

## **BOROUGH OF TOTOWA**

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

**December 13, 2011**

**PRESENT:** Mayor John Coiro, presiding, Council President Phil Puglise, Councilman John Waryas, Councilman Jim Niland, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debbie 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 enable the Mayor and Council to present Sports Award Certificates to the 2011 Undefeated Totowa Tigers "A" Squad Super Bowl Champions players, coaches and team moms; "A" Squad Cheerleaders, advisors and coaches; "A" Squad Competition Cheerleaders, advisors and coaches for taking first place in Pom and Cheer Dance; and "B" Squad Competition Cheerleaders, advisors and coaches for taking first place in Cheer and Pom. On roll call vote, all members of the Council present voted in the affirmative.

Mayor John Coiro announced that it is with great pleasure and pride that we are able to present these Sports Award Certificates to our football players and cheerleaders and congratulated all on their accomplishments. Mayor Coiro advised that he would start with the "A" Squad football team because it is the first time that we have had a Super Bowl champ at the "A" level in quite a while. Began by calling up all the coaches and presented each with a Sports Award Certificate. Coach Rich Hennion gave a recap of their season. He proceeded to call up the team moms and then the players and presented each with a certificate. Mayor Coiro then commented that behind a great team are great cheerleaders and then called up the "A" Squad coaches, advisors and cheerleaders and presented them with a Sports Award. One of the coaches gave a synopsis of their season. He continued with the "B" Squad Competition coaches, advisors and cheerleaders, presenting each one with a Sports Award Certificate. One of the coaches gave the highlights of their competition. Mayor Coiro finished by calling up the "A" Squad Competition coaches, advisors and cheerleaders and presented each with a certificate. One of the coaches gave the highlights of their competition. Pictures were taken of each team/squad. Mayor Coiro once again congratulated all and wished everyone a happy holiday season. Mayor Coiro announced that we would take a short recess.

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: Thanked the DPW, the Board of Recreation and the school for their efforts in making the annual Tree Lighting Ceremony a success and said it was a very nice event.

#### CITIZENS HEARD:

Alba Pabon, 34 Elm Street: Said that Elm Street is in terrible shape and wants to know who is responsible for the street. She said that you can't ride on the street because of pot holes and the snow and that kids can't ride their bikes, etc. Mayor Coiro: Responded that the street is up by the Ottilio property and believes that they took care of it. DPW Superintendent Doug Wright: Stated that it is a paper street. Mayor Coiro: Told her that we will have to do some research to see who is responsible.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of November 29, 2011. 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. 2011-25 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 approve Resolution No. 2011-26 Authorizing the Transfer of 2011 Budget Appropriations. 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 Senior Citizen Deduction and Veteran's Deduction refunds to various property owners for 2011. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION

WHEREAS, the following taxpayer is entitled to a \$250.00 Senior Citizen Deduction for the year 2011; and

WHEREAS, the following taxpayer is entitled to a \$250.00 Veteran's Deduction for the year 2011; and

WHEREAS, the following taxpayer is entitled to a \$250.00 Widow of Veteran's Deduction for the year 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the Borough of Totowa is authorized to refund these amounts.

#### Senior Citizen

Block 167, Lot 10, Danica Breslic, 147 Sandra Drive, Totowa, N.J.

#### Veteran

Block 173, Lot 32, Q-C947C, Ralph Studio, 123 Falls Bridge Drive, Totowa, N.J.

Widow of Veteran

Block 11, Lot 10, Rozanne Koman, 105 Shepherds Lane, Totowa, N.J.

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 Tax Sale Certificate #11-00001 and #11-00002 for cancellation. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

RE: TOTOWA GARDENS LLC  
142 Totowa Road, Totowa, NJ 07512  
Block 16, Lot 10 CO105  
Certificate # 11-00001

RE: FARESE, JAMES  
142 Totowa Road, Totowa, NJ 07512  
Block 16, Lot 10 CO106  
Certificate # 11-00002

WHEREAS, Certificate #'s 11-00001 and 11-00002 was struck off to the Municipality of Totowa, for delinquent water, assessed to the above mentioned properties at the tax sale held on October 27, 2011; and

WHEREAS, the occupants (tenants) of both properties who are the business owners of "Hillary Street Restaurant" and "Zacks Bagel", have redeemed Certificate #'s 11-00001 and 11-00002 by paying the full amount of the water lien.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Municipality of Totowa are hereby authorized to endorse Certificate of Sale #11-00001 and #11-00002 for cancellation.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following Resolution For Adopting Changes To An Existing Deferred Compensation Plan Pursuant To The Final Internal Revenue Code Section 415 Regulations, Pension Protection Act Of 2006, The Heroes Earnings Assistance And Relief Tax Act Of 2008 And The Worker, Retiree And Employer Recovery Act Of 2008. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 103-2011

RESOLUTION FOR ADOPTING CHANGES TO  
AN EXISTING DEFERRED COMPENSATION PLAN PURSUANT TO THE  
FINAL INTERNAL REVENUE CODE SECTION 415 REGULATIONS,  
PENSION PROTECTION ACT OF 2006, THE HEROES EARNINGS ASSISTANCE  
AND RELIEF TAX ACT OF 2008 AND THE WORKER, RETIREE AND  
EMPLOYER RECOVERY ACT OF 2008

WHEREAS, the Borough of Totowa by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") effective January 7, 1991, for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Borough of Totowa by resolution retained The Variable Annuity Life Insurance Company ("VALIC") as the contractor under the Deferred Compensation Plan and executed a Service Agreement with said contractor; and

WHEREAS, the final Internal Revenue Code ("Code") Section 415 regulations, Pension Protection Act of 2006 ("PPA"), the Heroes Earnings Assistance and Relief Tax Act of 2008 (the "HEART Act") and the Worker, Retiree and Employer Recovery Act of 2008 ("WRERA") amended Section 457 of the Code; and

WHEREAS, State and local governmental Section 457(b) plan sponsors must amend their plans to comply with the PPA legislative changes by the last day of the 2011 plan year; and

WHEREAS, the Borough of Totowa desires its Plan to conform with the changes in the Code; and

WHEREAS, the Borough of Totowa desires to adopt an amended and restated Plan that conforms with the changes in the Code; and

WHEREAS, such amended and restated Plan shall supersede the previously adopted Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa does hereby adopt the amended and restated Plan prepared by VALIC and assigned Plan Document identifier 81-PD-VALIC-103111 by the Director of the Division of Local Governmental Services.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

A thank you card from the Totowa Seniors for their 2011 annual contribution was received and filed.

#### COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Niland, seconded by Councilman Puglise to adopt the following Resolution Authorizing The Purchase And Installation Of A Server For The Borough Of Totowa Police Department. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 104-2011

#### RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A SERVER FOR THE BOROUGH OF TOTOWA POLICE DEPARTMENT

WHEREAS, the Borough of Totowa Police Chief has advised that an updated server along with related equipment is needed for the Police Department; and

WHEREAS, this Upgrade Project includes the purchase, configuration and installation of a new server, reconnecting workstations, reinstalling Anti-virus software as well as cost of various licensing fees for new software; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for the updated server and related equipment; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase and installation of the updated server and related equipment which is compatible with the Police Department's existing computer equipment and all software programs; and

WHEREAS, LawSoft, Inc., 15 Hamburg Turnpike, Suite 2, Bloomingdale, New Jersey 07403 has submitted a proposal for the purchase and installation of the server and related equipment in the amount of Seventeen Thousand One Hundred Thirty-Five and 00/100 Dollars (\$17,135.00), copy of which is on file in the office of the Municipal Clerk; and

WHEREAS, pursuant to the exceptions set forth in N.J.S.A. 40A:11-5(dd), the purchase and installation of the server and related equipment for the Borough of Totowa Police Department may be authorized without public bidding since it is necessary for the maintenance and support of proprietary software.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase and installation of a server and related equipment from LawSoft, Inc. in the amount of Seventeen Thousand One Hundred Thirty-Five and 00/100 Dollars (\$17,135.00.)

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

There was a motion by Councilman Niland, seconded by Councilman Puglise to accept the results of the election and confirm Vincent Marciano as Fire Chief of the Borough of Totowa Fire Department. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Puglise, seconded by Councilman Niland to approve Payment Estimate No. 1 in the amount of \$181,578.32 to S. Batata Construction, Inc. for the Hudson Avenue Improvements. On roll call vote, all members of the Council present voted in the affirmative.

A letter from the Passaic Valley Water Commission advising of another 5% increase to wholesale water rates effective January 1, 2012 was received and filed.

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into A Lease Agreement For A Portion Of Property Identified As Lot 2, Block 170.02, Parcel "A". On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 105-2011

#### RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO A LEASE AGREEMENT FOR A PORTION OF PROPERTY IDENTIFIED AS LOT 2, BLOCK 170.02, PARCEL "A"

WHEREAS, the Borough of Totowa is the owner of real property located on Maltese Drive and identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough have determined that this property is not needed for public use; and

WHEREAS, by Resolution No. 86-2011 dated October 11, 2011, the Mayor and Council of the Borough of Totowa authorized the public leasing of a portion of the property located on Maltese Drive identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa further determined that bids will be solicited for lease rights on two (2) parcels hereinafter referred to as Parcel "A" and Parcel "B"; and

WHEREAS, pursuant to the provisions of N.J.S.A 40:A12-14(a), the governing body fixed a minimum rental fee of Five Thousand and 00/100 Dollars (\$5,000.00) per month for Parcel "A" with the reservation of the right to reject all bids where the highest bid is not accepted; and

WHEREAS, the lease rights will include the right to construct and occupy office space on the property not to exceed 1,600 square feet on Parcel "A"; and

WHEREAS, bids were solicited for lease rights on two (2) parcels hereinafter referred to as Parcel "A" and Parcel "B" in accordance with specifications entitled "Specifications for Leasing of Portions of Property Identified as Lot 2, Block 170.02, Borough of Totowa, County of Passaic, New Jersey 2011"; and

WHEREAS, the Mayor and Council of the Borough did accept the bids for the lease rights on November 29, 2011 and did examine said bid on December 13, 2011; and

WHEREAS, a bid was submitted by FYC Recycling, 63 Hudson Avenue, Totowa, New Jersey 07512 in the amount of \$6,700.00 per month for an annual rental of \$80,400.00 for Parcel "A"; and

WHEREAS, pursuant to N.J.S.A. 40A: 12-14(a) the Mayor and Council have determined that bid submitted by FYC Recycling should be accepted as the highest bid for Parcel "A".

