

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

November 29, 2011

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

ABSENT: None.

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.

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

Councilwoman Andriani: Announced that the annual Tree Lighting Ceremony will be held this Friday, December 2, 2011, the Washington Park School choir will perform holiday songs, the Totowa PTO will hold their annual Holiday Craft Fair and there will be cookies and hot chocolate compliments of the Mayor and Council.

Councilwoman Fontanella: Congratulated the "A" Squad Totowa Tigers Super Bowl Champs and requested that they be invited to the next meeting and that we put it on the marquees.

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 November 15, 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. 2011-24 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 refunds to various property owners pursuant to State Tax Court judgments. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there has been a State Tax Court Judgment to reduce the evaluation on the following.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer is authorized to refund these amounts:

Block	Lot	Property	Owner	Payable To	Year	From	To	Amount
11	12.01	145 Shepherds Lane	Verizon Comm.	Susan A. Feeney, Esq.	2009	3,391,200	2,985,200	6,577.20
				McCarter & English LLP	2010	3,391,200	2,828,000	9,619.46
				Four Gateway Center 100 Mulberry Street PO Box 652 Newark, NJ 07101	2011	2,828,000	2,670,900	3,087.02
11	12.02	145 Shepherds	Verizon	Susan A. Feeney, Esq.	2009	3,314,000	2,750,000	9,136.80
					2010	3,314,000	2,543,300	13,163.56
					2011	2,543,300	2,347,700	3,843.54
							TOTAL	45,427.58

170.02	6	11 Taft Road	Taft Assoc. Etc.	Henry Lacap Attorney For Taft Assoc.	2011	19,361,400	16,920,000	47,973.51
				Crossroads Corporate Center One International Center Suite 400 Mahwah, NJ 07495				

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners for overpayment of 4th Quarter 2011 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

RE: Tax Overpayments
4th Quarter 2011

WHEREAS, there has been overpayments of taxes on the properties listed below; and

WHEREAS, the taxpayers are entitled to a refund; and

WHEREAS, the chart sets forth the refunds, as follows:

BLK	LOT	PROPERTY	OWNER	OVER- PAYMENT	PAYABLE TO
173.02	6	27 Melissa Dr.	Veronice Mocibob	\$159.73	Corelogic 1 Corelogic Drive Mail Code DFW 1-3 Westlake, TX 76262
9	62	25 Battle Ridge Trail	Antonucci, Thomas & Heather	\$3,619.41	Homeowners

NOW, THEREFORE, BE IT RESOLVED, that the overpayment shall be refunded to the taxpayer, as stated above, and the Treasurer is authorized to issue separate check for the refunds, which shall be paid to the stated property owner or taxing authority.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to acknowledge receipt of the Report of Annual Tax Sale held on October 27, 2011 from Deputy Tax Collector Elaine Reddin. 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 Special Emergency Resolution And Financing Of Same (N.J.S.A. 40A:4-54)—Hurricane Irene Executive Order #73. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 99-2011

RESOLUTION RE: Special Emergency Resolution NJSA 40A:4-54

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, for the repair, reconstruction of streets, roads, or bridges or other public property by reason of damage caused by Hurricane Irene,

WHEREAS, N.J.S.A. 40A:4-54 et seq., provides that it shall be lawful to make such appropriations, which appropriation and or the "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least 1/5 of the amount authorized pursuant to this act,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa in the County of Passaic (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-55;

1. An emergency appropriation be and the same is hereby made for:

Hurricane Irene E.O. #73, Storm Damage	
Repairs, Reconstruction of Streets, Roads	
or Bridges or Other Public Property	\$112,000

2. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

3. That said emergency appropriation shall be provided for by the inclusion of not less than \$22,400 (at least 1/5 of the total amount) in each of the next succeeding annual budgets.

