

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

January 23, 2018

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 Kristin 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.

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:

Mike Mahometa, 269 Lincoln Avenue: Said the company that did the tree removal/trimming at the PAL recreation areas did a great job, but now asked the Mayor and Council if they would plant some new pine trees along the property line.

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 January 9, 2018. On roll call vote, all members of the Council present voted in the affirmative. Councilman Bucher abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2018-03 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>
169.01	2	990 Riverview Drive 990 Riverview Dr LLC	Michael A. Vespasiano, Attorney Trust Account	2013	12,226,400	10,000,000	\$ 46,821.19
169.01	2	(same as above)	Mail To:	2014	12,226,400	9,400,000	\$ 59,976.21
169.01	2	(same as above)	Michael A. Vespasiano	2015	12,226,400	9,300,000	\$ 66,838.98
169.01	2	(same as above)	331 Main Street	2016	12,226,400	9,100,000	\$ 73,439.14
169.01	2	(same as above)	Chatham, NJ 07928	2017	11,228,600	8,800,000	\$ 57,290.67
Total check							\$304,366.19

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve payment of the 1st Quarter 2018 Budget Allotment to the Borough of Totowa Public Library in the amount of \$178,431. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve fireman's applications, the purchase of fireman's equipment and authorize fireman's physicals for Stephen Stonebridge, Giovanni Madrid, Darel Buffa and Luis Velazquez for Riverview Park Fire Company. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilman Capo to adopt the following Resolution Authorizing Professional Engineering Services For The Jefferson Place And Raphael Road Improvement Project. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 31-2018

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES FOR THE JEFFERSON PLACE AND RAPHAEL ROAD IMPROVEMENT PROJECT

WHEREAS, the Borough of Totowa has received a Municipal Aid Grant from the New Jersey Department of Transportation ("NJDOT") for various improvements for Jefferson Place and Raphael Road which includes the milling and resurfacing of the roadways, replacement of concrete curb, installation of ADA compliant curb ramps and other associated site improvements; 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, preparing bid documents, assisting in the bidding process and supervising construction of the Jefferson Place and Raphael Road Improvement Project; and

WHEREAS, Richard A. Alaimo Engineering Associates has submitted a proposal dated January 10, 2018 for the Jefferson Place and Raphael Road Improvement Project at a cost not to exceed \$55,140.00, 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 January 23, 2018 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 Jefferson Place and Raphael Road Improvements in the amount of \$55,140.00.

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.

BE IT FURTHER RESOLVED, that the Municipal Council of the Borough of Totowa does hereby authorize the Mayor, Municipal Clerk and Municipal Engineer to execute any and all necessary instruments relating thereto.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from the Friends of the Totowa Public Library requesting permission to use the Municipal Parking Lot on Tuesday, March 13, 2018 for a trip to the Sands Casino. 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 Of The Municipal Council Of The Borough Of Totowa, County Of Passaic, New Jersey Authorizing An Amendment To The Redevelopment Agreement By And Between The Borough Of Totowa And NJDC Urban Renewal LLC And Authorizing Acquisition And Transfer Of The Property Commonly Known On The Borough Tax Assessment Records As Block 154, Lot 19 And Block 154.01, Lot 1 And Related Actions. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 32-2018

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF TOTOWA,
COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING AN AMENDMENT TO THE
REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF TOTOWA
AND NJDC URBAN RENEWAL LLC AND AUTHORIZING ACQUISITION AND
TRANSFER OF THE PROPERTY COMMONLY KNOWN ON THE BOROUGH TAX
ASSESSMENT RECORDS AS BLOCK 154, LOT 19 AND BLOCK 154.01, LOT 1 AND
RELATED ACTIONS

WHEREAS, the municipal council of the Borough of Totowa (the "Borough Council") in the County of Passaic, State of New Jersey (the "Borough"), a public body corporate and politic of the State of New Jersey (the "State"), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law") to determine whether certain parcels of land with the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment, and, adopt and implement redevelopment plans; and

