

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

September 13, 2011

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman John Waryas, Councilman Jim Niland, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debbie 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 everyone to remain standing—since we are only two days removed from the 10th Anniversary of 9-11—and offer a moment of silence to honor all who perished in those horrific attacks.

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. 08-2011 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 08-2011 has been advertised for public hearing for Tuesday, September 13, 2011.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 08-2011.

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. 08-2011.

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. 08-2011 by title:

ORDINANCE NO. 08-2011

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 310 ENTITLED "SALES, SPECIAL", ARTICLE I, "GARAGE SALES"**

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 08-2011 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: Said that in light of the flooding over the past few weeks, thanked the Fire Department volunteers and the DPW employees for working around the clock.

Councilman Niland: 1) Thanked all the first responders for their efforts during the floods; 2) Stated that he and Police Chief Robert Coyle met with Tilcon representatives about their trucks going up and down Totowa Road and said their alternate route will be Minnisink Road to Furler Street to Union Boulevard.

Mayor Coiro: Also thanked all our Fire Department volunteers who spent countless hours assisting our residents with the flooding.

Councilwoman Andriani: Thanked Library Director Anne Krautheim, the library staff and the Mayor and Council for collecting supplies and food for all those affected by the floods. Commented that the response was amazing and that they even had volunteers drive all over to pick up much needed supplies that the residents requested.

CITIZENS HEARD:

Mario Panicucci, 79 Scrivens Street: Said that he grew up here all his life and is here to represent all the residents who live through floods whenever it rains too much. Read a prepared statement about his concerns with the flooding and the effects it has on people's lives. Stated that Irene was not as severe as either Hugo or Floyd and yet they didn't flood as bad as this time. Said the State and Federal Government need to hire private engineers and not the Army Corps of Engineers to remedy the situation. Remarked that his taxes are going up and for what?, blamed the politicians for building up on the hill which exacerbates the flooding in the lower Borough and that he may file a Class Action Lawsuit. Mayor Coiro: Responded that he wouldn't debate all his points because he doesn't agree with them all, but said that the fact that people lost their possessions and memories, along with the financial effects was terrible and we are sympathetic to that. Disagreed on the rain event from Irene as not being as severe as other storms because all our information showed the Passaic River at its highest level all time at 14'2". Advised that we officials at the local level have no say over the Passaic River or the upstream flood gates. Did agree that we need a coordinated effort with our State and Federal Legislators to correct the flooding problems. Went on to explain the taxes and the revaluation/reassessment programs and some of the solutions that we are looking into with the DEP. A conversation ensued. Mario Panicucci: Then asked about the solar panels on the poles. Mayor Coiro: Responded that the Board of Public Utilities (BPU) approved the solar panels.

Phil Johnson, 57 Jefferson Place: Said he had a question because he spoke to the garbage hauler who told him that there were not going to be any more dumpsters placed on the streets and he just started ripping, cleaning and throwing out his stuff. Mayor Coiro: Informed him that we are having a separate truck going around picking up flood debris.

Phyllis Paventa, 150 Lincoln Avenue: Stated that we were all hit with Floyd and now Irene was worse and we also had gas and oil fumes this time and doesn't want to live like this anymore. Said every time it rains hard, she gets hit with a flash flood and has to watch and monitor the water and move her cars and thinks that the pipes are too small in her area. Remarked that she loses everything in her basement and even outside with the mulch and landscaping. Said she was ten days without gas and the water just sat for days. Commented that when PSE&G dug up the road they told her the pipes are old. Said the t-section at Lincoln, Elizabeth and Union always floods. Mayor Coiro: Described that two different things are going on by her—flash flooding and river flooding—when it rains that hard that no pipes can handle the deluge causing flooding and then it goes down until the river rises and it backs up through the storm pipes and then sits until it recedes. Told her that Echo Glen flooded. A conversation ensued. Phyllis Paventa: Asked if it would help if the sewers were cleaned out. Mayor Coiro: Responded that we cleaned every catch basin—starting by her house—before the storm hit. Councilman Puglise: Explained that it is an elevation level problem with the oblong pipes that run to the river.

Amie Caster, 31 Norwood Terrace: Stated that she was not from this area, that she came from upstate New York and made the decision to move here while her husband was in Iraq. Said she lost everything in March and is still waiting for the check from FEMA and now with Irene lost everything again and was denied by FEMA and doesn't know what to do. Said she went online to check on Hazard Mitigation Program's and asked about the status of Totowa's. Mayor Coiro: Responded that we just recently filed our paperwork and asked OEM Coordinator Allen Del Vecchio to explain. OEM Coordinator Del Vecchio: Announced the particulars of the program, said our Hazard Mitigation Plan has been approved, our paperwork is in and we put in for all the homes on Norwood Terrace for the buyout.

Mike Dalgakiran, 31 William Place: Complained that there are scavengers going to people's homes at all times of the day and taking their possessions that they need to keep for insurance purposes. Said he calls the cops, but maybe we should have the cops patrol to prevent this. Mayor Coiro: Informed him that we have an anti-scavenging law and we have cop cars driving around to deter this. Police Chief Coyle: Advised that the police have been throwing people out of the area.

Cosmo Ruscigno, 63 Jefferson Place: Said the problem with his flooding is that on any rainy day all the rain and water comes from Memorial School and the water just pours

down to Jefferson. Asked if we could pump the water out to Totowa Road. Mayor Coiro and Councilman Puglise: Answered that we can check with our engineer and then asked Construction Code Official Allan Burghardt to go to the school to prevent the water from running off their property. Mr. Ruscigno: Then asked if we can pump out the pipe on Lincoln Avenue. Mayor Coiro: Told him that we will run that by the engineer as well.

Joseph Columbo, 40 Lewis Place: Asked if anything more has been done about dredging the river because years ago the pipe would drain into the river and now the river bed is about 4 or 5 feet higher and filled with sediment. Said that if the pipe is level why not put a 45 degree angle into the river so it will drain. Asked if Lewis Place was put in for the buyouts. Mayor Coiro: Responded no. Mr. Columbo: Asked why not because we flood all the time too? Mayor Coiro: Advised that we can include Lewis, but that FEMA will need to see the flooding numbers.

Mrs. Hollis, 490 Totowa Road: Thanked Mayor Coiro, Councilman Niland, Councilman D'Angelo and Police Chief Coyle for their help with the trucks.

Rick Fasoli, 156 Lincoln Avenue: Commented with the flash flooding that Lincoln gets it but Boyle doesn't and asked if we can add more piping to move the water from Lincoln. Mayor Coiro: Said we would have to check with our engineer so we don't just move the problem from one area to another.

Bob Castillo, 58 Jefferson Place: Announced that in March he only had about 1 ½" of water, but after Irene he had 5 feet of sewage because the pump station failed. Councilman Puglise: Responded that there was too much infiltration into the system causing the pumps to go under water and advised that newer homes must put in check valves. Also told him that we are looking into other options with the pump station, possibly even moving it to a higher location.

Pam Steinhilber, 21 Elizabeth Place: Advised that she had 6 ½' of water, which was the first time since she moved here three years ago and while devastating, she thanked the Fire Department, the National Guard (with their truck for evacuations), and the Mayor and Council for removing the garbage so fast because she has friends in Woodland Park and Little Falls and their garbage is still there. She also offered her assistance in the future. Mayor Coiro: Reported that as far as the garbage removal, before Lee hit we hired a contractor to come in and remove it all, but the transfer stations were backed up or at capacity, so we had to get approval from the NJDEP for a temporary staging area and moved all of the flood debris up to the parking lot at the Totowa Pool. He also thanked our Fire Department volunteers who stayed to help everyone in the flood areas even though some of them had their own flooding and losses.

