

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

May 10, 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. 06-2011 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 06-2011 has been advertised for public hearing for Tuesday, May 10, 2011.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 06-2011.

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. 06-2011.

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. 06-2011 by title:

ORDINANCE NO. 06-2011

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$30,000 FOR THE ACQUISITION OF A FILTRATION SYSTEM FOR THE MUNICIPAL SWIMMING POOL TO BE UNDERTAKEN BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE \$30,000 FROM THE CAPITAL IMPROVEMENT FUND

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 06-2011 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 Niland: Announced that the Passaic Valley Elks Lodge is having a beefsteak this Friday night and will be honoring a police officer and a fire fighter—and

the police officer being honored is Patrolman Daniel DiBlasio and the fire fighter being honored is Fire Chief Vincent Marciano—and there are still tickets available if anyone wants to go.

At this point Mayor Coiro announced that he will alter the agenda and move on to the Committee On Legislation & Ordinances.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Festa to adopt the following: Proclamation In Honor Of Amanda Abene, Proclamation In Honor Of Amulia Chari, Proclamation In Honor Of Kristin Cipolla and Proclamation In Honor Of Victoria Luciano. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION IN HONOR OF AMANDA ABENE

WHEREAS, Amanda Abene has been a Girl Scout for over thirteen (13) years beginning as a Daisy with Troop 115 before moving up to the Independent Troop of Totowa; and

WHEREAS, Amanda Abene has earned the Girl Scout Gold Award by restoring the Totowa Borough Community Center and bringing it back to being the pride of Totowa; and

WHEREAS, Amanda Abene with the help of fellow Senior Gold Scouts, her family and friends patched holes in the walls, repainted the interior of the building, replaced ceiling tiles, replaced and cleaned ceiling lights and covers, cleaned windows, stripped, buffed and polished the floors and landscaped the entrance to the Community Center; and

WHEREAS, Amanda Abene with the help of her family, was able to commit and devote her time to this worthy project and the ideals of scouting while attending Passaic Valley High School where she was a Peer Mentor, a member of the Interact Club and Spanish Club and participated in Girl's Show; and

WHEREAS, Amanda Abene will be attending Drexel University; and

WHEREAS, Amanda Abene's participation and service to the community have fulfilled the requirements of leadership, community service, career planning and personal development leading to the Gold Award, which is a nationally recognized award and the highest achievement in Girl Scouting.

NOW, THEREFORE, BE IT PROCLAIMED, by the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey, that special recognition be given to Amanda Abene for achieving the Gold Award.

BE IT FURTHER PROCLAIMED that this Proclamation be made a part of the permanent records of the Borough of Totowa and that a copy of said Proclamation be presented to Amanda Abene and her family.

PROCLAMATION IN HONOR OF AMULIA CHARI

WHEREAS, Amulia Chari has been a Girl Scout for over nine (9) years beginning as a Daisy with Troop 115 before moving up to the Independent Troop of Totowa; and

WHEREAS, Amulia Chari has earned the Girl Scout Gold Award by restoring the Totowa Borough Community Center and bringing it back to being the pride of Totowa; and

WHEREAS, Amulia Chari with the help of fellow Senior Gold Scouts, her family and friends patched holes in the walls, repainted the interior of the building, replaced ceiling tiles, replaced and cleaned ceiling lights and covers, cleaned windows, stripped, buffed and polished the floors and landscaped the entrance to the Community Center; and

WHEREAS, Amulia Chari was able to commit and devote her time to this worthy project and the ideals of scouting while attending Passaic Valley High School where she was a member of the Interact Club, Erase and Art Club; and

WHEREAS, Amulia Chari will be attending the State University of New York to study medicine; and

WHEREAS, Amulia Chari's participation and service to the community have fulfilled the requirements of leadership, community service, career planning and personal development leading to the Gold Award, which is a nationally recognized award and the highest achievement in Girl Scouting.

NOW, THEREFORE, BE IT PROCLAIMED, by the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey, that special recognition be given to Amulia Chari for achieving the Gold Award.

BE IT FURTHER PROCLAIMED that this Proclamation be made a part of the permanent records of the Borough of Totowa and that a copy of said Proclamation be presented to Amulia Chari and her family.

