

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

January 10, 2012

PRESENT: Council President Phil Puglise, presiding, 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: Mayor John Coiro.

Council President Puglise 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.

Council President Puglise 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.

Council President Puglise 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:

Robert Barbieri, First Aid Squad Director: Advised that last year the Mayor and Council sent down a resolution to oppose S-818/A-2095—which would have put undue hardships on volunteers of Emergency Medical Services—and said that yesterday it

passed both houses of the Legislature, but then last night Governor Chris Christie conditionally vetoed it. Thanked the Mayor and Council for their support.

There was a motion by Councilman Waryas, seconded by Councilman Niland to approve the Minutes of the Mayor and Council for the meeting of December 27, 2011. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Waryas, seconded by Councilman Niland to approve the Minutes of the Mayor and Council for the Reorganization Meeting of January 1, 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. 2012-02 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 the necessary checks to lien holder US Bank Cust/Sass Muni V to effectuate redemption of Certificate of Sale #09-5, Block 155, Lot 1.03, 580-588 Totowa Road. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #09-5
Block 155, Lot 1.03
Property: 580-588 Totowa Road
Totowa, N.J. 07512
Owner: Giudice, Filomena

WHEREAS, at the Municipal Tax Sale held on October 22, 2009 a lien was sold on Block 155, Lot 1.03, also known as 580-588 Totowa Road, for 2008 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #09-5 was sold to U.S. Bank-Cust/SASS MUNI V dtr, for a 0% redemption fee and a \$21,500 premium; and

WHEREAS, Wells Fargo Bank, the mortgage holder, has effected redemption of Certificate #09-5 in the total amount of \$62,249.35 as of 1/10/12 (Mayor & Council meeting).

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$62,249.35 payable to "U.S. Bank-Cust/SASS MUNI V dtr", 2 Liberty Place, 50 South 16th Street, Suite 1950, Philadelphia, PA 19102.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$21,500 (premium) to the aforementioned lien holder.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Tax Collector to waive and eliminate any account credits or balances under \$5.00 for the year 2011. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there are taxpayers who have minor credits or balances (under \$5.00) on their accounts regarding property taxes for the year 2011; and

WHEREAS, the Borough is permitted to waive payment of these small credits or balances.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby authorized to waive and eliminate any credits or balances for any account under \$5.00 for the year 2011.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve payment of the 1st 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.

A letter was received from the employees in the Municipal Offices requesting permission to switch the following holidays: Election Day, Tuesday, November 6, 2012 for the day after Thanksgiving, Friday, November 23, 2012 and Lincoln's Birthday, Monday, February 13, 2012 for the day after Christmas, Wednesday, December 26, 2012. There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve Election Day for the day after Thanksgiving and Lincoln's Birthday for Christmas Eve, Monday, December 24, 2012, not the day after Christmas where the Municipal Offices shall be open. 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 Waryas to approve the Junior Firefighter application for Justin Ford Frank. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Niland, seconded by Councilman Waryas to approve the Junior Firefighter application for David Robinson. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

A letter was received from DPW Superintendent Doug Wright requesting permission to switch the following holidays: Election Day, Tuesday, November 6, 2012 for the day after Thanksgiving, Friday, November 23, 2012 and Lincoln's Birthday, Monday, February 13, 2012 for Christmas Eve, Monday, December 24, 2012. There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution for the approval to accept a reallocation of funding from the Passaic County Board of Chosen Freeholders through the Department of Housing and Urban Development Community Development Block Grant (CDBG) Program for the Borough of Totowa's Sanitary Sewer Lining Project. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 26-2012

Resolution: Approval to accept a reallocation of funding from the Passaic County Board of Chosen Freeholders through the Department of Housing and Urban Development Community Development Block Grant (CDBG) Program for the Borough of Totowa's Sanitary Sewer Lining Project.

WHEREAS, the Mayor and Council of the Borough of Totowa acknowledge that the Passaic County Board of Chosen Freeholders cannot fund the Borough's Library Improvement Project due to a misunderstanding of the federal rules and regulations associated with the CDBG grant program.

WHEREAS, the Mayor and Council of the Borough of Totowa formally approve the Passaic County Board of Chosen Freeholders' motion to reallocate this funding to the Borough's Sanitary Sewer Lining Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa are hereby authorized to accept CDBG funding in the amount of \$82,400.00 to be used toward the Borough's Sanitary Sewer Lining Project

BE IT FURTHER RESOLVED, by the Governing Body that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Totowa and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing Revised Agreement Modification #2 With The New Jersey Department Of Transportation For The Union Boulevard And Transitional Areas Revitalization And Streetscape Improvements—Phase 1. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 27-2012

RESOLUTION AUTHORIZING AGREEMENT MODIFICATION #2 WITH THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE
UNION BOULEVARD AND TRANSITIONAL AREAS REVITALIZATION
AND STREETScape IMPROVEMENTS – PHASE I

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. 87-2008 dated September 23, 2008, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa to enter into Federal Aid Agreement No. 2008-DT-BLA1-18 with the NJDOT Local Aid Office in connection with the Union Boulevard and Transitional Areas Revitalization and Streetscape Improvements - Phase I, Federal Aid Project; and

WHEREAS, the Mayor and Council have requested an extension of the project completion date until June 30, 2012 to complete the installation of all brick pavers under Phase I; and

WHEREAS, the NJDOT Local Aid Office has agreed to the extend the project completion date as requested subject to the Borough of Totowa entering into an agreement modification; 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. 2 of the Federal Aid Agreement No. 2008-DT-BLA1-18 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 I, 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.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Change Order No. 3 for a net increase of \$9,692.00 and Payment Estimate No. 3 in the amount of \$121,236.78 to T&S Builders, LLC for the Minnisink Field Improvements. 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 Payment Estimate No. 1 in the amount of \$25,274.70 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.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing The Borough Clerk To Advertise For The Public Sale Of Personal Property No Longer Needed for Public Use. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 28-2012

RESOLUTION AUTHORIZING THE BOROUGH CLERK TO ADVERTISE FOR THE PUBLIC SALE OF PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, N.J.S.A. 40A:11-36 provides for the Manner and Method of Sale or Other Disposition of Personal Property; and

WHEREAS, the Mayor and Council of the Borough of Totowa may by resolution authorize the sale of its personal property not needed for public use; and

WHEREAS, the Mayor and Council of the Borough of Totowa have at this time determined that there are various vehicles of different make and model that are no longer needed for public use; and

WHEREAS, it is in the best interest of the taxpayers of the Borough of Totowa that the Mayor and Council dispose of these motor vehicles at public sale to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough Clerk to place a public notice to advertise for bids and to have a public sale for personal property no longer needed for public use.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Waryas to refer 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" to the Planning Board for their review and approval. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Waryas to table the recommendation of the Committee to appoint an Electrical Sub Code Official. On roll call vote, all members of the Council present voted in the affirmative.

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. 01-2012

**AN ORDINANCE FIXING THE ANNUAL SALARIES AND WAGES
OF THE OFFICIALS, EMPLOYEES AND THE APPOINTEES OF THE
BOROUGH OF TOTOWA, COUNTY OF PASSAIC, STATE OF NEW JERSEY**

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

Joseph Wassel, RMC
Municipal Clerk