Dwight D. Eisenhower Library Director Anne Krautheim: Asked the Mayor if she could

address Mr. Panicucci's statement about the "new" library tax. Mayor Coiro: Said go ahead and also informed Mr. Panicucci that the money being spent on the Union Boulevard Streetscape Improvements is from a grant and not from taxes. Library Director Krauthem: Informed that the library tax is not a new tax, but it is just being listed as a separate line now to show how much you get for your money.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of August 23, 2011. 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. 2011-19 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 adopt the following Resolution Extending Due Date For Payment Of The 3rd Quarter 2011 Taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 75-2011

RESOLUTION EXTENDING DUE DATE FOR PAYMENT OF THE 3RD QUARTER 2011 TAXES

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

WHEREAS, pursuant to Resolution No. 65-2011 the Mayor and Council of the Borough of Totowa previously approved the extension of due date of 3rd quarter taxes to September 1, 2011 because of a delay by the State of New Jersey; and

WHEREAS, the Borough of Totowa was hit hard by Hurricane Irene which caused serious flooding, residents being evacuated, traffic at a standstill and postal service being delayed, and prevented residents from making their tax payments by September 1, 2011; and

WHEREAS, the Municipal Clerk conducted a straw poll of the Governing Body on August 31, 2011 to extend the due date to September 10, 2011 and was unanimously approved.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby further extend the due date for the 3rd quarter taxes to September 10, 2011, which is inclusive of the 10 day grace period.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Totowa that tax payments received after the extended due date of September 10, 2011 will be charged interest back to the original due date of August 1, 2011 as required by law.

There was a motion by Councilman Waryas, 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 is authorized to refund this amount:

Block/Lot	Owner	Year	From	To	Payable To	Amount
158 3.01	Gamma Realty Assoc.	2009	7,956,200	6,900,000	The Irwin Law Firm P.A. & Gamma Realty Assoc. 80 Main Street West Orange, NJ 07052	17,110.44
158 3.01	Gamma Realty Assoc.	2010	7,956,200	6,300,000	“ “	28,287.90
TOTAL CHECK						45,398.34
170.02 12	Red Men Realty LLC	2009	5,904,500	5,500,000	“Bruce J. Stavitsky Esq. For The Benefit of Red Men Realty LLC”	6,552.90

341 Broad Street
Clifton, NJ 07013

170.02	12	Red Men Realty LLC	2010	5,904,500	5,000,000	“	“	15,448.86	
								TOTAL CHECK	22,001.76

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners pursuant to overpayment of 3rd Quarter 2011 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

RE: Tax Overpayments
3rd Quarter 2011

WHEREAS, there has 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:

Block/Lot	Property	Owner	Over Payment	Payable To
38 16	3 Haven Drive	Elizabeth & Steven Lazarevich	1,593.63	Citimortgage Corelogic Attn: DFW 1-3 1 Corelogic Dr Westlake, TX 76262
58 9	2 Stanford Ct.	Angelo & Josephine Andriulli	2,215.06	Homeowners

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 Waryas, seconded by Councilman D'Angelo to acknowledge receipt of and review of the CY2011 Best Practices Inventory Questionnaire and authorize the Municipal Clerk to submit the Best Practice Public Meeting Certification Form. 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 Authorizing Execution Of An Agreement With The Morris County Cooperative Pricing Council To Renew Membership Therein For The Period Of October 1, 2011 Through September 30, 2016. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 76-2011

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various foods and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Totowa desires to enter into an Agreement with the MCCPC, with the Township of Randolph, as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Totowa, County of Passaic, State of New Jersey as follows:

1. The Mayor and Council of the Borough of Totowa hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.

2. The Municipal Clerk of the Borough of Totowa is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. Appropriate Borough of Totowa officials are authorized and directed to perform all required acts for the purpose of this Resolution.

A letter from the Borough of Prospect Park inviting the Mayor and Council to participate in the Prospect Park 110th Anniversary Parade on September 17, 2011 was received and filed.

