

## **BOROUGH OF TOTOWA**

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

**March 8, 2011**

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

**ABSENT:** Councilwoman Carolyn Fontanella.

Mayor 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 have a swearing in ceremony to administer the Oath of Allegiance and Office to Nicholas Varcadipane, appointed as a Patrolman in the Borough of Totowa Police Department. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked Nicholas Varcadipane to approach the dais to take the Oath of Allegiance and Office for Patrolman.

Mayor Coiro expressed that this is one of his more pleasant tasks when he can appoint a new patrolman. Remarked that he has known Nick and his family for a good number of years and has followed his athletic career. Stated that Nick is a Totowa boy who already knows the streets and when he met with the Public Safety Committee we knew Nick was the right choice. Commented that he looks forward to Nick joining us as a patrolman.

Mayor Coiro administered the Oath of Allegiance and Office to Nicholas Varcadipane with his mom—holding the Bible—and dad by his side.

Public Safety Committee Chairman Councilman Niland congratulated Nick and welcomed him to the Totowa Police Department. Said that he also has known Nick and his parents for a long time and knows that he will make a great patrolman.

Police Chief Robert Coyle congratulated Nick on his appointment and thanked the Mayor, Public Safety Committee—Councilman Niland, Councilman Puglise and Councilman Waryas, the Council and Administration for moving this appointment forward. Went on to say that at a time when layoffs and cutbacks have become normal, I am glad that Totowa is not cutting back on public safety. Explained that Nick's appointment will fill a gap in our schedule that occurred with the retirement of Captain Dave DeFeo on January 1<sup>st</sup>. Informed that Nick graduated from the Essex County College Police Academy in July 2010, after attending Totowa Schools, Passaic Valley High School and graduating from Western Michigan University with a degree in Business. Continued by giving a background of Nick's many sports honors and athletic career. Finished by once again offering congratulations and on behalf of the entire department wished Nick a long, healthy, safe and productive career as a member of the Totowa Police Department.

Patrolman Nick Varcadipane thanked his family, Chief Coyle and the Mayor and Council and said that this is a great opportunity to serve the residents of the Borough of Totowa.

A badge symbolic to the rank of Patrolman was presented to Patrolman Nicholas Varcadipane by Police Chief Robert Coyle.

Congratulations were extended to Patrolman Nicholas Varcadipane by the Council, the Borough Clerk and Borough Attorney.

Mayor Coiro announced that there would be a short recess, so all in attendance could offer their congratulations to Patrolman Varcadipane.

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.

Councilman Puglise: Stated that last Wednesday, March 2<sup>nd</sup> he and the Mayor and Council went to the Dwight D. Eisenhower Library for Read Across America—NJ in celebration of Dr. Seuss's birthday and said about 80 children were there and the library did a good job.

Councilman Niland: Announced that Passaic Valley Elks #2111 is holding a dinner on March 19<sup>th</sup> where they will honor Patrolman Dan DiBlasio for Police and Chief Vince Marciano for Fire and said they were both good choices. Mayor Coiro: Concurred that they are good choices.

#### CITIZENS HEARD:

There were no citizens who wished to be heard.

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 22, 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. 2011-06 for the payment of bills. 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:

A letter from Gale Galese, Chairman of Totowa PAL Baseball thanking the Mayor and Council, Board of Recreation and Department of Public Works for their support of the program and having the fields ready for every game and also inviting the Mayor and Council to their Opening Day Ceremony on April 9, 2011 was received and filed. Councilman Puglise suggested a copy of the letter be sent to the DPW.

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to adopt the following resolution authorizing the applications to the Passaic County Community Development Block Grant Program. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 31-2011

At a meeting held on Tuesday, March 8, 2011, the Council of the Borough of Totowa adopted the following resolution:

BE IT RESOLVED, that the Council for the Borough of Totowa authorizes the application(s) for and use of funds from the Passaic County Community Development Block Grant Program for activities described in the proposal and, if awarded funds, shall implement the activities in a manner to ensure compliance with all applicable federal, state and local laws and regulations.

A letter was received from the Passaic Valley Sewerage Commissioners along with a check in the amount of \$212.40 for the Municipal Rebate Incentive Program. There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to accept the funds. 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 accept the following proposals for geese control services for 2011. 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 Howell, New Jersey 07731	\$265.00

Upon the recommendation of the Committee, there was a motion by Councilwoman Festa, seconded by Councilman Waryas to adopt the following resolution authorizing the contract for geese control services for 2011. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 32-2011

RESOLUTION AUTHORIZING CONTRACT WITH  
GEESE CHASERS NORTH JERSEY

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 ballfields; 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 February 10, 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.

There was a motion by Councilwoman Festa, seconded by Councilman Waryas to adopt the following Resolution Authorizing The Release Of A Letter Of Credit On Behalf Of EF-ADS, LLC For The Oldja Major Subdivision Project. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 33-2011

#### RESOLUTION AUTHORIZING THE RELEASE OF A LETTER OF CREDIT ON BEHALF OF EF-ADS, LLC FOR THE OLDJA MAJOR SUBDIVISION PROJECT

WHEREAS, EF-ADS, LLC, 101 East Main Street, Little Falls, New Jersey 07424 is the successor in interest to the property known as the Oldja Major Subdivision Project and more commonly referred to as Mountainview Court on the official tax map of the Borough of Totowa; and

WHEREAS, the developer posted an Irrevocable Standby Letter of Credit dated July 25, 2002 bearing Number 01-07-25-02 issued by NorCrown Bank, 66 West Mt. Pleasant Avenue, Livingston, New Jersey 07039 in the amount of \$556,524.80 for the purpose of insuring proper construction of all on-site and off-site improvements; and

WHEREAS, the developer had completed all work on the project and requested the release of the Letter of Credit posted as a guarantee for the subdivision improvements; and

WHEREAS, the Municipal Engineer had inspected the work completed to date and had recommended the release of the Letter of Credit subject to the developer posting a required two (2) year maintenance bond in the amount of \$69,565.00 which represents 15% of the original construction cost for the project; and

WHEREAS, by Resolution No. 110-2008 dated December 23, 2009, the Mayor and Council of the Borough of Totowa authorized the release of the Letter of Credit subject to the posting of the two (2) year maintenance bond in the amount of \$69,565.00; and

WHEREAS, by Resolution No. 29-2009 dated January 13, 2009, the Mayor and that pursuant to the recommendation of the Municipal Engineer, the Mayor and Council of the Borough of Totowa authorized the reduction of the two (2) year maintenance bond amount to be posted by EF-ADS, LLC from \$69,565.00 to \$46,377.00; and

WHEREAS, the developer posted an Irrevocable Standby Letter of Credit dated February 19, 2009 bearing Credit Number OD09001351 issued by Valley National Bank, 942 Broadway, 4<sup>th</sup> Floor, New York, New York 10010 in the amount of \$46,377.00; and

WHEREAS, the two (2) year Letter of Credit will expire as of February 19, 2011 and the developer has requested the release of the Letter of Credit; and

WHEREAS, the Municipal Engineer has also recommended the release of the Letter of Credit for the Mountainview Court development.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the release of the Letter of Credit submitted by EF-ADS, LLC for the Mountainview Court development in the amount of \$46,377.00 subject to the Borough of Totowa verifying that all outstanding fees for professional services rendered for the project have been paid by the Developer.

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

A letter from the North Jersey Developmental Center inviting the Mayor and Council to their Volunteer Recognition Ceremony on Sunday, April 10, 2011 at 12:00 p.m. was received and filed.

#### COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Festa, seconded by Councilman Niland 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. 04-2011**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA  
CHAPTER 415 ENTITLED "ZONING AND LAND USE", ARTICLE XXI,  
"BUSINESS DISTRICTS", SECTION 167, "B-2 LOCAL BUSINESS DISTRICT"**

There was a motion by Councilwoman Festa, seconded by Councilman Niland to adopt the following Resolution Designating The Month Of March 2011 As Women's History Month. On roll call vote, all members of the Council present voted in the affirmative.

**RESOLUTION NO. 34-2011**

**RESOLUTION DESIGNATING THE MONTH OF MARCH 2011 AS  
"WOMEN'S HISTORY MONTH"**

WHEREAS, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways; and

WHEREAS, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State; and

WHEREAS, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State; and

WHEREAS, New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history; and

WHEREAS, the Department of Community Affairs, specifically the Division on Women's goals are to remember and celebrate New Jersey women and to:

- ensure that New Jersey women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion.
- identify, implement, measure and coordinate programs that address the needs of New Jersey women.
- engage in continuous study and research on issues affecting New Jersey women and their families, develop policy papers and legislative recommendations.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey, that March 2011 is designated as "Women's History Month" under the National Women History Project's 2011 theme: **Our History Is Our Strength.**

There was a motion by Councilwoman Festa, seconded by Councilman Niland to adopt the following Resolution In Opposition Of S-2664 And A-3766—Market Competition And Consumer Choice Act. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 35-2011

#### RESOLUTION IN OPPOSITION TO S-2664 AND A-3766 "MARKET COMPETITION AND CONSUMER CHOICE ACT"

WHEREAS, this act would fundamentally alter the regulation of telephone and cable television service in New Jersey; and

WHEREAS, S-2664/A-3766 changes are so sweeping it deserves deliberate review and analysis, and must not be fast-tracked; and

WHEREAS, among other things, S-2664/A-3766 limits the obligation of a cable company to provide cable and internet connections to municipal buildings. Currently all municipal buildings are eligible for this benefit but the bill would limit the obligation to just one municipal building; and

WHEREAS, S-2664/A-3766 would eliminate the requirement that cable companies provide basic service and internet to municipal buildings and schools at no charge; and

WHEREAS, S-2664/A-3766 does not require the cable companies to provide a return feed to allow cable-casting of live municipal events and meetings; and

WHEREAS, S-2664/A-3766 would reduce the franchise fee payable by certain cable companies that have converted from a traditional franchise to a system-wide franchise; and

WHEREAS, S-2664/A-3766 does not require cable companies to meet or surpass any existing line extension policy or to meet any applicable consumer protection requirements, all of which are required by the current law; and

WHEREAS, the proposed verification process for determining whether a company is operating in a “competitive franchise area” is inadequate; and

WHEREAS, the proposed process for renewal of a system-wide franchise must be corrected to require that the renewal be under the same terms and conditions as the original franchise; and

WHEREAS, S-2664/A-3766 eliminates the right of a municipality operating under a municipal-consent based franchise to petition the BPU for a higher franchise fee.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa calls on the legislature to amend S-2664/A-3766 to ensure that all the commitments of NJSA 48:5A-28 be provided (a) upon application for a system-wide franchise, (b) upon renewal of a system-wide franchise and (c) upon conversion of a municipal-consent based franchise to a system-wide franchise.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa strongly urges the Senate to oppose S-2664 and the Assembly to withdraw A-3766 until such amendments are made and there has been an opportunity for all stakeholders to fully analyze the impact of these proposals and determine the fiscal impact of the bill on municipalities throughout the state.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Governor Christie, our State Senator, our Representatives in the General Assembly and the New Jersey League of Municipalities.

There was a motion by Councilwoman Festa, seconded by Councilman Niland to approve Raffle License Application Nos. 1573 & 1574 for Clifton High School PTSA for a Tricky Tray and On-Premise 50/50, respectively, to be held on March 30, 2011 at The Bethwood. 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