

## BOROUGH OF TOTOWA

### MINUTES OF THE MAYOR AND COUNCIL

**March 13, 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.

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

Councilwoman Andriani: Announced that the Board of Recreation will be sponsoring an Easter Bunny Breakfast again this year.

Councilman Puglise: Reported that the Fire Department will hold their 9-11 Memorial Monument dedication ceremony on Sunday, March 25<sup>th</sup> at 2:00 p.m.

## CITIZENS HEARD:

Pete Ianzano, 19 Knox Terrace: Said that he has been here three times—but it's a six year problem—about his back yard flooding. Stated that there used to be a pond where the town pool is which was used to drain Hydeway Drive and the town asked him and his neighbor if they could install drains in their backyards and would maintain them. Said they haven't been maintained and after the last time he was here, the DPW came out and found only one drain. He said he needs a berm or ditch to divert the water.

Mayor Coiro: Asked Councilman Puglise to have Assistant DPW Superintendent Jim Both go and check out the situation and report back to us on a remedy.

Councilman Puglise: Asked Construction Code Official Allan Burghardt if that was a viable solution.

Construction Code Official Burghardt: Responded that he would have to see it and said that he would meet Councilman Puglise and Assistant DPW Superintendent Both on site.

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 28, 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. 2012-06 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
169.01/3	Badanco Holding Co, LLC	2010	\$12,621,400	\$12,400,000	"Bruce J. Stavitsky, Esq. for the benefit of Badanco Holding Co., LLC" 341 Broad Street Clifton, NJ 07013	<u>\$3,781.51</u>
PROPERTY: 994 Riverview Drive						
174/13	Nemm, LLC	2009	\$ 777,600	\$ 700,000	Zipp & Tannenbaum, LLC 166 Gatzmer Ave Jamesburg, NJ 08831	\$1,257.12
174/13	Nemm, LLC	2010	\$ 777,600	\$ 700,000	" "	\$1,325.41
174/13	Nemm, LLC	2011	\$ 715,900	\$ 650,000	" "	\$1,294.94
TOTAL CHECK						<u>\$3,877.47</u>
PROPERTY: 17 Furler Street						
175/7	Nemm, LLC	2009	\$1,329,100	\$1,100,000	" "	\$3,711.42
175/7	Nemm, LLC	2010	\$1,329,100	\$1,100,000	" "	\$3,913.03
175/7	Nemm, LLC	2011	\$1,243,700	\$1,000,000	" "	\$4,788.71
TOTAL CHECK						<u>\$12,413.16</u>

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following Resolution Re: Emergency Temporary Appropriation. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 43-2012

#### RESOLUTION RE: EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergency has arisen with respect to Current Fund appropriations; and

WHEREAS, no adequate provision has been made in the 2012 Temporary Budget for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2012 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$172,000.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa, County of Passaic, that in accordance with R.S. 40A:4-20, Temporary Emergency Appropriations be and the same is hereby made for:

CURRENT FUND

CAPITAL IMPROVEMENTS:

Replacement of section of 24" Sanitary Sewer Force Main Shared by Woodland Park, Totowa & Little Falls	\$112,000
Total Current Fund	<u>\$112,000</u>

A letter from American Legion Post No. 227 advising that their annual Memorial Day Parade will be held on Sunday, May 27, 2012 at 1:00 p.m. was received and filed.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Niland, seconded by Councilman Puglise to authorize payment of the Fire Department TSAP for 2011. On roll call vote, all members of the Council present voted in the affirmative.

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 Reimbursement To The Borough Of Woodland Park For The Replacement Of A Section Of 24" Sanitary Sewer Force Main. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 44-2012

RESOLUTION AUTHORIZING REIMBURSEMENT TO THE  
BOROUGH OF WOODLAND PARK FOR THE REPLACEMENT  
OF A SECTION OF 24" SANITARY SEWER MAIN

WHEREAS, in April of 2011, the Borough of Totowa was advised that the McBride Avenue 24" sanitary sewer force main utilized by the Township of Little Falls, Borough of Totowa and Borough of West Paterson had collapsed in the area of Curtis Place in the City of Paterson; and

WHEREAS, as a result of the collapse, it was necessary to replace approximately 160 feet of pipe at total cost of \$302,120.58; and

WHEREAS, the Borough of Woodland Park has paid for the costs incurred to date in connection with the replacement of the sanitary sewer force main; and

WHEREAS, pursuant to an agreement entered into by the three (3) municipalities, the cost of this repair project shall be split between the municipalities on a pro rata basis with the allocation of costs set at 32.3% for Little Falls, 36.9% for Totowa and 30.8% for Woodland Park; and

WHEREAS; pursuant to the terms set forth in the agreement, the Borough of Totowa is obligated to reimburse Woodland Park in the amount of \$111,482.49; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize reimbursement to the Borough of Woodland Park for the above repairs.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to reimburse the Borough of Woodland Park the sum of \$111,482.49 for the replacement of the 24" sanitary sewer force main.

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.

