

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

April 10, 2012

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman John Waryas, Councilman Jim Niland, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, 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 Waryas to dispense with the regular order of business in order to hold a public hearing on Ordinance No. 04-2012 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 04-2012 has been advertised for public hearing for Tuesday, April 10, 2012.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 04-2012.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 04-2012.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 04-2012 by title:

ORDINANCE NO. 04-2012

**CALENDAR YEAR 2012 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 Waryas to adopt Ordinance No. 04-2012 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

Councilwoman Andriani: 1) Said that on March 31st, the Board of Recreation held their annual Breakfast with the Easter Bunny and said it was a good affair; 2) Announced that the Rabies Clinic will be held on Tuesday, April 24th; 3) Reported that the Board of

Health will hold their annual SMAC blood screening on Wednesday, May 2nd and you can pre-register on Wednesday, April 18th and Thursday, April 19th at the Community Center.

Mayor Coiro: Remarked that on Sunday, April 29th, Jr. Girl Scout Troop 115 will be collecting clothes, blankets, diapers, formula, etc. for Child Abuse Prevention Month at the PAL from 1:00—4:00 p.m.

At this time, Mayor Coiro announced that we will skip to the Legislative and Ordinance Committee.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Proclamation Designating April 2012 As Child Abuse Prevention Month In The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative. Councilwoman Fontanella read the proclamation aloud and then Mayor Coiro presented the proclamation to Jr. Girl Scout Troop 115.

PROCLAMATION DESIGNATING APRIL 2012 AS CHILD ABUSE
PREVENTION MONTH IN THE BOROUGH OF TOTOWA

WHEREAS, we all have a responsibility, as individuals, neighbors, community members and citizens of the Borough of Totowa to help create healthy, safe and nurturing experiences for children; and

WHEREAS, safe and healthy childhoods help produce confident and successful adults; and

WHEREAS, child abuse and neglect often occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and

WHEREAS, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

WHEREAS, child abuse and neglect can be reduced by making sure every family has the support they need and deserve to raise their children in a healthy environment; and

WHEREAS, it is recognized that no one person can do everything, but that everyone can do something, and together we can create change for the better; and

WHEREAS, effective prevention programs succeed because of partnerships among agencies, schools, religious organizations, law enforcement agencies, and the business community; and

WHEREAS, displaying a pinwheel or planting a pinwheel garden in April will serve as a positive reminder that together, we can prevent child abuse and keep children safe.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the Borough of Totowa that April 2012 is Child Abuse Prevention Month in Totowa, and urge all citizens to engage in activities that strengthen families and communities to provide the optimal environment for children to learn, grow and thrive so that all children have the benefit of happy, healthy and safe childhoods.

CITIZENS HEARD:

Denise Gerrold, 15 Lincoln Avenue: Said that for the last three years she has been calling with a dog poop problem being caused by her neighbor and was told that it would be handled. Stated that she was told that after the third warning, there would be a summons issued, a court hearing and a fine, but that never happened. Said Steve Shayne, the Sanitary Inspector had given her his cell phone number, she left him a message, but he never returned the call. Then Charlene—who owns the home with her—called the Board of Health and spoke to Sue D’Aiuto who told her not to call Mr. Shayne on his cell phone anymore. Said the next day very early in the morning (6:45 a.m.) the neighbor was outside cleaning up his property and she feels that he was tipped off by someone. She also complained about his car hobby and the loud compressor that constantly runs. Stated that she is fed up on both counts. Mayor Coiro: Commented that last year he had told her to go to the County Health Department and we sent our Construction Code Official Allan Burghardt to check it out. Advised her that we can also tell our Sanitary Inspector to make surprise visits. Told her that we will send Mr. Burghardt back to inspect. Councilman Puglise: Declared that even if the car business is only a hobby, you still can’t annoy your neighbors.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of March 27, 2012. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve Resolution No. 2012-09 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 Waryas, seconded by Councilman D'Angelo to adopt 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 have been State Tax Court judgments to reduce the evaluation on the following.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer is authorized to refund these amounts:

