

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

June 23, 2015

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

ABSENT: Councilman William Bucher.

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 D'Angelo to dispense with the regular order of business in order to allow for a presentation by Girl Scout Troop #115 members and to hold a public hearing on Ordinance Nos. 11-2015, 12-2015 & 13-2015 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked Fire Chief Vincent Marciano to join him in front of the dais and then also called up Girl Scouts Lindsay Amendola, Isabella Nicosia and Caitlin Webb. Mayor Coiro: Gave a short history about why the girls were here and what they did then turned it over to the girls. Lindsay, Isabella and Caitlin each explained how they are working on earning their Silver Award and chose to focus on helping animals. They went on to

say that they saw an article in the newspaper which listed many towns in Bergen and Passaic Counties that had pet oxygen masks, but noticed that Totowa wasn't listed. They continued by saying that they recently attended a FOWA (Friends Of Wayne Animals) event and collected enough donations to purchase eight (8) complete sets of pet oxygen masks and presented two (2) to each of the four fire companies in Totowa. Then they also remarked that right after they donated the masks, the Fire Department was able to use one on a dog during a house fire. Fire Chief Marciano: Said that the girls really went above and beyond and that out of the eight pet oxygen masks, the Fire Department gave two to the First Aid Squad for their use too. Thanked the girls on behalf of the Fire Department.

Mayor Coiro then presented Lindsay, Isabella and Caitlin with a Community Service Award for the way they really gave back to the community and in recognition of their thoughtfulness and community service.

Mayor Coiro announced that there would be a short recess.

Municipal Clerk Wassel announced that Ordinance Nos. 11-2015, 12-2015 & 13-2015 have been advertised for public hearing for Tuesday, June 23, 2015.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 11-2015.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo 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. 11-2015.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, 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. 11-2015 by title:

ORDINANCE NO. 11-2015

AN ORDINANCE TO AMEND THE 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 Puglise, seconded by Councilman D'Angelo to adopt Ordinance No. 11-2015 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 the title of Ordinance No. 12-2015.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo 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. 12-2015.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, 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. 12-2015 by title:

ORDINANCE NO. 12-2015

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 398 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II, "PARKING", SECTION 11, "HANDICAPPED PARKING", AND ARTICLE XIII, "SCHEDULES", SECTION 65, "SCHEDULE XVIII: HANDICAPPED PARKING"

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to adopt Ordinance No. 12-2015 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 the title of Ordinance No. 13-2015.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo 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. 13-2015.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, 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. 13-2015 by title:

ORDINANCE NO. 13-2015

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

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to adopt Ordinance No. 13-2015 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 D'Angelo 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.

Councilwoman Andriani: Announced that this Friday, June 26th, the Board of Recreation will sponsor Movie Night at the Pool with the showing of Guardians of the Galaxy and said that there will be a \$2.00 fee for non pool members.

Councilman Picarelli: Commented that the Chairman of the Shade Tree Commission said that this Saturday, June 27th at 10:00 a.m. they will hold an Arbor Day ceremony at the Municipal Complex.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to approve the Minutes of the Mayor and Council for the meeting of June 9, 2015. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2015-14 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 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 these amounts.

<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>
139	8	534 Union Blvd Schweighardt, Anton & Simon	The Irwin Law Firm Attorney Trust Account F.B.O. Schweighardt, Anton & Simon Mail, To: The Irwin Law Firm, P.A. 80 Main Street, Suite 410 West Orange, NJ 07052	2013	1,406,900	1,100,000	\$6,454.11
139	8	534 Union Blvd Schweighardt, Anton & Simon	(same as above)	2014	1,406,900	1,100,000	\$6,512.42
						Total Check	\$12,966.53
177 C301	6	97 Lackawanna Ave. 97 Lackawanna Lawyers Group	Saiber LLC as Counsel for Plaintiff Mail to: Saiber LLC 18 Columbia Turnpike Suite 200 Florham Park, NJ 07932	2012	499,000	338,100	\$3,314.54
				2013	499,000	338,100	\$3,383.73.
				2014	499,000	365,600	\$2,830.75
						Total Check	\$9,529.02

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing The Borough Of Totowa Towing List For The 2015/2016 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 81-2015

**RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TOWING LIST
FOR 2015/2016 LICENSE TERM**

WHEREAS, the Mayor and Council of the Borough of Totowa desire to establish a list of towing services to be used by the Borough of Totowa Police Department for the removal, towing and storing of motor vehicles and to set rates and charges for the same; and