A letter was received from the Passaic Valley Sewerage Commission along with a check in the amount of \$765.49 for the Municipal Rebate Incentive Program. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to accept the funds. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from the Borough of Totowa Historical Society requesting permission to use the Council Chambers on Thursday, May 3, 2012 from 6:00—9:00 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 accept the following proposals for Geese Control Services for 2012. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Weekly Cost</u>
Geese Chasers North Jersey Tinton Falls, New Jersey 07724	\$219.00
Geese Police, Inc. Howell, New Jersey 07731	\$350.00

Upon the recommendation of the Committee, there was a motion by Councilwoman Andriani, seconded by Councilman Waryas to adopt the following resolution to award the contract for Geese Control Services for 2012. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 45-2012

RESOLUTION AUTHORIZING CONTRACT  
FOR GOOSE CONTROL SERVICES FOR 2012

WHEREAS, the Borough of Totowa Board of Recreation has recommended that the Borough of Totowa hire a qualified company to provide safe and effective goose control services at all of the Borough of Totowa recreational ball fields; and

WHEREAS, the Mayor and Council of the Borough of Totowa have also determined that there is a need to retain a company that can provide these services to ensure the health and well-being of the residents of the Borough of Totowa; and

WHEREAS, the Borough of Totowa Board of Recreation has solicited quotes for the necessary goose control services; and

WHEREAS, Geese Chasers North Jersey, 1 Stevens Avenue, Tinton Falls, New Jersey 07724 submitted a proposal dated October 31, 2011 to provide environmentally safe goose control with the use of working border collies, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, Geese Chasers North Jersey will provide these services to the Borough of Totowa on an as needed basis for a term not to exceed a period of one (1) year; and

WHEREAS, pursuant to the applicable New Jersey State laws, the contract for these services may be authorized without public bidding since the total contract price will not exceed the public bidding threshold.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize a contract with Geese Chasers North Jersey for all necessary goose control services in accordance with the fee schedule set forth in their proposal.

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.

A letter from the North Jersey Developmental Center inviting the Mayor and Council to attend their Volunteer Recognition Ceremony on Sunday, April 15, 2012 at 12:00 p.m. was received and filed.

#### 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. 03-2012**

#### **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 43 ENTITLED "FIRE DEPARTMENT", ARTICLE I, "ESTABLISHMENT OF DEPARTMENT", SUBSECTION 11, "COMPENSATION"**

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing An Automotive Sales License For B&P Industries, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 46-2012

RESOLUTION AUTHORIZING AN AUTOMOTIVE SALES  
LICENSE FOR B&P INDUSTRIES, LLC

WHEREAS, B&P Industries, LLC has applied to the Borough of Totowa Planning Board for minor site approval and certificate of use approval for the property identified as Block 96, Lot 13 on the official Tax Map of the Borough of Totowa and more commonly identified as 397 Union Boulevard in the B-2 Local Business Zone District; and

WHEREAS, B&P Industries LLC seeks to operate a used car lot at this location; and

WHEREAS, the Borough of Totowa Planning Board granted the minor site approval and certificate of use approval on February 23, 2012 and memorialized the terms of said approval in a Resolution adopted on March 8, 2012; and

WHEREAS, the granting of said application is subject to and conditioned upon B&P Industries LLC obtaining a license to operate a used car lot at this location; and

WHEREAS, B&P Industries LLC has applied to the Borough of Totowa for an Automotive Sales License for a used car dealership to be located at 397 Union Boulevard; and

WHEREAS, B&P Industries LLC will be required to fully comply with and abide by all rules and regulations of the Borough of Totowa as set forth in the Code Book of the Borough of Totowa, Chapter 122, entitled "Automotive Sales"; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the Application for License submitted by B&P Industries LLC appears to be in order and desire to issue the requested Automotive Sales License.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the issuance of an Automotive Sales License to B&P Industries LLC in accordance with the provisions and requirements of the Borough of Totowa Code Book.

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.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Proclamation In Honor Of Dominic James D'Antonio. On roll call vote, all members of the Council present voted in the affirmative.

#### PROCLAMATION IN HONOR OF DOMINIC JAMES D'ANTONIO

WHEREAS, Dominic D'Antonio began his Scouting career as a Tiger Scout in 1999 as a member of St. James Boy Scout Troop #26, St. James Church, Totowa, New Jersey and bridged over to the St. James Boy Scout Troop in 2005; and

WHEREAS, Dominic D'Antonio has dedicated himself to fulfilling the necessary requirements to attain the rank of Eagle Scout; and

WHEREAS, Dominic D'Antonio has learned many skills while working to obtain the required merit awards such as responsibility, interacting with others and personal management, and has also learned valuable life lessons through volunteering with Scouting; and

WHEREAS, Dominic D'Antonio with the help of his parents, James and Cynthia, was able to commit and devote his time to achieving his goal of Eagle Scout while attending Seton Hall Prep High School where he excelled as a member of the varsity track team winning 10 regional and state event medals for Pole Vaulting and sprinting; and

WHEREAS, Dominic D'Antonio enjoys many hobbies and activities including snowboarding, surfing, waterskiing, sailing, chess and he also play guitar as a member of several rock bands; and

WHEREAS, Dominic D'Antonio hopes to continue his education and become a medical psychiatrist; and

WHEREAS, Dominic D'Antonio's participation, service to the community and merit awards have fulfilled the requirements leading to the award of the rank of Eagle Scout, the highest honor bestowed upon a Scout member.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey do hereby give special recognition to Dominic D'Antonio upon achieving the rank of Eagle Scout and congratulate Dominic D'Antonio on obtaining this prestigious honor.

BE IT FURTHER PROCLAIMED that this Proclamation be made a part of the permanent records of the Borough of Totowa and that a copy of said Proclamation be presented to Dominic D'Antonio and his family.

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