

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

June 14, 2011

PRESENT: Council President Phil Puglise, presiding, Councilman John Waryas, Councilwoman Arlene Festa, Councilman Jim Niland, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, 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.

There was a motion by Councilman Waryas, seconded by Councilwoman Festa to dispense with the regular order of business in order to hold a public hearing on Ordinance No. 07-2011 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 07-2011 has been advertised for public hearing for Tuesday, June 14, 2011.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 07-2011.

There was a motion by Councilman Waryas, seconded by Councilwoman Festa to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Council President Puglise asked if any citizens wished to be heard on Ordinance No. 07-2011.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Waryas, seconded by Councilwoman Festa to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 07-2011 by title:

ORDINANCE NO. 07-2011

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 398 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II,
"PARKING", SECTION 6 "NO PARKING AT ALL TIMES" AND ARTICLE XIII,
"SCHEDULES", SECTION 45, "SCHEDULE I: NO PARKING"**

There was a motion by Councilman Waryas, seconded by Councilwoman Festa to adopt Ordinance No. 07-2011 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Waryas, seconded by Councilwoman Festa to revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

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

Councilman D'Angelo: Thanked all the voters of Totowa for their support and for coming out to vote for him for Assemblyman.

Councilman Waryas: Stated that the Totowa Fire Department took first place in marching at the Pompton Lakes anniversary parade.

CITIZENS HEARD:

Bernadette Hilway, 114 Bogert Street: Appreciates the effort on Bogert Street but said it is going to take a lot more. Said she sees the cops there, but they will come for 20 minutes or so and then leave. Again told us to use Mr. Teale's driveway, because nobody speeds when they see the cops. States that nothing has been done with the motorcycles and one in particular must know that she is the one complaining because he looks back at her and taunts her with his revving. Councilman Niland: Said he just received a report from the Police Chief. Police Chief Robert Coyle: Read some of the results of their efforts at Union Boulevard and Bogert Street. Stated that they recently started using the unmarked stealth car. Also commented that he has been reading up on the rules governing motorcycles and it seems to be a country wide problem and nobody seems to want to enforce. Went on to say that the factory motorcycles are under the decibel levels, but the ones with the aftermarket mufflers are not. Advised that the label on the chassis must match the label on the muffler, otherwise it is illegal. Said he is trying to educate his officers about motorcycles. A conversation ensued. Councilman Niland: Asked Chief Coyle to stay on top of this issue and keep us informed.

Charles Teale, 99 Bogert Street: Didn't want to repeat everything that Ms. Hilway said, but wanted to reaffirm everything. Said he likes seeing the stealth car on Bogert Street.

There was a motion by Councilman Waryas, seconded by Councilwoman Festa to approve the Minutes of the Mayor and Council for the Youth Week meeting of May 24, 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. 2011-13 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 a refund for 2011 taxes to Edward Benedict, 164 Barnert Avenue, Block 69, Lot 5 in the amount of \$1,599.29 due to a 100% Exemption for a 100% Permanent and Total Disability from wartime service. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

RE: EDWARD BENEDICT
164 Barnert Ave.
Block: 69, Lot: 5

WHEREAS, Edward Benedict has applied for a 100% exemption for a 100% permanent and total disability due to a wartime service connected disability; and

WHEREAS, he meets all the requirements for the exemption, and his 100% disability became effective on April 14, 2011 which means he is exempted from paying property taxes from that date; and

WHEREAS, the taxes due for 2011 should be prorated from April 14, 2011; and

WHEREAS, the taxes paid thus far for the year 2011 is \$3,759.37; and

WHEREAS, the taxpayer is entitled to 77 days refunded at \$20.77 per day, which totals to the sum of \$1,599.29.

NOW, THEREFORE, BE IT RESOLVED, that the homeowner Edward Benedict should be refunded the difference of \$1,599.29 and the Treasurer of the Borough of Totowa is authorized to do so.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to acknowledge receipt of the Report of Audit for the year ended December 31, 2010 and that the recommendations will be reviewed by the Governing Body. 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 Award Of A Non-Fair And Open Contract For Grant Writing Services For 2011. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 56-2011

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR GRANT WRITING SERVICES FOR 2011

WHEREAS, the Mayor and Council of the Borough of Totowa desire the services of a professional grant writing firm to assist the Borough of Totowa with securing federal and state appropriations, grant procurement and alternative funding methodologies; and

WHEREAS, Millennium Strategies LLC, 60 Roseland Avenue, Caldwell, New Jersey 07006, has submitted a proposal to provide the grant writing and alternative financial consulting services in the amount of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the professional grant writing services shall be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the term of this contract shall be for a period of one year commencing as of the date of this Resolution and terminating on December 31, 2011; and

WHEREAS, the Municipal Clerk of the Borough of Totowa has determined and certified in writing that the value of the contract will exceed \$17,500.00; and

WHEREAS, the firm of Millennium Strategies LLC possesses the necessary experience and expertise to perform the professional grant writing services; and

WHEREAS, Millennium Strategies LLC has completed and submitted a Business Entity Disclosure Certificate which certifies that Millennium Strategies LLC has not made any reportable contributions to a political or candidate committee in the Borough of Totowa in the previous one year, and that the contract will prohibit Millennium Strategies LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the funds for this contract are available.

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 contract with Millennium Strategies LLC to serve as the grant writer for the Borough of Totowa and provide professional grant writing services.

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.

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification and the Determination of Value shall be placed on file with this Resolution.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Niland, seconded by Councilman Waryas to approve the fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Timothy R. Polizzi for Lincoln Fire Company. On roll call vote, all members of the Council present voted in the affirmative.

A letter from Carmen Ferrante, Jr. thanking Police Chief Robert Coyle, Officer Jerry Tolomeo and the Totowa Police Department for their assistance during his grandmother's funeral was received and filed with copies to be placed in their respective personnel jackets.

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 approve Payment Estimate No. 5 (Final) in the amount of \$5,850.44 to Al Neto Contractors, Inc. for the Union Boulevard and Transitional Areas Revitalization and Streetscape Improvements—Phase 2. 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. 2 in the amount of \$119,175.11 to Trino Associates, LLC for the Union Boulevard Curb & Sidewalk Replacement—Phase 2. 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 endorsing the submission of the application to the Passaic County Open Space and Farmland Preservation Trust Fund for the improvements to various parks/playgrounds. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 57-2011

WHEREAS, the Mayor and Council of the Borough of Totowa are desirous of submitting an application for funding through the Passaic County Open Space and Farmland Preservation Trust Fund for the installation of new surfacing and playground equipment; and

WHEREAS, pursuant to the State Shared Services Act, such funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the Borough of Totowa; and

WHEREAS, the Mayor and Council will obtain public comment of the proposed application at meetings to be held on June 28, 2011;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, the Mayor and Council certify the resolution for the application to be presented to the Passaic County Department of Planning.

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

A letter was received from resident Patti Sesso requesting permission to have a block party from #35 Stirling Terrace to the cul-de-sac on July 3, 2011 from 3:00—10:00 p.m. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve the request subject to them providing a Certificate of Liability Insurance for \$1,000,000 and allowing access for emergency vehicles. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Festa, seconded by Councilman Waryas to adopt the following Resolution Awarding Food Concession Contract For The 2011 Season At The Borough Of Totowa Municipal Swimming Pool. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 58-2011

RESOLUTION AWARDING FOOD CONCESSION CONTRACT FOR THE 2011 SEASON AT THE BOROUGH OF TOTOWA MUNICIPAL SWIMMING POOL

WHEREAS, the Borough of Totowa Board of Recreation Pool Committee has solicited quotes from various food vendors to rent and operate the Food Concession facility located at the Totowa Municipal Swimming Pool for the 2011 Season which runs from June 18, 2011 through September 5, 2011; and

WHEREAS, a proposal for the Food Concession facility was submitted by Johnny Zeppoli Concessions, Inc., 42 Grant Avenue, Totowa, New Jersey 07512; and

WHEREAS, the Mayor and Council of the Borough of Totowa, after conferring with the Pool Committee, did review the proposal submitted by Johnny Zeppoli Concessions, Inc. for the Food Concession facility at the Totowa Municipal Swimming Pool; and

WHEREAS, the Mayor and Council of the Borough of Totowa accept and approve the proposal submitted by Johnny Zeppoli Concessions, Inc. to run and operate the Food Concession facility for the 2011 Totowa Municipal Swimming Pool Season; and

WHEREAS, pursuant to the applicable New Jersey State Laws, this contract may be awarded without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter a contract with Johnny Zeppoli Concessions, Inc. to rent and operate the Totowa Municipal Swimming Pool Food Concession facility for the 2011 Season for a rental fee of \$1,500.00.

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 Festa to adopt the following Resolution Calling Upon The Legislature Of The State Of New Jersey To Fulfill Its Constitutionally Assigned Duty To Distribute State Aid For Education To School Districts In A Fair And Equal Manner To All. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 59-2011

RESOLUTION CALLING UPON THE LEGISLATURE OF THE STATE OF
NEW JERSEY TO FULFILL ITS CONSTITUTIONALLY ASSIGNED DUTY
TO DISTRIBUTE STATE AID FOR EDUCATION TO SCHOOL DISTRICTS
IN A FAIR AND EQUAL MANNER TO ALL

WHEREAS, the Mayor and Council of the Borough of Totowa believes that every child should have equal resources of state aid distributed by the legislature for an education in the State of New Jersey by utilizing a fair school funding mechanism; and

WHEREAS, the current distribution of state aid for education to the schools has not been distributed in a fair and equitable manner to provide property tax relief to all the citizens of the State of New Jersey; and

WHEREAS, Article III., Paragraph 1, of the New Jersey State Constitution states, "The powers of government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution"; and

WHEREAS, Article VIII, Section IV, Paragraph 1, of the New Jersey State Constitution states, "the Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen years"; and

WHEREAS, Article VIII, Section IV, Paragraph 2, of the New Jersey State Constitution states, "the fund for the support of free public schools . . . shall be annually appropriated to the support of free public schools, and for the equal benefit of all the people of this State"; and

WHEREAS, Article VIII, Section I, Paragraph 7.a. of the New Jersey State Constitution states, the income tax is to be "annually appropriated . . . exclusively for the purpose of reducing or offsetting property taxes"; and

WHEREAS, this body can no longer bear the burden of the continued diversion of its fair share of state school aid for the students between the ages of five and eighteen years of age who reside within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby call upon the Legislature of the State of New Jersey to fulfill its constitutionally assigned duty to distribute the state aid for education to the school districts in this state in a fair manner that is for the equal benefit of all the people of the state and not by means that are prejudiced by the actions of special interests that may have been presented before the Court or other venue.

BE IT FURTHER RESOLVED, that the Clerk of this entity is hereby directed to forward a copy of this resolution to Governor Chris Christie, Senate President Stephen Sweeney, Senate Minority Leader Thomas Kean Jr., Assembly Speaker Sheila Oliver, Assembly Minority Leader Alex DeCroce, Senator John A. Girgenti, Assemblywoman Nelida Pou and Assemblywoman Eleise Evans.

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

Joseph Wassel, RMC
Municipal Clerk