WHEREAS, on October 13, 2015, in accordance with the criteria set forth in the Redevelopment Law, the Borough accepted the recommendation of the Planning Board and adopted a resolution which designated the property commonly known on the Borough tax map as Block 154, Lot 19 (Block 154, Lot 19 and Block 154.01, Lot 1 on the tax assessment records) (hereinafter, the "Study Area"), as an "area in need of redevelopment" (the "Redevelopment Area" or "Property"); and

WHEREAS, by Ordinance No. 03-2016 adopted on February 23, 2016, in accordance with the criteria set forth in the Redevelopment Law, the Borough accepted the recommendation of the Planning Board and adopted a Redevelopment Plan for the Redevelopment Area (the "Redevelopment Plan"); and

WHEREAS, the Borough amended the Redevelopment Plan, in accordance with the criteria set forth in the Redevelopment Law and the Recommendation of the Planning Board, on April 25, 2017 by Ordinance 04-2017, entitled “An Ordinance of the Borough of Totowa, County of Passaic, New Jersey Amending Ordinance No. 03-2016 and Amending the Redevelopment Plan for the Property Commonly Known as Block 154, Lot 19 on the Tax Map of the Borough of Totowa (Block 154, Lot 19, Block 154.01, Lot 1) on the Tax Assessment Records of the Borough of Totowa”; and

WHEREAS, NJDC Urban Renewal DE, LLC (the “Redeveloper”) was selected as, and designated, redeveloper of the Redevelopment Area and as authorized by Resolution No. 82-2017 adopted on June 13, 2017, previously entered into that certain Redevelopment Agreement with an Effective Date of June 15, 2017, (the “Redevelopment Agreement”); and

WHEREAS, by Resolution 95-2017, dated July 11, 2017, the Borough authorized: (i) a purchase and sale agreement between the State of New Jersey and the Borough, which is dated August 14, 2017 (the “State PSA”), for the Borough to acquire Block 154, Lot 19, Block 154.01, Lot 1 (collectively, the “Redevelopment Parcel”), and Block 154.02, Lot 1 (the “Additional Parcel”), all situated in the Borough, and (ii) a purchase and sale agreement between the Borough and the Redeveloper, which is dated July 11, 2017 (the “Borough PSA”), for the Borough to sell the Redevelopment Parcel only to the Redeveloper; and

WHEREAS, the Redevelopment Agreement requires the Developer upon acquiring the Property to subdivide the Property and transfer two (2) parcels back to the Borough; and

WHEREAS, the Borough wishes to authorize the Mayor to execute, deliver and accept all deeds and related documents to fulfill the intent and purpose of the State PSA, the Borough PSA and the Redevelopment Agreement; and

WHEREAS, in accordance with the Redevelopment Agreement, and Planning Board approvals, the Redeveloper is required to make certain park improvements, and the Borough wishes to accept a payment from the Redeveloper in lieu of the park improvements, and to amend the Redevelopment Agreement accordingly; and

WHEREAS, the Borough and the Redeveloper desire to make certain changes to the Project and the Project Schedule (as defined in the Redevelopment Agreement), and to amend the Redevelopment Agreement accordingly; and

WHEREAS, the Borough and the Redeveloper have determined to amend the Redevelopment Agreement to memorialize such modifications (the “First Amendment”).

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF TOTOWA, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as though fully set forth at length.

Section 2. The Mayor is authorized to accept the transfer of the Redevelopment Parcel and the Additional Parcel, from the State to the Borough in accordance with the State PSA, and to execute, deliver and accept deeds, related property transfer documents and all other documents reasonably required to effectuate the intent and purpose of the State PSA and this Resolution.

Section 3. The Mayor is authorized to transfer the Redevelopment Parcel from the Borough to the Redeveloper in accordance with the Borough PSA and Redevelopment Agreement, and to execute, deliver and accept deeds, related property transfer documents and all other documents reasonably required to effectuate the intent and purpose of the Borough PSA, the Redevelopment Agreement and this Resolution. The Mayor is further authorized to accept the transfer of the two (2) subdivided lots from the Redeveloper to the Borough in accordance with the Borough PSA and Redevelopment Agreement (defined as the "Borough Land" and the "House Parcel" in the Redevelopment Agreement), and to execute, deliver and accept deeds, related property transfer documents and all other documents reasonably required to effectuate the intent and purpose of the Borough PSA, the Redevelopment Agreement and this Resolution.

Section 4. The Mayor is authorized to execute and deliver the First Amendment substantially in the form attached hereto as Exhibit A, and the same is hereby approved, together with any changes, insertions and omissions thereto as the Mayor, after consultation with redevelopment counsel to the Borough, deem in their collective discretion to be necessary or desirable for the execution thereof and/or as necessary to effectuate the intent and purpose of this Resolution.

Section 5. Upon the execution of the First Amendment as contemplated by Section 4 hereof, the Mayor, and Borough staff and professionals are hereby authorized and directed to (i) deliver the fully executed, attested and sealed document to the other parties thereto, (ii) perform such other actions as the Mayor deems necessary or desirable in relation to the execution and delivery of the First Amendment and (iii) execute, deliver and accept the normal and customary documents in this regard and undertake all actions and/or refrain from taking actions as authorized thereby, and as reasonably necessary to effectuate the purpose and intent of the First Amendment and this Resolution.

Section 6. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

Section 7. This Resolution shall take effect immediately.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to add the following item to the agenda. 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 Councilwoman Andriani, seconded by Councilman Bucher to appoint James Booth as Acting Fire Official. 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 James Booth as Acting Fire Official.

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

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. 01-2018

AN ORDINANCE FIXING THE ANNUAL SALARIES AND WAGES OF THE OFFICIALS, EMPLOYEES AND THE APPOINTEES OF THE BOROUGH OF TOTOWA, COUNTY OF PASSAIC, STATE OF NEW JERSEY

There was a motion by Councilman Capo, seconded by Councilman Picarelli to adopt the following Resolution Approving A Person-To-Person Transfer Of Plenary Retail Consumption License No. 1612-33-005-002 From The Bethwood Corporation To Bethwood Catering, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 33-2018

RESOLUTION APPROVING A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO.1612-33-005-002 FROM THE BETHWOOD CORPORATION TO BETHWOOD CATERING, LLC

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License No. 1612-33-005-002, heretofore issued to The Bethwood Corporation; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa does hereby approve, effective January 29, 2018, the transfer of the aforesaid Plenary Retail Consumption License to Bethwood Catering, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Bethwood Catering, LLC, effective January 29, 2018."

There was a motion by Councilman Capo, seconded by Councilman Picarelli to adopt the following Resolution Urging The Passaic County Freeholders To Reduce The County Open Space Tax Rate For All Passaic County Municipalities. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 34-2018

RESOLUTION URGING THE PASSAIC COUNTY FREEHOLDERS TO REDUCE THE COUNTY OPEN SPACE TAX RATE FOR ALL PASSAIC COUNTY MUNICIPALITIES

WHEREAS, the County of Passaic Board of Chosen Freeholders ("Freeholders") passed a Resolution on February 3, 1999 setting forth a one cent (\$0.01) per one-hundred dollars of total County equalized real property valuation for the purpose of open space farm and land preservation; and

WHEREAS, since the adoption of that 1999 Resolution, the total county equalized real property valuation has increased with no reduction in the tax rate collected; and

WHEREAS, in accordance with N.J.S.A. 40:12-15.2b, the Freeholders can annually set the "open space" tax rate not to exceed the rate established in the nonbinding referendum approved by the voters; and

WHEREAS, in 2016, the County of Morris Board of Chosen Freeholders reduced its open space tax to help ease the tax burden on the residents of Morris County; and

WHEREAS, by reducing the open space tax, the Passaic County Freeholders can still maintain the ability to generate open space and farmland preservation funds while simultaneously providing tax relief to the residents of Passaic County; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby respectfully request that the Passaic County Freeholders review its open space tax rate and reduce it to an amount that generates the same amount of dollars contemplated when it passed the one cent (\$0.01) open space tax in 1999 to help provide tax relief to all sixteen (16) municipalities in Passaic County.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Clerk to forward copies of this Resolution to the Passaic County Freeholder Board and all sixteen (16) municipalities in Passaic County.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve Raffle License Application No. 2075 for St. James of the Marches for a Tricky Tray to be held on February 9, 2018. 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. 2076 & 2077 for the Pequannock Valley Rotary Scholarship Trust Fund for a Tricky Tray and On-Premise 50/50 to be held on February 10, 2018 at The Barnyard. 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