

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

October 10, 2017

PRESENT: Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, 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 Municipal Clerk to read the statement of the meeting.

Municipal Clerk Wassel 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.

Mayor Coiro: Congratulated Totowa's own Kristin Corrado on being sworn in as a State Senator last Thursday.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: 1) Said that the DPW did a good job of removing graffiti from the rocks at the PAL. 2) Stated that on Union Boulevard on the other side of Route 46 where they were going to put a data center, asked why we can't put a huge warehouse there. Mayor Coiro: Responded that we don't own the property and Digital Realty who is the owner is currently leasing to PSE&G and they may or may not proceed with the data center(s) going forward.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve the Minutes of the Mayor and Council for the meeting of September 26, 2017. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2017-21 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 Picarelli, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Treasurer is 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 of the Borough of Totowa is authorized to refund this amount.

<u>BLK</u>	<u>LOT</u>	<u>PROPERTY/OWNER</u>	<u>PAYABLE TO</u>	<u>YEAR</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
158	3	12 Vreeland Ave. MCP Associates LP	Lasser Hochman, L.L.C. Trust Account Mail To: Lasser Hochman LLC 75 Eisenhower Parkway Suite No. 120 Roseland, NJ 07068	2013	10,200,000	9,500,000	\$14,721.00

158	3	(same as above)	(same as above)	2014	10,200,000	9,500,000	\$14,854.00
158	3	(same as above)	(same as above)	2015	12,200,000	9,500,000	\$15,988.00
158	3	(same as above)	(same as above)	2016	10,200,000	9,500,000	\$16,443.00
158	3	(same as above)	(same as above)	2017	12,200,000	9,500,000	\$16,513.00
							Applied to 4 th (No Refund)
						Total check	\$62,006.00
170.03	7	4 Taft Road 4 Taft Road LLC	"Michael A. Vespasiano, Attorney Trust Account" Mail To: Michael A. Vespasiano 31 Main Street Chatham, NJ 07928	2012	4,501,400	2,700,000	\$37,108.84
170.03	7	(same as above)	(same as above)	2013	4,501,400	2,700,000	\$37,883.44
170.03	7	(same as above)	(same as above)	2014	4,501,400	3,800,000	\$14,883.71
170.03	7	(same as above)	(same as above)	2015	4,501,400	4,000,000	\$11,451.98
170.03	7	(same as above)	(same as above)	2016	4,501,400	4,150,000	\$8,254.39
						Total check	\$109,582.36
174	7	255 Route 46 Marbil Realty Corp	(same as above)	2011	10,500,000	9,000,000	\$29,475.00
174	7	(same as above)	(same as above)	2012	10,500,000	9,000,000	\$30,900.00
174	7	(same as above)	(same as above)	2013	10,500,000	9,000,000	\$31,545.00
174	7	(same as above)	(same as above)	2014	10,500,000	9,000,000	\$31,830.00
174	7	(same as above)	(same as above)	2015	10,500,000	9,000,000	\$34,260.00
174	7	(same as above)	(same as above)	2016	10,500,000	9,000,000	\$35,235.00
174	7	(same as above)	(same as above)	2017	10,500,000	9,500,000	\$23,590.00
							Applied to 4 th (No Refund)
						Total check	\$193,245.00
179	2.02	10-40 Gordon Drive Hasar LLC & Paradiso c/o F. Pharmacy	Saiber, Attorney Trust Account Mail To: Saiber LLC 18 Columbia Tpke Suite 200 Florham Park, NJ 07932	2015	3,300,000	3,000,000	\$6,852.00
						Total check	\$6,852.00

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing A Settlement In Litigation Filed In Superior Court Of New Jersey, Law Division, Civil Part, Passaic County Bearing Docket No. PAS-L-000789-17. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 110-2017

RESOLUTION AUTHORIZING A SETTLEMENT IN LITIGATION FILED IN THE
SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, CIVIL PART, PASSAIC
COUNTY BEARING DOCKET NO. PAS-L-000789-17

WHEREAS, by Resolution No. 19-2016 dated January 1, 2016, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa to enter into a contract with Matthew J. O'Donnell, Esq., O'Donnell McCord, P.C., 15 Mount Kemble Avenue, Morristown, New Jersey 07960, to serve as the Borough of Totowa Tax Attorney and provide professional legal services; and

WHEREAS, Matthew J. O'Donnell, Esq. served as the Tax Attorney for the Borough of Totowa during 2016; and

WHEREAS, on March 23, 2017, the Borough of Totowa was served with a complaint entitled O'Donnell McCord, P.C. vs. Borough of Totowa, filed in the Superior Court of New Jersey, Law Division, Civil Part, Passaic County bearing Docket No. PAS-L-000789-17; and

WHEREAS, by Resolution No. 59-2017 dated April 11, 2017, the Mayor and Council of the Borough of Totowa authorized the Municipal Attorney and Richard Briigliodoro as Co-Counsel to represent the Borough of Totowa in the pending litigation; and

WHEREAS, a settlement has been reached by the parties in this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa authorize a settlement in the pending litigation entitled O'Donnell McCord, P.C. vs. Borough of Totowa, filed in the Superior Court of New Jersey, Law Division, Civil Part, Passaic County Bearing Docket No. PAS-L-000789-17.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Adopting A Manual Of Personnel Policies For The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 111-2017

RESOLUTION ADOPTING A MANUAL OF PERSONNEL POLICIES FOR THE
BOROUGH OF TOTOWA

WHEREAS, it is the policy of the Borough of Totowa to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council of the Borough of Totowa has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby adopt the Personnel Policies and Procedures Manual for the Borough of Totowa.

BE IT FURTHER RESOLVED, that these personnel policies and procedures shall apply to all municipal officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED, that this manual is intended to provide guidelines covering public service by municipal employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Totowa Mayor and Council.

BE IT FURTHER RESOLVED, that to the maximum extent permitted by law, employment practices for the municipality shall operate under the legal doctrine, known as "employment at will."

BE IT FURTHER RESOLVED, that the Municipal Clerk and all managerial/supervisory personnel are responsible for these employment practices. The Deputy Clerk and the Municipal Attorney shall assist the Municipal Clerk in the implementation of the policies and procedures in this manual.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve payment of the 4th Quarter 2017 Budget Allotment to the Borough of Totowa Public Library in the amount of \$178,154.00. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

A letter from AAA North Jersey inviting the Mayor and Police Chief to attend the 2017 AAA Community Traffic Safety Awards Luncheon on Wednesday, October 25, 2017 at 11:00 a.m. at The Brownstone was received and filed.

COMMITTEE ON PUBLIC WORKS:

A letter from the Totowa Public Schools Superintendent Patricia Capitelli thanking the Mayor and Council and DPW Laborer Todd Pohlman for the recent repair of the sidewalk in front of Memorial School was received and filed with a copy to be placed in his personnel jacket.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from The Serra Club requesting permission to use the Municipal Parking Lot on Saturday, October 21, 2017 for a trip to the Sands Casino. There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to grant permission. On roll call vote, all members of the Council present voted in the affirmative. Councilman D'Angelo abstained from the voting.

A letter was received from the St. James Seniors requesting permission to use the Municipal Parking Lot on Wednesday, November 8, 2017. There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from the Friends of the Totowa Public Library requesting permission to use the Municipal Parking Lot on Tuesday, November 14, 2017 for a trip to the Sands Casino. There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to grant permission. 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 Councilman Capo, seconded by Councilman Picarelli to approve the Application For A Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the BPOE #2111 Passaic Valley Elks to be held on October 22, 2017 from 11:00 a.m. – 9:00 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 D'Angelo, seconded by Councilwoman Fontanella that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk