

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

November 25, 2014

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman Brendan Murphy, 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.

Councilman Puglise: Advised that we got our fire engine back from being repaired and thanked the Township of Wayne for the loaner fire truck. Asked the Borough Clerk to send Wayne a letter of thanks.

Councilwoman Andriani: Announced that the Annual Tree Lighting will be held on Friday, December 5, 2014 at 6:30 p.m. at the Municipal Complex. Asked the Borough Clerk to put the notice on the marquees and the website.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to approve the Minutes of the Mayor and Council for the meeting of November 11, 2014. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Resolution No. 2014-24 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 D'Angelo, seconded by Councilwoman Fontanella 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 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>
173	32.01	244 Route 46 Fairfield Dev. Co	Beattie Padovano Attorney Trust Account Mail to: Antimo a.Del Vecchio, Esq., Beattie Padovano, LLC 50 Chestnut Ridge Road P.O. Box 244 Montvale, N.J. 07645-0244	2013	1,827,500	1,600,000	\$4,784.32
173	32.01	244 Route 46	(same as above)	2014	1,827,500	1,550,000	\$5,888.55
						Total Check	\$10,672.87

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing The Issuance Of A Duplicate Tax Sale Certificate Pursuant To Chapter 99 Of The Public Laws Of 1997 for certificate number 14-00001. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997

WHEREAS, the Tax Collector of the Borough of Totowa has previously issued a tax sale certificate to DGP Capital , LLC, which certificate is dated October 24, 2014 covering premises commonly known and referred to as Lot-9 in Block-110, as set out on the municipal tax map then in use which certificate bears number 14-00001; and

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Totowa, that the Tax Collector of the Borough of Totowa, be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED, that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing The Issuance Of A Duplicate Tax Sale Certificate Pursuant To Chapter 99 Of The Public Laws Of 1997 for certificate number 14-00003. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997

WHEREAS, the Tax Collector of the Borough of Totowa has previously issued a tax sale certificate to DGP Capital , LLC, which certificate is dated October 24, 2014 covering premises commonly known and referred to as Lot-32 in Block-173, C524A, as set out on the municipal tax map then in use which certificate bears number 14-00003; and

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Totowa, that the Tax Collector of the Borough of Totowa, be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED, that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution To Cancel Current Fund Appropriated Grant Reserves. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 101-2014

RESOLUTION TO CANCEL CURRENT FUND APPROPRIATED GRANT RESERVES

WHEREAS, there exists various appropriated grant reserves on the balance sheet of the Current Fund; and

WHEREAS, the funds creating these reserves have been investigated and it has been determined that these reserves should be canceled.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa that the following appropriated grant reserves in the amount of \$72,718 be and the same are hereby canceled:

<u>Grant Title</u>	<u>Amount Cancelled</u>
Improvements to Hudson Ave. – Local	\$31,932
NJ Transportation Trust Grant Ave. – Section II	33,067
H1N1	<u>7,719</u>
	<u>\$72,718</u>

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution To Cancel Current Fund Grant Receivable Balances. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 102-2014

RESOLUTION TO CANCEL CURRENT FUND GRANT
RECEIVABLE BALANCES

WHEREAS, there exists various grants receivable on the balance sheet of the Current Fund; and

WHEREAS, the balances of these receivables have been investigated and it has been determined that these receivables should be canceled.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa that the following grants receivable in the amount of \$35,617 be and the same are hereby canceled:

<u>Grant Title</u>	<u>Amount Cancelled</u>
NJ Transportation Trust- Grant Ave. – Section II	\$ 33,067
Safe and Secure Community	<u>2,550</u>
	<u>\$35,617</u>

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Murphy 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 2014. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 103-2014

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 2014

WHEREAS, the Borough of Totowa has been awarded \$10,434.26 through the New Jersey Department of Transportation's (NJDOT) Highway Safety Fund grant program for Fiscal Year 2014.

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

BE IT FURTHER RESOLVED, by the Municipal Council that the Police Chief is hereby authorized to submit an electronic grant application identified as HSF-2014-Totowa Borough-00040 to the New Jersey Department of Transportation on behalf of the Borough of Totowa.

BE IT FURTHER RESOLVED, by the Municipal 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 Puglise, seconded by Councilman Murphy to approve a firemen's application and authorize a firemen's physical for Amanda R. Munson for Fire Rescue. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Murphy to approve a Junior Firefighter's application for Angelo Isaiah Palmieri for Fire Rescue. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Murphy to approve payment of the Fire Department Clothing Allowance for 2014. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

Upon the recommendation of DPW Superintendent Jim Niland, there was a motion by Councilman Murphy, seconded by Councilman Puglise to approve a grade increase for DPW Laborer William Marmo from Grade 1-C to Grade 1-B. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Murphy, seconded by Councilman Puglise to carry the item Accept/Reject the RFP's for Project Manager for the CDBG—DR Program until the next Council Meeting for further evaluation. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Murphy, seconded by Councilman Puglise to carry the item Recommendation of the Committee to adopt a resolution to award the contract/reject the proposals until the next Council Meeting for further evaluation. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Murphy, seconded by Councilman Puglise to carry the item Accept/Reject the RFP's for Appraisal Services for the CDBG—DR Program until the next Council Meeting for further evaluation. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Murphy, seconded by Councilman Puglise to carry the item Recommendation of the Committee to adopt a resolution to award the contract/reject the proposals until the next Council Meeting for further evaluation. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Murphy, seconded by Councilman Puglise to adopt the following Resolution Of Support Passaic Valley Water Commission's Stay Of Its LT2 Administrative Consent Order. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 104-2014

RESOLUTION OF SUPPORT PASSAIC VALLEY WATER COMMISSION'S
STAY OF ITS LT2 ADMINISTRATIVE CONSENT ORDER

WHEREAS, on October 22, 2014, the Commissioners of the Passaic Valley Water Commission (PVWC) unanimously approved a resolution to authorize and direct the Executive Director, Chief Engineer and General Counsel of the PVWC to file the necessary papers and take other necessary action to petition the Department of Environmental Protection of the State of New Jersey (DEP) and the DEP Commissioner to stay further planning or implementation of the requirements of Environmental Protection Agency (EPA) Rules and the Administrative Consent Order (ACO) issued by the DEP, relating to the Levine, Great Notch and New Street Reservoirs (the projects); and

WHEREAS, the PVWC Commissioners have determined, as stated in their approved resolution, that the cost, environmental and cultural impacts of the projects promise to impose major burdens on the individual and commercial communities of PVWC's owner cities and wholesale customers constituting approximately 800,000 customers; and

WHEREAS, the PVWC Commissioners have further determined that the impact of this project on numerous surrounding communities constitutes a major potential impact, both aesthetically and economically; and

WHEREAS, the PVWC Commissioners perceive that a significant segment of the public, which PVWC serves, has not been provided with sufficient information regarding the project and that input and participation in the project whose current cost estimate exceeds \$100 million dollars is warranted and justified; and

WHEREAS, the above referenced resolution specifically directs the Commission to file the papers and take the appropriate action to petition the DEP and its Commissioner for a stay in the proceedings, including, but not limited to, considering revisions to the ACO, to which it is subject, until 2016 or upon completion of the EPA's review of the LT2 regulations, whichever is later; and

WHEREAS, the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey are in total agreement with the PVWC's determinations and findings as stated in their resolution, and fully support the PVWC's Commissioners in their decision to file a stay to halt all further proceedings or action regarding the planning or implementation of the projects related to addressing the requirements of EPA rules and the AOC issued by the DEP.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council, of the Borough of Totowa, County of Passaic, State of New Jersey, hereby directs the Municipal Clerk to forward a copy of this supporting resolution, upon its passage, to U.S. Senator Robert Menendez; U.S. Senator Cory Booker; U.S. Congressman William J. Pascrell, Jr.; U.S. Congressman Rodney P. Frelinghuysen; Governor Chris Christie; Senator Joseph Pennacchio; Senator Nia H. Gill; Senator Nellie Pou; Senator Paul A. Sarlo; Senator Robert Gordon; Senator Gerald Cardinale; Senator Kevin J. O'Toole; the Senator's respective District Assemblypersons; New Jersey State DEP Commissioner Robert Martin; and U.S. Environmental Protection Agency Administrator Gina McCarthy; requesting that their support of PVWC's efforts to file and receive a stay which would provide for a halt in all further proceedings or actions regarding the planning or implementation of the project relating to addressing the requirements of EPA rules and the AOC issued by the DEP be approved.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was no report.

COMMITTEE ON LIAISON & INSPECTION:

A letter was received from St. James R.C. Church requesting permission to use the Borough of Totowa recreational areas at the PAL for their circus fundraiser on Sunday, May 10, 2015 and Monday, May 11, 2015. There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to grant permission. On roll call vote, all members of the Council present voted in the affirmative. Councilman D'Angelo abstained from the voting.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani 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. 12-2014

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 43 ENTITLED "FIRE DEPARTMENT", ARTICLE II, "ORGANIZATION;
MEMBERSHIP; GENERAL POWERS & DUTIES"**

There being no further business to come before the Council, there was a motion by Councilman Puglise, seconded by Councilman D'Angelo that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk