

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

November 27, 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.

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

Councilman Waryas: 1) Thanked the County road department for painting the yellow center lines on Totowa Road from Minnisink Road to Huizenga Lane; 2) Advised that the Riverview Sewer Plant is now fenced in.

Councilwoman Andriani: 1) Announced that the annual Tree Lighting Ceremony will be held on Friday, December 7th with the school choir and band performing holiday songs beginning at 6:30 p.m. with the tree lighting to follow at 7:00 p.m.; 2) Reported that the Board of Recreation is sponsoring a Drop N Shop Fun Night at Spa 23 on Saturday,

December 8th, where parents can drop their children off for a fun night of activities while they go holiday shopping.

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 13, 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. 2012-24 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 acknowledge receipt of the Report of Annual Tax Sale held on October 25, 2012 from Deputy Tax Collector Elaine Reddin. 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
173	1	755 Union Blvd/ Wahl, Eugene & Diefenbach, Wm	Michael I. Schneck, Trustee for Wahl, Eugene & Diefenbach, Wm Schneck Law Group 301 South Livingston Ave, Suite 105 Livingston, NJ 07039	2009	\$5,058,800	\$4,000,000	\$17,152.56
173	1	755 Union Blvd/ Wahl, Eugene & Diefenbach, Wm	Michael I. Schneck, Trustee for Wahl, Eugene & Diefenbach, Wm Schneck Law Group 301 South Livingston Ave, Suite 105 Livingston, NJ 07039	2010	\$5,058,800	\$3,250,000	\$ 30,894.30
173	1	755 Union Blvd/ Wahl, Eugene & Diefenbach, Wm	Michael I. Schneck, Trustee for Wahl, Eugene & Diefenbach, Wm Schneck Law Group 301 South Livingston Ave, Suite 105 Livingston, NJ 07039	2011	\$4,136,900	\$3,250,000	\$17,427.59
						TOTAL CHECK	\$ 65,474.45

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 County Tax Court judgments. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there have been County Tax Court judgments reducing the evaluation on the following properties; and

WHEREAS, the property owners have paid their taxes for 2012 and are now entitled to a refund.

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

Blk	Lot	Property/Owner	Yr	From	To	Amount
9	34.13	34 Centennial Court/ Rosemarie Amendola	2012	\$ 822,200	\$ 745,600	\$ 1,577.96
9	34.24	37 Liberty Ridge Trail/ Vierira, Carlos & Maria	2012	\$ 967,000	\$ 903,200	\$ 1,314.28
9	67	35 Battle Ridge Trail/ Schreck, Brad and Marcy	2012	\$ 798,900	\$ 778,900	\$ 412.00

9.15	90 C1903	6 General's Lane/ Rella, Michael	2012	\$ 528,400	\$ 513,400	\$ 309.00
39	8	115 Jefferson Place/ Berrios, Aurea	2012	\$ 421,400	\$ 400,000	\$ 440.84
74.02	4	36 Battle Ridge Trail/ Moretta, P & Stefanelli, B	2012	\$1,132,600	\$1,112,600	\$ 412.00
157	4.02 C0105	37-41 Vreeland Ave./ MCNIM Assoc.	2012	\$ 726,500	\$ 667,900	\$ 1,207.16

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 due to overpayment of 4th Quarter 2012 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

RE: Tax Overpayments
4th Quarter 2012

WHEREAS, there have been overpayments of taxes on the properties listed below; and

WHEREAS, the taxpayers are entitled to a refund; and

WHEREAS, the chart sets forth the refunds as follows:

Blk	Lot	Property/Owner	Overpayment	Payable To
9.13 CO905	88	3 Yorktown Lane/ Park Yang Ja & Hae Sung	\$2,845.67	"Kim, Choi and Kim PC Attorney Trust Account" 460 Bergen Blvd, Suite 206 Palisades Park, NJ 07650
143.01	10	18 Wilson Avenue/ Dennis R. McVeigh	\$1,413.68	Homeowner

NOW, THEREFORE, BE IT RESOLVED, that the overpayment shall be refunded to the taxpayer, as stated above, and the Treasurer is authorized to issue separate checks for the refunds, which shall be paid to the stated property owner or taxing authority.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution authorizing the Treasurer to issue a check to DGP Capital, LLC in the amount of \$12,166.01 for funds due on Certificate of Sale 12-00003, Block 110, Lot 9, 191 Washington Place and an additional check for \$9,000.00 for premium paid. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #12-00003
Block 110, Lot 9
Property: 191 Washington Place
Owner: Fernando Santana

WHEREAS, the Certificate of Sale #12-00003, on the above mentioned property was purchased by DGP Capital, LLC on October 25, 2012 at 0% interest and a premium of \$9,000; and

WHEREAS, Well Fargo Bank, is now paying the funds due on the Certificate of Sale; and

WHEREAS, the amount due DGP Capital, LLC for the tax lien is \$12,166.01 as of November 27, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the Borough of Totowa is authorized to issue a check to "DGP Capital, LLC", 12-24 River Road, Fair Lawn, New Jersey 07410, in the amount of \$12,166.01 for the funds due on the Certificate of Sale plus and additional check in the amount of \$9,000 for the premium paid.

Letters from the Totowa Seniors and the Happy Seniors thanking the Mayor and Council for their annual contribution were received and filed.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following Resolution Of The Borough Of Totowa Authorizing The Payment Of Terminal Leave Benefits To Cornelius J. Van Ess. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 108-2012

RESOLUTION OF THE BOROUGH OF TOTOWA AUTHORIZING THE
PAYMENT OF TERMINAL LEAVE BENEFITS TO CORNELIUS J. VAN ESS

WHEREAS, Cornelius J. Van Ess began his employment with the Borough of Totowa as a Patrolman in the Police Department on September 27, 1982; and

WHEREAS, Cornelius J. Van Ess will retire from the Borough of Totowa Police Department as a Captain effective December 1, 2012; and

WHEREAS, the policy of the Borough of Totowa is that employees with twenty-five (25) years of service are entitled to a maximum of one hundred thirty (130) days of Terminal Leave to be paid upon retirement; and

WHEREAS, the Terminal Leave amount is calculated at the amount of sick day benefits, not to exceed one hundred thirty (130) days or eighty-seven (87) days for those employees under the Pitman/12 Hour Shift Schedule, at the daily rate of pay of the last twelve (12) months of service upon retirement; and

WHEREAS, Cornelius J. Van Ess has accumulated eighty-seven (87) unused sick days and has completed more than twenty-five (25) years of service as an employee of the Borough of Totowa; and

WHEREAS, Cornelius J. Van Ess does hereby waive any other claim and/or claims for any salary, benefits and/or other compensation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that Cornelius J. Van Ess is granted eighty-seven (87) days of accumulated sick leave (Terminal Leave) for a total amount of sixty-nine thousand five hundred seventy-five and 50/100 Dollars (\$69,575.50). Said monies are given in full and final consideration of any and all claims that Cornelius J. Van Ess may have against the Borough of Totowa.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve Junior Firefighter application for Adam P. Morabito. 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 approve fireman's applications, the purchase of fireman's equipment and authorize fireman's physicals for Gaetano Marra for Volunteer Fire Company No. 1 and Justin F. Frank for Fire Rescue. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Waryas, seconded by Councilman Puglise to approve Change Order No. 1 for a net increase of \$9,868.00 and Payment No. 5 (Final) in the amount of \$13,220.00 to Ray Palmer Associates, Inc. for the Shepherds Lane Pump Station Improvements. On roll call vote, all members of the Council present voted in the affirmative.

A letter from residents Robert & Karen Smith and Michael Saccal thanking the Mayor and Council for the excellent work the DPW crew did in removing trees that fell on their property and home during Hurricane Sandy, along with a request to have some other trees evaluated and removed 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 The Replacement Of Two Main Heating Circulating Pumps At The Municipal Complex. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 109-2012

RESOLUTION AUTHORIZING THE REPLACEMENT OF TWO MAIN HEATING CIRCULATING PUMPS AT THE MUNICIPAL COMPLEX

WHEREAS, the main heating circulating pumps located in the Borough of Totowa Municipal Complex are no longer operable and need to be replaced; and

WHEREAS, the Borough of Totowa solicited proposals from licensed professional mechanical contractors to provide all necessary equipment, labor, tools and services for the purchase and installation of two (2) main heating circulating pumps with new connections at the Borough of Totowa Municipal Complex; and

WHEREAS, the lowest responsible bid was submitted by CJ Vanderbeck & Son, Inc., 240 Marshall Street, Paterson, New Jersey 07503 for two (2) B+G 1522 T ¾ HP, 3 Phase, main heating circulating pumps in the amount of Four Thousand Eight Hundred Forty and 00/100 Dollars (\$4,840.00), a copy of which is on file in the office of the Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase and installation of these main heating circulating pumps at the Municipal Complex; and

WHEREAS, pursuant to the applicable New Jersey State Laws, the purchase and installation of this heating equipment does not exceed the public bidding threshold.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by CJ Vanderbeck & Son, Inc., 240 Marshall Street, Paterson, New Jersey 07503 for two (2) B+G 1522 T ¾ HP, 3 Phase, main heating circulating pumps in the amount of Four Thousand Eight Hundred Forty and 00/100 Dollars (\$4,840.00).

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 Fontanella, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Reimbursement To The Borough Of Woodland Park For The Replacement Of A Section Of 24" Sanitary Sewer Main. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 110-2012

RESOLUTION AUTHORIZING REIMBURSEMENT TO THE BOROUGH OF WOODLAND PARK FOR THE REPLACEMENT OF A SECTION OF 24" SANITARY SEWER MAIN

WHEREAS, in April of 2011, the Borough of Totowa was advised that the McBride Avenue 24" sanitary sewer force main utilized by the Township of Little Falls, Borough of Totowa and Borough of Woodland Park had collapsed in the area of Curtis Place in the City of Paterson; and

WHEREAS, as a result of the collapse, it was necessary to replace approximately 160 feet of pipe at total cost of \$302,120.58; and

WHEREAS, the replacement of the 160 feet of pipe was referred to as Phase I of the municipal force main issues; and

WHEREAS, the Borough of Woodland Park paid for the costs incurred in Phase I in connection with the replacement of the sanitary sewer force main; and

WHEREAS, pursuant to an agreement entered into by the three (3) municipalities, the cost of this repair project shall be split between the municipalities on a pro rata basis with the allocation of costs set at 32.3% for Little Falls, 36.9% for Totowa and 30.8% for Woodland Park; and

WHEREAS, by Resolution No. 44-2012 dated March 13, 2012, the Mayor and Council of the Borough of Totowa authorized reimbursement to the Borough of Woodland Park for the Phase I repairs in the amount of \$111,482.49; and

WHEREAS, in August of 2011 as a direct result of Hurricane Irene, Phase II occurred wherein the force main collapsed on the Spruce Street Bridge in the City of Paterson; and

WHEREAS, emergency repairs in the amount of \$90,000.00 have been paid by the Borough of Woodland Park; and

WHEREAS, the Borough of Woodland Park has applied to FEMA for reimbursement for the Phase II repairs and once the net amount has been determined, said net amount will be allocated for the three municipalities; and

WHEREAS, Phase III of the force main issues occurred on December 12, 2011 when the Spruce Street sanitary sewer force main collapsed while the Spruce Street road bed was being milled in preparation for repaving the roadway; and

WHEREAS, the entire length of the force main, approximately 580 linear feet of pipe, was replaced across the bridge; and

WHEREAS, although the force main has been fixed and is working well, there still remains significant work to be completed on the road bed; and

WHEREAS, the Borough of Woodland Park has expended the sum of \$476,264.29 for the Phase III repairs to date; and

WHEREAS, pursuant to the above referenced agreement, the Borough of Totowa is obligated to reimburse the Borough of Woodland Park in the amount of \$175,741.52; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to reimburse the Borough of Woodland Park the sum of \$175,741.52 for the Phase III costs incurred in connection with the replacement of the 24" sanitary sewer force main.

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.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Andriani, seconded by Councilman Puglise 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. 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 Councilwoman Andriani, seconded by Councilman Puglise 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 for December 1, 2012 from 6:00 p.m.—12:00 a.m. 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 item 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 Raffle License Application No. 1674 for BPOE #2111 Passaic Valley Elks for an On-Premise 50/50 to be held on December 12, 2012 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 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