

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

April 24, 2018

PRESENT: Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Councilwoman Lisa Palazzo, Municipal Clerk Joseph Wassel and Municipal Attorney Kristin Corrado.

ABSENT: Councilman John Capo.

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 D'Angelo, seconded by Councilwoman Andriani to dispense with the regular order of business in order to hold a public hearing on the 2018 Municipal Budget and Ordinance Nos. 07-2018, 08-2018, 09-2018 & 10-2018 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that the 2018 Municipal Budget and Ordinance Nos. 07-2018, 08-2018, 09-2018 & 10-2018 have been advertised for public hearing for Tuesday, April 24, 2018.

Municipal Clerk Wassel read the Municipal Budget Notice.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt the following Resolution To Waive The Reading In Full Of The 2018 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 53-2018

RESOLUTION TO WAIVE THE READING IN FULL OF THE
2018 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing and at the hearing, a complete copy of the approved budget:

- a) shall be made available for public inspection; and
- b) shall be made available to each person upon request; and

WHEREAS, the Borough of Totowa has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the Borough of Totowa is hereby permitted to waive the reading in full, of the Municipal Budget for the year ending December 31, 2018.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani 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 wish to be heard on the 2018 Municipal Budget.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani 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 D'Angelo, seconded by Councilwoman Andriani to approve Resolution No. 54-2018 To Adopt The 2018 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 07-2018.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani 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 Ordinance No. 07-2018.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 07-2018 by title:

ORDINANCE NO. 07-2018

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 407 ENTITLED "WATER", ARTICLE I, "WATER USE",
SUBSECTION 25, "CHARGES AND FEES"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 07-2018 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 08-2018.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani 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 Ordinance No. 08-2018.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 08-2018 by title:

ORDINANCE NO. 08-2018

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 415 ENTITLED "ZONING AND LAND USE", PART 4, "ZONING",
ARTICLE XV, "ESTABLISHMENT OF DISTRICTS",
SECTION 121, "ZONING MAP AND SCHEDULES"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 08-2018 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 09-2018.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani 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 Ordinance No. 09-2018.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 09-2018 by title:

ORDINANCE NO. 09-2018

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 415 ENTITLED "ZONING AND LAND USE", PART 4, "ZONING",
ARTICLE XIX, "AHD ADULT HOUSING DISTRICT OVERLAY ZONE" TO CREATE
A NEW SUBSECTION "MFR MULTI-FAMILY RESIDENTIAL OVERLAY ZONE"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 09-2018 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 10-2018.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani 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 Ordinance No. 10-2018.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 10-2018 by title:

ORDINANCE NO. 10-2018

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 415 ENTITLED "ZONING AND LAND USE", PART 4, "ZONING",
ARTICLE XXI, "BUSINESS DISTRICTS", SECTION 167,
"B-2 LOCAL BUSINESS DISTRICT"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 10-2018 on second and final reading. 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 Andriani 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.

Councilwoman Andriani: Announced the following: 1) On Saturday, April 28th we will hold our Borough Wide Garage Sale and as of 5:00 p.m. there were 126 residents participating and showed the yard sign; 2) Also on Saturday, April 28th the Shade Tree Commission will hold their annual Arbor Day Celebration at the Firefighter's Memorial at the Municipal Complex at 11:00 a.m.

Mayor Coiro: Remarked that we have a couple of people – Jodi and John – from the Elks who have an announcement. John Szczomak: Said that he is from the Passaic Valley Elks, 1 Fellner Place and that each year they have their Community Awareness Awards Night where they honor a local public safety officer and a Citizen of the Year and this year's Citizen of the Year Award will go to Police Chief Robert Coyle. Police Chief Coyle: Thanked them for this honor, but said you shouldn't have done this.

CITIZENS HEARD:

Dave Veltri, 145 Winifred Drive: Stated that he was here to complain about the flooding and the blasting that has been occurring since the construction began at the NJDC site. Said that they never had flooding except for Tropical Storm Floyd and now last Monday they were flooded with muddy water. Asked if a soil erosion study was done. Mayor Coiro: Responded that a few things happened, first with the heavy rains, we saw what you saw with the muddy, flooding water, but the developer did have a soil/silt erosion fence installed and it did catch a lot of dirt. Told him that the Project Manager has agreed to help clean up the yards. Also advised that according to the plans they will have to install catch basins and other storm water (green infrastructure) controls on site so that less water will leave the site than before, but they are not at that point yet, so it hasn't happened. Construction Code Official Allan Burghardt: Informed him that the contractor is in compliance with the HEP Soil Conservation District. Mr. Veltri: Said that he will be satisfied if it doesn't happen again, but is concerned long term because they are changing the landscape. Construction Official Burghardt: Replied that the plans call for the water to be retained on site and then released into the storm system. Mr. Veltri: Also has concerns about the blasting and is worrying about structural damage to his home. Mayor Coiro: Remarked that the State regulates blasting and they send the results to Allan Burghardt and they are actually 60% below their allowable range. Said the contractor has been cooperating and offers their assistance and insurance. Mr. Veltri: Inquired how much longer for the blasting and do they have to begin working at 7:00 a.m. on Saturdays? Construction Official Burghardt: Answered 3 – 4 months for blasting. Mayor Coiro: Communicated that while the ordinance allows them to begin at 7:00 a.m. we will ask them to do us a favor. Also told him that Glenn Domenick is the VP and said that he will assist in any way possible.

Vicky Puzio, 141 Winifred Drive: Said to expand on the recent flooding that the water drains used to be cleaned out and that hasn't been done in a while and thinks that is part of the problem. Also stated that during the flooding, Police Officer Gary Bierach came to the school and told her that her back yard was flooding and her husband went home and began pumping out before it reached their house, but that her lawn is ruined and it is going to rain again tomorrow. Mayor Coiro: Asked DPW Superintendent Jim Niland about cleaning the catch basins. DPW Superintendent Niland: Said they clean

them out twice a year, but asked what exactly are you referring to. Mrs. Puzio: Told him the catch basins/drainage ditch behind their properties over the NJDC fence. Mayor Coiro: Mentioned that we would ask the developer to clean out that area too.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to approve the Minutes of the Mayor and Council for the meeting of April 10, 2018. 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. 2018-10 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 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>
177	2	1 Route 46 Totowa Plaza Rt 46	Totowa Plaza Route 46,LLC c/o Gregory S. Schaffer, Esq.	2012	17,711,500	15,500,000	\$45,556.90
			Mail To:				
177	2	(same as above)	Garippa, Lotz & Giannuario, P.C.	2013	17,711,500	15,500,000	\$46,507.84
177	2	(same as above)	Attn: Gregory S. Schaffer, Esq.	2014	17,711,500	15,500,000	\$46,928.03
177	2	(same as above)	66 Park Street	2015	17,711,500	15,500,000	\$50,510.66
177	2	(same as above)	Montclair, NJ 07042	2016	17,711,500	15,500,000	\$51,948.13
						Total	\$241,451.56
177	2.01	(same as above)		2012	18,355,800	17,825,000	\$10,934.48
177	2.01	(same as above)		2013	18,355,800	17,825,000	\$11,162.72
177	2.01	(same as above)		2014	18,355,800	17,825,000	\$11,263.58
177	2.01	(same as above)		2015	18,355,800	17,825,000	\$12,123.47

					Total	\$45,484.25
177	4	(same as above)	2012	3,934,300	3,700,000	\$4,826.58
177	4	(same as above)	2013	3,934,300	3,700,000	\$4,927.33
177	4	(same as above)	2014	3,934,300	3,700,000	\$4,971.85
177	4	(same as above)	2015	3,934,300	3,700,000	\$5,351.41
177	4	(same as above)	2016	3,934,300	3,700,000	\$5,503.71
					Total	\$25,580.88
					Total check	\$312,516.69

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2015, 2016, 2017 And 2018 Tax Appeals Entitled EAM Realty Co., LLC V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 55-2018

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2015, 2016, 2017 AND 2018 TAX APPEALS ENTITLED EAM REALTY CO., LLC V. BOROUGH OF TOTOWA

WHEREAS, there have been appeals of the real property tax assessments for the stated tax years; and

WHEREAS, each Block and Lot listed therein was assessed at the amount stated therein; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

WHEREAS, the settlement of these matters on the attached list are in the best interest of the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa, New Jersey, as follows:

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute the Stipulation of Settlement on behalf of the Borough of Totowa with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey.

2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2016 And 2017 Tax Appeals Entitled Vital Signs, Inc. V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 56-2018

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2016 AND 2017 TAX APPEALS ENTITLED VITAL SIGNS, INC. V. BOROUGH OF TOTOWA

WHEREAS, there have been appeals of the real property tax assessments for the stated tax years; and

WHEREAS, each Block and Lot listed therein was assessed at the amount stated therein; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

WHEREAS, the settlement of these matters on the attached list are in the best interest of the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa, New Jersey, as follows:

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute the Stipulation of Settlement on behalf of the Borough of Totowa with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey.
2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing The Mayor To Sign The Certification To Comply With The Requirements Set Forth In N.J.A.C. 7:26A-11. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 57-2018

WHEREAS, the Clean Communities and Recycling Act of 1981 created the Municipal Tonnage Grant (MTG) program, whereby municipalities could receive a grant for the amount of materials documented as being recycled during the previous calendar year; and

WHEREAS, in 1987, the New Jersey Statewide Mandatory Source Separation and Recycling Act, specifically N.J.S.A. 13:1E-99.16, mandated the governing body of each municipality to submit an annual Recycling Tonnage Report summarizing the amount of material recycled during the previous calendar year; and

WHEREAS, in January 2008, the Recycling Enhancement Act (REA), N.J.S.A. 13:1E-96, specifically P.L. 2007, c. 311, reestablished funding for local recycling programs through a tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at solid waste facilities in New Jersey except those designed exclusively to transport waste by railroad (N.J.S.A. 13:1E-96.5); and

WHEREAS, the REA requires that a Certified Recycling Coordinator (CRC-sometimes referred to as a Certified Recycling Professional) certify recycling tonnage reports, specifies that grants received may only be expended on recycling (N.J.S.A. 13:1E-96(b)1) and that the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality (N.J.S.A. 13:1E-96(b)1); and

WHEREAS, pursuant to N.J.S.A. 13:1E-96a, the Department of Environmental Protection (DEP), Division of Solid and Hazardous Waste (DSHW) administers the MTG program; and

WHEREAS, the DEP is implementing several changes to the program, whereby now a complete 2017 MTG application consists of: a 2017 Recycling Tonnage Report; an Expenditure Report for 2013 and 2014 MTG funds; and a Certification of Compliance (N.J.A.C. 7:26A-11 "Standards for Municipalities") signed by an appropriate elected official or designee.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Totowa, County of Passaic, New Jersey does hereby authorize Mayor John Coiro to sign the Certification of Compliance.

COMMITTEE ON PUBLIC SAFETY:

A retirement letter was received from Police Captain Mark Tolomeo, effective August 1, 2018. There was a motion by Councilman D'Angelo, seconded by Councilman Bucher to accept his retirement. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilman Bucher to adopt the following Resolution Accepting A Color Copier And A Recording System Purchased By The Passaic County Prosecutor's Office Totowa Local Forfeiture Account. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 58-2018

RESOLUTION ACCEPTING A COLOR COPIER AND A RECORDING SYSTEM
PURCHASED BY THE PASSAIC COUNTY PROSECUTOR'S OFFICE
TOTOWA LOCAL FORFEITURE ACCOUNT

WHEREAS, the Borough of Totowa Police Chief has requested that a new color copier be purchased for use in the Detective Bureau and that a new recorder system be purchased for the Police desk; and

WHEREAS, the purchase of this equipment will be made using forfeiture funds from the Passaic County Prosecutor's Office Totowa Local Forfeiture Account; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for a new color copier and recorder system for the Borough of Totowa Police Department; and

WHEREAS, the Passaic County Prosecutor's Office has authorized the purchase of a Savin MP C2004 color copier from Atlantic Tomorrow, 134 West 26th Street, 3rd Floor, New York, New York 10001 for the sum of \$2,750.00 and the purchase and installation of a recorder system from Office Business Systems Holding, Inc., 600 Ryerson Road, Lincoln Park, New Jersey 07035 for the sum of \$10,986.00; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to accept this new equipment for use by the Borough of Totowa Police Department.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept a Savin MP C2004 color copier from Atlantic Tomorrow and a recorder system from Office Business Systems Holding, Inc. as purchased by the Passaic County Prosecutors' Office Totowa Local Forfeiture Account.

