

## **BOROUGH OF TOTOWA**

### **MINUTES OF THE MAYOR AND COUNCIL**

**February 14, 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.

Mayor Coiro announced that we have our Police Chaplain, Father Patrick Ryan in attendance and asked if he would recite the Prayer of the Meeting. Father Ryan agreed and passed out copies of the Prayer to Saint Michael the Archangel for everyone to join in and then asked everyone to recite the Lord's Prayer.

The Mayor asked that everyone join him in the Pledge of Allegiance to the Flag.

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 have a swearing in ceremony to administer the Oath of Allegiance and Office to Lieutenant Dennis Blakeley being promoted to the rank of Captain; Sergeant Mark Aue and Sergeant Mark Tolomeo to Lieutenant; and Patrolman Duke Naples, Patrolman Ray Keeley, Patrolman Keith Schaffer and Patrolman Frank De Ceglie to Sergeant; and to hold a public hearing on

Ordinance No. 02-2012 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro acknowledged Passaic County Clerk Kristin Corrado and Woodland Park Police Chief Anthony Galietti in the audience.

Mayor Coiro asked Public Safety Committee Chairman, Councilman Niland and Police Chief Robert Coyle to join him in front of the dais. Mayor Coiro went on to say that we have never promoted seven officers at one time and how we have a new police contract and that the negotiations were very amicable.

Mayor Coiro asked Lieutenant Dennis Blakeley to approach the dais to take the Oath of Allegiance and Office for the rank of Captain.

Mayor Coiro administered the Oath of Allegiance and Office to Captain Dennis Blakeley, while Captain Blakeley's wife Louise held the Bible.

A badge symbolic to the rank of Captain was presented to Captain Blakeley by Police Chief Coyle.

Congratulations were extended to Captain Blakeley.

Mayor Coiro asked Sergeant Mark Aue and Sergeant Mark Tolomeo to approach the dais to take the Oath of Allegiance and Office for the rank of Lieutenant.

Mayor Coiro administered the Oath of Allegiance and Office to Lieutenant Mark Aue and Lieutenant Mark Tolomeo, while Lieutenant Aue's wife Kim and Lieutenant Tolomeo's children Amanda and Mark held the Bible.

Badges symbolic to the rank of Lieutenant were presented to Lieutenant Aue and Lieutenant Tolomeo by Police Chief Coyle.

Congratulations were extended to Lieutenant Aue and Lieutenant Tolomeo.

Mayor Coiro asked Patrolman Duke Naples, Patrolman Ray Keeley, Patrolman Keith Schaffer and Patrolman Frank De Ceglie to approach the dais to take the Oath of Allegiance and Office for the rank of Sergeant.

Mayor Coiro administered the Oath of Allegiance and Office to Sergeant Duke Naples, Sergeant Ray Keeley, Sergeant Keith Schaffer and Sergeant Frank De Ceglie, while Sergeant Naples' daughter Lindsey, Sergeant Keeley's daughters Heather and Shannon and son Kevin, Sergeant Schaffer's wife Tammy and Sergeant De Ceglie's wife Jennifer held the Bible.

Badges symbolic to the rank of Sergeant were presented to Sergeant Naples, Sergeant Keeley, Sergeant Schaffer and Sergeant De Ceglie by Police Chief Coyle.

Congratulations were extended to Sergeant Naples, Sergeant Keeley, Sergeant Schaffer and Sergeant De Ceglie.

Mayor Coiro congratulated each officer on their promotion and said he looked forward to continue working with them. Councilman Niland then congratulated each and thanked them for keeping the town safe and wished them good luck with their promotions.

Police Chief Coyle thanked the Mayor and Council, Borough Attorney Corrado and Borough Clerk Wassel for the promotions, congratulated each officer and went on to give a little personal and professional history about each officer being promoted.

Captain Blakeley then spoke on behalf of all the promoted officers. Thanked the Mayor and Council for the promotions and said that they will do their best, congratulated his colleagues on their promotions and thanked their families and friends for attending.

Mayor Coiro announced that there will be a short recess to allow all family and friends to congratulate the promoted officers.

Municipal Clerk Wassel announced that Ordinance No. 02-2012 has been advertised for public hearing for Tuesday, February 14, 2012.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 02-2012.

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. 02-2012.

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. 02-2012 by title:

**ORDINANCE NO. 02-2012**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA  
CHAPTER 415 ENTITLED "ZONING AND LAND USE", ARTICLE XXVI,  
"NONCONFORMING LOTS, BUILDINGS AND USES",  
SECTION 201, "NONCONFORMING BUILDINGS"**

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 02-2012 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: Advised that the Board of Recreation will be sponsoring the Soul Cruisers on March 3, 2012.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Waryas, seconded by Councilman Niland to approve the Minutes of the Mayor and Council for the meeting of January 24, 2012. On roll call vote, all members of the Council present voted in the affirmative. Councilman Puglise abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve Resolution No. 2012-04 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 has been a State Tax Court judgment to reduce the evaluation on the following.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer is authorized to refund this amount:

<u>Block/Lot</u>	<u>Owner</u>	<u>Year</u>	<u>From</u>	<u>To</u>	<u>Payable To</u>	<u>Amount</u>
30 11	TGM Union LLC (264 Union Blvd)	2009	1,147,700	900,000	"Jerry D. Goldstein, Attorney For TGM Union LLC" 264 Union Blvd. Totowa, NJ 07512	\$ 4,012.74

128	24	Patrick Fiorito (37 Crescent Ave.)	2011	205,100	141,000	Joseph A. Mecca Esq. Trust Account, P.C. 1130 Mc Bride Ave. Woodland Park, NJ 07512	\$ 1,259.57
170.02	6	Taft Associates (11 Taft Road)	2010	21,711,600	18,330,000	Henry La Cap, Esq. One International Blvd. Suite 400 Mahwah, NJ 07495	\$57,757.73

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Tax Collector to adjust the 1<sup>st</sup> Quarter 2012 taxes for Arkad Associates, LLC, 38 Lackawanna Avenue, Block 131, Lot 1 for 2009, 2010 & 2011 pursuant to a State Tax Court judgment. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION

RE: State Tax Court Judgments  
Block 131, Lot 1  
Arkad Associates, LLC  
38 Lackawanna Avenue  
Totowa, NJ 07512  
Years 2009, 2010 and 2011  
Entered 1/13/12

WHEREAS, there has been a State Tax Court judgment regarding the above mentioned; and

WHEREAS, attorney Robert D. Blau, on behalf of his client Arkad Associates, has requested in his letter dated 2/9/12, that the total refund of \$56,664.06 for the combined years 2009, 2010 and 2011 be applied to the 1<sup>st</sup> quarter 2012 taxes; and

WHEREAS, the original amount billed for the 1<sup>st</sup> quarter 2012 is \$61,367.45; and

WHEREAS, after applying the \$56,664.06 the amount due for the 1<sup>st</sup> quarter 2012 is \$4,703.39.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is authorized to make an adjustment by crediting the 1<sup>st</sup> quarter taxes in the amount of \$56,664.06.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Treasurer to issue checks in the amount of \$11,099.90 and \$5,200.00 (premium) to R.J. Maroon Realty, LLC to effectuate the redemption of Tax Sale Certificate #11-00004 for Elvi Lind Emmarco, 39 Redman Place, Block 103, Lot 17.01. On roll call vote, all members of the Council present voted in the affirmative.

## RESOLUTION

Certificate of Sale #11-00004  
Block 103, Lot 17.01  
Property: 39 Redman Street  
Totowa, NJ 07512  
Owner: Elvi Lind Emmarco

WHEREAS, at the Municipal Tax Sale held on October 27, 2011, a lien was sold on Block 103, Lot 17.01 also known as 39 Redman Street for 2010 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #11-00004, was sold to R.J. Maroon Realty LLC, for a 0% redemption fee and a \$5,200 premium; and

WHEREAS, attorney Timothy Kane, representing the seller Elvi Lind Emmarco, has effected redemption of Certificate #11-00004 in the total amount of \$11,099.90 as of 2/14/12. (Mayor & Council meeting).

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$11,099.90 payable to "R.J. Maroon Realty LLC", P.O. Box 668, Pompton Plains, NJ 07444

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$5,200.00 (premium) to the aforementioned lien holder.

