

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

March 27, 2012

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman John Waryas, Councilman Jim Niland, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, 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: 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.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to dispense with the regular order of business in order to hold a public hearing on Ordinance No. 03-2012 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 03-2012 has been advertised for public hearing for Tuesday, March 27, 2012.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 03-2012.

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

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 03-2012.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman Waryas 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. 03-2012 by title:

ORDINANCE NO. 03-2012

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 43 ENTITLED "FIRE DEPARTMENT", ARTICLE I,
"ESTABLISHMENT OF DEPARTMENT", SUBSECTION 11, "COMPENSATION"**

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 03-2012 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 Puglise, seconded by Councilman Waryas to revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

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

Councilman Puglise: Announced that this past Sunday, the Fire Department had their 9-11 monument dedication ceremony and commented that it was a very nice, emotional ceremony and that they did a great job. Mayor Coiro: Concurred with and echoed

those sentiments.

Mayor Coiro: Reported that he and Councilwoman Andriani attended the Freeholder meeting earlier and nominated Darlene Walsh for recognition for Women's History Month.

CITIZENS HEARD:

Rich Bittman, 35 Jefferson Place: Asked about the status of the valves at the Passaic River to help combat flooding. Mayor Coiro: Responded that the DEP has approved our request to install check valves, the funds are in our budget and once the budget is adopted we will install the valves, hopefully during the summer. Mr. Bittman: Said he also heard that residents pump water into the sanitary sewer which overburdens the system and asked if anything can be done. Mayor Coiro: Told him we'll have to look into it.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of March 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 Waryas, seconded by Councilman D'Angelo to approve Resolution No. 2012-07 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 Waryas, seconded by Councilman D'Angelo to approve Resolution No. 2012-08 Authorizing The Transfer Of 2011 Budget Appropriations. 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 adopt the following Resolution Re: Introduction Of 2012 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 47-2012

Re: Introduction of 2012 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 2012.

BE IT FURTHER RESOLVED, that the said budget be published in The North Jersey Herald and News in the issue of April 13, 2012, and that a hearing on the Budget will be held at the Municipal Building on April 24, 2012 at 8:00 o'clock (P.M.) or as soon thereafter as the matter may be reached.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Niland, seconded by Councilman Puglise to adopt the following Resolution Approving Participation With The State Of New Jersey In A Safe And Secure Communities Program Administered By The Division Of Criminal Justice, Department Of Law And Public Safety. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 48-2012

RESOLUTION APPROVING PARTICIPATION WITH THE
STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM
ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE,
DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Mayor and Council of the Borough of Totowa wishes to apply for a project under the Safe and Secure Communities Program (Grant # P-5560-12); and

WHEREAS, the Mayor and Council of the Borough of Totowa has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Borough of Totowa, for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that:

- 1) As a matter of public policy, the Mayor and Council of the Borough of Totowa wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
- 2) The Attorney General of New Jersey will receive funds on behalf of the applicant.
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
- 4) The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law.

A letter from resident Carlo Spinella thanking Patrolman Jeff Pasquariello and Patrolman Park Balloutine for their assistance during an emergency call from his mother was received and filed with copies to be placed in their respective personnel files.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Puglise, seconded by Councilman Niland to adopt the following resolution authorizing the Mayor and Council to go into executive session to discuss a personnel item(s) at the conclusion of the regular meeting agenda. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 49-2012

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.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution authorizing the application to the Passaic County Community Development Block Grant Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 50-2012

At a meeting held on Tuesday, March 27, 2012, the Council of the Borough of Totowa adopted the following resolution:

BE IT RESOLVED, that the Council for the Borough of Totowa authorizes the application(s) for and use of requested funds in the amount of \$117,850 from the Passaic County Community Development Block Grant Program for Phase II of the Borough Sewer Lining Project. If awarded funds, the Borough of Totowa shall implement the activities in a manner to ensure compliance with all applicable federal, state and local laws and regulations.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution authorizing the Mayor to execute the Statements of Consent—NJDEP Form WQM-003 on behalf of the Borough of Totowa for Cervalis, LLC, 50 Madison Road, Block 169.01, Lots 1 & 6. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 51-2012

WHEREAS, Cervalis, LLC, 50 Madison Road, Totowa, New Jersey, 07512, Block 169.01, Lots 1 & 6 is requesting to modify its current New Jersey Pollutant Discharge Elimination System (NJPDES) Permit in order to use chlorine to disinfect the cooling water, in lieu of the previously approved chemicals; and

