

## BOROUGH OF TOTOWA

### MINUTES OF THE MAYOR AND COUNCIL

**August 8, 2017**

**PRESENT:** Council President Lou D'Angelo, presiding, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, Municipal Clerk Joseph Wassel and Alternate Municipal Attorney Kristin Corrado.

**ABSENT:** Mayor John Coiro and Municipal Attorney Robert Corrado.

Council President Lou D'Angelo 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 D'Angelo asked the Clerk to read the statement of the meeting.

Municipal Clerk Wassel 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 D'Angelo asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

Councilwoman Andriani: Announced that the Board of Recreation is sponsoring a Dive Into The Movies at the Totowa Pool on August 19<sup>th</sup> with a showing of Disney's Moana and also that our next summer concert will be on August 16<sup>th</sup> and featuring The Sisco Band.

**CITIZENS HEARD:**

Mike Mahometa, 269 Lincoln Avenue: Said that he and his wife stopped by a recent concert and said it was fantastic.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve the Minutes of the Mayor and Council for the meeting of July 25, 2017. 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 Councilwoman Fontanella to approve Resolution No. 2017-17 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 Councilwoman Fontanella to approve 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>
166.03	15	40 Commerce Way Commercenter Rlty C/O Mack- Cali	Irwin Law Firm Trust Account	2014	5,816,200	5,145,000	\$14,242.86
			Mail To:	2015	5,816,200	5,311,000	\$11,538.77
			The Irwin Law Firm, P.A. 80 Main Street Suite 410 West Orange, NJ 07052	2016	5,816,200	5,563,000	\$ 5,947.67
						Total check	\$31,729.30

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to approve the following resolution authorizing the Treasurer to issue checks for the redemption of Tax Sale Certificate #15-00007 for 264 Winifred Drive, Block 163, Lot 17. On roll call vote, all members of the Council present voted in the affirmative.

## RESOLUTION

Certificate of Sale #15-00007  
Block 163, Lot 17

Property: 264 Winifred Drive, Totowa, New Jersey  
Owner: Ronald Marthouse (seller)  
Buyer: LJC Holdings, LLC

WHEREAS, at the Municipal Tax Sale on October 22, 2015, a lien was sold on Block 163, Lot 17; and

WHEREAS, this lien known as Tax Sale Certificate #15-00007, was sold to US Bank Cust BV001 Trst & Crdtrs at 0% redemption fee and a premium of \$21,100; and

WHEREAS, Town Title Agency, LLC has effected redemption on behalf of the owner Ronald Marthouse, Tax Sale Certificate #15-00007, in the amount of \$25,969.90 as of 8/8/17.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize the Treasurer to issue a check in the amount of \$25,969.90 payable to US Bank Cust BV001 Trst & Crdtrs for the redemption of Tax Sale Certificate #15-00007.

BE IT FURTHER RESOLVED that the Mayor and Council authorize the Treasurer to issue a check in the amount of \$21,100 (premium) to the aforementioned Lien Holder.

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing Extension Of Due Date For Payment Of 3<sup>rd</sup> Quarter 2017 Taxes. On roll call vote, all members of the Council present voted in the affirmative.

## RESOLUTION NO. 99-2017

### RESOLUTION AUTHORIZING EXTENSION OF DUE DATE FOR PAYMENT OF 3<sup>RD</sup> QUARTER 2017 TAXES

WHEREAS, the third quarter tax payment is normally due on August 1, with a 10 day grace period; and

WHEREAS, the Borough of Totowa will not be able to print and mail out the 2017 final/2018 preliminary tax bills on time because of a delay; and

WHEREAS, the Borough of Totowa by law must allow the taxpayers a period of 25 days from the date of the mailing of the tax bill to make payment.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council do hereby extend the due date for the 3<sup>rd</sup> quarter taxes to August 28, 2017 which is inclusive of the 10 day grace period.

BE IT FURTHER RESOLVED, that tax payments received after the extended grace period of August 28, 2017 will be charged interest back to the original due date of August 1, 2017 as required by law.

#### COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilwoman Fontanella, seconded by Councilman Bucher to approve grade increase for Patrolman Joseph Flynn, Patrolman Douglas Spinella and Patrolman Thomas Bevacqua from Grade 3 to Grade 2. On roll call vote, all members of the Council present voted in the affirmative.

After conferring with Police Chief Robert Coyle, reviewing the personnel files and upon the recommendation of the Committee, there was a motion by Councilwoman Fontanella, seconded by Councilman Bucher that Sergeant Carmen Veneziano be promoted to the rank of Lieutenant. On roll call vote, all members of the Council present voted in the affirmative.

#### ACTING MAYOR'S APPOINTMENT

I, Acting Mayor Lou D'Angelo, with the advice and consent of the Council do hereby promote Sergeant Carmen Veneziano to the rank of Lieutenant in the Borough of Totowa Police Department, effective with the swearing in ceremony on August 22, 2017.

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

There was a motion by Councilwoman Fontanella, seconded by Councilman Bucher to approve payment of the annual contribution for 2017 to the Borough Of Totowa First Aid Squad, Inc. in the amount of \$15,000.00. 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 to go into closed session at the conclusion of the regular agenda to discuss a personnel item. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 100-2017

WHEREAS, pursuant to N.J.S.A. 10:4 et seq. the Open Public Meetings Act, the Governing Body of a municipality may exclude the public from a portion of a meeting; and

WHEREAS, prior to the exclusion of the public from a portion of the meeting the Governing Body shall first adopt a resolution at a meeting to which the public shall be admitted; and

WHEREAS, pursuant to N.J.S.A. 10:4-12 b.(8) the Governing Body of a municipality may exclude the public from that portion of a meeting in which the Governing Body discusses personnel items.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that they go into Executive session to discuss personnel items(s) at the conclusion of the regular meeting's agenda.