WHEREAS, by Ordinance No. 5-2015 adopted February 24, 2015, the Mayor and Council of the Borough of Totowa established the minimum requirements for a towing contractor to provide services including the removal, impoundment and storage of vehicles; and

WHEREAS, a towing list shall be kept with the Borough of Totowa Police Chief; and

WHEREAS, all towing services placed on the towing list shall be available to respond to a call in accordance with a towing rotation schedule of on-call status established by the Borough of Totowa Police Chief; and

WHEREAS, when the need arises, the Borough of Totowa Police Department will call the towing service on the top of the list, which is on-call with the towing rotation schedule. The towing service called shall be placed on the bottom of the towing list and not called again until all other towing services have been called; and

WHEREAS, all towing services shall respond to a call in any part of the Borough within fifteen (15) minutes of a call. If a towing service does not respond within fifteen (15) minutes of a call, the towing service next on the list shall be called and entitled to provide services as needed; and

WHEREAS, all towing services shall be performed in a safe manner and shall be responsible for ensuring the proper and safe storage of all motor vehicles towed; and

WHEREAS, the Borough of Totowa Police Chief has recommended that the following towing services be placed on the towing list for the Borough of Totowa:

1. Classic Towing
210 21st Avenue
Paterson, New Jersey 07501
2. Frank Leah Garage Inc.
6 Wilson Avenue
Totowa, New Jersey 07512
3. Piggy's Towing
160 Union Boulevard
Totowa, New Jersey 07512
4. Tony's Auto Body II
84 Union Boulevard
Totowa, New Jersey 07512
5. Totowa Tire Service
589 Union Boulevard
Totowa, New Jersey 07512

6. J&M Towing
116 Dorsa Avenue
Wayne, New Jersey 07424

WHEREAS, these towing services have the appropriate vehicles, related equipment and storage facilities and maintain the required licenses and insurance to perform these necessary services for the Borough of Totowa; and

WHEREAS, the towing list shall be in use for a period of one (1) year effective July 1st of each year and expire on June 30th of the following year.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby establish a towing list of the above companies to be used by the Borough of Totowa Police Department for the towing and storage of vehicles.

A letter was received from Lincoln Fire Company requesting permission to attend a parade in Mamaroneck, NY on Wednesday, July 1, 2015. There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to approve a fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Kevin D'Antonio 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 D'Angelo, seconded by Councilman Puglise to accept the following bids for the Gordon Avenue Improvements. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Bid Amount</u>
AJM Contractors, Inc. Clifton, NJ 07011	\$243,395.00
Cifelli & Son Nutley, NJ07110	\$246,267.00

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to adopt the following resolution to reject the bids for the Gordon Avenue Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 82-2015

RESOLUTION REJECTING BIDS RECEIVED FOR
THE GORDON AVENUE IMPROVEMENTS

WHEREAS, the Borough of Totowa has received Municipal Aid FY 2013 funding from the New Jersey Department of Transportation ("NJDOT") for various improvements for Gordon Avenue from Union Boulevard to Barnert Avenue including the milling and resurfacing of the roadway; replacement of concrete curb along both sides of the road; ADA compliant curb ramps and associated site improvements; and

WHEREAS, by Resolution No. 46-2014, the Mayor and Council of the Borough of Totowa revised the project limits to be from Crosby Avenue to Barnert Avenue; and

WHEREAS, by Resolution No. 47-2014 dated April 8, 2014, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa Municipal Engineer, Richard A. Alaimo Engineering Associates to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the Gordon Avenue Improvement Project; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Borough of Totowa, NJDOT Municipal Aid Program, Gordon Avenue Improvements, Contract No. 2015-1"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on June 4, 2015; and

WHEREAS, the apparent low bid was submitted by AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey 07011 in the amount of \$243,395.00 and a second bid was submitted by Cifelli & Son, 4 Coppola Street, Nutley, New Jersey 07110 in the amount of \$246,267.00, copies of which are on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the low bid submitted by AJM Contractors, Inc. is 39.24% above the Engineer's Estimate and is only 1.17% below the second bid submitted by Cifelli & Son; and

WHEREAS, the Municipal Engineer has advised that the prices bid by both contractors for the concrete pay items were significantly higher than anticipated and the cumulative costs for the concrete pay items exceeded the cost estimate by an average of \$57,000.00; and

