

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

February 25, 2014

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

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 the 2014 Passaic County Open Space and Farmland Preservation Trust Fund grant application for the construction of a tennis court at The PAL. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that the 2014 Open Space grant application has been advertised for public hearing for Tuesday, February 25, 2014.

Municipal Clerk Wassel read the Open Space Public Hearing Notice.

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 the 2014 Open Space grant application.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: Asked where the physical location of the tennis court is going to be. Mayor Coiro: Responded that it will be going in the same location as the existing roller hockey rink.

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.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following resolution endorsing submission of the 2014 Passaic County Open Space and Farmland Preservation Trust Fund grant application for the construction of a tennis court at the PAL. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 34-2014

WHEREAS, the Mayor and Council of the Borough of Totowa are desirous of submitting an application for funding through the Passaic County Open Space and Farmland Preservation Trust Fund for the construction of a tennis court at the PAL; and

WHEREAS, pursuant to the State Shared Services Act, such funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the Borough of Totowa; and

WHEREAS, the Mayor and Council obtained public comments of the proposed application at their meeting held on February 25, 2014.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby confirm endorsement of the aforesaid project.

BE IT FURTHER RESOLVED, that the Mayor and Council certify the resolution for the application to be presented to the Passaic County Department of Planning.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Department of Planning and be included in the application by the Borough for the 2014 Open Space and Farmland Preservation Trust Fund, so that implementation of the aforesaid project may be expedited.

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: Announced that in regard to the pothole problem that everyone is experiencing, he and Lieutenant Mark Aue drove around the whole town over the weekend and charted every pothole on municipal, county and state roads. Said he gave the County list to DPW Superintendent Jim Niland who had it faxed over to the County Road Department and noticed that the County was already out there patching their potholes. The state list was also sent to the DOT. Mayor Coiro: Thanked him for going out on a Sunday and getting this done.

Councilwoman Andriani: Thanked Library Director Anne Krautheim and the library staff for their Dr. Seuss read-a-thon, held earlier tonight for an excellent job.

CITIZENS HEARD:

There were no citizens who wished to be heard.

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

COMMITTEE ON FINANCE:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Resolution No. 2014-05 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 approve 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 State Tax Court Judgments to reduce the evaluation on the following properties.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the Borough of Totowa is authorized to refund these amounts.

BLK	LOT	PROPERTY/OWNER	PAYABLE TO:	YEAR	FROM	TO	AMOUNT
170.02	5	F R Totowa LLC/ Terreno Maltese LLC	"Daniel G. Keough, Trustee" Mail To: Ventura,Miesowitz Keough & Warner 783 Springfield Ave Summit NJ 07901- 2332	2009	16,348,600	14,000,000	\$38,047.32
170.02	5	F R Totowa LLC/ Terreno Maltese LLC	Same as Above	2010	16,348,600	14,000,000	\$40,114.08
170.02	5	F R Totowa LLC/ Terreno Maltese LLC	"Same as Above	2011	16,051,500	13,000,000	\$59,961.97
170.02	5	F R Totowa LLC/ Terreno Maltese LLC	"Same as Above	2012	16,051,500	13,000,000	\$62,860.90
170.02	5	F R Totowa LLC/ Terreno Maltese LLC	"Same as Above	2013	16,051,500	12,250,000	\$79,945.54
						Total check	\$280,929.81
170.02	7	Moreng Leasing	"Bruce J. Stavitsky, Esq. For the benefit of Moreng Leasing".	2009	6,050,400	4,290,000	\$28,518.48

Mail To:
 Stavitsky & Associates
 LLC
 350 Passaic Avenue
 Fairfield, NJ 07004

170.02	7	Moreng Leasing	"Same as Above"	2010	6,050,400	4,000,000	\$35,020.83	
170.02	7	Moreng Leasing	"Same as Above"	2011	5,654,500	3,718,000	\$38,052.22	
170.02	7	Moreng Leasing	"Same as Above"	2012	5,654,500	3,432,000	\$45,783.50	
170.02	7	Moreng Leasing	"Same as Above"	2013	5,654,500	3,289,000	\$49,746.46	
							Total check	\$197,121.49

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve the following resolution authorizing the Treasurer to issue refunds to various property owners due to overpayment of taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there has been an overpayment of Taxes on the properties listed below;
 and

WHEREAS, the tax payers are entitled to a refund; and

WHEREAS, the chart sets forth the refund as follows:

Block	Lot	Property/Owner	Payable to:	OVERPAYMENT
28	5	20 Elizabeth Place Anabelle Rojas	CoreLogic Real Estate Tax Service Attn: Tax Refunds 1 CoreLogic Drive Mail Code DFW 1-3 Westlake, TX 76262	\$2,049.38
67	7	153 Barnert Avenue Christopher Curreri	Vantage Point Title 28100 US Highway 19N Suite 200 Clearwater, Florida 33761 Attn: Roberta Smallwood	\$1,420.05

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 checks for the refunds, which shall be paid to the stated property owner or taxing authority.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve the following resolution authorizing the Treasurer to issue a refund to 515 Union Boulevard, LLC, Block 100, Lot 1 due to an overpayment as the result of a negotiated settlement reducing their 2013 assessment. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Re: 515 Union Blvd, Totowa, NJ
Block 100, Lot 1
Refund/Overpayment

WHEREAS, there was a negotiated settlement reducing the assessment for 2013 to \$7,500,000; and

WHEREAS, as a result of the assessment reduction, there is an overpayment in the amount of \$867.19; and

WHEREAS, the property owner is now entitled to a refund for the overpayment of 2013 property taxes.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the Borough of Totowa, is authorized to refund the amount of \$867.19 to the owner of record as of 1/1/13, and the check should be made payable to "Garippa, Lotz & Giannuario, Attorney's for 515 Union Blvd, LLC, at 66 Park Street, Montclair, NJ, 07042.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing The Purchase And Installation Of A Camera System For The Municipal Court Office. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 35-2014

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A CAMERA SYSTEM FOR THE MUNICIPAL COURT OFFICE

WHEREAS, the Municipal Judge for the Borough of Totowa Municipal Court has recommended the purchase of a camera system for the Municipal Court office for security reasons; and

WHEREAS, the Mayor and Council of the Borough of Totowa recognize the need for a camera system for this municipal office for the protection and safety of the Municipal Court staff and desire to authorize the purchase and installation of a camera system for the Municipal Court office; and

WHEREAS, the Borough of Totowa Municipal Court solicited quotes for a camera system for the Municipal Court office; and

WHEREAS, Intruder Alert Alarms, P.O. Box 597, Totowa, New Jersey 07512 has submitted a proposal for the purchase and installation of a camera system for a fee not to exceed the sum of Three Thousand Four Hundred Ninety-Five and 00/100 Dollars (\$3,495.00), 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 authorization of this service will not exceed the public bidding threshold and may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Intruder Alert Alarms to provide and install a camera system in the Borough of Totowa Municipal Court office and provide all related services as set forth in their proposal for a fee not to exceed the sum of Three Thousand Four Hundred Ninety-Five and 00/100 Dollars (\$3,495.00),

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

A letter from American Legion Memorial Post No. 227 inviting the Mayor and Council to participate in their annual Memorial Day Parade to be held on Sunday, May 25, 2014 at 1:00 p.m. was received and filed.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve payment of an additional contribution to the Borough Of Totowa First Aid Squad, Inc. in the amount of \$9,375.00 for their 2013 TSAP. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

A letter from resident Domenick Pedalino thanking Police Dispatcher Carl Baker, DPW Superintendent Jim Niland and Administrative Clerk Denise Zarek for their assistance with a recent snow incident was received and filed with copies to be placed in their respective personnel jackets.