BE IT FURTHER RESOLVED, that the matters discussed in Executive session will be made public upon the resolution of the personnel items(s) discussed.

There was a motion by Councilman Bucher, seconded by Councilman Capo to adopt the following Resolution Authorizing Professional Engineering Services For The 2017 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 101-2017

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES  
FOR THE 2017 ROAD PROGRAM

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional engineering firm to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the 2017 Road Program; and

WHEREAS, the Road Resurfacing Program calls for improvements to sections of Greene Avenue, Carroll Place, Knollwood Road, Craig Court and Heritage Court; and

WHEREAS, Richard A. Alaimo Engineering Associates has submitted a proposal dated August 2, 2017 to provide the design, bid assistance and construction supervision services for the roads selected at a cost not to exceed \$59,520.00, 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 August 8, 2017 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 2017 Road Program in the amount of \$59,520.00.

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.

There was a motion by Councilman Bucher, seconded by Councilman Capo to approve Change Order No. 1 for a net increase of \$14,870.80 and Payment Estimate No. 3 (Final) in the amount of \$54,284.19 to Midwest Construction, Inc. for the Hobart Place Improvements. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from American Legion Memorial Post No. 227 requesting permission to use the Municipal Parking Lot on Saturday, August 26, 2017 for their trip 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.

A letter was received from the Passaic Valley Elks #2111 requesting permission to have Fellner Place – in front of their premises – closed for parking for a fundraiser on Sunday, September 17, 2017. 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.

#### STREET CLOSING AUTHORIZED BY THE ACTING MAYOR

Under the authority vested in me as Acting Mayor of the Borough of Totowa, County of Passaic, State of New Jersey, by virtue of N.J.S.A. 40A:60-3 and the Code of the Borough of Totowa Chapter No. 398-42, I, Acting Mayor Lou D'Angelo, do hereby order and direct that Fellner Place in front of Passaic Valley Elks Lodge #2111 – from parking lot to parking lot – be closed to vehicular traffic from 9:00 a.m. to 7:00 p.m. on Sunday, September 17, 2017. I further direct that proper signs and barriers be erected at both ends of the property lines and that the Totowa Police Department control and regulate, as well as enforce, this regulation.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to approve Change Order No. 1 for a net of \$0.00 and Payment Estimate No. 2 (Final) in the amount of \$43,167.32 to Sita Construction Co., Inc. for the Tennis Court at Lincoln Fields. 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. 08-2017**

**BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS  
IN AND BY THE BOROUGH OF TOTOWA, IN THE COUNTY OF PASSAIC,  
NEW JERSEY, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING  
THE ISSUANCE OF \$365,000 BONDS OR NOTES OF THE BOROUGH  
TO FINANCE PART OF THE COST THEREOF**

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. 09-2017**

**BOND ORDINANCE PROVIDING FOR FURLER STREET WATER MAIN  
REPLACEMENT IN AND BY THE BOROUGH OF TOTOWA, IN THE  
COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$510,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$510,000 BONDS  
OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF**

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve the Supplemental Debt Statement. 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 the Capital Budget Amendment Resolution. 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 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. 10-2017**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA  
CHAPTER 295 ENTITLED "PROPERTY MAINTENANCE"**

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve the Application For Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the Totowa Borough Republican Club for Sunday, September 10, 2017 from 12:00 – 8:00 p.m. to be held at the recreational areas at The PAL. 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 the Application For Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the Passaic Valley Elks BPOE #2111 to be held on September 9, 2017 from 5:00 – 11:30 p.m. 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 the Application For Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the Passaic Valley Elks BPOE #2111 to be held on September 17, 2017 from 9:00 a.m. – 11:00 p.m. 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. 2048 for the Passaic Valley Fencing Parents Association for an Off-Premise 50/50 to be held on March 10, 2018 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 Nos. 2049 & 2050 for Saint Peters Haven for a Tricky Tray and On-Premise 50/50 to be held on September 14, 2017 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

Council President D'Angelo announced that we would now go into executive session and would return, but may or may not have a resolution to the personnel item being discussed.

The following occurred in executive session:

The following people were present: 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 Alternate Municipal Attorney Kristin Corrado.

Council President D'Angelo asked Borough Clerk Wassel to give a synopsis/history of DPW Laborer Michael Baron's employment with the Borough of Totowa. Borough Clerk Wassel explained the Sick Bank and Michael Baron's employment history.

A conversation ensued between the Council Members with many questions being asked and answered.

After further discussion the consensus was that:

- This is something that we have approved in the past.
- We will extend his Sick Bank pending an update from his doctor.
- He will be required to use his eleven (11) remaining vacation days this year to offset his sick days.

There was a motion by Councilman Bucher, seconded by Councilman Capo to authorize the extension of Michael Baron's Sick Bank. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Bucher, seconded by Councilman Capo to return to open session. On roll call vote, all members of the Council present voted in the affirmative.

Upon returning to the Council Chambers, Council President D'Angelo announced the outcome of the personnel item discussed in executive session.

There being no further business to come before the Council, there was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani 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