

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

April 11, 2017

PRESENT: Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, 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 D'Angelo, seconded by Councilwoman Fontanella to dispense with the regular order of business in order to hold a public hearing on Ordinance No. 03-2017 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 03-2017 has been advertised for public hearing for Tuesday, April 11, 2017.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 03-2017.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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. 03-2017.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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. 03-2017 by title:

ORDINANCE NO. 03-2017

**CALENDAR YEAR 2017 ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt Ordinance No. 03-2017 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 Fontanella 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 D'Angelo: Mentioned that he covered for Mayor Coiro at the Passaic County Board of Realtors meeting and the bulk of the meeting pertained to drug use and the fact that 80% are athletes with injuries who are prescribed pain medication and then get addicted. The focus is to have the athlete stop taking the pain medication earlier.

Councilwoman Andriani: Announced that St. James Church will hold their Annual Blood Drive this Friday, April 14, 2017 and nurse Darlene Walsh will be assisting for her 24th year.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: Just wanted to let everyone know that the red light at Union Boulevard and Lincoln Avenue is out.

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 March 28, 2017. On roll call vote, all members of the Council present voted in the affirmative. Councilwoman Fontanella abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2017-09 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 checks for the redemption of Tax Sale Certificate #16-00003 for 198 Union Boulevard, Block 31, Lot 7. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #16-00003
Block 31, Lot 7

Property: 198 Union Ave., Totowa, New Jersey
Owner: Mattaliano, Annamay & Wallington, Elsie

WHEREAS, at the Municipal Tax Sale on October 20, 2016, a lien was sold on Block 31, Lot 7; and

WHEREAS, this lien known as Tax Sale Certificate #16-00003, was sold to TWR as CST for Ebury Fund 1 NJ, with a 0% redemption fee and a premium of \$22,900; and

WHEREAS, Joseph P. Mattaliano, Executor of the Estate of Annamay Mattaliano (deceased) who was represented by Joseph T. Maccarone, Esq.; and Jeffrey J. Trapanese, Esq. Administrator of the Estate of Elsie Wallington (deceased), have effected redemption of Tax Sale Certificate #16-00003 in the amount of \$11,023.61 as of 4/11/17. However, it should be noted that the check in the sum of \$11,023.61 came from the Trust Account of William Saracino Esq., who represented the purchaser of the property named 198 Union Blvd LLC (Alexander Oldja) who is the present owner of the property.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize the Treasurer to issue a check in the amount of \$11,023.61 payable to TWR As CST for Ebury Fund 1 NJ for the redemption of Tax Sale Certificate #16-00003.

BE IT FURTHER RESOLVED, that the Mayor and Council authorize the Treasurer to issue a check in the amount of \$22,900 (premium) to the aforementioned Lien Holder.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing The Municipal Attorney And Richard Briigliadoro As Co-Counsel To File An Answer In The Pending Litigation Filed In Superior Court Of New Jersey, Law Division, Civil Part, Passaic County Bearing Docket No. PAS-L-000789-17. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 58-2017

RESOLUTION AUTHORIZING THE MUNICIPAL ATTORNEY AND RICHARD BRIGLIADORO AS CO-COUNSEL TO FILE AN ANSWER IN THE PENDING LITIGATION FILED IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, CIVIL PART, PASSAIC COUNTY BEARING DOCKET NO. PAS-L-000789-17

WHEREAS, by Resolution No. 19-2016 dated January 1, 2016, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa to enter into a contract with Matthew J. O'Donnell, Esq., O'Donnell McCord, P.C., 15 Mount Kemble Avenue, Morristown, New Jersey 07960, to serve as the Borough of Totowa Tax Attorney and provide professional legal services; and

WHEREAS, Matthew J. O'Donnell, Esq. served as the Tax Attorney for the Borough of Totowa during 2016; and

WHEREAS, on March 23, 2017, the Borough of Totowa was served with a complaint entitled O'Donnell McCord, P.C. vs. Borough of Totowa, filed in the Superior Court of New Jersey, Law Division, Civil Part, Passaic County bearing Docket No. Pas-L-000789-17; and

WHEREAS, the Mayor and Council of the Borough of Totowa dispute the allegations set forth in the complaint and want to ensure that the interests of the municipality are protected during this litigation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Attorney and Richard Briigliodoro as Co-Counsel to file an answer in the pending litigation filed in the Superior Court of New Jersey, Law Division, Civil Part, Passaic County Bearing Docket No. Pas-I-000789-17.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve a grade increase for Patrol Officer Meagan Akins from Probationary Patrol Officer to Grade 7 Patrol Officer. 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 a fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Eric S. Lukasczewicz. On roll call vote, all members of the Council present voted in the affirmative.

A letter from the Passaic County Prosecutor inviting the Mayor and Council to attend the 20th Annual Candlelight Vigil to be held on Sunday, April 23, 2017 from 3:00—5:00 p.m. at the Passaic County Community College was received and filed.

COMMITTEE ON PUBLIC WORKS:

There was no report.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Waiving Sewer Charges For 39 Norwood Terrace, Account No. 2202-0. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 59-2017

RESOLUTION WAIVING SEWER CHARGES FOR
39 NORWOOD TERRACE, ACCOUNT NO. 2202-0

WHEREAS, the Borough of Totowa bills its sewer customers based on water consumption for the prior year; and

WHEREAS, Sherril Sakas is the owner of 39 Norwood Terrace, Block 122, Lot 11, but the house is unoccupied; and

WHEREAS, the water meter reader was unable to gather accurate handheld readings from the remote indicator for several periods; and

WHEREAS, an inspection of the inside water meter was read on June 17, 2016 that resulted in a water usage of 983,000 gallons and resulted in first quarter 2016 billing in the amount of \$8,140.83; and

WHEREAS, the homeowner had requested an adjustment to this water bill since the timeframe of the excessive usage could not be determined as occurring in a single period; and

WHEREAS, the Mayor and Council agreed and adopted Resolution No. 41-2017 to adjust the water bill; and

WHEREAS, a sewer bill was generated for a total of 1,033,000 gallons, due to water usage in excess of four hundred thousand (400,000) gallons in an annual billing cycle; and

WHEREAS, the homeowner has now requested that the sewer bill be waived since the timeframe of the excessive usage cannot be determined as occurring in a single yearly period; and

WHEREAS, the sewer bill generated for 39 Norwood Terrace amounted to \$1,106.34; and

WHEREAS, for this same reason it is determined that the annual sewer bill should be waived.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby waive and eliminate the annual sewer bill for 2017.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Totowa that the Borough Clerk is hereby directed to send a copy of this resolution to the Water Registrar and the Water Registrar shall adjust the 2017 sewer bill accordingly.

COMMITTEE ON LIAISON & INSPECTION:

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 2017. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 60-2017

RESOLUTION FIXING THE FEE SCHEDULE FOR THE TOTOWA
MUNICIPAL SWIMMING POOL FOR 2017

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 2017 Fee schedule for the Totowa Swimming Pool, to wit:

2017 Fee Schedule

| | <u>ENTIRE SEASON</u> | <u>AS OF AUG 1st</u> | <u>WEEKNIGHTS (FROM 5 PM)/ WEEKENDS/HOLIDAYS</u> |
|--------|------------------------------------|------------------------------------|--|
| FAMILY | \$400.00 plus \$35.00 per child | \$200.00 plus \$18.00 per child | \$280.00 plus \$25.00 per child |

(The per child rate will be applied to the first 2 children, each additional child is free.)

| | | | |
|--------------------------------------|----------|-----------|----------|
| SENIOR CITIZEN (Age 62* or older) | \$ 90.00 | \$ 45.00 | \$ 60.00 |
| SINGLE (Age 18* or older) | \$265.00 | \$ 133.00 | \$185.00 |
| CHILDREN (Ages 4-17**) | \$ 95.00 | \$ 48.00 | \$ 70.00 |

* 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 5/24/17 or under 26 as of 5/24/17 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 2017 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:

2017 Fee Schedule For Volunteers

| | <u>ENTIRE SEASON</u> | <u>AS OF AUG 1st</u> | <u>WEEKNIGHTS (FROM 5 PM)/ WEEKENDS/HOLIDAYS</u> |
|--------------------------------------|----------------------|----------------------|--|
| FAMILY | \$235.00 | \$118.00 | \$165.00 |
| SENIOR CITIZEN (Age 62* or Older) | \$ 45.00 | \$ 23.00 | \$ 30.00 |
| SINGLE | \$133.00 | \$ 67.00 | \$ 93.00 |

(Age 18* or Older)

| | | | |
|---------------------------|----------|----------|----------|
| CHILDREN (Ages 4-17**) | \$ 48.00 | \$ 24.00 | \$ 35.00 |
|---------------------------|----------|----------|----------|

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

**There will be a \$20.00 late fee for anyone registering after May 24, 2017.
Refunds will not be given once the pool has opened for the season.

Guest Fees-

| | |
|---|---------|
| Under 4 Years of Age | Free |
| Age 4 and up – Weekdays Per Person | \$ 8.00 |
| Age 4 and up – Weekends/Holidays Per Person | \$ 9.00 |
| Five Passes Purchased on Registration Days | \$35.00 |

In addition to the fees established above, the following fees shall be put into effect for 2017 for special events:

| | |
|--|----------|
| Totowa Non-Members (Plus \$5.00 guest fee for every non-member, including parents.) | \$150.00 |
|--|----------|

| | |
|------------------|--|
| Swimming Lessons | \$ 50.00 members \$ 80.00 non-members |
|------------------|--|

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 2017.

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 2017. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 61-2017

RESOLUTION FIXING THE FEE SCHEDULE FOR THE TOTOWA
BOARD OF RECREATION SUMMER CAMP FOR 2017

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 2017 will run from Monday, June 25, 2017 through Friday, August 4, 2017; 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 2017 Fee schedule for the Board of Recreation Summer Camp, to wit:

2017 Fee Schedule

| | |
|------------------------|----------|
| One Child | \$230.00 |
| Two Children | \$420.00 |
| Three or More Children | \$520.00 |

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 2017.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing Contract For Fertilizer And Weed Control Services For 2017. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 62-2017

RESOLUTION AUTHORIZING CONTRACT FOR FERTILIZER AND
WEED CONTROL SERVICES FOR 2017

WHEREAS, the Superintendent for the Borough of Totowa Department of Public Works has recommended the Borough of Totowa implement a fertilization and weed control treatment program for the Borough of Totowa Municipal Complex grounds, recreational parks and fields; and

WHEREAS, the Borough of Totowa Department of Public Works did solicit proposals for these lawn maintenance services; and

WHEREAS, Lawn Doctor, 10 Park Place, Butler, New Jersey 07405 has submitted a proposal dated April 4, 2017 to provide the necessary fertilization and weed control services in the amount of \$14,445.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Superintendent for the Borough of Totowa Department of Public Works has reviewed the proposal and recommended the Borough of Totowa implement the five (5) step treatment plan recommended in the proposal; 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 the Borough of Totowa to enter into a contract with Lawn Doctor for lawn maintenance services for the Borough of Totowa Municipal Complex grounds, recreational fields and parks in the amount of \$14,445.00.

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

A letter from Totowa PAL Baseball and Softball inviting the Mayor and Council to their Opening Day ceremony to be held on Saturday, April 22, 2017 at 10:00 a.m. was received and filed.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Capo, seconded by Councilman Picarelli to introduce on first reading, advertise for public hearing and refer to the Planning Board for their review and comments the following entitled ordinance. On roll call vote, all members of the Council present voted in the affirmative.

ORDINANCE NO. 04-2017

**ORDINANCE OF THE BOROUGH OF TOTOWA, COUNTY OF PASSAIC,
NEW JERSEY AMENDING ORDINANCE NO. 03-2016 THE REDEVELOPMENT
PLAN FOR THE PROPERTY COMMONLY KNOWN AS BLOCK 154, LOT 19
ON THE TAX MAP OF THE BOROUGH OF TOTOWA (BLOCK 154, LOT 19
AND BLOCK 154.01, LOT 1 ON THE TAX ASSESSMENT RECORDS)**

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve the Application For Special Permit For Social Affair from the State Of New Jersey Division Of Alcoholic Beverage Control for the BPOE #2111 Passaic Valley Elks to be held on April 28, 2017 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 Councilman Capo, seconded by Councilman Picarelli to approve the Application For Special Permit For Social Affair from the State Of New Jersey Division Of Alcoholic Beverage Control for the BPOE #2111 Passaic Valley Elks to be held on May 20, 2017 from 6:00 p.m. – 1:30 a.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2021, 2022 & 2023 for the Lincoln Park Schools PTO for a Tricky Tray, On-Premise 50/50 and On-Premise 50/50 to be held on May 17, 2017 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2024 & 2025 for the St. Joseph's Home for the Elderly of the Little Sisters of the Poor for a Tricky Tray and On-Premise 50/50 to be held on May 19, 2017. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2026 & 2027 for the Christopher Columbus Middle School HSA for a Casino Night and On-Premise 50/50 to be held on May 5, 2017 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve Bingo License Application No. 2028 for the Totowa PAL to be held from May 16 until August 29, 2017. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve Raffle License Application No. 2029 for the Totowa PAL for an Instant Pull Tab to be held from May 16 until August 29, 2017. 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 D'Angelo, seconded by Councilwoman Fontanella that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk