

## BOROUGH OF TOTOWA

### MINUTES OF THE MAYOR AND COUNCIL

**November 15, 2016**

**PRESENT:** Mayor John Coiro, presiding, Council President Phil Puglise, Councilman Lou D'Angelo Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

**ABSENT:** Councilman William Bucher.

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.

Mayor Coiro: Congratulated Councilman D'Angelo on his re-election to the Council.

Councilwoman Andriani: Announced that the Board of Recreation held their Trunk-or-Treat on Sunday, October 30<sup>th</sup> from 6:30 – 8:00 p.m. in the PAL parking lot and even though it was a rainy night there were still about fifty families who attended and thanked both the Police Chief and Fire Chief for their support.

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 October 25, 2016. 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. 2016-23 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 to effectuate the redemption of Tax Sale Certificate #13-00001 for 4 Columbus Avenue, Block 75, Lot 23. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #13-00001  
Block 75, Lot 23  
PROPERTY: 4 Columbus Ave.  
Totowa, N.J. 07512  
OWNER: Kaspinov, Marjan

WHEREAS, at the Municipal Tax Sale on October 24, 2013, a lien was sold on Block 75, Lot 23 also known as 4 Columbus Ave. in Totowa, for 2012 delinquent taxes; and

WHEREAS, this lien known as Tax Sale Certificate #13-00001, was sold to Tower Fd Srvs for Ebury Fund for 0% redemption fee and a \$7,100.00 premium; and

WHEREAS, Marjan Kaspinov, owner of the property, has effected redemption of Certificate #13-00001 in the amount of \$45,520.26 as of 11/15/16.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$45,520.26 payable to Tower Fd Srvs for Ebury Fund for the redemption of Tax Sale Certificate #13-00001.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$7,100 (premium) to the aforementioned Lien Holder.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following resolution to effectuate the redemption of Tax Sale Certificate #13-00002 for 6 Columbus Avenue, Block 75, Lot 24. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION

Certificate of Sale #13-00002  
Block 75, Lot 24  
PROPERTY: 6 Columbus Ave.  
Totowa, N.J. 07512  
OWNER: Kaspinov, Marjan

WHEREAS, at the Municipal Tax Sale on October 24, 2013, a lien was sold on Block 75, Lot 24 also known as 6 Columbus Ave. in Totowa, for 2012 delinquent taxes; and

WHEREAS, this lien known as Tax Sale Certificate #13-00002, was sold to Tower Fd Srvs for Ebury Fund for 0% redemption fee and a \$7,100.00 premium; and

WHEREAS, Marjan Kaspinov, owner of the property, has effected redemption of Certificate #13-00002 in the amount of \$34,701.88 as of 11/15/16.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$34,701.88 payable to Tower Fd Srvs for Ebury Fund, for the redemption of Tax Sale Certificate #13-00002.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$7,100 (premium) to the aforementioned Lien Holder.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to acknowledge receipt of the Report of Annual Tax Sale held on October 20, 2016 from Tax Collector Elaine Reddin. 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 authorize the Borough Attorney to prepare and the Borough Clerk to advertise for the RFQ's for 2017 Professional Services. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing The Purchase And Delivery Of Thermal Imagers For The Borough Of Totowa Fire Department. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 138-2016

#### RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF THERMAL IMAGERS FOR THE BOROUGH OF TOTOWA FIRE DEPARTMENT

WHEREAS, the Chief of the Borough of Totowa Volunteer Fire Department has recommended the purchase of new Thermal Imager cameras for the Fire Department; and

WHEREAS, Thermal Imagers allow firemen to see more clearly and maneuver strategically in smoky, dark environments; and

WHEREAS, the Mayor and Council of the Borough of Totowa recognize the importance of Thermal Imagers and desire to authorize the purchase and delivery of this equipment; and

WHEREAS, the Borough of Totowa Fire Chief has solicited quotes for these new Thermal Imagers and related equipment; and

WHEREAS, AAA Emergency Supply, 635 North Broadway, White Plains, New York 10603 has submitted a quote for the purchase and delivery of two Flir K55 320 x 240 Thermal Imagers and four Flir K2 Compact Personal Firefighting Thermal Imagers in the amount of \$13,370.00, 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 of this 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 and delivery of two Flir K55 320 x 240 Thermal Imagers and four Flir K2 Compact Personal Firefighting Thermal Imagers for the Borough of Totowa Fire Department in the amount of \$13,370.00.

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

There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing Emergency Repairs To Borough Of Totowa Fire Department Truck 1. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 139-2016

#### RESOLUTION AUTHORIZING EMERGENCY REPAIRS TO BOROUGH OF TOTOWA FIRE DEPARTMENT TRUCK 1

WHEREAS, the Fire Chief of the Borough of Totowa Volunteer Fire Department has advised the Mayor and Council of the Borough of Totowa that various repairs were needed for Fire Truck 1; and

WHEREAS, more specifically, Fire Truck 1 was brought to New Jersey Emergency Vehicles ("NJEV"), 2201 Atlantic Avenue, Suite 2, Manasquan, New Jersey 08736 for standard annual service including chassis service, pump service, aerial service and aerial testing; and

WHEREAS, a deficiency list was provided for each service and the necessary repairs were made; and

WHEREAS, some of the immediate repairs made were needed to ensure that Fire Truck 1 is fully operational and at its maximum safe operating performance; and

WHEREAS, it was necessary to return the unit to service to the Borough of Totowa Fire Department fleet as quickly as possible for the public health, safety and welfare of the residents of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the emergency repairs for Fire Truck 1 of the Borough of Totowa Fire Department Fleet; and

WHEREAS, pursuant to the applicable New Jersey State laws, the authorization of these emergency repair services may be awarded without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to NJEV for the various emergency repairs for Fire Truck 1 in the amount of \$12,843.58.

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

There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to approve payment of the Fire Department Clothing Allowance for 2016. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to accept the following bids for the CDBG-DR Program Demolition of Homes. On roll call vote, all members of the Council present voted in the affirmative.

| <u>Company</u>             | <u>Total Bid</u> |
|----------------------------|------------------|
| Control Industries, Inc.   | \$49,375.00      |
| Caravella Demolition       | \$70,690.00      |
| Yannuzzi Group             | \$86,163.00      |
| Wild Heart Industries, LLC | \$89,300.00      |

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to adopt the following resolution to award the contract for the CDBG-DR Program Demolition of Homes to the lowest responsible bidder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 140-2016

RESOLUTION AUTHORIZING THE DEMOLITION OF HOMES  
FOR THE CDBG-DR PROGRAM

WHEREAS, the Borough of Totowa has received a grant from Passaic County as a sub-grantee of the State of New Jersey from funding provided by the United States Department of Housing and Urban Development Hurricane Irene Disaster Recovery Program and a grant from the State of New Jersey Department of Environmental Protection Green Acres Program to implement the Community Development Block Grant – Disaster Recovery (“CDBG-DR”) Program; and

WHEREAS, more specifically, the Borough of Totowa used the funds to acquire five (5) homes which were damaged by Hurricane Irene;

WHEREAS, these homes will be demolished and converted to open space for community-wide use in perpetuity; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a firm licensed in the State of New Jersey to demolish the five (5) single family homes in a manner consistent with all regulations; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed proposals in accordance with the specifications entitled “Notice and Solicitation of Proposals for the Demolition of Five Single Family Homes, Borough of Totowa, County of Passaic, New Jersey 2016”; and

WHEREAS, the Borough of Totowa did receive sealed proposals at its Municipal Building on November 3, 2016; and

WHEREAS, the Mayor and Council of the Borough of Totowa on November 15, 2016 did review the proposals received for the Demolition Services for the CDBG-DR Program; and

WHEREAS, the lowest proposal was submitted by Control Industries, Inc., 103 E. 25<sup>th</sup> Street, Bayonne, New Jersey 07002 in the amount of \$49,375.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Control Industries, Inc. be accepted as the lowest responsible bid; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the bid of Control Industries, Inc. for Demolition Services for the CDBG-DR Program in the amount of \$49,375.00.

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.

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to approve Payment Estimate No. 3 (Final) in the amount of \$4,965.46 to Smith-Sondy Asphalt Construction Co., Inc. for the Gordon Avenue Improvements. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to accept the following bids for the Purchase and Delivery of One Sewer Jetter. On roll call vote, all members of the Council present voted in the affirmative.

| <u>Company</u>        | <u>Total Bid</u> |
|-----------------------|------------------|
| Jet Vac Equipment     | \$198,600.00     |
| Jack Doheny Companies | \$200,000.00     |

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following resolution to award the contract for the Purchase and Delivery of One Sewer Jetter to the lowest responsible bidder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 141-2016

RESOLUTION AUTHORIZING CONTRACT FOR THE PURCHASE  
AND DELIVERY OF ONE SEWER JETTER

WHEREAS, the Borough of Totowa Department of Public Works ("DPW") Superintendent has recommended the purchase of a High Pressure Water Jet to remove dirt, sand, grease, detergents and material normally found in storm drains and sanitary pipes; and



WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is an on-going need for this equipment for the municipality; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Specifications for the Purchase and Delivery of One New 2016 800-HPR Series III Eco Truck Mounted Sewer Jetter for the Borough of Totowa, County of Passaic, New Jersey, 2016"; and

WHEREAS, the Borough of Totowa did receive sealed bids at its Municipal Building on November 2, 2016; and

WHEREAS, the lowest bid was submitted by Jet Vac Equipment, LLC, 2233 Avalon Way, Bloomingdale, New Jersey 07403 with a bid for one 2016 800-ECO Freightliner M2-160 Truck Mounted Sewer Jetter in the amount of \$198,600.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Jet Vac Equipment, LLC be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the bid of Jet Vac Equipment, LLC for the purchase and delivery of one 2016 800-ECO Freightliner M2-160 Truck Mounted Sewer Jetter in the amount of \$198,600.00 for the Borough of Totowa as the lowest responsible bid.

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.

#### COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution In Support Of Senate Bill S-2254 And Assembly Bill A-3821 Which Affirms The Language And Legislative Intent Of The Fair Housing Act. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 142-2016

#### RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRMS THE LANGUAGE AND LEGISLATIVE INTENT OF THE FAIR HOUSING ACT

WHEREAS, the Borough of Totowa supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, in February, the Ocean County Superior Court included a distinct “gap period” analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

WHEREAS, the Appellate Division recently in a unanimous decision overturned the February Ocean County Superior Court decision and held that municipalities are only responsible to address the 10 year present and prospective need, not any “gap period” number; and

WHEREAS, the New Jersey Supreme Court has, for stated purposes of “...*judicial economy and efficiency based on the large number of actions involved. The Court makes no findings as to the reasonable probability of success on the merits, irreparable harm, or the relative hardship to the parties,*” agreed to hear an appeal of the Appellate Division ruling in late November; and

WHEREAS, the FHA and existing case law, requires that “present and prospective fair share of the housing need in a given region ...shall be computed for a 10 year period” [N.J.S.A. 52:27D-307(c)]; and

WHEREAS, the “gap issue” arises out of the inability of the New Jersey Council on Affordable Housing to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

WHEREAS, this issue needs a resolution which provides both certainty and an achievable path forward so municipalities can proceed with planning for and implementing their affordable housing obligations; and

WHEREAS, Senate Bill S-2254, sponsored by Senators Greenstein and Bateman, and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the language and legislative intent of the FHA, so as to preclude significant unfair impacts and instead further progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the actual provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED, on this 15<sup>th</sup> day of November, 2016 by the Borough of Totowa, County of Passaic, that:

1. The Borough of Totowa strongly urges New Jersey Legislators to immediately reaffirm the language and legislative intent of the FHA and expressly clarify that the municipal affordable housing share is the sum of present and prospective need for the enumerated 10 year period.
2. The Borough of Totowa supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, Senator Kevin O'Toole, Assemblyman Dave Russo, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green, Assemblywoman Mila Jasey, the New Jersey League of Municipalities and the New Jersey Conference of Mayors.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilman Puglise 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. 17-2016**

**AN ORDINANCE PROVIDING FOR THE VACATION OF MAPLE STREET  
IN THE BOROUGH OF TOTOWA, COUNTY OF PASSAIC, NEW JERSEY**

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to approve Raffle License Application No. 1974 for Oasis – A Haven for Women and Children for an On-Premise 50/50 to be held on December 1, 2016 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to approve Raffle License Application Nos. 1975 & 1976 for the Paradise Knoll PTA for a Tricky Tray and On-Premise 50/50 to be held on March 24, 2017 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to approve Raffle License Application Nos. 1977 & 1978 for the PTA Pompton Lakes Lenox School for a Tricky Tray and On-Premise 50/50 to be held on February 24, 2017 at The Barnyard and Carriage House. 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 D'Angelo that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

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Joseph Wassel, RMC  
Municipal Clerk