

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

March 16, 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: In accordance with the requirements of the Open Public Meetings Act of the Public Laws of 1975, Chapter 231, you are hereby advised that due to the winter storm, the Council Meeting which was originally scheduled for Tuesday, March 14, 2017 at 8:00 p.m. has been cancelled. You are further advised that the meeting originally scheduled for Tuesday, March 14, 2017 has been rescheduled for Thursday, March 16, 2017 at 8:00 p.m. in the Council Chambers on the second floor in the Municipal Complex, 537 Totowa Road at Cherba Place. Formal action will be taken. A copy of this notice has been filed in the Office of the Municipal Clerk, has been posted on the bulletin board in the Municipal Complex and was transmitted to The Herald News, The Record and The Passaic Valley Today Paper.

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

There were no reports.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve the Minutes of the Mayor and Council for the meeting of February 28, 2017. 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. 2017-06 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>
145.01	3	655 Union Blvd Star Stainless Screw Co.	"Brach Eichler L.L.C. and Star Stainless Screw Co. Mail to: Brach Eichler, LLC 101 Eisenhower Parkway Roseland, N.J. 07068	2014	2,350,000	1,997,100	\$7,488.54
145.01	3	(same as above)	(same as above)	2015	2,350,000	1,966,700	\$8,754.57
145.01	3	(same as above)	(same as above)	2016	2,350,000	1,936,300	\$9,717.81
						Total check	\$25,960.92
173	1.01	711 Union Blvd North Jersey Federal Credit Union	"North Jersey Federal Credit Union" Mail To: Skoloff & Wolfe P.C.	2012	4,797,000	4,600,000	\$4,058.20

293 Eisenhower Parkway
Livingston, NJ 07039

173	1.01	(same as above)	(same as above)	2013	4,797,000	4,600,000	\$4,142.91
173	1.01	(same as above)	(same as above)	2014	4,797,000	4,600,000	\$4,180.34
						Total check	\$12,381.45

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 #16-00002 for 60 Mitchell Avenue, Block 85, Lot 1.01. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #16-00002
Block 85, Lot 1.01

Property: 60 Mitchell Ave., Totowa, New Jersey
Owners: Harold & Dorothy Vannote

WHEREAS, at the Municipal Tax Sale on October 20, 2016, a lien was sold on Block 85, Lot 1.01; and

WHEREAS, this lien known as Tax Sale Certificate #16-00002, was sold to US Bank Cust BV002 Trst&Credtr, with a 0% redemption fee and a premium of \$16,000; and

WHEREAS, Eric Hausman, Esq., on behalf of the Estates of Harold & Dorothy Vannote, (former homeowners both deceased), have effected redemption of Certificate #16-00002 in the amount of \$16,925.72 as of 3/14/17.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize the Treasurer to issue a check in the amount of \$16,925.72 payable to US Bank Cust BV002 Trst & Credtr for the redemption of Tax Sale Certificate #16-00002.

BE IT FURTHER RESOLVED, that the Mayor and Council authorize the Treasurer to issue a check in the amount of \$16,000 (premium) to the aforementioned Lien Holder.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution To Introduce The 2017 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 52-2017

RESOLUTION TO INTRODUCE THE 2017 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Borough of Totowa, Passaic County, New Jersey for the year 2017.

BE IT FURTHER RESOLVED, that the said Budget be published in The North Jersey Herald and News in the issue of April 14, 2017, and that a hearing on the Budget will be held at the Municipal Building on April 25, 2017 at 8:00 P.M. or as soon thereafter as the matter may be reached.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution To Appoint An Interim Tax Appeal Attorney. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 53-2017

RESOLUTION APPOINTING AN INTERIM TAX APPEAL ATTORNEY

WHEREAS, the Borough of Totowa requires the services of an attorney to serve as Tax Counsel for the Borough of Totowa; and

WHEREAS, the professional services to be provided by the Tax Attorney include but are not limited to defending against all tax appeals filed against the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed proposals for the professional legal services in accordance with its specifications entitled "Request for Proposals for the Position of Tax Attorney for the Borough of Totowa"; and

WHEREAS, the Borough of Totowa did receive proposals at its Municipal Building on December 21, 2016; and

WHEREAS, the Finance Committee did examine all proposals for professional legal services; and

WHEREAS, a proposal was submitted by Matthew J. O'Donnell, Esq., O'Donnell McCord, P.C., 15 Mount Kemble Avenue, Morristown, New Jersey 07960, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

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

WHEREAS, the Mayor and Council of the Borough of Totowa intended to award a contract to Matthew J. O'Donnell, Esq., to serve as Tax Attorney for the Borough of Totowa for 2017; and

WHEREAS, immediately prior to the award of the contract, Matthew J. O'Donnell, Esq. has advised the Mayor and Council of the Borough of Totowa that he does not wish to provide the professional legal services for the Borough of Totowa; and

WHEREAS, it is necessary to retain the services of a Tax Appeal attorney to prepare and defend against the numerous tax appeals filed against the Borough of Totowa and currently pending in the Tax Court of New Jersey; and

WHEREAS, Raymond Reddin, Esq., Reddin Masri, LLC, 485 Totowa Road, Totowa, New Jersey 07512, has previously served as Tax Attorney for the Borough of Totowa; and

WHEREAS, Raymond Reddin, Esq., possesses the necessary experience and expertise to provide the professional legal services; and

WHEREAS, for providing the required services, the Borough of Totowa will compensate Raymond Reddin, Esq. in accordance with the prorated Fee Schedule set forth in the prior contract between the Borough of Totowa and Mr. Reddin; and

WHEREAS, the professional legal services shall be awarded as an emergency contract pursuant to the provisions of N.J.S.A. 19:40A-11.6 et seq. so that the interests of the Borough of Totowa are adequately represented and protected in the pending Tax Court matters; and

WHEREAS, the Mayor and Council of the Borough of Totowa intend to advertise for receipt of sealed proposals for professional legal services for the position of Tax Appeal Attorney for the Borough of Totowa as soon as possible.

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 Reddin Masri, LLC to serve as the interim Borough of Totowa Tax Attorney and provide professional legal services.

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.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Clerk to re-advertise for receipt of sealed proposals for the Position of Tax Attorney for the Borough of Totowa.

MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Reddin Masri, LLC as interim Tax Appeal Attorney for a term not to exceed one year or until such time as a new Tax Appeal Attorney is appointed.

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

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution To Appoint An Interim Tax Appeal Consultant. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 54-2017

RESOLUTION TO APPOINT AN INTERIM TAX APPEAL CONSULTANT

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional real estate appraisal and consulting firm on an as-needed basis in order to prepare and defend against the various tax appeals filed against the Borough of Totowa; and

WHEREAS, these professional services include but are not limited to the physical inspection of each property, verification of zoning and development approvals, preparation of appraisals, attendance at conferences and depositions and providing expert witness testimony at each trial as needed; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed proposals for the professional tax appeal and consulting services in accordance with its specifications entitled "Request for Proposals for the Position of Tax Appeal Consultant for the Borough of Totowa"; and

WHEREAS, the Legal Notice and specifications stated that proposals must be submitted by December 21, 2016; and

WHEREAS, the Borough of Totowa did not receive any proposals at its Municipal Building on December 21, 2016; and

WHEREAS, the Mayor and Council of the Borough of Totowa require the services of a professional real estate appraisal and consulting firm in order to prepare and defend against the pending tax appeals filed against the Borough of Totowa; and

WHEREAS, Appraisal Consultants Corp., 293 Eisenhower Parkway, Suite 200, Livingston, New Jersey 07039, has previously provided the required appraisal and consulting services; and

WHEREAS, the firm of Appraisal Consultants Corp. possesses the necessary expertise and experience to perform the professional real estate and consulting services; and

WHEREAS, for providing the required services, the Borough of Totowa will compensate Appraisal Consultants Corp. in accordance with the pro-rated Fee Schedule set forth in the prior contract between the Borough of Totowa and Appraisal Consultants Corp.; and

WHEREAS, pursuant to the applicable New Jersey State laws, the contract for these services may be authorized without the public bidding since they will not exceed the bidding threshold; and

WHEREAS, the Mayor and Council of the Borough of Totowa intend to advertise for receipt of sealed proposals for professional tax appeal and consulting services for the Position of Tax Appeal Consultant for the Borough of Totowa as soon as possible.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize a contract with Appraisal Consultants Corp. to provide professional real estate appraisal and consulting services on an as-needed basis in order to prepare and defend against the various tax appeals filed against the Borough of Totowa.

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 instruments relating thereto.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Clerk to re-advertise for receipt of sealed proposals for the professional tax appeal and consulting for the position of Tax Appeal Consultant for the Borough of Totowa”.

