

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

August 13, 2013

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 enable the Mayor and Council to present Sports Award Certificates to the 2013 Passaic Valley Baseball League Farm Division Champion Totowa Diamondbacks players and coaches. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro went to the front of the dais and announced that we really enjoy when we can have our youth teams here at a meeting and present them with certificates for winning their league championship. Mayor Coiro began by calling up each coach and presenting them with a Sports Award Certificate. Mayor Coiro then asked one of the coaches to give a synopsis of the season. Coach John Mallamace gave the synopsis of the season and then said that all of the coaches are very proud of all their players. Mayor Coiro continued by calling up each player and presenting them with a Sports Award Certificate. Mayor Coiro then commented on behalf of the Mayor and Council he congratulated them all and said that he hopes to see them back again next year. Pictures were taken.

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 everyone to rise and offer a moment of silence for Doug Wright, our long time DPW employee who recently passed away.

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

Councilman Waryas: Stated that he thinks Doug Wright would have been proud about his funeral—with the Fire Department and DPW—and wanted to thank everyone for their participation.

Councilwoman Fontanella: Announced that she and Councilman Waryas were invited to see the new bailout systems for the Fire Department and said that some of our volunteers were trained in their use and they in turn will train all our other volunteers.

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 July 23, 2013. 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. 2013-17 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 Refund Of Redemption Monies To Outside Lien Holder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER

CERTIFICATE OF SALE #12-00004
BLOCK 139, LOT 13
PROPERTY: 111 BOGERT STREET

WHEREAS, at the Municipal Tax Sale held on October 25, 2012, a lien was sold on Block 139, Lot 13, also known as 111 Bogert Street in Totowa, for 2011 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #12-00004, was sold to Stonefield Investment Fund, II, LLC, for a 0% redemption fee and a \$10,100.00 premium; and

WHEREAS, Chancellor Title Agency, Inc., on behalf of the owner Charles Bruno, has effected redemption of Certificate #12-00004 in the amount of \$19,222.84, as of 8/13/13.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$19,222.84, payable to Stonefield Investment Fund, II, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952, for the redemption of Tax Sale Certificate #12-00004.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$10,100.00 (Premium) to the aforementioned lien holder.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Re: Governing Body Certification Of The Annual Audit. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 85-2013

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations" as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – "A local Officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

A letter from Father Patrick Ryan, Pastor of St. James of the Marches advising that they will be remembering the victims of 9/11 on September 15, 2013 at the 10:15 Mass was received and filed.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve a grade increase for Patrolman Park Balloutine from Grade 3 to Grade 2, effective August 10, 2013. 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 approve a grade increase for Patrolman Joseph Flynn, Patrolman Douglas Spinella and Patrolman Thomas Bevacqua from Probationary to Grade 6, effective August 14, 2013. 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 Accepting A Motorcycle From The County Of Passaic For The Borough Of Totowa Police Department. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 86-2013

RESOLUTION ACCEPTING A MOTORCYCLE FROM THE COUNTY OF PASSAIC FOR THE BOROUGH OF TOTOWA POLICE DEPARTMENT

WHEREAS, the County of Passaic Sheriff's Department is in sole and exclusive possession, along with the title owner, County of Passaic, of one (1) 2007 Harley Davison FLHPI bearing VIN #1HD1FHM1X7Y692685; and

WHEREAS, Passaic County Sheriff Richard H. Berdnick has advised the Passaic County Board of Chosen Freeholders that the vehicle has come to the end of its useful life and is now considered a surplus vehicle which is no longer needed for public use; and

WHEREAS, Borough of Totowa Police Department had previously expressed interest in obtaining any surplus vehicles from the Passaic County Sheriff's Department Motor Pool; and

WHEREAS, the Board of Chosen Freeholders of the County of Passaic by Resolution No. R-13-359 dated May 28, 2013 approved the transfer of one (1) 2007 Harley Davison FLHPI to the Borough of Totowa Police Department for the nominal consideration of One Dollar and No Cents (\$1.00); and

WHEREAS, the Borough of Totowa Police Chief has requested that this vehicle be acquired to be used by his Department and be added to the Borough of Totowa fleet; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to accept the 2007 Motorcycle bearing VIN #1HD1FHM1X7Y692685 from the County of Passaic Sheriff Department for the Borough of Totowa Police Department; and

WHEREAS, pursuant to the applicable New Jersey State laws, this vehicle may be acquired 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 authorize and accept the transfer of one (1) 2007 Harley Davison FLHPI from the County of Passaic Sheriff's Department to the Borough of Totowa Police Department.