WHEREAS, the Municipal Engineer has further advised that the prices bid by both contractors for milling and paving was also higher than anticipated and the cumulative cost for these items exceeded the cost estimate by an average of \$14,600.00; and

WHEREAS, the NJDOT Municipal Aid Grant for this Project is in the amount of \$135,000.00; and

WHEREAS, the bid submitted by AJM Contractors. Inc. in the amount of \$243,395.00 and the bid submitted by Cifelli & Son in the amount of \$246,267.00 each significantly exceed the grant funds allocated for this Improvement Project; and

WHEREAS, the Mayor and Council desire to reject all of the bids received for the Gordon Avenue Improvements for the aforementioned reasons and authorize the public rebidding of this Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby reject the bids received for the Gordon Avenue Improvements and authorizes the public rebidding of this Improvement Project for the Borough of Totowa.

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilman Puglise to hire Josko Huljev as a DPW Laborer effective July 7, 2015. 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 Councilwoman Andriani to adopt the following Resolution Authorizing Professional Engineering Services For The Sanitary Sewer Main Rehabilitation – Phase IV. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 83-2015

**RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES FOR
SANITARY SEWER MAIN REHABILITATION – PHASE 4**

WHEREAS, in August of 2011, the Borough of Totowa suffered the devastating effects of Hurricane Irene which resulted in unprecedented flooding throughout the community; and

WHEREAS, the Borough of Totowa Municipal Engineer recommended the rehabilitation of portions of the sanitary sewer mains located on Jefferson Place, Dewey Avenue, and William Place; and

WHEREAS, by Resolution No. 69-2012 dated May 8, 2012, the Mayor and Council of the Borough of Totowa authorized Richard A. Alaimo Engineering Associates to provide professional engineering services for the Sanitary Sewer Main Rehabilitation Project – Phase 1 in the amount of Thirty-Two Thousand and 00/100 Dollars (\$32,000.00); and

WHEREAS, the Borough of Totowa Municipal Engineer recommended some additional work be done including the rehabilitation of existing sanitary sewer manholes on Elizabeth Place; and

WHEREAS, by Resolution No. 102-2013 dated October 22, 2013, the Mayor and Council of the Borough of Totowa authorized Richard A. Alaimo Engineering Associates to provide professional engineering services for the Sanitary Sewer Main Rehabilitation Project – Phases 2 and 3 in the amount of Twenty-Two Thousand and 00/100 Dollars (\$22,000.00); and

WHEREAS, Phase 4 of this on-going Rehabilitation Project includes the proposed rehabilitation of sanitary sewer mains within Grant Avenue, at the intersection of Totowa Road, and William Place between Totowa Road and Jefferson Place; and

WHEREAS, the work consists primarily of the installation of cured-in-place lining for approximately 660 linear feet; and

WHEREAS, the Borough of Totowa received a Block Grant from Passaic County through the Community Development Block Grant Program for the additional rehabilitation work; 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, prepare bid documents, assist in the bidding process and supervise construction of Phase 4 of the Sanitary Sewer Main Rehabilitation Project; and

WHEREAS, Richard A. Alaimo Engineering Associates has submitted a proposal dated May 15, 2015 to provide the design, bid assistance and construction supervision services for the rehabilitation of sanitary sewer mains at a cost not to exceed Twenty-Three Thousand and 00/100 Dollars (\$23,000.00), 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 June 23, 2015 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 Sanitary Sewer Main Rehabilitation Project – Phase IV in the amount of Twenty-Three Thousand and 00/100 Dollars (\$23,000.00).

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.

A letter was received from Murph's Tavern inviting the Mayor and Council to their 50th Anniversary celebration on Saturday, July 18, 2015 and requesting permission to have Rosengren Avenue closed from Totowa Road to Union Boulevard on Saturday, July 18, 2015 (12:00 p.m. – 1:00 a.m.) and Sunday, July 19, 2015 (12:00 p.m.—12:00 a.m.). There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve the request. On roll call vote, all members of the Council present voted in the affirmative.

STREET CLOSING AUTHORIZED BY THE MAYOR

Under the authority vested in me as Mayor of the Borough of Totowa, County of Passaic, State of New Jersey, by virtue of N.J.S.A. 40:67-16.9 and the Code of the Borough of Totowa Chapter No. 398-42, I Mayor John Coiro, do hereby order and direct that Rosengren Avenue between Totowa Road and Union Boulevard be closed to vehicular traffic from 12:00 p.m. to 1:00 a.m. on Saturday, July 18, 2015 and from 12:00 p.m. to 12:00 a.m. on Sunday, July 19, 2015. I further direct that proper signs and barriers be erected at the intersections of Rosengren Avenue and Totowa Road and Rosengren Avenue and Union Boulevard 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 Picarelli to adopt the following Resolution To Authorize The Municipal Attorney And Planning Board Attorney As Co-Counsel To File A Complaint For Declaratory Judgment Demonstrating Municipal Compliance With Constitutional Mount Laurel Obligations. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 84-2015

RESOLUTION TO AUTHORIZE THE MUNICIPAL ATTORNEY AND
PLANNING BOARD ATTORNEY AS CO-COUNSEL TO FILE A COMPLAINT FOR
DECLARATORY JUDGMENT DEMONSTRATING MUNICIPAL COMPLIANCE WITH
CONSTITUTIONAL MOUNT LAUREL OBLIGATIONS

WHEREAS, on September 26, 2013, the New Jersey Supreme Court decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 215 N.J. 578 (2013) invalidated the round three regulations adopted by the Council on Affordable Housing (COAH) in 2008 and charged COAH with the responsibility of adopting a third iteration of round three regulations; and

WHEREAS, the Supreme Court also invited the Legislature and the Governor, to devise a new legislative-based approach to affordable housing in our State; and

WHEREAS, the Supreme Court extended the five month deadline it established in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 and set May 1, 2014 as the deadline for COAH to propose new round three regulations and October 22, 2014 as the deadline for COAH to adopt new round three regulations; and

WHEREAS, on October 20, 2014 the COAH Board deadlocked with a 3-3 vote and failed to adopt the revised third round regulations; and

WHEREAS, due to COAH's failure to adopt the revised regulations, the Fair Share Housing Center ("FSH"), a party to the 2013 lawsuit, filed a motion with the New Jersey Supreme Court to enforce litigant's rights; and

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in response to the FSHC motion and ruled that the COAH administrative process had become non-functioning and returned primary jurisdiction over affordable housing matters to the trial courts; and

WHEREAS, the Supreme Court established a transitional process for municipalities that had participated in the administrative process before COAH to file a declaratory judgment action with the Superior Court to obtain a judicial version of the substantive certification that they had received or applied for under N.J.S.A. 52:27D-313; and

WHEREAS, the Supreme Court declined to establish a specific methodology or formula to calculate the third round affordable housing obligation of the municipalities and instead left that determination to 15 Mount Laurel Judges directing that the methodology or formula be similar to that employed in the first and second round rules; and

WHEREAS, the Supreme Court also afforded wide discretion to the 15 Mount Laurel Judges in addressing these Declaratory Judgment actions and enabled the Trial Judges specifically to grant municipalities a 5 month period within which to prepare a compliant Affordable Housing Fair Share Plan in accordance with the approved methodology and formula established by said Trial Judges; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire the opportunity to prepare and adopt an Affordable Housing Plan within the 5 month period from the date that the Court establishes the methodology which will quantify the Affordable Housing obligation of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa also seek temporary immunity from third party lawsuits while pursuing its Declaratory Judgment action and developing a constitutionally compliant Affordable Housing Fair Share Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Attorney, and Planning Board Attorney, as Co-Counsel, to prepare and file a Complaint for Declaratory Judgment Demonstrating Municipal Compliance with Mount Laurel Obligations on behalf of the Borough of Totowa.

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Michael F. Kauker, PP, To Provide Professional Services For Affordable Housing Constitutional Compliance Pursuant To His Tenure As The Borough Of Totowa Municipal Planner. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 85-2015

RESOLUTION AUTHORIZING MICHAEL F. KAUKER, PP, TO PROVIDE
PROFESSIONAL SERVICES FOR AFFORDABLE HOUSING
CONSTITUTIONAL COMPLIANCE PURSUANT TO HIS TENURE AS THE
BOROUGH OF TOTOWA MUNICIPAL PLANNER

WHEREAS, Michael F. Kauker is a licensed professional planner in the State of New Jersey and served as the Municipal Planner for the Borough of Totowa from approximately 1995 to 2013; and

WHEREAS, during that time period, Mr. Kauker prepared the Borough of Totowa's Housing Element and Fair Share Plan and filed same with Council on Affordable Housing ("COAH") in June of 2000; and