4. That a "Special Emergency Notes" not in excess of the above amount be authorized pursuant to law.
5. That said Special Emergency Notes shall be provided for by the inclusion of not less than \$22,400 (at least 1/5 of the total amount) in each of the next succeeding annual budgets.
6. That a Special Emergency Note may be executed by the Chief Financial Officer and by the Borough Clerk.
7. That said note may be renewed from time to time and such notes and any renewals thereof shall be paid in the amount of not less than 1/5 of the total amount appropriated by this resolution in each year after the authorization thereof.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed with the Director of Local Government Services.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following Emergency Resolution (N.J.S.A. 40A:4-48)—Hurricane Irene Executive Order #73. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 100-2011

Resolution Re: Emergency Resolution, N.J.S.A. 40A:4-48

WHEREAS, an emergency has arisen with respect to the emergency response and recovery efforts required by Hurricane Irene under Executive Order Number 73, and no adequate provision was made in the 2011 Budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total emergency appropriation created including this appropriation to be created by this resolution is \$247,000 and three percent of the total operations in the budget for the year 2011 is \$429,141.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Governing Body of the Borough of Totowa in the County of Passaic (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for:

Hurricane Irene E.O. #73 Response and Recovery:

Salaries and Wages	\$ 84,500
Other Expenses	<u>162,500</u>
	<u>\$247,000</u>

2. That said emergency appropriation shall be provided in full in the 2012 budget.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
4. That an "Emergency Note" not in excess of the above amount be authorized pursuant to N.J.S.A. 40A:4-48 and in accordance with the provision of N.J.S.A. 40A:4-51.
5. That an "Emergency Note" may be executed by the Chief Financial Officer and by the Borough Clerk.
6. That said note may be renewed from time to time and such notes and any renewals thereof shall be payable on or before December 31, 2012.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed with the Director of Local Government Services.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Niland, seconded by Councilman Puglise to adopt the following Resolution Approving Submission Of A Grant Application And Execution Of A Grant Agreement Through The New Jersey Department Of Transportation's Highway Safety Fund Grant Program For Fiscal Year 2011. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 101-2011

RESOLUTION APPROVING SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT THROUGH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S HIGHWAY SAFETY FUND GRANT PROGRAM FOR FISCAL YEAR 2011

WHEREAS, the Borough of Totowa has been awarded \$8,995.23 through the New Jersey Department of Transportation's (NJDOT) Highway Safety Fund grant program for Fiscal Year 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa does hereby approve the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Council and Municipal Clerk are hereby authorized to submit an electronic grant application identified as HSF-2011-Totowa Borough-00019 to the New Jersey Department of Transportation on behalf of the Borough of Totowa.

BE IT FURTHER RESOLVED, by the Mayor and Council that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Totowa and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

There was a motion by Councilman Niland, seconded by Councilman Puglise to approve payment of the Fire Department Clothing Allowance for 2011. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Niland, seconded by Councilman Puglise to adopt the following Resolution Authorizing The Purchase And Installation Of Public Safety Communications Equipment. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 102-2011

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF PUBLIC SAFETY COMMUNICATIONS EQUIPMENT

WHEREAS, the Borough of Totowa Police Chief has advised that there is a need to replace various communications equipment which is used by the Borough's Public Safety Departments including the Police Department, Fire Department and Office of Emergency Management; and

WHEREAS, the necessary communications equipment includes but is not limited to the radio dispatch console, console power supply and console programming system; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this communication equipment in order to maintain the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase and installation of this equipment; and

WHEREAS, State of New Jersey Contract No. A53804 has been awarded to Royal Communications Inc., 244 East Union Turnpike, Wharton, New Jersey 07885 for the purchase, installation and programming of Public Safety communications equipment; and

WHEREAS, Royal Communications Inc. has submitted a proposal for the purchase, installation and programming of the necessary Public Safety communications equipment in the amount of Nineteen Thousand Seven Hundred Seventy-Three and 00/100 Dollars (\$19,773.00), a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase and installation of the communications equipment may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase, installation and programming of various Public Safety communications equipment from Royal Communications Inc. in the amount of Nineteen Thousand Seven Hundred Seventy-Three and 00/100 Dollars (\$19,773.00).

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

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 accept the following bids for Leasing Portions Of Property Identified As Lot 2, Block 170.02. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>		<u>Item No. 1</u>	<u>Item No. 2</u>
FYC Recycling Totowa, NJ	per month per year	\$ 6,700.00 \$80,400.00	\$ 2,800.00 \$33,600.00
Environmental Renewal, LLC West Paterson, NJ	per month per year	No bid.	\$ 4,500.00 \$54,000.00

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to hold the resolution to award the contracts for Leasing Portions Of Property Identified As Lot 2, Block 170.02 and carry to the next meeting pending further review and the pending challenge. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

A letter from Construction Code Official Allan Burghardt regarding the Electrical Sub Code Official was received and filed.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was no report.

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