PROCLAMATION IN HONOR OF KRISTIN CIPOLLA

WHEREAS, Kristin Cipolla has been a Girl Scout for over twelve (12) years beginning with Troop 41 as a Daisy and is now a member of the Independent Troop of Totowa; and

WHEREAS, Kristin Cipolla has earned the Girl Scout Gold Award by restoring the Totowa Borough Community and bringing it back to being the pride of Totowa; and

WHEREAS, Kristin Cipolla, with the help of fellow Senior Gold Scouts, her family and friends patched holes in the walls, repainted the interior of the building, replaced ceiling tiles, replaced and cleaned ceiling lights and covers, cleaned windows, stripped, buffed and polished the floors and landscaped the entrance to the Community Center; and

WHEREAS, Kristin Cipolla was able to commit and devote her time to this worthy project and the ideals of scouting while attending Passaic Valley High School where she is a Junior; and

WHEREAS, in addition to devoting time to scouting and her studies, Kristin Cipolla has also dedicated her time to serving the community by volunteering at Sunrise Senior Living; and

WHEREAS, Kristin Cipolla's participation and service to the community have fulfilled the requirements of leadership, community service, career planning and personal development leading to the Gold Award, which is a nationally recognized award and the highest achievement in Girl Scouting.

NOW, THEREFORE, BE IT PROCLAIMED, by the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey, that special recognition be given to Kristin Cipolla for achieving the Gold Award.

BE IT FURTHER PROCLAIMED that this Proclamation be made a part of the permanent records of the Borough of Totowa and that a copy of said Proclamation be presented to Kristin Cipolla and her family.

PROCLAMATION IN HONOR OF VICTORIA LUCIANO

WHEREAS, Victoria Luciano has been a Girl Scout for over thirteen (13) years beginning as a Daisy with Troop 115 before moving up to the Independent Troop of Totowa; and

WHEREAS, Victoria Luciano has earned the Girl Scout Gold Award by restoring the Totowa Borough Community Center and bringing it back to being the pride of Totowa; and

WHEREAS, Victoria Luciano, with the help of fellow Senior Gold Scouts, her family and friends patched holes in the walls, repainted the interior of the building, replaced ceiling tiles, replaced and cleaned ceiling lights and covers, cleaned windows, stripped, buffed and polished the floors and landscaped the entrance to the Community Center; and

WHEREAS, Victoria Luciano was able to commit and devote her time to this worthy project and the ideals of scouting while attending Passaic Valley High School where she was a member of the Choir and participated in Girl's Show; and

WHEREAS, upon graduating Victoria Luciano will be attending Bergen County Community College; and

WHEREAS, Victoria Luciano's participation and service to the community have fulfilled the requirements of leadership, community service, career planning and personal development leading to the Gold Award, which is a nationally recognized award and the highest achievement in Girl Scouting.

NOW, THEREFORE, BE IT PROCLAIMED, by the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey, that special recognition be given to Victoria Luciano for achieving the Gold Award.

BE IT FURTHER PROCLAIMED that this Proclamation be made a part of the permanent records of the Borough of Totowa and that a copy of said Proclamation be presented to Victoria Luciano and her family.

Mayor Coiro asked Councilwoman Festa to join him in front of the dais in order to present the proclamations to each girl. Mayor Coiro then asked all four girl scouts to approach the dais to receive their proclamations. Mayor Coiro gave a recap of the process beginning when the girls approached the Council to "refresh" the Community Center as part of their effort to achieve their Gold Award. Mayor Coiro went on to describe all the work the girls did at the Community Center—inside and out—and said that he was proud of the girls and proud of the building when he attended the rededication. Mayor Coiro informed the girls that we are holding up our end of the deal and keeping it clean. Mayor Coiro then read some excerpts from each proclamation and presented the respective proclamation to each. Councilwoman Festa also presented each girl with a pin in recognition of their achievements. Mayor Coiro then thanked all of the girls again, along with their parents and friends who helped them with the project.

CITIZENS HEARD:

Consuelo Ruiz, 16 Wilson Avenue: 1) Approached the dais with a jar of sewer water and said this is what she gets in her basement after heavy rains and wants to know what is being done about it. Mayor Coiro: Commented that we have had a handle on this problem on Wilson Avenue for quite awhile since we capped of the pipe coming from the old Ungerer property, but said that with the last couple of heavy rains, the last one on a Saturday that we didn't get our crew out fast enough. Councilman Puglise: Said it has been at least eight years since the last back up. Ms. Ruiz: Stated that they have had backups more recently than eight years even if no one has come to report them. Mayor Coiro: Informed her that our Engineer is working on a plan to correct the problem and we have applied for a grant to offset the cost, but it will take awhile. Ms. Ruiz: 2) Then asked about the open ditch in her back yard which is causing her driveway to pull away from her home and inquired what can be done. Mayor Coiro: Advised that we had researched ownership of this drainage ditch/brook in the past and that we tried to pipe it to alleviate the flooding, but the Department of Environmental Protection would not let us. Explained that we don't know if there is anything that can be done, but we can revisit the issue.

