

## **BOROUGH OF TOTOWA**

### **MINUTES OF THE MAYOR AND COUNCIL**

**June 25, 2013**

**PRESENT:** Council President Phil Puglise, presiding, 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:** Mayor John Coiro.

Council President Phil Puglise 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.

Council President Puglise 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.

Council President Puglise asked everyone for a moment of silence for our long time resident John Soldoveri who passed away recently.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to dispense with the regular order of business in order to hold a public hearing on Ordinance Nos. 08-2013 & 09-2013 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance Nos. 08-2013 & 09-2013 have been advertised for public hearing for Tuesday, June 25, 2013.

Municipal Clerk Wassel read the legal notice and title of Ordinance No. 08-2013.

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

Council President Puglise asked if any citizens wished to be heard on Ordinance No. 08-2013.

**CITIZENS HEARD:**

There were no citizens who wished to be heard.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo 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. 08-2013 by title:

**ORDINANCE NO. 08-2013**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA  
CHAPTER 415 ENTITLED "ZONING AND LAND USE", PART 4, "ZONING"**

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt Ordinance No. 08-2013 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and title of Ordinance No. 09-2013.

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

Council President Puglise asked if any citizens wished to be heard on Ordinance No. 09-2013.

**CITIZENS HEARD:**

There were no citizens who wished to be heard.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo 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. 09-2013 by title:

**ORDINANCE NO. 09-2013**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 398 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE VI, "STOP AND YIELD INTERSECTIONS", SECTION 24, "STOP INTERSECTIONS DESIGNATED", AND ARTICLE XIII, "SCHEDULES", SECTION 53, "SCHEDULE IX: STOP INTERSECTIONS"**

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt Ordinance No. 09-2013 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 Waryas, seconded by Councilman D'Angelo to revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

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

Councilwoman Andriani: 1) Announced that the Board of Recreation started their summer camp program and enrollment is up from last year; 2) Said everything is going well at the municipal swimming pool and that we will have a DJ, dunk tank, sno-cone machine and pop corn machine on the 4<sup>th</sup> of July and a live band on Saturday, July 6<sup>th</sup>; 3) Wished County Clerk Kristin Corrado a Happy Birthday yesterday and Councilman John Waryas a Happy Birthday for tomorrow.

**CITIZENS HEARD:**

Michael Gershowitz: Stated that he is a stranger here today, but 50 years ago in the old

municipal building everyone knew him because he covered Totowa for the old Paterson Evening News. Said he came to visit and that the town looked good. Said he worked at the Paterson Evening News from 1962—1965 and commented that he brought a scrap book for the Council to look at.

There was a motion by Councilman Waryas, seconded by Councilman D’Angelo to approve the Minutes of the Mayor and Council for the meeting of June 11, 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. 2013-14 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 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 these amounts.

Block	Lot	Property/Owner	Payable to:	YEAR	FROM	TO	AMOUNT
170.04	1.00	Y Group Invest c/o F. Romano	The Irwin Law Firm Atty Trust Account F.B.O. Y Group Invest c/o F. Romano Mail To:	2011	4,430,200.00	4,000,000	\$8,453.43
170.04	1.00	Y Group Invest c/o F. Romano	The Irwin Law Firm 80 Main Street, Suite 410 West Orange, NJ 07052	2012	4,430,200.00	3,900,000	\$10,922.12
						Total Check	\$19,375.55

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Waryas, seconded by Councilwoman Fontanella to accept the following bids for the Purchase and Delivery of One Heavy Duty Rescue Unit. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Bid Amount</u>
P.L. Custom Body And Equipment Co., Inc. Manasquan, NJ 08736	\$281,844.00

Upon the recommendation of the Committee, there was a motion by Councilman Waryas, seconded by Councilwoman Fontanella to forward the bid package to the Municipal Attorney and the Fire Chief for their review and recommendation. 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 D'Angelo to approve Change Order No. 2 for a net decrease of \$620.00 and Payment Estimate No. 2 (Final) in the amount of \$16,621.49 to Crossroads Pavement Maintenance, LLC for the 2012 Road Program. 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 Councilman D'Angelo to approve Payment Estimate No. 3 (Final) in the amount of \$14,172.80 to T&S Builders, LLC for the Lincoln Field Drainage Improvements. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to approve Change Order No. 2 for a net decrease of \$1,908.38 and Payment Estimate No. 3 (Final) in the amount of \$96,986.54 to Allstate Power Vac, Inc. for the Jefferson Place Sewer Lining Project—Phase 1. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from American Legion Memorial Post No. 227 requesting permission to use the Municipal Parking Lot on Saturday, June 29, 2013 from 9:00 a.m.—8:00 p.m. 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.

A letter was received from Michael DiGiaino requesting permission for the Boy Scouts to use the Municipal Parking Lot on Sunday, July 14, 2013 and Wednesday, July 24, 2013 for their departure to and return from their National Jamboree. 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 The Borough Of Totowa To Enter Into A Developer's Agreement With Digital Totowa, LLC. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 76-2013

#### RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO A DEVELOPER'S AGREEMENT WITH DIGITAL TOTOWA, LLC

WHEREAS, Digital Totowa, LLC, a subsidiary of Digital Realty Trust with offices at 451 D Street, Suite 912, Boston, Massachusetts 02210, is the owner of real property commonly known and designated as Block 173, Lot 17 on the official Tax and Assessment Map of the Borough of Totowa and is located at 701 Union Boulevard in the I-3 Restricted Industry District; and

WHEREAS, Digital Totowa, LLC has filed an application for development with the Borough of Totowa Planning Board for preliminary and final site plan approval for the 701 Union Boulevard property; and

WHEREAS, Digital Totowa, LLC intends to raze the existing 272,000 square foot building along with all other improvements on the property and construct two new data centers inclusive of a two-story office space for one of the buildings; and

WHEREAS, the Borough of Totowa Planning Board at its public meetings held on April 11, 2013, April 25, 2013 and May 9, 2013 granted preliminary and final site plan approval for the application filed by Digital Totowa, LLC for the 701 Union Boulevard property, subject to certain conditions and restrictions; and

WHEREAS, one of the conditions of the approval granted by the Borough of Totowa Planning Board was the requirement that Digital Totowa, LLC enter into a Developer's Agreement with the Borough of Totowa; and

WHEREAS, by Resolution No. 65-2013 dated May 14, 2013, the Mayor and Council of the Borough of Totowa authorized the Municipal Attorney of the Borough of Totowa to prepare the Developer's Agreement with Digital Totowa, LLC; and

WHEREAS, the Municipal Attorney for the Borough of Totowa has prepared the Developer's Agreement and has recommended that the Borough of Totowa enter into the Agreement and execute the document memorizing the terms thereof; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to enter into a Developers Agreement with Digital Totowa, LLC.

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 Developer's Agreement with Digital Totowa, LLC.

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 LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Borough Clerk To Renew The Division Of Alcoholic Beverage Control Liquor Licenses For The 2013/2014 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 77-2013

RESOLUTION AUTHORIZING THE BOROUGH CLERK TO RENEW THE  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSES  
FOR THE 2013/2014 LICENSE TERM

WHEREAS, the liquor licenses that have been issued by the Borough of Totowa during the year 2012/2013 will expire on June 30; and

WHEREAS, State and Municipal regulations require that liquor licenses be renewed prior to July 1, 2013; and

WHEREAS, applications have been made by the holders of liquor licenses as issued by the Borough of Totowa during the year 2012/2013, and said holders of licenses have made application that their licenses be renewed.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Municipal Clerk be authorized to issue said license to the following licensed premises for the year 2013/2014 and that a copy of each application for each licensed premise be forwarded to the Division of Alcoholic Beverage Control.

1612-33-001-010	Apple Food Service of Totowa, Inc.
1612-33-002-005	The 46 Lounge, LLC
1612-33-003-002	Anthony Murphy, Inc.
1612-33-004-007	Murphy's Steakhouse, LLC
1612-33-005-002	The Bethwood Corporation
1612-44-006-005	DTJ, Ltd.
1612-33-007-004	Crestview Motel, Inc.
1612-44-009-007	Daystar Trading Company
1612-33-010-009	New Sushi, LLC
1612-33-011-005	Totowa Barnyard, Inc.
1612-31-012-001	Totowa Boro Memorial Post #227
1612-31-013-001	Italian American Ind Club of Totowa
1612-31-014-001	Passaic Valley Elks Lodge BPOE #2111

There being no further business to come before the Council, there was a motion by Councilman Waryas, seconded by Councilman D'Angelo that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

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Joseph Wassel, RMC  
Municipal Clerk