

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

February 28, 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 a Green Acres Application as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the Notice of Public Hearing.

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 the Green Acres Application.

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.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following resolution authorizing the submission of the Green Acres Application. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 37-2012

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Totowa desires to further the public interest by obtaining funding in the amount of \$424,050.00 from the State to fund the following project(s): The acquisition of six (6) homes in the floodplain at a cost of \$1,696,200.00.

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa that John Coiro or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

BE IT FURTHER RESOLVED, by the Governing Body of the Borough of Totowa:

1. That John Coiro, Mayor of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as the Borough of Totowa Acquisition Project for DR-4033/4039;
2. That, in the event the State's funds are less than the total project cost specified above, the residents of the flood plagued homes will be responsible for the balance of funding necessary to complete the project;
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
4. That this resolution shall take effect immediately.

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: Reminded everyone that the Board of Recreation will be sponsoring the Soul Cruisers dinner on March 3, 2012 and the tickets are \$40.00 each.

CITIZENS HEARD:

Matt Barbieri, First Aid Squad: Showed a picture of garbage that gets thrown onto the First Aid Squad property and asked for a No Littering sign to be put up on Mitchell Avenue. Councilman Waryas: Agreed and asked the Building Inspector to check the stores at Union and Mitchell for their overflowing garbage cans.

Mario Panicucci, 79 Scrivens Street: Read a presentation about our water supply containing fluoride. Handed out information sheets and a DVD about fluoride. After his presentation, he said he was here to ask for the Mayor and Council's help to get fluoride removed from our water supply. Mayor Coiro: Told him that we don't fluoridate our water, we purchase it from Passaic Valley Water Commission. Then informed him that we would have to read up on the facts first and educate ourselves first.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of February 14, 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. 2012-05 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:

Block/Lot	Owner	Year	From	To	Payable To	Amount
169.02 1	Michael Cameron Realty, LLP Property: 1 Taft Road	2010	8,715,300	7,800,000	Mandelbaum, Salsburg, Lazris & Discenza, P.C. 155 Prospect Ave. West Orange, NJ 07052-4204	15,633.32
169.02 1	Michael Cameron Realty, LLP	2011	7,891,000	7,200,000	“ “	13,578.15
					Total Check	\$29,211.47

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 overpayment of 1st Quarter 2012 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

RE: Tax Overpayments
1st Qtr 2012

WHEREAS, there has been overpayments of taxes on the properties listed below; and

WHEREAS, the taxpayers are entitled to a refund; and

WHEREAS, the chart sets forth the refunds as follows:

Block	Lot	Property	Owner	Over Payment	Payable To
9.06	6	80 Hamilton Trail	M. Arnell & R. Oldham	\$ 2,886.59	Homeowners
9.15	90	8 General's Lane	J. Martin, L.DiEdwardo	\$ 2,457.24	Ocwen Loan Servicing
19	21	68 Franklin Place	Nelson & Lila Arteaga	\$ 1,000.00	Homeowners
78	3	14 Claremont Ave.	Reda & Linda Shabka	\$ 1,651.75	Homeowners
96	5	15 Crews Street	Lucia Del Vecchio	\$ 1,190.70	Homeowner
74.01	2	16 Battle Ridge Tr.	Patricia Moretta	\$ 2,496.72	Sage Title
9.09	53	1 Commander's Ct.	Edward & Joann Pavel	\$ 4,052.82	Saxon Mortgage
173.01	6	7 Floyd Drive	Carmelo & Giuseppina Macchiavello	\$ 1,907.04	Saxon Mortgage

NOW, THEREFORE, BE IT RESOLVED, that the overpayment shall be refunded to the taxpayer, as stated above, and the Treasurer is authorized to issue separate checks for the refunds, which shall be paid to the stated property owner or taxing authority.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Mayor and Municipal Clerk to endorse the cancellation of Tax Sale Certificate #11-00003 for Cesar Pina, 335 Boyle Avenue, Block 59, Lot 7.01. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

RE: CESAR PINA
335 Boyle Avenue
Totowa, NJ 07512
Block 59, Lot 7.01
Certificate #11-00003

Municipal Lien

WHEREAS, Certificate #11-00003 was struck off to the Municipality of Totowa, for delinquent water, assessed to the above mentioned property at the Borough's Tax Sale held on October 27, 2011; and

WHEREAS, JP Morgan Chase Bank, the mortgage holder, has effected redemption of Certificate #11-00003, by paying the full amount of the water lien, in the total amount of \$4,445.18 as of 2/28/12.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Municipality of Totowa are hereby authorized to endorse cancellation regarding Certificate #11-00003.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Reimbursement For 2011 Lighting And Snow Removal Costs To Hickory Hills Homeowners Association Pursuant To A Municipal Services Agreement With The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 38-2012

RESOLUTION AUTHORIZING REIMBURSEMENT FOR 2011 LIGHTING AND SNOW REMOVAL COSTS TO HICKORY HILLS HOMEOWNERS ASSOCIATION PURSUANT TO A MUNICIPAL SERVICES AGREEMENT WITH THE BOROUGH OF TOTOWA

WHEREAS, in accordance with New Jersey's Municipal Services Act, the Borough of Totowa is required to either perform certain specified services on roads and streets for qualified private communities or to reimburse these communities in accordance with the statute; and

WHEREAS, Hickory Hills is a residential gated community located in the Borough of Totowa within which all of the roads located throughout the development are private; and

WHEREAS, Hickory Hills Homeowners Association is a not-for-profit entity that operates and administers the general affairs of this qualified private community as defined by N.J.S.A. 40:67-23.2; and

WHEREAS, by Resolution No. 36-2008 dated March 25, 2008, the Mayor and Council of the Borough of Totowa entered into a municipal services agreement with the Hickory Hills Homeowners Association to provide partial reimbursement for street lighting and snow removal services for the residents of the Hickory Hill community; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment to the Hickory Hill Homeowners Association for costs incurred in 2011 for street lighting and snow removal services in accordance with the terms of the agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to the Hickory Hills Homeowners Association for reimbursement of costs incurred in 2011 for street lighting and snow removal services pursuant to the terms of the Municipal Services Agreement with the Borough of Totowa.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Reimbursement For 2010 Lighting And Garbage Removal Costs To Falls Bridge Meadows Condominium Association Pursuant To The Municipal Services Act. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 39-2012

RESOLUTION AUTHORIZING REIMBURSEMENT FOR 2010 LIGHTING AND GARBAGE REMOVAL COSTS TO FALLS BRIDGE MEADOWS CONDOMINIUM ASSOCIATION PURSUANT TO THE MUNICIPAL SERVICES ACT

WHEREAS, in accordance with New Jersey's Municipal Services Act, the Borough of Totowa is required to either perform certain specified services for qualified private communities or to reimburse these communities in accordance with the statute; and

WHEREAS, Falls Bridge is a residential town house and condominium community located in the Borough of Totowa within which all of the roads located throughout the development are private; and

WHEREAS, Falls Bridge Meadows Condominium Association is a not-for-profit entity that operates and administers the general affairs of this qualified private community as defined by N.J.S.A. 40:67-23.2; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment to the Falls Bridge Meadows Condominium Association for costs incurred in 2010 for street lighting and garbage removal services in accordance with the provisions of the Municipal Services Act.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to the Falls Bridge Meadows Condominium Association for reimbursement of costs incurred in 2010 for street lighting and garbage removal services pursuant to the terms of the New Jersey Municipal Services Act.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Reimbursement For 2011 Lighting And Garbage Removal Costs To Falls Bridge Meadows Condominium Association Pursuant To The Municipal Services Act. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 40-2012

RESOLUTION AUTHORIZING REIMBURSEMENT FOR 2011 LIGHTING AND GARBAGE REMOVAL COSTS TO FALLS BRIDGE MEADOWS CONDOMINIUM ASSOCIATION PURSUANT TO THE MUNICIPAL SERVICES ACT

WHEREAS, in accordance with New Jersey's Municipal Services Act, the Borough of Totowa is required to either perform certain specified services for qualified private communities or to reimburse these communities in accordance with the statute; and

WHEREAS, Falls Bridge is a residential town house and condominium community located in the Borough of Totowa within which all of the roads located throughout the development are private; and

WHEREAS, Falls Bridge Meadows Condominium Association is a not-for-profit entity that operates and administers the general affairs of this qualified private community as defined by N.J.S.A. 40:67-23.2; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment to the Falls Bridge Meadows Condominium Association for costs incurred in 2011 for street lighting and garbage removal services in accordance with the provisions of the Municipal Services Act.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to the Falls Bridge Meadows Condominium Association for reimbursement of costs incurred in 2011 for street lighting and garbage removal services pursuant to the terms of the New Jersey Municipal Services Act.

Upon the recommendation of the Committee, there was a motion by Councilman Waryas, seconded by Councilman D'Angelo to hire Denise Zarek as an Administrative Clerk for the Borough Clerk's office. 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 authorize payment of an additional contribution to the Borough Of Totowa First Aid Squad, Inc. in the amount of \$9,775.00. On roll call vote, all members of the Council present voted in the affirmative.

