

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

April 9, 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 hold a public hearing on Ordinance No. 04-2013 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 04-2013 has been advertised for public hearing for Tuesday, April 9, 2013.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 04-2013.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 04-2013.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 04-2013 by title:

ORDINANCE NO. 04-2013

**CALENDAR YEAR 2013 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 Puglise, seconded by Councilman Waryas to adopt Ordinance No. 04-2013 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 Puglise, seconded by Councilman Waryas to revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

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

Councilwoman Andriani: 1) Advised that we will be sponsoring our annual free rabies clinic on April 30th at the DPW from 7:00—8:00 p.m.; 2) Announced that the Health Department will hold their annual blood screening at the Community Center on May 2nd, but said people must pre-register on either April 11th from 6:00—7:00 p.m. or April 12th from 9:00—10:00 a.m.; 3) Remarked that opening day for baseball and softball will be held on April 13th at 10:00 a.m. at the PAL.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of March 26, 2013. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Resolution No. 2013-09 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 D'Angelo, seconded by Councilwoman Fontanella 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 State Tax Court judgments to reduce the evaluation on the following.

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

Block	Lot	Property/Owner	Payable To	Year	From	To	Amount
74.01	1	14 Battle Ridge Trail/ Alfred & Jamie Apello	Jacobus & Assoc., LLC Trustee for Apello, Alfred & Jamie 301 S. Livingston Ave., Suite 105 Livingston, NJ 07039	2012	\$ 799,500 (County)	\$ 787,300	\$ 251.32
					\$ 787,300 (State)	\$ 759,900	\$ 564.44
						Total Check	\$ 815.76
145	7	601-605 Union Blvd./ MD-1 LLC	Brach Eichler, LLC and MD-1 LLC 101 Eisenhower Parkway Roseland, NJ 07068	2009	\$ 7,257,200	\$5,400,000	\$ 30,086.64
145	7	" "	" "	2010	\$ 7,257,200	\$5,400,000	\$ 31,720.98
145	7	" "	" "	2011	\$ 6,565,500	\$4,680,000	\$ 37,050.08
145	7	" "	" "	2012	\$ 6,565,500	\$4,680,000	\$ 38,841.30
						Total Check	\$137,699.00

155	17.01	8 Dey Hill Trail/ Ronald & Roseann Stampe	Jacobus & Assoc., LLC Trustee for Stampe, Ronald and Roseann 301 S. Livingston Ave., Suite 105 Livingston, NJ 07039	2012	\$ 893,200 (County)	\$ 873,200	\$ 412.00
					\$ 873,200 (State)	\$ 847,400	\$ 531.48
						Total Check	\$ 943.48
166.04	1	999 Riverview Drive/ Commercenter Rlty. Assoc. c/o Mack-Cali	Irwin Law Firm Atty Trust Acc. F.B.O. Commercenter Rlty. 80 Main Street, Suite 410 West Orange, NJ 07052	2009	\$10,111,400	\$8,410,000	\$ 27,562.68
166.04	1	" "	" "	2010	\$10,111,400	\$8,410,000	\$ 29,059.91
166.04	1	" "	" "	2011	\$ 9,616,600	\$7,250,000	\$ 46,503.69
166.04	1	" "	" "	2012	\$ 7,850,000	\$7,250,000	\$ 12,360.00
						Total Check	\$115,486.28
166.03	8	45 Commerce Way/ Commercenter Rlty. Assoc. c/o Mack-Cali	Irwin Law Firm Atty Trust Acc. F.B.O. Commercenter Rlty. 80 Main Street, Suite 410 West Orange, NJ 07052	2011	\$ 6,651,500	\$5,880,800	\$ 15,144.25

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve payment of the 2nd Quarter 2013 Budget Allotment to the Borough of Totowa Public Library in the amount of \$178,914.00. 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 Reimbursement For 2012 Lighting And Snow Removal Costs To Hickory Hills Homeowners Association Pursuant To A Municipal Services Agreement With The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 48-2013

RESOLUTION AUTHORIZING REIMBURSEMENT FOR 2012 LIGHTING AND SNOW REMOVAL COSTS TO HICKORY HILLS HOMEOWNERS ASSOCIATION PURSUANT TO A MUNICIPAL SERVICES AGREEMENT WITH THE BOROUGH OF TOTOWA

WHEREAS, in accordance with New Jersey's Municipal Services Act, the Borough of Totowa is required to either perform certain specified services on roads and streets for qualified private communities or to reimburse these communities in accordance with the statute; and

WHEREAS, Hickory Hills is a residential gated community located in the Borough of Totowa within which all of the roads located throughout the development are private; and

WHEREAS, Hickory Hills Homeowners Association is a not-for-profit entity that operates and administers the general affairs of this qualified private community as defined by N.J.S.A. 40:67-23.2; and

WHEREAS, by Resolution No. 36-2008 dated March 25, 2008, the Mayor and Council of the Borough of Totowa entered into a municipal services agreement with the Hickory Hills Homeowners Association to provide partial reimbursement for street lighting and snow removal services for the residents of the Hickory Hill community; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment to the Hickory Hill Homeowners Association for costs incurred in 2012 for street lighting and snow removal services in accordance with the terms of the agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to the Hickory Hills Homeowners Association for reimbursement of costs incurred in 2012 for street lighting and snow removal services pursuant to the terms of the Municipal Services Agreement with the Borough of Totowa.

A letter from American Legion Memorial Post No. 227 inviting the Mayor and Council to their annual installation of officers on Thursday, April 18, 2013 at 7:00 p.m. 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 Brian Britting from Grade 4 (\$78,891.) to Grade 3 (\$89,771.), effective April 17, 2013. 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 16th Annual Candlelight Vigil to be held on Sunday, April 28, 2013 from 3:00—5:00 p.m. at the Passaic County Community College was received and filed.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Waryas, seconded by Councilman Puglise to adopt the following Resolution Authorizing Professional Engineering Services For The Abandonment Of The Shepherds Lane Pump Station. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 49-2013

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES FOR
THE ABANDONMENT OF THE SHEPHERDS LANE PUMP STATION

WHEREAS, the original Shepherds Lane Pump Station was not fully abandoned when the new Pump Station was installed at Shepherds Lane and remains connected to the Borough of Totowa's water system; and

WHEREAS, the Borough of Totowa has been directed by the New Jersey Department of Environmental Protection to complete the abandonment of the original Pump Station on Shepherds Lane; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional engineering firm to provide design services, prepare bid documents, assist in the bidding process and supervise construction for the completion of the abandonment of the original Shepherds Lane Pump Station; and

WHEREAS, Richard A. Alaimo Engineering Associates has submitted a proposal dated November 28, 2012 to provide the design, bid assistance and construction supervision services for the Abandonment of the Shepherds Lane Pump Station at a cost not to exceed Twenty-One Thousand and 00/100 Dollars (\$21,000.00), 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 on April 9, 2013 did examine the proposal submitted by Richard A. Alaimo Engineering Associates; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be awarded without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by Richard A. Alaimo Engineering Associates for professional engineering services for the completion of the abandonment of the original Shepherds Lane Pump Station at a cost not to exceed Twenty-One Thousand and 00/100 Dollars (\$21,000.00).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Richard A. Alaimo Engineering Associates to perform the professional services as set forth in their proposal.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from the Totowa/Wayne Deborah Hospital Auxiliary requesting permission to use the Municipal Parking Lot on Sunday, May 19, 2013. There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Professional Planning Services To Review And Update The Borough Of Totowa Master Plan. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 50-2013

RESOLUTION AUTHORIZING PROFESSIONAL PLANNING SERVICES TO
REVIEW AND UPDATE THE BOROUGH OF TOTOWA MASTER PLAN

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional planner to undertake a thorough review of its Master Plan in accordance with the New Jersey Municipal Land Use Law; and

WHEREAS, the review will require the professional planner to undertake an analysis of current conditions and submit a written recommendation for possible amendments to the Master Plan; and

WHEREAS, the Mayor and Council of the Borough of Totowa also desire the professional planner to assist the Borough of Totowa Planning Department with the review of the Master Plan in order to update and revise the existing Plan as necessary; and

WHEREAS, Kauker & Kauker, LLC, a limited liability company having its principal place of business at 356 Franklin Avenue, Wyckoff, New Jersey 07481, has submitted a proposal dated April 1, 2013 to provide the required planning services for a fee not to exceed the sum of Five Thousand and 00/100 Dollars (\$5,000.00), a copy of which is on file in the office of the Borough of Totowa Municipal Clerk

WHEREAS, the Mayor and Council of the Borough of Totowa on April 9, 2013 did examine the proposal submitted by Kauker & Kauker, LLC; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by Kauker & Kauker, LLC for professional planning services to update and revise the Master Plan for the Borough of Totowa for a fee not to exceed the sum of Five Thousand and 00/100 Dollars (\$5,000.00).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Kauker & Kauker to perform the professional services as set forth in their proposal.

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Professional Planning Services To Prepare A Comprehensive Rehabilitation Plan For The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 51-2013

RESOLUTION AUTHORIZING PROFESSIONAL PLANNING SERVICES TO PREPARE A COMPREHENSIVE REHABILITATION PLAN FOR THE BOROUGH OF TOTOWA

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional planner to prepare a comprehensive Rehabilitation Plan for the Borough of Totowa in accordance with the New Jersey Municipal Land Use Law; and

WHEREAS, the tasks associated with the preparation of the Plan include but are not limited to undertaking a review of prior Land Use and Property Condition Maps, performing an analysis of property and overall study of area conditions, document and evaluate population and demographic characteristics for the study area to determine trends in occupancy and housing conditions and developing a Conceptual Rehabilitation Plan with Master Plan and Zoning Overlay recommendations for additional land use and developmental opportunities; and

WHEREAS, Kauker & Kauker, LLC, a limited liability company having its principal place of business at 356 Franklin Avenue, Wyckoff, New Jersey 07481, has submitted a proposal dated April 1, 2013 to provide the required planning services for a fee not to exceed the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), a copy of which is on file in the office of the Borough of Totowa Municipal Clerk

WHEREAS, the Mayor and Council of the Borough of Totowa on April 9, 2013 did examine the proposal submitted by Kauker & Kauker, LLC; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by Kauker & Kauker, LLC for professional planning services to prepare a comprehensive Rehabilitation Plan for the Borough of Totowa for a fee not to exceed the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Kauker & Kauker to perform the professional services as set forth in their proposal.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1712 & 1713 for Vacamas Programs for Youth, Inc. for a Tricky Tray and On-Premise 50/50, respectively, to be held on September 19, 2013 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 Councilwoman Andriani to approve Raffle License Application Nos. 1714 & 1715 for Court Appointed Special Advocates Passaic County for a Tricky Tray and On-Premise 50/50, respectively, to be held on June 11, 2013 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 Councilwoman Andriani to approve Raffle License Application Nos. 1716 & 1717 for Court Appointed Special Advocates Passaic County for an On-Premise Merchandise and On-Premise 50/50, respectively, to be held on May 14, 2013 at Kevin's Fine Jewelry. 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