There was a motion by Councilman Waryas, seconded by Councilman Puglise to adopt the following resolution authorizing the purchase of new fire hydrants and various accessories. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 36-2014

RESOLUTION AUTHORIZING THE PURCHASE OF NEW FIRE HYDRANTS AND VARIOUS ACCESSORIES

WHEREAS, the Borough of Totowa Department Of Public Works Interim Superintendent has advised the Mayor and Council of the Borough of Totowa that several fire hydrants are no longer working satisfactorily and must be replaced as soon as possible; and

WHEREAS, the Mayor and Council recognize the importance and necessity of maintaining working fire hydrants as an active fire protection measure for the entire Borough of Totowa community; and

WHEREAS, the Borough of Totowa Department of Public Works Interim Superintendent has recommended that the Borough of Totowa purchase Mueller hydrants and accessories to replace the inoperable hydrants since they are compatible with the Borough of Totowa's existing fire hydrant equipment; and

WHEREAS, Water Works Supply Company, Inc., 660 State Highway 23, Pompton Plains, New Jersey 07444, a local distributor of Mueller fire hydrant and related equipment, has submitted a proposal for the replacement hydrants and related accessories in the amount of Seventeen Thousand Nine and 08/100 Dollars (\$17,009.08), a copy of which is on file in the office of the Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase of this equipment for the Borough of Totowa for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to the N.J.S.A. 40A:11-5(1) (i), this replacement equipment constitutes an extraordinary, unspecifiable service that may be authorized by the Borough of Totowa without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by Water Works Supply Company, Inc. for the replacement Mueller hydrants and related accessories in the amount of Seventeen Thousand Nine and 08/100 Dollars (\$17,009.08).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Clerk and Department of Public Works Interim Superintendent to execute any and all instruments relating thereto.

Upon the recommendation of DPW Superintendent Jim Niland, there was a motion by Councilman Waryas, seconded by Councilman Puglise to approve a grade increase for DPW Laborer Gregory Larose from Grade 6 to Grade 5. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Waryas, seconded by Councilman Puglise to approve Change Order No. 2 for a net increase of \$4,900.00 and Payment Estimate No. 2 in the amount of \$6,762.00 to Mark Paving Co., Inc. for the Lincoln Avenue Improvements. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from Murph's Tavern inviting the Mayor and Council to their annual celebration in honor of St. Patrick's Day on Sunday, March 16, 2014 (3:00 p.m.—12:00 a.m.) and Monday, March 17, 2014 (12:00 p.m.—1:00 a.m.) and requesting permission to have Rosengren Avenue closed from Totowa Road to Union Boulevard on those dates and times. There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to approve the request. On roll call vote, all members of the Council present voted in the affirmative.

STREET CLOSING AUTHORIZED BY THE MAYOR

Under the authority vested in me as Mayor of the Borough of Totowa, County of Passaic, State of New Jersey, by virtue of N.J.S.A. 40:67-16.9 and the Code of the Borough of Totowa Chapter No. 398-42, I Mayor John Coiro, do hereby order and direct that Rosengren Avenue between Totowa Road and Union Boulevard be closed to vehicular traffic from 3:00 p.m. to 12:00 a.m. on Sunday, March 16, 2014 and from 12:00 p.m. to 1:00 a.m. on Monday, March 17, 2014. I further direct that proper signs and barriers be erected at the intersections of Rosengren Avenue and Totowa Road and Rosengren Avenue and Union Boulevard and that the Totowa Police Department control and regulate, as well as enforce, this regulation.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Agreement Between The City Of Paterson Department Of Health And Human Services, Division Of Health And The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 37-2014

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF PATERSON, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH AND THE BOROUGH OF TOTOWA

WHEREAS, the Mayor and Council of the Borough of Totowa desire to enter into a health services agreement with the City of Paterson, Department of Health and Human Services, Division of Health; and

WHEREAS, pursuant to the agreement, the City of Paterson, Department of Health and Human Services, Division of Health will furnish health services of a technical and professional nature pursuant to N.J.S.A. 26:3A2-1, et seq. and N.J.S.A. 40A:65-1, et seq.; and

WHEREAS, these technical and professional services include but are not limited to public health administration, health education, public health nursing education, promoting and providing immunization, tuberculosis control, sexually transmitted disease control and HIV/Aids prevention; and

WHEREAS, the term of this agreement shall be for a three (3) year period effective July 1, 2013 through June 30, 2016; and

WHEREAS, the total cost to the Borough of Totowa for the aforementioned technical and professional services to be provided by the City of Paterson, Department of Health and Human Services, Division of Health for the three (3) year period shall be as follows:

July 1, 2013 through June 30, 2014	\$ 9,888.00
July 1, 2014 through June 30, 2015	\$10,382.00
July 1, 2015 through June 30, 2016	\$10,382.00

WHEREAS, the Mayor and Council of the Borough of Totowa desire to enter into this agreement with the City of Paterson, Department of Health and Human Services, Division of Health and memorialize the terms thereof.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into an agreement with the City of Paterson, Department of Health and Human Services, Division of Health for the furnishing of health services of a technical and professional nature pursuant to N.J.S.A. 26:3A2-1, et seq. and N.J.S.A. 40A:65-1, et seq.

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 necessary instruments relating thereto.

A letter from the Totowa PAL Baseball & Softball Commissioners inviting the Mayor and Council to their Opening Day Ceremonies on April 5, 2014 at 10:00 a.m. was received and filed.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve the Petition To Extend Licensed Premises for Anthony Murphy, Inc. on Saturday, March 15, 2014, Sunday, March 16, 2014 and Monday, March 17, 2014. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to adopt the following Resolution Calling On The Legislature To Make Permanent The 2% CAP On Interest Arbitration Awards. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 38-2014

RESOLUTION CALLING ON THE LEGISLATURE TO MAKE
PERMANENT THE 2% CAP ON INTEREST ARBITRATION AWARDS

WHEREAS, on December 21, 2010, Governor Christie signed into law reforms to the Arbitration process that took effect January 1, 2011; and

WHEREAS, the reforms capped arbitration awards on economic factors to no more than 2%, provided for random selection of arbitrators, expedited the determination of awards, required the arbitrator to provide a written report detailing the weight accorded to each of the required considerations and expedited the appeal process; and

WHEREAS, these reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and

WHEREAS, a key element of the reforms, capping arbitration awards on economic factors to no more than 2% of the property tax levy will expire on April 1, 2014; and

WHEREAS, while municipalities are statutorily limited to raise their property tax levy by no more than 2%, with very limited exceptions, failure to extend the 2% cap on interest arbitration awards will force municipalities throughout the State to further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award; and

WHEREAS, the 2% Interest Arbitration cap has controlled one of the largest municipal expense, public safety salaries, not only through arbitration awards but through contract negotiations; and

WHEREAS, absent further action by the Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, EXCEPT the 2% awards cap; and

WHEREAS, without those limits, arbitrators will be able to impose awards that do not account for the 2% limit on the property tax levy, which would immediately threaten funding for all other municipal services; and

WHEREAS, without the 2% cap on Interest Arbitration Awards but with the 2% cap on property tax levy local budget makers could be forced to reduce other essential municipal services to fund an arbitration award.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Totowa strongly urges the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset.

BE IT FURTHER RESOLVED, that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, District 40 Senator Kevin J. O'Toole, District 40 Assemblyman Scott T. Rumana, District 40 Assemblyman David C. Russo, Governor Chris Christie and the New Jersey State League of Municipalities.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to Amend Raffle License Application No. 1718 for the Totowa PAL. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1768 & 1769 for The Arc of Bergen & Passaic Counties, Inc. for a Tricky Tray and On-Premise 50/50, respectively, to be held on April 17, 2014 at Ruby's Lounge. 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