MAYOR’S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Appraisal Consultants Corp. as interim Tax Appeal Consultant for a term not to exceed one year or until such time as a new Tax Appeal Consultant is appointed.

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

There was a motion by Councilman Picarelli, seconded by Councilman D’Angelo to Authorize the Borough Attorney to prepare and the Borough Clerk to advertise for RFP’s for 2017 Tax Appeal Attorney and Tax Appeal Consultant Services. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was no report.

COMMITTEE ON PUBLIC WORKS:

A letter was received from PSE&G requesting that the fee for the road opening permit for their Gas System Modernization Project be reduced. There was a motion by Councilman Bucher, seconded by Councilman Capo to authorize the Borough Attorney to research and amend the ordinance. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Borough Clerk To Set Up A Public Sale/Auction Of Personal Property No Longer Needed For Public Use. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 55-2017

RESOLUTION AUTHORIZING THE BOROUGH CLERK
TO SET UP A PUBLIC SALE/AUCTION OF PERSONAL PROPERTY
NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, N.J.S.A. 40A:11-36 provides for the Manner and Method of Sale or Other Disposition of Personal Property; and

WHEREAS, the Mayor and Council of the Borough of Totowa may by resolution authorize the sale of its personal property not needed for public use; and

WHEREAS, the Mayor and Council of the Borough of Totowa have at this time determined that there are various vehicles, equipment and other personal property of different make and model that are no longer needed for public use; and

WHEREAS, it is in the best interest of the taxpayers of the Borough of Totowa that the Mayor and Council dispose of these items at public sale/auction to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough Clerk to set up a public sale/auction for personal property no longer needed for public use.

A letter was received from American Legion Memorial Post No. 227 requesting permission to use the Municipal Parking Lot on Saturday, April 8, 2017 for a fundraiser to Atlantic City. There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani 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 Bucher to adopt the following Resolution Authorizing A Shared Services Agreement Between The Borough Of Totowa And The Borough Of Woodland Park For The Positions Of Construction Official, Building Subcode Official And Assistant Zoning Official. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 56-2017

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF TOTOWA AND THE BOROUGH OF WOODLAND PARK FOR THE POSITIONS OF CONSTRUCTION OFFICIAL, BUILDING SUBCODE OFFICIAL AND ZONING OFFICIAL

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., authorized local units to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the Agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the Borough of Woodland Park is in need of the services of a licensed Municipal Construction Official, Building Subcode Official and Zoning Official; and

WHEREAS, the Borough of Totowa is willing to assist the Borough of Woodland Park by permitting its employee that serves as the Municipal Construction Official, Building Subcode Official and Zoning Official to perform those same duties for the Borough of Woodland Park; and

WHEREAS, in the spirit of inter-municipal cooperation and in furtherance of the principles of Uniform Shared Services and Consolidation Act, the Borough of Totowa and Borough of Woodland Park have negotiated an agreement for the shared provision of Municipal Construction Official, Building Subcode Official and Zoning Official; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the shared services agreement in order to provide more economically and efficient government services.

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 shared services agreement with the Borough of Woodland Park for the positions of licensed Municipal Construction Official, Building Subcode Official and Zoning Official.

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.

A letter from American Legion Memorial Post No. 227 inviting the Mayor and Council to their annual installation of officers on Thursday, April 20, 2017 at 7:00 p.m. was received and filed.

A letter from the Board of Health advising that the Annual Rabies Clinic will be held on Tuesday, April 25, 2017 at 7:00 p.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 and advertise for public hearing the following entitled ordinance. On roll call vote, all members of the Council present voted in the affirmative.

ORDINANCE NO. 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 Capo, seconded by Councilman Picarelli to approve Raffle License Application No. 2013 for the Borough of Totowa First Aid Squad for an Off-Premise 50/50 to be held on May 28, 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. 2014 for the Academy of St. Francis of Assisi for a Calendar Raffle to be held during April, May & June 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. 2015 & 2016 for FOWA Rescue, Inc. for a Tricky Tray and On-Premise 50/50 to be held on April 27, 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 No. 2017 for the Melissa A. Centrella Scholarship Fund for a Tricky Tray to be held on May 4, 2017 at the American Legion Memorial Post No. 227. 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. 2018 for the St. Joseph's Home for the Elderly of the Little Sisters of the Poor for an On-Premise 50/50 to be held on April 28, 2017 at The Bethwood. 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