

## **BOROUGH OF TOTOWA**

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

**July 12, 2011**

**PRESENT:** Mayor John Coiro, presiding, Council President Phil Puglise, Councilman Jim Niland, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

**ABSENT:** Councilman John Waryas.

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 Niland to dispense with the regular order of business in order to accept the nominees and appoint a person to fill the vacancy of Council. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel advised the Mayor and Council that he is in receipt of a letter from Peter A. Murphy, Chairman of the Totowa Borough Republican Club, Inc. regarding the submission of eligible nominees to fill the vacancy of Council that was created by the resignation of Councilwoman Arlene Festa.

Municipal Clerk Wassel read the following letter and names of the three (3) nominees.

TOTOWA BOROUGH REPUBLICAN CLUB, INC.  
29 PAMELA DRIVE  
TOTOWA, NEW JERSEY 07512

July 7, 2011

Joseph Wassel, RMC  
Borough of Totowa Municipal Clerk  
Municipal Complex  
537 Totowa Road at Cherba Place  
Totowa, New Jersey 07512

RE: (A) Resignation of Councilwoman Arlene Festa  
(B) Appointment of Successor Councilperson

Dear Joe:

In response to the resignation of Councilwoman Arlene Festa which became effective on July 1, 2011, I am pleased to submit to the Mayor and Council of the Borough of Totowa three (3) nominees selected by the members of the Totowa Republican County Committee to fill the vacant Council position. Each of the nominees is a member of the Republican Party and has the requisite qualifications that are required by statute. The nominees are as follows:

1. Debra A. Andriani  
474 Totowa Road  
Totowa, New Jersey 07512
2. Raymond Reddin, Jr.  
4 Heritage Court  
Totowa, New Jersey 07512
3. Anthony J. Zarek  
38 Barnert Avenue  
Totowa, New Jersey 07512

The above nominees were unanimously selected by the Totowa Republican County Committee members at a meeting duly called for that purpose.

The Council of the Borough of Totowa shall, within thirty (30) days after the occurrence of the vacancy, appoint one (1) of the nominees as the successor to fill the vacancy.

Very truly yours,  
PETER A. MURPHY  
Chairman

There was a motion by Councilman Puglise, seconded by Councilman Niland to acknowledge receipt of the letter from Peter A. Murphy, Chairman of the Totowa Borough Republican Club, Inc. and accept the names of the three (3) nominees to fill the vacancy of Council as submitted by the Totowa Republican County Committee. On roll call vote, all members of the Council present voted in the affirmative.

Councilman Puglise nominated Debra A. Andriani to fill the vacancy for Council of the Borough of Totowa. The nomination was seconded by Councilman Niland. There were no other nominations.

There being no further nominations, there was a motion by Councilman Puglise, seconded by Councilman Niland to appoint Debra A. Andriani as Councilwoman of the Borough of Totowa to fill the unexpired term of Arlene Festa. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro advised everyone that there will be a swearing in ceremony for new Councilwoman Debra A. Andriani at the next regularly scheduled Council Meeting to be held on Tuesday, July 26, 2011.

There was a motion by Councilman Puglise, seconded by Councilman Niland 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.

Councilman Niland: Requested that a letter be sent to Department Heads to start attending the Council Meetings.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman Niland to approve the Minutes of the Mayor and Council for the meeting of June 28, 2011. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Resolution No. 2011-15 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 D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution authorizing the Treasurer to issue a check in the amount of \$131,183.19 to Robert Rothman to effectuate Tax Sale Certificate #10-00004, Block 157, Lot 4.01, 11-31 Vreeland Avenue. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale: #10-00004  
Block: 157, Lot: 4.01  
Property: 11-31 Vreeland Ave.  
Totowa, NJ 07512  
Owner: 11-31 Vreeland Ave., LLC

WHEREAS, at the municipal tax sale held on October 21<sup>st</sup>, 2010, a lien was sold on Block 157, Lot 4.01 also known as 11-31 Vreeland Ave. LLC for 2009 delinquent taxes and water; and

WHEREAS, this lien, known as Tax Sale Certificate #10-00004 was sold to Robert Rothman, for a 1% redemption fee; and

WHEREAS, Boiling Springs Savings Bank, the mortgage holder and Onyx Equities, as receiver, has effected redemption of Certificate #10-00004 in the total amount of \$131,183.19 as of 07/12/11.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$131,183.19 payable to "Robert Rothman", 411 Grand Avenue, Englewood, NJ 07631.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve payment of the 3<sup>rd</sup> Quarter 2011 Budget Allotment to the Dwight D. Eisenhower Library in the amount of \$208,753.25. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was no report.

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 Settlement Agreement With The New Jersey Department Of Environmental Protection. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 62-2011

RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT WITH THE NEW  
JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Borough of Totowa owns and operates a sanitary and storm sewer system which collects domestic wastewater and stormwater runoff to the Passaic Valley Sewerage Commissioners treatment plant and the Passaic River respectively; and

WHEREAS, on July 19, 2010, the Passaic County Department of Health ("PCDOH") informed the New Jersey Department of Environmental Protection ("Department") Northern Bureau of Water Compliance and Enforcement ("NBWCE") of several incidents of backups from an unpermitted sewer connection (overflow pipe) in a manhole in front of 20 Dewey Avenue in Totowa resulting in a direct sewage discharge into the Passaic River; and

WHEREAS, on August 8, 2010, representatives from NBWCE and PCDOH conducted a compliance investigation of the incident and confirmed that Totowa had constructed the sewer connection (overflow pipe) in the manhole of 20 Dewey Avenue to mitigate sewer backups in the Dewey Avenue sewer line; and

WHEREAS, the Department issued the Borough of Totowa a Notice of Violation on August 26, 2010 for the discharge of untreated wastewater to the surface waters of the State in violation of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the New Jersey Pollutant Discharge Elimination System ("NJPDES") regulations, specifically N.J.A.C. 7:14A-2.1(d); and

WHEREAS, on March 15, 2011, a follow-up compliance inspection by NBWCE confirmed that the Borough of Totowa had permanently sealed and capped the illegally connected overflow line at 20 Dewey Avenue; and

WHEREAS, the Department issued an Administrative Order and Notice of Civil Administrative Penalty Assessment dated June 3, 2011 for the aforementioned violations; and

WHEREAS, the Department may compromise its claim for a maximum civil administrative penalty and settle this matter in accordance with N.J.S.A. 58:12A-10 and N.J.A.C. 7:14-8.3; and

WHEREAS, the Department and the Borough of Totowa have agreed to a settlement wherein the Borough of Totowa shall pay a penalty in the amount of \$7,500.00 to the State of New Jersey; and

WHEREAS, the Borough of Totowa shall also be required to implement and maintain a regular maintenance schedule of the Dewey Avenue sewer line and records of the maintenance schedule shall be available for review during any compliance inspection of the sewer system; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize this settlement in the interest of amicably resolving this matter.

NOW, THEREFORE, BE IT RESOVED, that the Mayor and Council of the Borough do hereby authorize the aforementioned settlement agreement between the New Jersey Department of Environmental Protection and the Borough of Totowa.

BE IT FURTHER RESOVED, 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.

BE IT FURTHER RESOLVED, that the Borough of Totowa shall remit payment in the amount of \$7,500.00 to the State of New Jersey within 30 days of receipt of a fully executed settlement agreement.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Payment Estimate No. 2 (Final) in the amount of \$23,834.00 to F. Antonucci & Sons, Inc. for the Lincoln Avenue Emergency Sewer Repairs, subject to the resetting of manhole castings and receipt of the maintenance bond. 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. 3 in the amount of \$200,435.96 to Trino Associates, LLC for the Union Boulevard Curb & Sidewalk Replacement Program—Phase 2. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from Murph's Tavern inviting the Mayor and Council to attend their 46<sup>th</sup> Anniversary Celebration on Sunday, July 17, 2011 and requesting permission to have Rosengren Avenue between Totowa Road and Union Boulevard closed from 11:00 a.m. to 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.

#### 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 11:00 a.m. to 9:00 p.m. on Sunday, July 17, 2011. 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.

A letter was received from the Totowa PAL requesting permission to host a 5K-10K Walk/Run on Sunday, October 30, 2011 and requesting a partial closing of streets along the intended route. 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 one half of the following streets—Lincoln (from Barnert to Crosby), Crosby (from Lincoln to Anderson), Barnert (from Lincoln to Claremont), Claremont (from Barnert to Sutton), Sutton (from Claremont to Hobart), Hobart (from Sutton to Chamberlain), Chamberlain (from Hobart to Hudson), Hudson (from Chamberlain to Crosby), Anderson (from Lind to Greene), Greene (from Anderson to Killian), Killian (from Greene to Highview), Highview (from Killian to Greene), Greene (from Highview to Rosengren), Lind (from Anderson to Tracy), Tracy (from Lind to Raphael) and Raphael (from Rosengren to Tracy)—be closed to vehicular traffic from about 10:00 a.m. until about 2:00 p.m. on Sunday, October 30, 2011. I further direct that proper signs and barriers be erected along the route and at the intersections and that the Totowa Police Department control and regulate, as well as enforce, this regulation.

### COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilman D'Angelo, seconded by Councilman Niland to adopt the following Resolution Authorizing Developer's Agreement Between The Borough Of Totowa And Roman Catholic Diocese Of Paterson (Holy Sepulchre Cemetery). On roll call vote, all members of the Council present voted in the affirmative.

### RESOLUTION NO. 63-2011

#### RESOLUTION AUTHORIZING DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF TOTOWA AND ROMAN CATHOLIC DIOCESE OF PATERSON (HOLY SEPULCHRE CEMETERY)

WHEREAS, the Roman Catholic Diocese of Paterson is the owner of real property consisting of one (1) lot that is located upon the premises commonly known as and further known as Holy Sepulchre Cemetery and identified as Block 12, Lot 1 on the official tax map of the Borough of Totowa; and

WHEREAS, the Roman Catholic Diocese of Paterson had filed an application to the Borough of Totowa Planning Board for preliminary and final site approval, design waivers and variance relief from the Totowa Borough Stormwater Control Ordinance to construct new paved access roads throughout the undeveloped portion of the Cemetery, to complete the site grading operations for proposed new burial sections and install special religious features in the burial sections with associated landscaping; and

WHEREAS, the Borough of Totowa Planning Board at its public meetings held on held on September 24, 2009 and March 11, 2010 granted the developer Preliminary and Final Site Approval for the Holy Sepulchre Cemetery property, subject to certain conditions and restrictions; and

WHEREAS, the Borough of Totowa Planning Board at its public meeting held on March 25, 2010 adopted a Resolution memorializing their approval of the application of the Roman Catholic Diocese of Paterson for the Holy Sepulchre Cemetery property; and

WHEREAS, the conditions set forth in the Resolution granting approval for this project included the requirement that the Roman Catholic Diocese of Paterson enter into a Developer's Agreement with the Borough of Totowa.

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 Developer's Agreement with the Roman Catholic Diocese of Paterson.

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

#### COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, seconded by Councilman Niland to approve Raffle License Application No. 1587 for Borough of Totowa Volunteer Fire Company No. 1 for Carnival Wheel Games to be held from August 17—21, 2011 at 465 Route 46 West. 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 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