WHEREAS, COAH granted second round substantive certification to the Borough of Totowa on December 15, 2004 pursuant to Resolution No. 247-99 resulting in a six year period of repose effective through December 15, 2010; and

WHEREAS, the Borough of Totowa recognized that it had a continuing constitutional obligation to provide its fair share of low and moderate income housing under the Mount Laurel Doctrine; and

WHEREAS, by Resolution No. 70-2006 dated June 13, 2006, the Mayor and Council of the Borough of Totowa requested to remain under the jurisdiction of COAH and committed to filing a petition for their third round substantive certification; and

WHEREAS, the Mayor and Council of the Borough of Totowa adopted Resolution No. 104-2006 dated October 24, 2006 authorizing Kauker, Gregory & Kauker, LLC, as Municipal Planner for the Borough of Totowa, to prepare a third round Affordable Housing Plan for the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa further adopted Resolution No. 37-2009 dated February 10, 2009 authorizing Mr. Kauker and his firm Kauker, & Kauker, LLC, to provide professional planning services and prepare a Housing Element and Fair Share Plan for submission to COAH in satisfaction of Totowa's third round affordable housing obligation; and

WHEREAS, a Master Plan Housing Element and Fair Share Plan dated March 29, 2009 was prepared by Kauker & Kauker, LLC; and

WHEREAS, there were ongoing legal challenges relative to the third round cycle and more specifically addressed In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010); and

WHEREAS, the Appellate Division in its opinion on October 8, 2010 determined that the growth share methodology adopted by COAH in 2008 was invalid and that COAH should adopt regulations utilizing methodology similar to the ones utilized in the first and second round cycle from 1987-1999; and

WHEREAS, on September 26, 2013, the New Jersey Supreme Court decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council on Affordable Housing, 215 N.J. 578 (2013) affirmed the Appellate Court's invalidation of the round three regulations and directed COAH to adopt new regulations based upon the methodology utilized in the first and second rounds; and

WHEREAS, the New Jersey Supreme Court, on March 10, 2015 in the matter of In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), established a transitional process for municipalities to file a declaratory judgment action with the trial courts seeking to declare their housing element and fair share plans constitutionally compliant; and

WHEREAS, Totowa qualifies as a participating community under the recent Supreme Court case because Totowa was within the period of a judgment of repose when the Appellate Division invalidated the third round growth share methodology which was affirmed by the New Jersey Supreme Court; and

WHEREAS, by Resolution No. 84-2015 dated June 23, 2015, the Mayor and the Council of the Borough of Totowa authorized the Municipal Attorney and Planning Board Attorney, as Co-Counsel, to prepare and file a Complaint for Declaratory Judgment Demonstrating Municipal Compliance with Mount Laurel Obligations on behalf of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa have requested that Mr. Kauker assist the Borough of Totowa, pursuant to his tenure as the Municipal Planner for the Borough of Totowa, with achieving Affordable Housing constitutional compliance under the newly established transitional process.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Michael F. Kauker, PP, to provide professional planning services and assist the Borough of Totowa with achieving Affordable Housing constitutional compliance.

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 Common Defense Agreement And Retain Dr. Robert Burchell As A Municipal Expert For Affordable Housing Constitutional Compliance. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 86-2015

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO
ENTER INTO A COMMON DEFENSE AGREEMENT AND RETAIN
DR. ROBERT BURCHELL AS A MUNICIPAL EXPERT FOR
AFFORDABLE HOUSING CONSTITUTIONAL COMPLIANCE

WHEREAS, by Resolution No. 84-2015 dated June 23, 2015, the Mayor and the Council of the Borough of Totowa authorized the Municipal Attorney and Planning Board Attorney, as Co-Counsel, to prepare and file a Complaint for Declaratory Judgment Action in the Superior Court of New Jersey Passaic County in furtherance of the Supreme Court's March 10, 2015 decision captioned in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (“MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.

2. The amount of \$2,000 is hereby authorized to be expended by the Borough of Totowa for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Totowa and is appended hereto.
4. The Mayor and Municipal Clerk are hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Totowa in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough of Totowa hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Totowa the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Totowa will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

A letter of resignation was received from Ethics Board Commissioner Joseph Palumbo. There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to accept his resignation and send him a letter of thanks. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilman Puglise 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. 14-2015

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 415 ENTITLED "ZONING AND LAND USE", PART 4, "ZONING", ARTICLE XV, "ESTABLISHMENT OF DISTRICTS", SECTION 121, "ZONING MAP AND SCHEDULES"

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to approve the Petition To Extend Licensed Premises for Anthony Murphy, Inc. on Friday, July 17, 2015, Saturday, July 18, 2015 & Sunday, July 19, 2015. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to approve the Application For Special Permit For Social Affair from the State Of New Jersey Division Of Alcoholic Beverage Control for the Passaic Valley Football Parents Association to be held on October 3, 2015 from 6:00 – 11:00 p.m. at the PAL. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to approve the Application For Special Permit For Social Affair from the State Of New Jersey Division Of Alcoholic Beverage Control for Totowa Fire Rescue Company No. 4 to be held on August 22, 2015 from 12:00 – 7:00 p.m. at the PAL. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to approve the Application For Special Permit for Social Affair from the State of New Jersey Division Of Alcoholic Beverage Control for the Macedonian Orthodox Church “St. Nikola” for September 12, 2015 (rain date September 19th) from 12:00—10:00 p.m. and September 13, 2015 from 12:00—8:00 p.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to adopt the following Proclamation In Honor Of Vincent N. Varcadipane. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION IN HONOR OF VINCENT N. VARCADIPANE

WHEREAS, Dr. Vincent N. Varcadipane was hired as the Principal of Washington Park School, Totowa, New Jersey in February of 1993 and was appointed as the Superintendent of the Borough of Totowa School District in 1998; and

WHEREAS, as Totowa’s Superintendent, Dr. Varcadipane oversaw the addition at Washington Park School which included the construction of new classrooms and a state of the art Multipurpose Room/Gymnasium that is fully equipped with a sound system and lighting; and

WHEREAS, Dr. Varcadipane was also responsible for the reconfiguration of Washington Park School and Memorial School, the installation of on-site Police Officers at both schools, the new playground at Memorial School as well as the Guidance Program, Inclusive Preschool, Accelerated and Leap Programs and computerized Lesson Plans; and

WHEREAS, Dr. Varcadipane initiated numerous programs during his tenure as Totowa's Superintendent including Totowa Broadcast News, the 7th Grade Boston Trip, Intramural Basketball, Volleyball, Bowling, the Unplugged Concert, 8th Grade Fashion Show, the Annual Musical Production and Senior Luncheons; and

WHEREAS, Dr. Varcadipane is a talented musician who has donated his time and musical skills to many annual events and celebrations such as the Fashion Show, Nation's Night, Unplugged Concert, Senior Luncheons, Kindergarten Moving Up Ceremony and the wonderful Musical Productions; and

WHEREAS, the Mayor and Council of the Borough of Totowa wish to publicly honor Dr. Vincent N. Varcadipane for his dedication to education and for his guidance, leadership and commitment to the students and residents of the Borough of Totowa.

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 Vincent N. Varcadipane for his distinguished career and years of devoted service to our community.

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 Vincent N. Varcadipane.

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to adopt the following Proclamation Declaring July 14, 2015 As A Day Of Remembrance For Women And Girls Killed In The Name Of Honor. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION DECLARING JULY 14, 2015 AS A
DAY OF REMEMBRANCE FOR WOMEN AND GIRLS
KILLED IN THE NAME OF HONOR

WHEREAS, in the United States, honor violence is a crime that goes unnoticed and unrecognized; and

WHEREAS, women and girls are mutilated, beaten, burned with acid and murdered within our own communities, but it is all too often overlooked; and

WHEREAS, girls are abused due to a family that feels their honor is “tarnished” by their daughter acting or dressing too Western, having rumors spread about her, refusing to participate in a marriage and merely for looking at a boy; and

WHEREAS, a family’s “honor” is determined by the value of a daughter; and

WHEREAS, this violence does not just happen overseas, in recent years honor killings have taken place in the United States as well, victims murdered for honor in such places as St. Louis, Missouri, Texas, Arizona and New York; and

WHEREAS, Karma Nirvana is working diligently to raise awareness about such horrific human rights abuses and has partnered with other organizations such as Honor Diaries to raise awareness beyond borders and cultures; and

WHEREAS, by creating a Day of Remembrance we are determined to leave a legacy here in the United States by petitioning for those victims; and

WHEREAS, the United Kingdom will remember and honor those victims at their second annual National Day of Remembrance on the 14th of July 2015.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey, do hereby proclaim and recognize July 14, 2015 As A Day Of Remembrance For Women And Girls Killed In The Name Of Honor.

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

Joseph Wassel, RMC
Municipal Clerk