BLK/LOT	OWNER	YR	FROM	TO	PAYABLE TO	AMOUNT
179/2.03	HASAR LLC & John & Serafina Paradiso	2009	\$4,731,900	\$4,000,000	Marcus Brody As Counsel for Plaintiff 3 Becker Farm Rd Roseland, NJ 07068	\$11,856.78
179/2.03	HASAR LLC & John & Serafina Paradiso	2010	\$4,731,900	\$3,750,000	Marcus Brody As Counsel for Plaintiff 3 Becker Farm Rd Roseland, NJ 07068	\$16,770.85
179/2.03	HASAR LLC & John & Serafina Paradiso	2011	\$4,487,600	\$3,500,000	Marcus Brody As Counsel for Plaintiff 3 Becker Farm Rd Roseland, NJ 07068	\$19,406.34
TOTAL CHECK						\$48,033.97

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve payment of the 2nd Quarter 2012 Budget Allotment to the Dwight D. Eisenhower Library in the amount of \$196,064.50. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Niland, seconded by Councilman Puglise to approve a grade increase for Patrolman Nick Varcadipane from Grade 6 (\$56,006.) to Grade 5 (\$66,674.), retroactive back to March 14, 2012. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Niland, seconded by Councilman Puglise to approve a grade increase for Patrolman Brian Britting from Grade 5 (\$66,674.) to Grade 4 (\$77,344.), effective April 17, 2012. On roll call vote, all members of the Council present voted in the affirmative.

A letter from the Passaic County Prosecutor inviting the Mayor and Council to attend the 15th Annual Candlelight Vigil to be held on Sunday, April 29, 2012 from 3:00—5:00 p.m. at the Passaic County Community College was received and filed.

COMMITTEE ON PUBLIC WORKS:

There was no report.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to authorize the Borough Clerk and Borough Attorney to prepare the specifications and advertise for the receipt of bids for the 2012 Spring Tree Planting. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from the American Legion Memorial Post No. 227 requesting permission to use the Municipal Parking Lot on Saturday, April 14, 2012 from 10:00 a.m.—10:00 p.m. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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 Waryas to reject the following proposals to remove and replace the coping at the Municipal Swimming Pool. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Proposal</u>
F. Antonucci & Sons, Inc.	\$18,900.00
J.W. Construction Co., LLC	\$23,200.00

Upon the recommendation of the Committee, there was a motion by Councilwoman Andriani, seconded by Councilman Waryas to adopt the following resolution to reject the proposals. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 52-2012

RESOLUTION REJECTING PROPOSALS TO REMOVE AND REPLACE THE
COPING AT THE MUNICIPAL SWIMMING POOL

WHEREAS, the Borough of Totowa Department of Public Works Superintendent has advised the Mayor and Council of the Borough of Totowa that some routine maintenance and repairs are needed to the Borough of Totowa Municipal Swimming Pool; and

WHEREAS, the maintenance and repairs to the Municipal Swimming Pool will include but are not limited to removing the existing coping and replacing it with new sections of white concrete coping with a safety grip edge and installing expansion joint between coping and existing concrete and filling it with self-leveling sealant; and

WHEREAS, the Mayor and Council of the Borough of Totowa did request proposals from licensed professional contractors to undertake the above maintenance and repair services; and

WHEREAS, the Borough of Totowa did receive proposals at its Municipal Building on April 6, 2012; and

WHEREAS, the Mayor and Council of the Borough of Totowa did examine the proposals received for the Municipal Swimming Pool Coping Project on April 10, 2012; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the proposals submitted by F. Antonucci & Sons, Inc., 283 Edmund Avenue, Paterson, New Jersey 07502 in the amount of \$18,900.00 and J.W. Construction Co. LLC, 72 Glen Road, Wantage, New Jersey 07461 in the amount of \$23,200.00 both exceed the public bidding threshold under the Local Public Contracts Law; and

WHEREAS, the Mayor and Council desire to reject both of the proposals received for the routine maintenance and coping repairs to the Municipal Swimming Pool for the aforementioned reason and authorize the public rebidding of this project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby reject the proposals received for the routine maintenance and coping repairs to the Borough of Totowa Municipal Swimming Pool and authorize the public rebidding of this project.