Bernadette Hilway, 114 Bogert Street: Said she is back for the same old problem with the speeding and motorcycles and that the police haven't been around. Mayor Coiro: Asked Police Chief Robert Coyle if he had patrol/radar out in the area on Saturday. Police Chief Coyle: Responded that he wasn't sure, but would check and then said he has to apologize to Ms. Hilway and Mr. Teale because he has slacked off a little. Councilman Niland: Asked Ms. Hilway what days and times are the worst because we don't want to send out patrols to just sit there. Ms. Hilway: Said Saturdays and Sundays. Councilman Niland: Instructed Police Chief Coyle that patrol/radar must be out there this weekend and wants him to submit a report with the results.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of April 26, 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. 2011-11 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 check in the amount of \$25,451.57 to M&D Associates to effectuate the redemption of Certificate of Sale #08-2 on 252 Dewey Avenue, Block 117, Lot 9. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #08-2
Block 117, Lot 9
Property: 252 Dewey Avenue
Totowa, NJ 07512
Owner: Polimeni, Mario & Lucia

WHEREAS, at the municipal tax sale held on October 23, 2008, a lien was sold on Block 117, Lot 9 also known as 252 Dewey Avenue for 2007 delinquent taxes and water; and

WHEREAS, this lien, known as Tax Sale Certificate #08-2 was sold to M & D Associates for a 0% redemption fee; and

WHEREAS, the owner's son, Paul Polimeni, has effected redemption of Certificate #08-2 in the amount of \$25,451.57, as of 5/10/11.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$25,451.57 payable to "M & D Associates, P.O. Box 196, Hawthorne, NJ 07507.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following resolution to set the 2011/2012 General Fund Tax Levy for the Passaic Valley Regional High School District #1. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 48-2011

WHEREAS, on April 27, 2011, the 2011-2012 Budget of the Passaic Valley Regional High School District #1 was defeated in the school election; and

WHEREAS, the Administration and representatives of the Board of Education of the Passaic Valley Regional High School District #1 and representatives of the three Governing Bodies consisting of the Borough of Woodland Park, the Borough of Totowa and the Township of Little Falls met to resolve the amount of the 2011-2012 Budget reduction.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby agree that the General Fund Tax Levy should be set for the 2011-2012 School Year at \$20,589,474 which reflects a reduction of \$60,000 in the General Fund Budget to be reduced as follows:

\$30,000	Child Study Team Salaries
\$30,000	Resource Room Teacher's Salaries

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve payment to the various marching bands—\$1,075 to Bloomingdale Cornet Band, \$1,050 to Mother Cabrini High School Drum Corps and \$1,200 to Passaic County Emerald Society Bag Pipers—for the 2011 Memorial Day Parade. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

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

RESOLUTION NO. 49-2011

RESOLUTION OF THE BOROUGH OF TOTOWA DESIGNATING A CUSTODIAN OF RECORDS FOR THE TOTOWA POLICE DEPARTMENT

WHEREAS, to ensure public access to government records in accordance with the provisions of N.J.S.A. 47:1A-1 et seq., the Mayor and Council of the Borough of Totowa wishes to designate a custodian of the Totowa Police Department records; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that Police Chief Robert W. Coyle has control of all Police Department records.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that Police Chief Robert W. Coyle is hereby designated as custodian of the Totowa Police Department records.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be given to Police Chief Robert W. Coyle of the Totowa Police Department.

There was a motion by Councilman Niland, seconded by Councilman Puglise to approve the fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Nicholas J. Kaadan for Fire Rescue Company #4. 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. 3 in the amount of \$83,351.94 to A&J Contractors Group, Inc. for the Grant Avenue Improvements—Phase I & II. On roll call vote, all members of the Council present voted in the affirmative.

A letter from resident Gilda Blair thanking the Mayor and Council for the return of the barriers on Norwood Terrace was received and filed.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Payment Estimate No. 1 in the amount of \$99,187.76 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.

A letter was received from the Borough of Totowa Historical Society requesting permission to use the Council Chambers on Thursday, June 2, 2011 from 6:00—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.

A letter was received from the Borough Of Totowa First Aid Squad, Inc. requesting permission to have their 60th Anniversary picnic at the Borough of Totowa recreational areas at the PAL on Sunday, July 31, 2011. 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.

A letter was received from resident Maria Donovan requesting permission to have a block party on Vita Road on June 4, 2011. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to grant permission subject to them providing us with a Certificate of Liability Insurance in the amount of \$1,000,000 with the Borough of Totowa as Certificate Holder and Additional Insured, there shall be no alcohol in the public right of way/streets and they shall allow access to all emergency vehicles. 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 add the following item to the agenda. 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 the emergency purchase of one 5-ton HVAC unit for the Police Department. 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 Festa to adopt the following Resolution In Opposition To Senate Bill No. 1351. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 50-2011

RESOLUTION IN OPPOSITION TO SENATE BILL NO. 1351

WHEREAS, Senate Bill No. 1351 (hereinafter referred to as S-1351) would amend the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., to include many new requirements that are unnecessary to protect the public's interest in open and transparent government, and which would unduly burden municipalities; and,

WHEREAS, S-1351 would impose new procedural requirements on municipalities which will be time consuming and costly, at a time when municipalities are facing unprecedented financial constraints; and,

WHEREAS, S-1351 would impose new procedural requirements on municipalities that are impractical and wasteful, and which would result in longer meetings and less efficient governance; and,

WHEREAS, among the time consuming, costly, impractical and wasteful new requirements of S-1351 are the following:

- A. new requirements pertaining to subcommittees, including notice of subcommittee meetings and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees so that minutes can be prepared; and,
- B. new requirement that agendas provide a description of all agenda items, including the names of the parties to and approximate dollar amounts of any contracts to be acted upon, which would increase preparation time for agendas; and,
- C. new requirement that agendas include estimated starting times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded, though this information would be purely speculative and unreliable; and,
- D. new requirement that no public body be permitted to act upon or discuss a matter that is not listed on the agenda except in emergencies, which requirement would be impractical and unnecessarily inhibit the operations of municipal government, as it is often necessary for the effective and efficient administration of municipal governmental purposes to discuss or act on matters for which three business days' notice may not be possible; and this would effectively prevent discussion of items brought forward by the public; and,
- E. new requirement that a public body provide for public comment on emergency items that are added to a meeting agenda, adding unnecessary and time-consuming process to meetings; and,

- F. new requirement that a public body provide for public comment before taking final action on any matter at any meeting of at least three minutes per person, which requirement, as written, would result in an unworkable series of public comment periods on every action of the governing body, from appointments to resolutions to approval of minutes, thereby adding substantial time to every meeting of the public body; and,
- G. new requirement eliminating attorney-client privilege as a basis for excluding the public from a portion of the meeting, which will inhibit the public body's ability to obtain needed legal advice, which is contrary to the public interest; and,
- H. new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the potentially affected employee, thereby inhibiting the public body's ability to take necessary actions on personnel matters; and,
- I. new requirements for more extensive minutes of public body meetings, such as the inclusion of each member's stated reasons for his or her actions or vote, the identity of each member of the public who spoke and a summary of what was said, which shall cause the preparation of minutes to be more time consuming and costly; and,
- J. confusing new requirements pertaining to disclosure of recordings of meetings, including making recordings promptly available after meetings, and somehow incorporating such recordings with meeting minutes; and,
- K. new requirements that minutes would include electronic communications concerning public business among an effective majority of the members that occurred prior to a meeting, which would be an unworkable and ineffective imposition on municipalities, and would purport to make pre-meeting communications somehow become part of the meeting itself, an unprecedented expansion of the meeting concept; and,
- L. new requirements for maintaining on the municipal website schedules of meetings, agendas, notices of emergency meetings, minutes, resolutions and ordinance to the extent not already set forth in the minutes, and closed meetings resolutions, for a period of at least five years, which would result in additional costs for posting and maintaining website information;

WHEREAS, there is no justifiable basis for the imposition of the burdensome and cost generative provisions of S-1351; and,

WHEREAS, portions of S-1351 place financial, time, manpower and other burdens on municipalities at a time when municipalities are constrained to layoff municipal employees, impose furloughs, and reduce departmental budgets so that municipalities can meet strict CAP requirements even when revenues are decreased and operating costs continue to climb; and,

WHEREAS, the cost generative provisions of S-1351 are unfunded mandates that violate the "State Mandate, State Pay" amendment to the New Jersey Constitution.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey, for the reasons stated above, do hereby opposes Senate Bill No. 1351 in its current form, and urge the New Jersey State Senate and Assembly to oppose this Bill.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to State Senator Loretta Weinberg, State Senator Stephen Sweeney, the members of the Senate and Budget Appropriations Committee, the legislators of our State Legislative District, the New Jersey State League of Municipalities, and the Municipal Clerks' Association of New Jersey.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Festa to approve the Application For Special Permit For Social Affair from the Division Of Alcoholic Beverage Control for the Borough Of Totowa First Aid Squad, Inc. for Sunday, July 31, 2011 from 12:00—6:00 p.m. 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.

Joseph Wassel, RMC
Municipal Clerk