A letter was received from Cablevision along with a check in the amount of \$125,006.00 which represents Franchise Fees for calendar year 2011. There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to accept the funds. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from Verizon along with a check in the amount of \$17,396.50 which represents Franchise Fees for calendar year 2011. There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to accept the funds. On roll call vote, all members of the Council present voted in the affirmative.

A retirement letter was received from Janet Cozzolino. There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to accept her retirement and send a letter of thanks. 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 adopt the following resolution accepting a vehicle from the County of Passaic for Totowa's Office of Emergency Management. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 36-2012

RESOLUTION ACCEPTING A VEHICLE FROM THE COUNTY OF PASSAIC  
FOR TOTOWA'S OFFICE OF EMERGENCY MANAGEMENT

WHEREAS, the County of Passaic's Motor Pool has determined that it has surplus vehicles no longer needed for public use; and

WHEREAS, Borough of Totowa Office of Emergency Management Coordinator Allen Del Vecchio has expressed interest in obtaining a surplus vehicle from the County Motor Pool more specifically, a 1987 GMC Van bearing VIN #1GBJ6T1B6HV109277; and

WHEREAS, the Board of Chosen Freeholders of the County of Passaic by Resolution No. R-11-858 and Resolution No. R-11-859 dated November 29, 2011 approved the sale of surplus County vehicles no longer needed for public use for nominal consideration to various Passaic County municipalities including the Borough of Totowa's Office of Emergency Management; and

WHEREAS, the Borough of Totowa Office of Emergency Management Coordinator 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 1987 GMC Van from the County of Passaic; 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) 1987 Chevy Van from the County of Passaic for the Borough of Totowa Office of Emergency Management.

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

#### COMMITTEE ON PUBLIC WORKS:

There was no report.

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from the Dwight D. Eisenhower Library requesting permission to use the Borough of Totowa recreational areas at the PAL for their Zerbini Family Circus fundraiser to be held on May 12, 2012. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to grant permission, subject to receipt of a Certificate of Liability Insurance with the Borough of Totowa as Certificate Holder and Additional Insured. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON LIAISON & INSPECTION:

Letters of resignation were received from Board of Health Commissioners Norma Fitzgerald and Hubert Vickerilla. There was a motion by Councilwoman Andriani, seconded by Councilman Waryas to accept their resignations and send them letters of thanks. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of the Committee, there was a motion by Councilwoman Andriani, seconded by Councilman Waryas to appoint Tom Daub and Paul Ward as Board of Health Commissioners to fill the unexpired terms. 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 Tom Daub as a Board of Health Commissioner to fill an unexpired term ending on December 31, 2015.

## MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Paul Ward as a Board of Health Commissioner to fill an unexpired term ending on December 31, 2014.

There was a motion by Councilwoman Andriani, seconded by Councilman Waryas to confirm the appointments. On roll call vote, all members of the Council present voted in the affirmative.

A letter from the American Cancer Society Relay For Life Committee at Passaic Valley inviting the Mayor and Council to attend their kick-off event being held on Thursday, February 16, 2012 at 7:00 p.m. at Passaic Valley High School was received and filed.

## COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1630 & 1631 for St. Joseph's Home for the Elderly of the Little Sisters of the Poor for a Tricky Tray and On-Premise 50/50, respectively, to be held on May 18, 2012. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1632 & 1633 for Friends of Wayne Animals, Inc. for a Tricky Tray and On-Premise 50/50, respectively, to be held on April 19, 2012 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application No. 1634 for the Totowa PAL for an Off-Premise 50/50 to be held on June 28, 2012. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application No. 1635 for the Totowa Parent Teacher Organization for a Tricky Tray to be held on May 4, 2012 at the PAL. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application No. 1636 for the Special Olympics New Jersey, Inc. for an Off-Premise Merchandise Raffle to be held on May 8, 2012 at the North Jersey Developmental Center. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application No. 1637 for the Passaic County Court Appointed Special Advocates (CASA) for an On-Premise 50/50 to be held on March 15, 2012 at The Barnyard and Carriage House. 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.

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Joseph Wassel, RMC  
Municipal Clerk