There was a motion by Councilwoman Andriani, seconded by Councilman Waryas to adopt the following Resolution Fixing The Fee Schedule For The Totowa Municipal Swimming Pool for 2012. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 53-2012

RESOLUTION FIXING THE FEE SCHEDULE FOR THE TOTOWA MUNICIPAL SWIMMING POOL FOR 2012

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 Totowa Pool Committee and for good cause shown has approved the following 2012 Fee schedule for the Totowa Swimming Pool, to wit:

2012 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	\$470.00	\$235.00	\$330.00	\$165.00
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.

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

2012 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 18, 2012.

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 2012 for special events:

Totowa Non-Members	\$150.00
Plus \$5.00 guest fee for every non-member, including parents.	
Totowa PAL Events	\$ 5.00 per person Including parents
Swimming Lessons	\$ 50.00 members \$ 80.00 non-members

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa has adopted the aforementioned Fee Schedule for the Totowa Swimming Pool for 2012.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to introduce on first reading and advertise for public hearing the following entitled ordinance. On roll call vote, all members of the Council present voted in the affirmative.

ORDINANCE NO. 05-2012

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 407 ENTITLED "WATER", ARTICLE I, "WATER USE",
SECTION 25, "CHARGES AND FEES"**

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Approving A Person-To-Person Transfer Of Plenary Retail Consumption License No. 1612-33-008-006 From IDP Associates, Inc. To Murphy, Anthony P. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 54-2012

**RESOLUTION APPROVING A PERSON-TO-PERSON TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE NO.1612-33-008-006
FROM IDP ASSOCIATES, INC. TO MURPHY, ANTHONY P.**

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License No. 1612-33-008-006, heretofore issued to IDP Associates, Inc. for an inactive license; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa does hereby approve, effective April 10, 2012, the transfer of the aforesaid Plenary Retail Consumption License to Murphy, Anthony P., and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Murphy, Anthony P., effective April, 10 2012."

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution In Support Of Assembly Bill No. 2717 ("A-2717"). On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 55-2012

RESOLUTION IN SUPPORT OF ASSEMBLY BILL NO. 2717 ("A-2717")

WHEREAS, P.L. 2008, c. 46 established a four year timetable for municipal housing trust dollars to be "committed for expenditure, or risk forfeiture to the State;" and

WHEREAS, the 2008 Act did not define the term "committed for expenditure" and deferred to the Council on Affordable Housing (COAH) to promulgate regulations as to the requirements to be met for "committed" as well as a timetable for expenditures; and

WHEREAS, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations pursuant PL 2008, c. 46; and

WHEREAS, hundreds of municipalities submitted spending plans to COAH, of which only a fraction of these plans were reviewed by the agency, and most of these municipalities have not been provided any guidance on their spending plans; and

WHEREAS, at the time of 2008 Act, COAH was prepared to adopt its "3rd round regulations" establishing municipal obligations under the "Fair Housing Act"; and

WHEREAS, COAH's 3rd round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

WHEREAS, eight years of litigation over COAH's methodology has had a chilling effect not only on the development of affordable housing, but on the ability of local governments to commit trust fund dollars without knowledge of their respective obligations, and certainty that such commitment would count towards its housing obligation; and

WHEREAS, forfeiture of trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

WHEREAS, these trust fund dollars should be used as intended: to subsidize the costs for municipalities in meeting their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

WHEREAS, forfeiture of these dollars, estimated by some to be as much as \$200 million, would displace this financial obligation to the taxpayers in these communities; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa urge our State Legislators to support and approve A-2717, which will provide a four-year extension for municipalities to commit the municipal housing trust fund dollars; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the sponsor of A-2717, Assemblyman Anthony Bucco, Senator Kevin O'Toole, Assemblyman David Russo, Assemblyman Scott Rumana, members of the Assembly Housing and Local Government Committee, the New Jersey State League of Municipalities and the Office of the Governor.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application No. 1641 for The Arc of Bergen & Passaic Counties for an On-Premise 50/50, to be held on May 18, 2012 at Ruby Lounge. On roll call vote, all members of the Council present voted in the affirmative.

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

Joseph Wassel, RMC
Municipal Clerk