2016.

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. 08-2016.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: Asked where the actual locations for Affordable Housing will be. Mayor Coiro: Responded that currently we have designated two sites off of Riverview Drive—the old junkyard—and will now also include two new areas: one south of Preakness Avenue and the other off Route 46 by Bob’s Furniture Store. Mr. Mahometa: Then asked what will be the tax impact. Mayor Coiro: Told him that we are not sure yet.

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. 08-2016 by title:

ORDINANCE NO. 08-2016

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 415 ENTITLED “ZONING AND LAND USE”, ARTICLE XVIII,
“R-AH AFFORDABLE HOUSING DISTRICT”**

There was a motion by Councilman Puglise, seconded by Councilman D’Angelo to adopt Ordinance No. 08-2016 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 09-2016.

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. 09-2016.

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. 09-2016 by title:

ORDINANCE NO. 09-2016

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 415 ENTITLED "ZONING AND LAND USE", ARTICLE XIX,
"AHD ADULT HOUSING DISTRICT OVERLAY ZONE"**

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to adopt Ordinance No. 09-2016 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 10-2016.

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. 10-2016.

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. 10-2016 by title:

ORDINANCE NO. 10-2016

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 75 ENTITLED "POLICE DEPARTMENT", ARTICLE XII,
"GENERAL RULES", SECTION 80, "OUTSIDE EMPLOYMENT REGULATED;
EMPLOYMENT OF OFF-DUTY POLICE"**

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to adopt Ordinance No. 10-2016 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:

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 April 26, 2016. On roll call vote, all members of the Council present voted in the affirmative. Councilman Picarelli abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2016-11 for the payment of bills. 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 Councilman Bucher to adopt the following Resolution Accepting A Vehicle From Riverview Park Fire Company For The Borough Of Totowa Fire Department. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 70-2016

RESOLUTION ACCEPTING A VEHICLE FROM RIVERVIEW PARK FIRE
COMPANY FOR THE BOROUGH OF TOTOWA FIRE DEPARTMENT

WHEREAS, the Riverview Park Fire Company has advised the Borough of Totowa Fire Department that the Fire Company is in possession of a vehicle which is no longer needed for their use; and

WHEREAS, the Riverview Park Fire Company has offered the vehicle to the Borough of Totowa Fire Department, more specifically identified as a 2002 Chevy Blazer model bearing Vehicle Identification Number 21GNDDT13WX2K191651; and

WHEREAS, the Borough of Totowa Fire Chief has requested that this vehicle be acquired to be used by his Department and added to the Borough of Totowa fleet; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to accept the 2002 vehicle from the Riverview Park Fire Company for the Borough of Totowa Fire Department; and

WHEREAS, pursuant to the applicable New Jersey State laws, this vehicle may be acquired by the Borough of Totowa without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize and accept the transfer of one (1) 2002 vehicle from the Riverview Park Fire Company for the Borough of Totowa Fire Department.

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 Councilman Puglise, seconded by Councilman Bucher to approve the fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Steven M. Jacobs for Riverview Park Fire Company. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from Riverview Park Fire Company requesting permission to attend Ringwood's Wetdown on Saturday, May 14, 2016. There was a motion by Councilman Puglise, seconded by Councilman Bucher to grant permission, subject to the rules and regulations of the Fire Department being followed. 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 approve Payment Estimate No. 1 in the amount of \$115,162.00 to Smith-Sondy Asphalt Construction Co., Inc. for the Gordon Avenue Improvements. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was no report.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Ratifying The Decision To Retain Richard A. Alaimo Engineering Associates To Prepare Water And Sewer Study For Potential Design Of Area In Need Of Rehabilitation. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 71-2016

RESOLUTION RATIFYING PROFESSIONAL ENGINEERING SERVICES
FOR PREPARATION OF A UTILITY ANALYSIS OF THE EXISTING WATER
AND SANITARY SEWER INFRASTRUCTURE IN THE AREA IDENTIFIED
AS THE LOWER BOROUGH STUDY AREA

WHEREAS, by Resolution No. 41-2016 dated February 23, 2016, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa Planning Board to investigate whether the Lower Borough should be designated as an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law ("LRHL"), N.J.S.A. 40A:12A-1 et seq.; 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, N.J.S.A. 40A:12A-14; and

WHEREAS, the Borough of Totowa believes that within the Delineated Area a majority of the water and sewer infrastructure 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, Richard A. Alaimo Engineering Associates has submitted a proposal for the preparation of a Utility Analysis for recommendation of designation for "Area in Need of Rehabilitation" Lower Borough Study Area at a cost not to exceed Five Thousand and 00/100 Dollars (\$5,000.00), 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 on May 10, 2016 did examine the proposal submitted by Richard A. Alaimo Engineering Associates; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be awarded without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by Richard A. Alaimo Engineering Associates for professional engineering services for the preparation of a Utility Analysis for recommendation of designation for "Area in Need of Rehabilitation" Lower Borough Study Area in the amount of Five Thousand and 00/100 Dollars (\$5,000.00).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Richard A. Alaimo Engineering Associates to perform the professional services as set forth in their proposal.

BE IT FURTHER RESOLVED, that the Municipal Council of the Borough of Totowa does hereby authorize the Mayor, Municipal Clerk and Municipal Engineer 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 Amending Resolution No. 41-2016 Requesting Planning Board Review Of A Resolution Designating Lower Borough 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. 72-2016

RESOLUTION TO AMEND RESOLUTION NO. 41-2016 REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION DESIGNATING LOWER BOROUGH IN THE BOROUGH OF TOTOWA AS AN AREA IN NEED OF REHABILITATION PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

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 believe 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 pursuant to N.J.S.A. 40A:12A-14; and

WHEREAS, the Borough of Totowa believes that within the Delineated Area a majority of the water and sewer infrastructure 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 pursuant to N.J.S.A. 40:12A-14(a); 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, the Borough of Totowa intends to designate the Delineated Area as an area in need of Rehabilitation by the adoption of the Resolution substantially in the form attached hereto as Exhibit "B".

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 hereby directs that the Municipal Clerk transmit a copy of this Resolution to the Borough of Totowa Planning Board for review and providing its recommendation to the Municipal Council within 45 days of receipt of this resolution pursuant to Section 14 of the LRHL pursuant to N.J.S.A. 40A:12A-14(a).
3. A copy of this Resolution shall be available for public inspection at the office of the Municipal Clerk.
4. This resolution shall be effective immediately.

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. 11-2016

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$641,000 FOR VARIOUS IMPROVEMENTS TO BE UNDERTAKEN BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE \$641,000 FROM THE CAPITAL IMPROVEMENT FUND

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to approve Raffle License Application No. 1929 for Lincoln Fire Company for an Off-Premise 50/50, to be held on October 23, 2016. 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. 1930 for St. Joseph's Home for the Elderly of the Little Sisters of the Poor for an Off-Premise 50/50, to be held on August 30, 2016. 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