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.

COMMITTEE ON PUBLIC WORKS:

Upon the recommendation of DPW Superintendent Jim Niland, there was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to approve a grade increase for DPW Laborer Gregory LaRose from Grade 2 to Grade 1. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following Resolution Requesting Extension Of Time To Award Project For FY2016 Municipal Aid For Furler Street. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 59-2018

RESOLUTION REQUESTING EXTENSION OF TIME TO AWARD PROJECT FOR FY2016 MUNICIPAL AID FOR FURLER STREET

WHEREAS, the Borough of Totowa had originally applied for FY2016 Municipal Aid funding from the New Jersey Department of Transportation ("NJDOT") for various improvements to Furler Street; and

WHEREAS, the project is required to be awarded by April 22, 2018; and

WHEREAS, the project was delayed as a result of during the designing of the project, it was determined that the water main within the project limits has to be replaced; and

WHEREAS, in accordance with NJDOT requirements, it is necessary to submit a request for extension of time to award project for the improvements to Furler Street.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa Municipal Engineer to submit for a six (6) month time extension to award project for the improvements to Furler Street on behalf of the Borough of Totowa to the NJDOT.

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

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to approve Change Order No. 1 to the 2017 Road Program for \$28,750.00 for drainage improvements to Heritage Court. 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 Andriani, seconded by Councilman D'Angelo to adopt the following Resolution authorizing the Mayor to execute the Statements of Consent—NJDEP Form WQM-003 on behalf of the Borough of Totowa for Joseph Tangorra, 100 Bullens Avenue, Block 9, Lot 34.27. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 60-2018

WHEREAS, Joseph Tangorra, 100 Bullens Avenue, Totowa, New Jersey, 07512, Block 9, Lot 34.27 was granted approval to construct a single family residence; and

WHEREAS, Joseph Tangorra, is required to apply to the New Jersey Department of Environmental Protection (NJDEP) for a Treatment Works Approval (TWA) for a sewer extension permit to install 180 linear feet of new sanitary sewer main to service the residence; and

WHEREAS, the Treatment Works Approval (TWA) permit application has been reviewed and approved by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Totowa, County of Passaic, State of New Jersey that the Mayor of the Borough of Totowa be and is hereby authorized to execute the Statements of Consent – NJDEP Form WQM-003 on behalf of the Borough of Totowa.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing Settlement Agreement Between The Borough Of Totowa And Fair Share Housing Center Regarding The Matter Of The Borough Of Totowa, County Of Passaic, Docket No. PAS-L-2406-15. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 61-2018

RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT BETWEEN THE
BOROUGH OF TOTOWA AND FAIR SHARE HOUSING CENTER REGARDING
THE MATTER OF THE BOROUGH OF TOTOWA,
COUNTY OF PASSAIC, DOCKET NO. PAS-L-2406-15

WHEREAS, in 2015, the Mayor and Council of the Borough of Totowa authorized various actions to assist the Borough of Totowa with achieving constitutional compliance with its Affordable Housing mandate in accordance with the State of New Jersey Fair Housing Act; and

WHEREAS, the tasks associated with this mandate have included reviewing the Borough of Totowa's Second Round Substantive Certification and the Borough of Totowa's Master Plan Housing Element and Fair Share Plan ("HEFSP"), determining the Borough of Totowa's Third Round obligation and filing a Declaratory Judgment application in accordance with the New Jersey Supreme Court's decision on March 20, 2015

WHEREAS, the Borough of Totowa filed its Declaratory Judgment on July 7, 2015 and requested that the municipality receive immunity during the transitional process while complying with the mandate; and

WHEREAS, in 2016, Fair Share Housing Center ("FSHC") intervened as a defendant in the Totowa matter as a Supreme Court-designated interested party in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 22 N.J.1. 30 (2015) (Mount Laurel IV); and

WHEREAS, during the immunity period, the Borough of Totowa has prepared and adopted a new HEFSP for review and approval by the Court; and

WHEREAS, the Borough of Totowa and FSHC have agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter.

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 a Settlement Agreement with Fair Share Housing Center in the Matter of the Borough of Totowa, County of Passaic, Docket No. Pas-L-2406-15.

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 Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Fixing The Fee Schedule For The Totowa Municipal Swimming Pool For 2018. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 62-2018

RESOLUTION FIXING THE FEE SCHEDULE FOR THE TOTOWA MUNICIPAL SWIMMING POOL FOR 2018

WHEREAS, the Mayor and Council of the Borough of Totowa pursuant to the Code of the Borough of Totowa, Chapter 367 entitled "Swimming Pools", Article I, "Municipal Pool" and any amendments thereto, is authorized to annually establish the "fees" for the Totowa Municipal Swimming Pool; and

WHEREAS, the Mayor and Council of the Borough of Totowa after conferring with the Board of Recreation and for good cause shown has approved the following 2018 Fee schedule for the Totowa Swimming Pool, to wit:

2018 Fee Schedule

	<u>ENTIRE SEASON</u>	<u>WEEKNIGHTS (FROM 5 PM)/ WEEKENDS/HOLIDAYS</u>
FAMILY	\$495.00	\$360.00

SENIOR CITIZEN (Age 62* or older)	\$100.00	\$ 75.00
SINGLE (Age 18* or older)	\$295.00	\$220.00
CHILDREN (Ages 4-17**)	\$105.00	\$ 80.00

* Age at time of registration. ** Must be purchased with any other package.

Family is defined as an adult couple or 1 or 2 legal guardians plus unmarried children under 21 as of 5/23/18 or under 26 as of 5/23/18 and a full time student who resides in the same residence.

A \$100.00 discount will be applied to the entire season rate for families who register for the pool and also register their children for Summer Camp with the Borough of Totowa Board of Recreation Camp. (Camp receipt must be shown when registering for the 2018 Pool Season in order for the discount to be applied.)

WHEREAS, the Mayor and Council of the Borough of Totowa after conferring with the Board of Recreation and for good cause has also approved the following half-price rates for volunteers of the Borough of Totowa Fire Department and First Aid Squad; to wit:

2018 Fee Schedule For Volunteers

	<u>ENTIRE SEASON</u>	<u>WEEKNIGHTS (FROM 5 PM)/ WEEKENDS/HOLIDAYS</u>
FAMILY	\$250.00	\$185.00
SENIOR CITIZEN (Age 62* or Older)	\$ 50.00	\$ 40.00
SINGLE (Age 18* or Older)	\$150.00	\$110.00
CHILDREN (Ages 4-17**)	\$ 55.00	\$ 45.00

* Age at time of registration. ** Must be purchased with any other package.

**There will be a \$40.00 late fee for anyone registering after May 23, 2018.
Refunds will not be given once the pool has opened for the season.

Guest Fees-

Under 4 Years of Age as of June 1st	Free
Age 4 and up – Per Person	\$10.00
5 Pass Books Purchased on Registration Days	\$40.00

In addition to the fees established above, the following fees shall be put into effect for 2018 for special events:

Totowa Members (Plus \$5.00 for each non-member)	\$100.00
Totowa Non-Members (Plus \$5.00 for every non-member)	\$150.00
Special Events	\$ 5.00 per person

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa has adopted the aforementioned Fee Schedule for the Totowa Swimming Pool for 2018.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Fixing The Fee Schedule For The Totowa Board Of Recreation Summer Camp For 2018. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 63-2018

RESOLUTION FIXING THE FEE SCHEDULE FOR THE TOTOWA
BOARD OF RECREATION SUMMER CAMP FOR 2018

WHEREAS, the Borough of Totowa Board of Recreation hosts an annual summer camp for the youth of the community; and

WHEREAS, the camp season for 2018 will run from Monday, June 25, 2018 through Friday, August 3, 2018; and

WHEREAS, the Mayor and Council of the Borough of Totowa after conferring with the Board of Recreation and for good cause shown has approved the following 2018 Fee schedule for the Board of Recreation Summer Camp, to wit:

2018 Fee Schedule

One Child	\$235.00
Two Children	\$430.00
Three or More Children	\$535.00
Late Registration Fee	\$ 10.00 per child

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa has adopted the aforementioned Fee Schedule for the Board of Recreation Summer Camp for 2018.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Proclamation To Celebrate Arbor Day. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION TO CELEBRATE ARBOR DAY

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and is celebrated in New Jersey on the last Friday in April; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our Borough increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT PROCLAIMED, by the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey, that Friday, April 27, 2018 be known as Arbor Day in the Borough of Totowa and that all citizens are urged to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

BE IT FURTHER PROCLAIMED, that all citizens are urged to plant trees to gladden the heart and promote the well-being of this and future generations.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Renewal Application For ABC Liquor License No. 1612-33-008-009 For The 2017 – 2018 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 64-2018

RESOLUTION AUTHORIZING THE RENEWAL APPLICATION FOR ABC LIQUOR
LICENSE NO. 1612-33-008-009 FOR THE 2017-2018 LICENSE TERM

WHEREAS, Balcony Holdings 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. 1612-33-008-009 for the 2017-2018 and 2018-2019 license terms pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS, ABC Director David P. Rible 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 Balcony Holdings LLC has established good cause in accordance with the statutory requirements to warrant an application for renewal of the license for the 2017-2018 and 2018-2019 license terms; and

WHEREAS, on February 16, 2018 the ABC issued a Special Ruling dated February 16, 2018 directing the Borough of Totowa to consider the application for renewal of the subject license for the 2017-2018 and 2018-2019 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, 2019, except if good cause for consideration is shown; and

WHEREAS, Balcony Holdings LLC has filed its renewal application online through POSSE ABC, has received its Alcoholic Beverage Retail License Clearance Certificate and has paid its State and Municipal fees; 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 2017-2018 license term subject to the above condition.

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. 1612-33-008-009 for the 2017-2018 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. 1612-33-008-009 for the 2017-2018 license term.

BE IT FURTHER RESOLVED, that the renewal shall contain a Special Condition requiring activation of the liquor license by June 30, 2019.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Ice Cream Vendors License Application for Michael Panepinto as Owner/Operator and Marissa DiTaranto as Operator, trading as Mainland Shave Ice. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve the Application For 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 May 11, 2018 from 6:00 p.m. – 11:59 p.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to adopt the following Proclamation In Honor And Recognition Of Helen A. Cherba. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION IN HONOR OF HELEN CHERBA

WHEREAS, Helen Rydzik Cherba was born in Mayfield, Pennsylvania on November 21, 1918 and was the youngest of 8 children; and

WHEREAS, her family moved to Little Falls, New Jersey in 1925 and Helen graduated from School 3# in Little Falls and then Central High School in Paterson, New Jersey; and

WHEREAS, at age 19, Helen was hired to work as an inspector by Mack Molding in Wayne and there she met her husband to be Sam Cherba. Helen and Sam Cherba were married on May 25, 1941 and settled in Totowa after their marriage. They were married for over 50 years and had 2 children – Eileen and Pam, 2 grandchildren, Alison and Todd, and 2 great-grandchildren, Nicholas and Christopher; and

WHEREAS, Helen Cherba is an active member of the Totowa Woman's Club, St. James Rosary Altar Society, Deborah Foundation, Happy Seniors and sang in the St. James Choir for 25 year. She enjoys traveling and has visited many destinations all over the world; and

WHEREAS, Helen Cherba was known as Totowa's First Lady as she stood beside her husband Sam and supported him during his 30 year tenure as Totowa's Mayor; and

WHEREAS, Helen Cherba is also known to many for her strong faith, her generosity, her commitment to her family and to the residents of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa wish to publicly congratulate Helen Cherba as she is honored by St. James of the Marches Church as Woman of the Year.

NOW, THEREFORE, BE IT PROCLAIMED, by the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey that special recognition be given to Helen Cherba on this well deserved award.

BE IT FURTHER PROCLAIMED, that this Proclamation be made a part of the permanent records of the Borough of Totowa.

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

Joseph Wassel, RMC
Municipal Clerk