COMMITTEE ON PUBLIC SAFETY:

A letter was received from Fire Chief Vincent Marciano requesting a day off with pay from the DPW on Friday, September 16, 2011 to attend the New Jersey State Fireman's Convention as delegate and to also take the Fire Chief's vehicle to the convention from September 14—18, 2011. There was a motion by Councilman Niland, seconded by Councilman Puglise to approve the request. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Niland, seconded by Councilman Puglise to adopt the following Resolution Authorizing The Purchase Of A 2000 Ford Expedition From Wayne Community Volunteer Fire Company No. 1. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 77-2011

RESOLUTION AUTHORIZING THE PURCHASE OF A 2000 FORD EXPEDITION FROM WAYNE COMMUNITY VOLUNTEER FIRE COMPANY NO. 1

WHEREAS, the Wayne Community Volunteer Fire Company No. 1 has advised the Borough of Totowa Fire Department that they are in possession of a vehicle which is no longer needed for public use; and

WHEREAS, the Wayne Community Volunteer Fire Company No. 1 has offered the 2000 Ford Expedition Wagon bearing Vehicle Identification Number 1FMPU16L2YLA19469 to the Borough of Totowa Fire Department for the sum of Four Thousand and 00/100 Dollars (\$4,000.00); and

WHEREAS, the Borough of Totowa Fire Chief has requested that this vehicle be purchased for use by his Department and added to the Borough of Totowa fleet; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase of the 2000 Ford Expedition from the Wayne Community Volunteer Fire Company No. 1; and

WHEREAS, pursuant to the applicable New Jersey State laws, this vehicle may be acquired by the Borough of Totowa without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase of one (1) 2000 Ford Expedition from the Wayne Volunteer Community Fire Company No. 1 for the Borough of Totowa Fire Department.

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

Upon the recommendation of the Committee, there was a motion by Councilman Niland, seconded by Councilman Puglise to appoint Karen Giannasio as a School Crossing Guard. 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 Karen Giannasio as a School Crossing Guard for a one year term expiring on December 31, 2011.

There was a motion by Councilman Niland, seconded by Councilman Puglise to confirm the appointment. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Puglise, seconded by Councilman Niland to adopt the following Resolution Extending Due Date For Payment Of Cycle 1 2nd Quarter 2011 Water Billing. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 78-2011

RESOLUTION EXTENDING DUE DATE FOR PAYMENT OF CYCLE 1
2ND QUARTER 2011 WATER BILLING

WHEREAS, the Borough of Totowa Water Department bills its customers based on three cycles, four times a year; and

WHEREAS, the second quarter billing period for Cycle 1 for 2011 is April 1, 2011 to June 30, 2011 with a due date of August 1, 2011 and a 30 day grace period to August 31, 2011; and

WHEREAS, the Borough of Totowa was hit hard by Hurricane Irene which caused serious flooding, residents being evacuated, traffic at a standstill and postal service being delayed, and prevented residents from making their water payments by August 31, 2011; and

WHEREAS, the Municipal Clerk conducted a straw poll of the Governing Body on August 31, 2011 to extend the due date to September 10, 2011 and was unanimously approved.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby extend the due date for Cycle 1 second quarter billing to September 10, 2011, which is inclusive of the 30 day grace period.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Totowa that water payments received after the extended due date of September 10, 2011 will be charged interest back to the original due date of August 1, 2011.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from the Totowa Historical Society requesting permission to use the Council Chambers on Thursday, October 6, 2011 from 6:00—9:00 p.m. for a history of Passaic Valley High School. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

A letter from the North Jersey Developmental Center advising that they will be hosting the Zerbini Family Circus on Thursday, September 22, 2011 and inviting the Mayor and Council to attend was received and filed.

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.

Upon the recommendation of the Committee, there was a motion by Councilwoman Andriani, seconded by Councilwoman Fontanella to appoint Peter Argila as a temporary Electrical Sub Code 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 Peter Argila as a temporary Electrical Sub Code Official until our Electrical Sub Code Official returns from injury.

There was a motion by Councilwoman Andriani, 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 Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1593 & 1594 for Little Falls School #2 PTA for a Tricky Tray and On-Premise 50/50, respectively, to be held on November 17, 2011 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. 1595 for BPOE #2111 Passaic Valley Elks for an Off-Premise 50/50 to be held on January 13, 2012. 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