

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

March 22, 2011

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, 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: None.

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 hold a public hearing on Ordinance No. 04-2011 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 04-2011 has been advertised for public hearing for Tuesday, March 22, 2011.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 04-2011.

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

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 04-2011.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman Waryas 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. 04-2011 by title:

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 Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 04-2011 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 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 Waryas: Once again thanked all our volunteers and employees for all the time put in during last week's flooding. Mayor Coiro: Echoed those sentiments and commented that most of the Council was out during the floods with our volunteers and also thanked the Police Department and Fire Department.

CITIZENS HEARD:

Joe Francese, 2 Highview Avenue: Said that he was here speaking for some residents about the Municipal Swimming Pool and said he had two different guys look at it and then gave a report on their findings. Stated that membership is down, but feels that if we make improvements then that trend will reverse. Mayor Coiro: Informed him that this year we will be putting in new filters, the new ADA requirements aren't effective until next year and that any further improvements will be addressed down the road.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of March 8, 2011. On roll call vote, all members of the Council present voted in the affirmative. Councilwoman Fontanella abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve Resolution No. 2011-07 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. 2011-08 Authorizing The Transfer Of 2010 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 checks to US Bank to effectuate the redemption of Tax Sale Certificate #08-4 for 111 Maltese Drive, Block 170.02, Lot 9. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #08-4
Block 170.02, Lot 9
Property: 111 Maltese Drive
Totowa, NJ 07512
Owner: Vince's Development, LLC

WHEREAS, at the Municipal Tax Sale held on October 23, 2008, a lien was sold on Block 170.02, Lot 9, also known as 111 Maltese Drive, for 2007 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #08-4 was sold to U.S. Bank-Cust/SASS Muni V dtr, for a 0% redemption fee and a \$8,100.00 premium; and

WHEREAS, Scott Baron, Esq., attorney for Vince's Development, LLC, owner, has effected redemption of Certificate #08-4 in the amount of \$351,512.22.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$351,512.22, payable to "U.S. Bank-Cust/SASS Muni V dtr., 2 Liberty Place, 50 South 16th Street – Suite 1950, Philadelphia, PA 19102.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$8,100.00 (premium) to the aforementioned lienholder.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following Resolution Re: Introduction of the 2011 Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 36-2011

Re: Introduction of 2011 Budget

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Borough of Totowa, Passaic County, New Jersey for the year 2011.

BE IT FURTHER RESOLVED, that the said budget be published in The North Jersey Herald and News in the issue of April 15, 2011, and that a hearing on the Budget will be held at the Municipal Building on April 26, 2011 at 8:00 o'clock (P.M.) or as soon thereafter as the matter may be reached.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Contract For Professional Tax Appraisal And Consulting Services. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 37-2011

RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL
TAX APPEAL AND CONSULTING SERVICES

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional real estate appraisal and consulting firm on an as-needed basis in order to prepare and defend against the various tax appeals filed against the Borough of Totowa; and

WHEREAS, these professional services include but are not limited to the physical inspection of each property, verification of zoning and development approvals, preparation of appraisals, attendance at conferences and depositions and providing expert witness testimony at each trial as needed; and

WHEREAS, Appraisal Consultants Corp., 293 Eisenhower Parkway, Suite 200, Livingston, New Jersey 07039-1711, has submitted a proposal dated September 26, 2010 to provide the required appraisal and consulting services, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the firm of Appraisal Consultants Corp. possesses the necessary expertise and experience to perform the professional real estate and consulting services; and

WHEREAS, for providing the required services, the Borough of Totowa will compensate Appraisal Consultants Corp. in accordance with the Fee Schedule set forth in the proposal; and

WHEREAS, pursuant to the applicable New Jersey State laws, the contact for these series may be authorized without the public bidding since they will not exceed the bidding threshold.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize a contract with Appraisal Consultants Corp. to provide professional real estate appraisal and consulting services an as-needed basis in order to prepare and defend against the various tax appeals filed against the Borough of Totowa.

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 of resignation was received from Prosecutor Matthew D. DiBrino effective March 31, 2011. There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to accept his resignation and send him a letter of thanks. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of the Committee, there was a motion by Councilman Waryas, seconded by Councilman D'Angelo to appoint John E. Clarke as Prosecutor. On roll call vote, all members of the Council present voted in the affirmative.

MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint John E. Clarke as Prosecutor of the Borough of Totowa to fill the unexpired term beginning April 1, 2011 and ending December 31, 2011.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to confirm the appointment. On roll call vote, all members of the Council present voted in the affirmative.

A letter from resident Gilda Blair thanking Tax Collector Elaine Reddin for her assistance with a tax issue was received and filed with a copy to be placed in her personnel jacket.

A letter from The Happy Seniors of Totowa thanking the Mayor and Council for their 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 Approving Participation With The State Of New Jersey In A Safe And Secure Communities Program Administered By The Division Of Criminal Justice, Department Of Law And Public Safety. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 38-2011

RESOLUTION APPROVING PARTICIPATION WITH THE
STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES
PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE,
DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Mayor and Council of the Borough of Totowa wishes to apply for a project under the Safe and Secure Communities Program (Grant # P-5260); and

WHEREAS, the Mayor and Council of the Borough of Totowa has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Borough of Totowa, for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that:

- 1) As a matter of public policy the Mayor and Council of the Borough of Totowa wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
- 2) The Attorney General of New Jersey will receive funds on behalf of the applicant.
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
- 4) The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law.

There was a motion by Councilman Niland, seconded by Councilman Puglise to approve payment of the Fire Department TSAP for 2010. On roll call vote, all members of the Council present voted in the affirmative.

A letter from Northwestern University advising that Captain Scott Titus has formally completed the School of Police Staff and Command was received and filed.

COMMITTEE ON PUBLIC WORKS:

A letter from Dwight D. Eisenhower Library Director Anne Krautheim thanking DPW Laborers Mike Baron and Jim Both for the improvements they made was received and filed with copies to be placed in their respective personnel jackets.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was no report.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Festa, seconded by Councilman Waryas to authorizing the Borough Clerk and Borough Attorney to prepare the specifications and advertise for the receipt of bids for the purchase of filters for the Municipal Swimming Pool. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of the Committee, there was a motion by Councilwoman Festa, seconded by Councilman Waryas to hire Kristen Cashillo as the Secretary for the Municipal Swimming Pool. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Festa 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. 05-2011

**CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Festa to adopt the following Proclamation In Honor Of Catholic Book Publishing Corp.'s 100th Anniversary. On roll call vote, all members of the Council present voted in the affirmative.

**PROCLAMATION IN HONOR OF CATHOLIC BOOK PUBLISHING
CORP'S 100th ANNIVERSARY**

WHEREAS, Catholic Book Publishing Corp., a family owned and operated business, is the leading publisher of Catholic Bibles, Missals, prayer books, devotionals, spirituality titles, Liturgical books, Spanish titles and children's books; and

WHEREAS, Catholic Book Publishing Corp. was founded in 1911 by John V. Cavalero on 12th Street in New York City and he gladly welcomed brothers George and Louis into the business following World War I and under their direction and hard, the business prospered in the printing and binding industry working primarily with religious orders; and

WHEREAS, in 1937 the business relocated to W. 17th Street and printed its first Missals for Sunday worship and continued to add family members including John's sons Howard and John Jr.; and

WHEREAS, Catholic Book Publishing Corp. published the first Catholic Bible printed in the United States in 1949, developed the St. Joseph Sunday Missal in 1950 followed by the daily Missal, children's books were added in 1955 and the first Baltimore Catechism in 1961; and

WHEREAS, when the Vatican II mandated the change to the vernacular in 1969, the company developed liturgical books that are used to the present day and released the St. Joseph New American Bible and complete Lectionary followed by the Sacramentary and 4-volume Liturgy of the Hours; and

WHEREAS, the company relocated to Totowa in 1995 and Catholic Book Publishing's 3rd generation Howard, Robert, Joan and Fran Cavalero, with their dedicated staff, continue to provide high-quality, affordable and popular Catholic reading material; and

WHEREAS, on their 100th anniversary the commitment of Catholic Book Publishing Corp. remains constant – the publication of timely and timeless Catholic resources that achieve the highest quality of content while winning the hearts and feeding the spirits of many devoted followers.

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 the Catholic Book Publishing Corp. on its 100th anniversary.

Given in tribute this 22nd day of March, 2011 by the Mayor and Council of the Borough of Totowa.

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