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 a lease agreement with the FYC Recycling for a five (5) year lease for the real property located on Maltese Drive and identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa, Parcel "A".

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.

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into A Lease Agreement For A Portion Of Property Identified As Lot 2, Block 170.02, Parcel "B". On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 106-2011

#### RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO A LEASE AGREEMENT FOR A PORTION OF PROPERTY IDENTIFIED AS LOT 2, BLOCK 170.02, PARCEL "B"

WHEREAS, the Borough of Totowa is the owner of real property located on Maltese Drive and identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough have determined that this property is not needed for public use; and

WHEREAS, by Resolution No. 86-2011 dated October 11, 2011, the Mayor and Council of the Borough of Totowa authorized the public leasing of a portion of the property located on Maltese Drive identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa further determined that bids will be solicited for lease rights on two (2) parcels hereinafter referred to as Parcel "A" and Parcel "B"; and

WHEREAS, pursuant to the provisions of N.J.S.A 40:A12-14(a), the governing body fixed a minimum rental fee of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) per month for Parcel "B" with the reservation of the right to reject all bids where the highest bid is not accepted; and

WHEREAS, bids were solicited for lease rights on two (2) parcels hereinafter referred to as Parcel "A" and Parcel "B" in accordance with specifications entitled "Specifications for Leasing of Portions of Property Identified as Lot 2, Block 170.02, Borough of Totowa, County of Passaic, New Jersey 2011"; and

WHEREAS, the Mayor and Council of the Borough did accept the bids for the lease rights on November 29, 2011 and did examine said bid on December 13, 2011; and

WHEREAS, a bid was submitted by Environmental Renewal, LLC, 27 Andrews Drive, Woodland Park, New Jersey 07424 in the amount of \$4,500.00 per month for an annual rental of \$54,000.00 for Parcel "B"; and

WHEREAS, pursuant to N.J.S.A. 40A: 12-14(a) the Mayor and Council have determined that bid submitted by Environmental Renewal, LLC should be accepted as the highest bid for Parcel "B".

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 a lease agreement with the Environmental Renewal, LLC for a five (5) year lease for the real property located on Maltese Drive and identified as Lot 2, Block 170.02, on the official tax map of the Borough of Totowa, Parcel "B".

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 adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into A Lease Agreement With The State Of New Jersey. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 107-2011

#### RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO A LEASE AGREEMENT WITH THE STATE OF NEW JERSEY

WHEREAS, for a number of years the Borough of Totowa has enjoyed the use of the recreational field located on Minnisink Road and identified as Lot 1, Block 156.02 on the official tax map of the Borough of Totowa; and

WHEREAS, the Minnisink Field is owned by the State of New Jersey Department of Human Services; and

WHEREAS, the Borough of Totowa has received a grant in the amount of \$238,000.00 from the Passaic County Open Space Trust Fund for various improvements to Minnisink Field; and

WHEREAS, the State of New Jersey Department of Human Services acting by and through the Department of the Treasury, Division of Property Management and Construction, Office of Real Property has authorized a five (5) year lease with the Borough of Totowa for this property effective June 1, 2011 for the annual rental of \$1.00; and

WHEREAS, the lease may be renewed for two (2) additional five (5) year terms; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to enter into a lease agreement with the State of New Jersey in order to undertake these improvements and continue to use the Minnisink Road recreational field.

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 a lease agreement with the State of New Jersey Department of Human Services acting by and through the Department of the Treasury, Division of Property Management and Construction, Office of Real Property for a five (5) year lease for the property known as the Minnisink Road recreation field effective June 1, 2011.

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.

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to request an extension of time to install the brick pavers until June 30, 2012 under Agreement Modification #2 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.

#### COMMITTEE ON LIAISON & INSPECTION:

There was no report.

## COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1611, 1612 & 1613 for The Diane D'Apolito-May "Beyond the Rainbow" Charitable Foundation for a Tricky Tray, On-Premise 50/50 and Off-Premise 50/50, respectively, to be held on March 24, 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 Nos. 1614 & 1615 for Our Lady Of The Holy Angels for a Tricky Tray and On-Premise 50/50, respectively, to be held on May 10, 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 Bingo License Application No. 1616 and Raffle License Application No. 1617 for a Pull-Tab Raffle for the Borough of Totowa PAL for 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.

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Joseph Wassel, RMC  
Municipal Clerk