A letter from Fire Chief Vincent Marciano inviting the Mayor and Council, Borough employees, families and friends to the dedication ceremony of the 9-11 monument in front of the Municipal Complex on Sunday, March 25, 2012 at 2:00 p.m. (rain date April 1, 2012) 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 adopt the following Resolution Authorizing Agreement Modification #1 With The New Jersey Department Of Transportation For The Union Boulevard And Transitional Areas Revitalization And Streetscape Improvements—Phase II. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 41-2012

RESOLUTION AUTHORIZING AGREEMENT MODIFICATION #1 WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE UNION BOULEVARD AND TRANSITIONAL AREAS REVITALIZATION AND STREETScape IMPROVEMENTS – PHASE II

WHEREAS, the Borough of Totowa has received a federally funded grant for the Union Boulevard and Transitional Areas Revitalization and Streetscape Improvements – Phase I and II, Federal Project #FS-B00S(984), State Project #7012309 for various improvements along Union Boulevard and transitional areas; and

WHEREAS, these improvements include but are not limited to the installation of curbs, brick pavers and street lighting; and

WHEREAS, as a condition of approval, the Borough of Totowa was required to enter into a Cost Reimbursement Agreement with the State of New Jersey Department of Transportation, Division of Local Aid and Economic Development (“NJDOT Local Aid Office”); and

WHEREAS, by Resolution No. 31-2010 dated February 9, 2010, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa to enter into Federal Aid Agreement No. 2010-DT-BLA1-16 with the NJDOT Local Aid Office in connection with the Union Boulevard and Transitional Areas Revitalization and Streetscape Improvements - Phase II, Federal Aid Project; and

WHEREAS, the NJDOT Local Aid Office has requested that the Borough of Totowa enter into an agreement modification; and

WHEREAS, the modification references the Release of Funds subsequent to the Award of Contract amount and an Extension of Time to complete the project has been revised to September 30, 2013; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to enter into this agreement modification with the NJDOT Local Aid Office and memorialize the terms thereof.

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 Modification No. 1 of the Federal Aid Agreement No. 2010-DT-BLA1-16 with the State of New Jersey Department of Transportation, Division of Local Aid and Economic Development in connection with the Union Boulevard and Transitional Areas Revitalization and Streetscape Improvements - Phase II, Federal Aid Project.

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.

A letter was received from Murph's Tavern inviting the Mayor and Council to their annual celebration in honor of St. Patrick's Day on Saturday, March 10, 2012 and Saturday, March 17, 2012 from 3:00 p.m.—12:00 a.m. and requesting permission to have Rosengren Avenue closed from Totowa Road to Union Boulevard. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve the request. On roll call vote, all members of the Council present voted in the affirmative.

STREET CLOSING AUTHORIZED BY THE MAYOR

Under the authority vested in me as Mayor of the Borough of Totowa, County of Passaic, State of New Jersey, by virtue of N.J.S.A. 40:67-16.9 and the Code of the Borough of Totowa Chapter No. 398-42, I Mayor John Coiro, do hereby order and direct that Rosengren Avenue between Totowa Road and Union Boulevard be closed to vehicular traffic from 3:00 p.m. to 12:00 a.m. on Saturday, March 10, 2012 and Saturday, March 17, 2012. I further direct that proper signs and barriers be erected at the intersections of Rosengren Avenue and Totowa Road and Rosengren Avenue and Union Boulevard and that the Totowa Police Department control and regulate, as well as enforce, this regulation.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to add the following item to the agenda. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Change Order No. 1 for a net increase of \$7,294.00 to T&S Builders, LLC for the Lincoln Field Drainage Improvements. 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 adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into An Agreement With The Totowa Police Athletic League, Inc. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 42-2012

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO AN AGREEMENT WITH THE TOTOWA POLICE ATHLETIC LEAGUE, INC.

WHEREAS, the Borough of Totowa Police Athletic League, Inc. (hereinafter "PAL") is a volunteer organization that offers a variety of sports and recreational programs for Totowa's youth; and

WHEREAS, the PAL owns a building located at the corner of Lincoln Avenue and Chamberlain Avenue which is used for the various sports programs and is also available to community non-profit and service organizations including the Borough of Totowa Board of Recreation; and

WHEREAS, the Borough of Totowa Board of Recreation sponsors an annual Summer Camp Program that includes the use of the PAL Building; and

WHEREAS, the Borough of Totowa provides an annual stipend of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) towards the rental of the PAL Building for the Summer Camp Program; and

WHEREAS, the roof of the building is need of immediate repair; and

WHEREAS, the Mayor and Council desire to assist the PAL with the necessary repairs by pre-paying the annual rental stipend for the next eight (8) years; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the Borough of Totowa will remit a lump sum payment of Twenty Thousand and 00/100 Dollars (\$20,000.00) to the PAL to assist with the necessary PAL Building roof repairs by pre-paying the annual rental stipend as part of the Board of Recreation's yearly Summer Camp Program; and

WHEREAS, the one-time payment will cover the rental payments for the time period of 2012 through 2019; and

WHEREAS, by accepting the aforementioned lump sum payment, the PAL is not entitled to and shall make no claims for any additional costs associated with the annual Summer Camp Program during the time period of 2012 through 2019; and

WHEREAS, the Borough hereby desires to memorialize the terms and conditions in a written agreement.

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 the PAL subject to the terms and conditions set forth above.

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.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve the Special Permit To Extend Licensed Premises for Anthony Murphy, Inc. on Saturday, March 10, 2012 and Saturday, March 17, 2012. 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