WHEREAS, prior to final discharge, sodium bisulfate tablets will be added to de-chlorinate the water which will then sit in a holding tank to ensure the proper contact time to de-chlorinate the water before discharge into the existing storm sewer system; and

WHEREAS, Cervalis, LLC has an existing NJPDES Permit for the discharge of water from the cooling system into the existing storm sewer system that eventually flows into the Naaktpunkt Brook; and

WHEREAS, the Treatment Works Approval (TWA) permit application has been reviewed and approved by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Totowa, County of Passaic, State of New Jersey that the Mayor of the Borough of Totowa be and is hereby authorized to execute the Statements of Consent – NJDEP Form WQM-003 on behalf of the Borough of Totowa.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani 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. 04-2012

**CALENDAR YEAR 2012 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 Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Proclamation In Honor Of Matthew DiGiaino. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION IN HONOR OF MATTHEW DIGIAIMO

WHEREAS, Matthew DiGiaino is a member of St. James Boy Scout Troop #26, St. James Church, Totowa, New Jersey; and

WHEREAS, Matthew DiGiaino has dedicated himself to fulfilling the necessary requirements to attain the rank of Eagle Scout; and

WHEREAS, Matthew DiGiaino has learned many skills while working to obtain the required merit awards such as responsibility, interacting with others and personal management, and has also learned valuable life lessons through volunteering with Scouting; and

WHEREAS, Matthew DiGiaino was able to commit and devote his time to achieving his goal of Eagle Scout while attending Passaic Valley High School where he is a member of the National Honor Society, Volleyball team, Future Business Leaders of America, Spanish Club, and Amnesty International; and

WHEREAS, Matthew DiGiaino has also received several Scouting awards including the Pillar of Faith pin, Pope Pius emblem and the Ad Altare Dei emblem; and

WHEREAS, Matthew DiGiaino will attend Boys State this summer and is looking forward to being accepted into a competitive engineering program; and

WHEREAS, Matthew DiGiaino's participation, service to the community and merit awards have fulfilled the requirements leading to the award of the rank of Eagle Scout, the highest honor bestowed upon a Scout member.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey do hereby give special recognition to Matthew DiGiaino upon achieving the rank of Eagle Scout and congratulate Matthew DiGiaino on obtaining this prestigious honor.

BE IT FURTHER PROCLAIMED that this Proclamation be made a part of the permanent records of the Borough of Totowa and that a copy of said Proclamation be presented to Matthew DiGiaino and his family.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1638 & 1639 for Angels of Animals, Inc. for a Tricky Tray and On-Premise 50/50, respectively, to be held on April 22, 2012 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application No. 1640 for the Academy of St. Francis of Assisi for a Tricky Tray to be held on April 29, 2012. On roll call vote, all members of the Council present voted in the affirmative.

At this time Mayor Coiro announced that we would take a ten minute recess before convening in executive session.

Mayor Coiro then 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: Mayor John Coiro, Council President Phil Puglise, Councilman John Waryas, Councilman Jim Niland, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debbie Andriani, Municipal Clerk Joseph Wassel, Municipal Attorney Robert Corrado and DPW Laborer Keith Wright.

Mayor Coiro gave a synopsis of the current suspension being served by DPW Laborer Keith Wright and his right to have a hearing to review his suspension.

Keith Wright began by saying that he gave a packet of information to Councilman Puglise with all his medical history and doctor's notes, prescription medication, etc., and that it was never his intention to abuse his sick time, but said that it appears to be getting better.

Mayor Coiro told Keith that we are all concerned about your well being and that of the Department of Public Works, our employees and the general public.

Mayor Coiro asked Keith if he wanted to share what the cause was. Keith informed the Council that it all began with an operation that he had on the bone at the base of his head.

A long conversation ensued between the Mayor and Council and Keith with many questions being asked and answered.

Mayor Coiro asked Keith what his purpose was to coming before the Council and being heard.

Keith said to explain his situation and to appeal the suspension.

Mayor Coiro thanked Keith for being open and honest and told him if he had nothing else to say that he could leave.

Mayor Coiro then told Keith that the Mayor and Council will discuss it further and let him know the outcome.

After further discussion the consensus was to:

- Uphold the thirty (30) day suspension.
- Give him credit for the eight (8) days that he took off without pay—at the direction of the DPW Superintendent—before the suspension actually began.
- Send him for a fitness for duty physical examination before returning to work.

There was a motion by Councilman Puglise, seconded by Councilman Niland to uphold the thirty (30) day suspension of Keith Wright, give him credit for the eight (8) days that he took off without pay prior to the suspension beginning and also to require a fitness for duty physical examination before returning to work. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Niland 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, Mayor Coiro 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 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