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.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve payment of the annual contribution for 2013 to the Borough Of Totowa First Aid Squad, Inc. in the amount of \$15,000.00. On roll call vote, all members of the Council present voted in the affirmative.

Letters from West Paterson Fire Chief Paul Salamone thanking the Totowa Fire Department and First Aid Squad for their assistance with the fire at 25 Andrews Drive on July 18, 2013 were received and filed.

COMMITTEE ON PUBLIC WORKS:

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 Steve Filan from Grade 5 to Grade 3, effective August 13, 2013. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from the Totowa Seniors requesting permission to use the Municipal Parking Lot from September 23—26, 2013. 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.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

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 entitle ordinance and to refer it to the Planning Board for their review and comments. On roll call vote, all members of the Council present voted in the affirmative.

ORDINANCE NO. 11-2013

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 415 ENTITLED "ZONING AND LAND USE", PART 4, "ZONING"

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve the Application For Special Permit For Social Affair from the State Of New Jersey Division Of Alcoholic Beverage Control for the Totowa Borough Republican Club for Sunday, September 8, 2013 from 12:00 – 8:00 p.m. to be held at the recreational areas at The 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 the Application For Special Permit for Social Affair from the State of New Jersey Division Of Alcoholic Beverage Control for the Macedonian Orthodox Church "St. Nikola" for September 14, 2013 (rain date September 21st) from 12:00—10:00 p.m. and September 15, 2013 (rain date September 22nd) from 12:00—8:00 p.m. 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 Authorizing The Renewal Application For ABC Liquor License No. 1612-33-008-008 For The 2013 – 2014 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 87-2013

RESOLUTION AUTHORIZING THE RENEWAL APPLICATION FOR ABC LIQUOR
LICENSE NO. 1612-33-008-008 FOR THE 2013-2014 LICENSE TERM

WHEREAS, Amber Group LLC has filed a verified petition to the New Jersey Division of Alcoholic Beverage Control (“ABC”) requesting authorization for the local issuing authority to consider a renewal application for License No. 1612-33-008-008 for the 2013-2014 and 2014-2015 license terms pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS, the ABC Director Michael L. Halfacre has reviewed the petition and considered all the facts and circumstances related to the inactive status of the license; and

WHEREAS, the ABC Director has found that the licensee Amber Group LLC has established good cause in accordance with the statutory provisions to warrant an application for renewal of the license for the 2013-2014 and 2014-2015 license terms; and

WHEREAS, on July 31, 2013 the ABC issued a Special Ruling dated July 31, 2013 directing the Borough of Totowa to consider the application for renewal of the subject license for the 2013-2014 and 2014-2015 license terms in accordance with the above findings of the ABC Director; and

WHEREAS, the Special Ruling contains a Special Condition stating that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2015; and

WHEREAS, the Mayor and Council of the Borough of Totowa after due and diligent consideration has determined that the request for renewal should be granted for the 2013-2014 term subject to the above conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the renewal of Plenary Retail Consumption License No. 1612-33-008-008 for the 2013-2014 license term for the reasons set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Clerk to renew ABC License No. 1612-33-008-008 for the 2013-2014 license term.

BE IT FURTHER RESOLVED, that the renewal shall contain a Special Condition requiring activation of the liquor license by June 30, 2015.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to adopt the following Resolution Proclaiming August 18 – 24, 2013 Senior Citizen Week In The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 88-2013

RESOLUTION PROCLAIMING AUGUST 18, 2013 TO AUGUST 24, 2013
SENIOR CITIZEN WEEK IN THE BOROUGH OF TOTOWA

WHEREAS, as Americans are living longer and healthier lives, the senior citizen population continues to grow; and

WHEREAS, the Mayor and Council of the Borough of Totowa are committed to valuing all individuals and recognizing their ongoing life achievements; and

WHEREAS, the older adults in the Borough of Totowa play an important role by continuing to contribute experience, knowledge, wisdom and accomplishments; and

WHEREAS, the Mayor and Council of the Borough of Totowa celebrate the contributions older citizens have made throughout their lives; and

WHEREAS, these special citizens have led us through times, of conflict, depression, peace and have witnessed firsthand the milestones of our Country.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby proclaim August 18, 2013 to August 24, 2103 to be Senior Citizen Appreciation Week in the Borough of Totowa.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby urge every citizen in their community to take time this week to recognize older adults as powerful and vital citizens who greatly contribute to the community.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1726 & 1727 for Helpful Hands, Northeast Regional Early Intervention Collaborative, Inc. for an Off-Premise 50/50 and Casino Night, respectively, to be held on November 2, 2013 at The Bethwood. 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