

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

December 11, 2012

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

ABSENT: Councilman Anthony Picarelli.

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. 13-2012 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 13-2012 has been advertised for public hearing for Tuesday, December 11, 2012.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 13-2012.

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. 13-2012.

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. 13-2012 by title:

ORDINANCE NO. 13-2012

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 407 ENTITLED "WATER", ARTICLE I, "WATER USE"**

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 13-2012 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.

Councilman Waryas: Thanked everyone for attending the Library Christmas Party and also Director Anne Krautheim and her staff for a great job and commented that it was the largest turnout ever.

Councilman D'Angelo: Announced that he attended the Purple Heart monument dedication at Passaic Valley Regional High School last Saturday and said it was a very touching ceremony and he felt honored to be a part of it. Mayor Coiro: Remarked that it now goes hand in hand with our own Purple Heart monument.

Councilwoman Fontanella: Congratulated the "A" Squad cheerleaders for winning in Pom and "C" Squad cheerleaders for winning in Cheer Dance and Pom at their recent competition and asked that it be put on the marquees and that we invite them to a Council Meeting to present Sports Award Certificates.

Councilwoman Andriani: 1) Said that last Friday we held the Tree Lighting and even though the weather wasn't great, there was still a good turnout; 2) Reported that the Board of Recreation and DARE will hold a holiday dance this Friday 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 November 27, 2012. 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. 2012-25 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 approve Resolution No. 2012-26 Authorizing Transfer Of 2012 Budget Appropriations. 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 a State Tax Court judgment to reduce the evaluation on the following.

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

Blk	Lot	Property/Owner	Payable To	Yr	From	To	Amount
133	3	100 Bomont Place/ Stack Realty Assoc. LLC	"Michael I Schneck Trustee for Stack Realty Associates, LLC" Schneck Law Group 301 So. Livingston Ave, Suite 105 Livingston, NJ 07039	2009	10,117,600	6,000,000	\$ 66,705.12
133	3	" "	" "	2010	10,117,600	6,000,000	\$ 70,328.61
133	3	" "	" "	2011	8,500,000	6,000,000	\$ 49,125.00
133	3	" "	" "	2012	8,500,000	6,000,000	\$ 51,500.00
TOTAL CHECK							<u>\$237,658.73</u>
160.01	2	145 Winifred Drive/ David Veltri	Owner	2011	483,300	468,900	\$ 282.96
160.01	2	" "	" "	2012	483,300	468,900	\$ 296.64
TOTAL CHECK							<u>\$ 579.60</u>
170.03	2	20 West End Road/ West River Realty	"Irwin Law Firm Attorney Trust Acct FBO West River Realty" 80 Main St., Suite 410 West Orange, NJ 07052	2009	4,918,100	4,100,000	\$ 13,253.22
170.03	2	" "	" "	2010	4,918,100	4,000,000	\$ 15,681.15
170.03	2	" "	" "	2011	3,750,000	3,500,000	\$ 4,912.50
170.03	2	" "	" "	2012	3,750,000	3,400,000	\$ 7,210.00
TOTAL CHECK							<u>\$ 41,056.87</u>
173	1	755 Union Blvd/ Wahl, Eugene & Diefenbach Wm	"Michael I Schneck Trustee for Wahl, E & Diefenbach, Wm" Schneck Law Group LLC 301 So. Livingston Ave, Suite 105 Livingston, NJ 07039	2012	4,136,900	3,000,000	\$ 23,420.14
173	33.01	765 N. Riverview Dr./ 440 Realty Co/Nissan 46	"Irwin Law Firm Attorney Trust Acct FBO 440 Realty Co/Nissan 46"	2011	1,161,100	1,136,100	\$ 491.25

80 Main St., Suite 410
West Orange, NJ 07052

173	33.01	“	“	“	“	2012	1,161,100	1,136,100	\$	515.00
								TOTAL CHECK	\$	<u>1,006.25</u>
173	41	440 Route 46/ 440 Realty Co/Nissan 46	“Irwin Law Firm Attorney Trust Acct FBO 440 Realty Co/Nissan 46” 80 Main St., Suite 410 West Orange, NJ 07052	2012	4,336,200	4,261,200	\$	1,545.00		

There was a motion by Councilman D’Angelo, seconded by Councilwoman Fontanella to adopt the following resolution authorizing the Treasurer to issue Senior Citizens and Veteran’s Deduction refunds to various property owners. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, the following taxpayers are entitled to a \$250.00 Senior Citizen Deduction for the year 2012; and

WHEREAS, the following taxpayer is entitled to a \$250.00 Veteran’s Deduction for the year 2012.

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

SENIOR DEDUCTION –

Block 87, Lot 4, Carol Tarsitano, 59 Rosengren Avenue, Totowa
Block 173, Lot 32, Qualifier C472A, Misha Ryaboy, 72 Falls Bridge Drive, Totowa

VETERAN DEDUCTION –

Block 74.02, Lot 3, Arnold Eisele, 32 Battle Ridge Trail, Totowa

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve payment of the Fire Department Clothing Allowance for 2012. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of the Committee, there was a motion by Councilman Puglise, seconded by Councilman Waryas to appoint Donna Alvino as a School Crossing Guard. On roll call vote, all members of the Council present voted in the affirmative.

MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Donna Alvino as a School Crossing Guard for a term of one year ending December 31, 2012.

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

A letter from a Paterson resident thanking Police Officer Gary Bierach for his assistance after her pocketbook was stolen was received and filed with a copy to be placed in his personnel jacket.

A letter from the New Jersey Governor's Council on Alcoholism and Drug Abuse acknowledging the retirement of Police Captain Neil Van Ess was received and filed with a copy to be placed in his personnel jacket.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Waryas, seconded by Councilman Puglise to adopt the following resolution approving an extended grace period for the Hickory Hill Clubhouse water account for back billing as a result of incorrect meter readings. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 111-2012

WHEREAS, the Borough of Totowa Water Department bills its customers based on three cycles, four times a year; and

WHEREAS, the third quarter billing period for Cycle 2 for 2012 is August 1, 2012 to October 31, 2012; and

WHEREAS, Pulte Homes of NJ Ltd Partnership, Block 9.09, Lot 41.01 is located in Cycle 2; and

WHEREAS, the meter reader inspected the meter which was being incorrectly read as a 1" meter and upon inspection noticed that the clubhouse meter is a 2" meter; and

WHEREAS, the third period billing has been adjusted to include \$8,535.98 to reflect the amount undercharged from 2005 first period to 2012 second period billing; and

WHEREAS, because of the inaccuracy of the water readings, the Water Registrar has requested a ninety (90) day interest free grace period on the adjusted billing.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby approve the ninety (90) day grace period.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Totowa that if the entire balance is not paid in full by March 1st, 2013, then interest will be charged back to the original due date on any unpaid balance.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Totowa that the Borough Clerk sends a copy of this resolution to the Water Registrar.

There was a motion by Councilman Waryas, seconded by Councilman Puglise to approve Change Order No. 1 for a net decrease of \$405.95 and Payment Estimate No. 1 in the amount of \$106,403.06 to Crossroads Pavement Maintenance, LLC for the 2012 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

A letter from the Passaic Valley Water Commission advising that they will be increasing their water rates by 4% for 2013 was received and filed.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing An Assignment Of The Lease Agreement For A Portion Of Property Identified As Lot 2, Block 170.02, Parcel "B". On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 112-2012

RESOLUTION AUTHORIZING AN ASSIGNMENT OF THE LEASE
AGREEMENT FOR A PORTION OF PROPERTY IDENTIFIED AS
LOT 2, BLOCK 170.02, PARCEL "B"

WHEREAS, the Borough of Totowa is the owner of real property located on Maltese Drive and identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa; and

WHEREAS, by Resolution No. 86-2011 dated October 11, 2011, the Mayor and Council of the Borough of Totowa authorized the public leasing of a portion of the property located on Maltese Drive identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa; and

WHEREAS, bids were solicited for lease rights on two (2) parcels hereinafter referred to as Parcel "A" and Parcel "B" in accordance with specifications entitled "Specifications for Leasing of Portions of Property Identified as Lot 2, Block 170.02, Borough of Totowa, County of Passaic, New Jersey 2011"; and

WHEREAS, by Resolution No. 106-2011 dated December 13, 2011, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa to enter into a lease agreement with Environmental Renewal, LLC, 27 Andrews Drive, Woodland Park, New Jersey 07424 in the amount of \$4,500.00 per month for an annual rental of \$54,000.00 for Parcel "B" for a five (5) year lease for the aforementioned real property; and

WHEREAS, Environmental Renewal, LLC has been using the leased property exclusively for the storage of finished landscape materials which is a permitted use under the Borough of Totowa Zoning Code; and

WHEREAS, the Mayor and Council of the Borough of Totowa have received notification that Environmental Renewal, LLC has signed a letter of intent to sell their company to Harvest Power Garden State, LLC, a subsidiary of Harvest Power, LLC of Waltham, Massachusetts; and

WHEREAS, pursuant to the terms of the Lease agreement between the Borough of Totowa and Environmental Renewal, LLC, the governing body of the Borough of Totowa must agree to any assignment of the Lease agreement; and

WHEREAS, Environmental Renewal, LLC has further advised the Borough of Totowa that Harvest Power Garden State, LLC intends to utilize the property for the same use that it is currently utilized for; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the assignment of the lease for this parcel of property.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the assignment of the aforementioned lease agreement from Environmental Renewal, LLC to Harvest Power Garden State, LLC for the real property located on Maltese Drive and identified as Lot 2, Block 170.02, on the official tax map of the Borough of Totowa subject to all terms and provisions set forth in the original Lease agreement.

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 no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Andriani, seconded by Councilman Puglise to adopt the following Resolution In Support Of The North Jersey Developmental Center To Remain Open. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 113-2012

RESOLUTION IN SUPPORT OF THE NORTH JERSEY
DEVELOPMENTAL CENTER TO REMAIN OPEN

WHEREAS, in an effort to reduce New Jersey's reliance on institutional care, the Task Force on the Closure of State Developmental Centers was created by the State Legislature and charged with reviewing certain criteria of each State-owned facilities including but not limited to the local economic impact of losing a center; the ability of a community to provide or develop services for those leaving who wanted to leave or didn't oppose moving outside the region; the State's ability to maintain operations, and projected repair and maintenance of each center; and

WHEREAS, among the seven (7) State-operated facilities for this purpose is the North Jersey Developmental Center (hereinafter referred to as "NJDC"), a residential facility opened in February of 1928 for individuals with developmental disabilities and located on a 188 acre tract of land in Totowa, New Jersey; and

WHEREAS, NJDC is the northernmost residential developmental center in New Jersey and provides a wide range of habitation, medical and psychological services for its residents; and

WHEREAS, the campus like setting of NJDC includes 35 buildings that contain 11 different living areas, a school building, a chapel, a sheltered workshop, a vocational building, an auditorium, recreational facilities and a swimming pool; and

WHEREAS, in July of 2012, the Task Force recommended that NJDC (and the Woodbridge Developmental Center located in Woodbridge Township, New Jersey) be shuttered by 2017; and

WHEREAS, while indicating that no piece of information or experience was a determining factor in which of the seven (7) State-operated facilities would be recommended for closure, there are other factors that should have been considered before making their decision including the rights of the clients of NJDC to have treating professionals make judgments about how their needs are best met; and

WHEREAS, transferring clients from long-term institutional care to community housing has its own set of problems including higher rates of mortality, an increased likelihood of abuse in a community and possibly displacing them from family and friends; and

WHEREAS, the Mayor and Council of the Borough of Totowa are deeply concerned not only by the recommendation of the Task Force to displace NJDC residents but also by the wide reaching economic effect with the loss of over 1,000 jobs in our community; and

WHEREAS, the opinion that Northern New Jersey including Totowa's relatively strong economy is more able to absorb a closure should not be relative to the Task Force's decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby express their disagreement with the findings and conclusion of the Task Force on the Closure of Developmental Centers and oppose the closing of the North Jersey Development Center as it is a vital and valuable resource that should be kept open for the benefit of both its clients and employees.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Clerk of forward certified copies of this Resolution to Governor Chris Christie and 40th District Senator Kevin O'Toole as well as Assemblymen Scott Rumana and David Russo.

There was a motion by Councilwoman Andriani, seconded by Councilman Puglise to approve Raffle License Application Nos. 1675 & 1676 for the Milton Tri-School PTA for a Tricky Tray and On-Premise 50/50, respectively, to be held on February 22, 2013 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Puglise to approve Raffle License Application No. 1677 for St. Joseph's Home for the Elderly, Little Sisters of the Poor for an Off-Premise 50/50 to be held on March 17, 2013. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to add the following items to the agenda. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Puglise to approve Bingo License Application No. 1680 for the Totowa PAL for their annual Bingo for 2013. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Puglise to approve Raffle License Application No. 1681 for the Totowa PAL for their annual Pull Tab Raffle for 2013. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro announced that since we currently do not have any items that must be heard before the end of 2012 and the fourth Tuesday is Christmas Day, he would like to cancel the meeting scheduled for December 18, 2012. There was a motion by Councilman Puglise, seconded by Councilman Waryas to cancel the next Council meeting scheduled for December 18, 2012. 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 until the Reorganization Meeting on January 1, 2013 at 12:00 p.m. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk