

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

June 10, 2014

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

ABSENT: Mayor John Coiro.

Council President Phil Puglise 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 Puglise 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 D'Angelo, seconded by Councilwoman Fontanella to dispense with the regular order of business in order to accept a letter of resignation from Councilman John Waryas and to hold a public hearing on Ordinance No. 09-2014 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel advised the Council President and Council that he is in receipt of a letter of resignation from Councilman John Waryas and then read the following letter:

JOHN J. WARYAS
287 Winifred Drive
Totowa, New Jersey 07512

June 6, 2014

Honorable Mayor and Council
Borough of Totowa
Municipal Complex
537 Totowa Road at Cherba Place
Totowa, New Jersey 07512

Dear Mayor and Council Members:

It is with deep regret that I must submit my resignation from my position as Councilman from the Borough of Totowa due to personal reasons. My resignation is effective immediately. It has been my honor to serve as a Councilman for the past 15 years and my pleasure to serve the residents of Totowa.

I have enjoyed the time spent working with each and every one of you and I would like to thank you for your friendship as well. I am proud of the work we have done together. I would also like to thank the residents of Totowa who allowed me to serve them. I am committed to supporting you and our community for many years to come.

Very truly yours,
John J. Waryas

Council President Puglise remarked that he has known John for 30+ years and said he is not only a friend, but a very conscientious, dedicated and caring Councilman who was committed to keeping the Borough clean and will be missed. Councilman D'Angelo, Councilwoman Fontanella, Councilwoman Andriani and Councilman Picarelli all echoed those sentiments.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to accept Councilman Waryas' resignation with sadness and regrets. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 09-2014 has been advertised for public hearing for Tuesday, June 10, 2014.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 09-2014.

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

Council President Puglise asked if any citizens wished to be heard on Ordinance No. 09-2014.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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. 09-2014 by title:

ORDINANCE NO. 09-2014

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 415 ENTITLED "ZONING AND LAND USE", PART 4, "ZONING",
ARTICLE XXI, "BUSINESS DISTRICTS"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt Ordinance No. 09-2014 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 D'Angelo, seconded by Councilwoman Fontanella to revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

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

Councilwoman Andriani: Announced that the Totowa Pool will open this Saturday, June 14th and thanked DPW Superintendent Jim Niland and the DPW for getting the pool ready and looking good.

CITIZENS HEARD:

Bernadette Hilway, 114 Bogert Street: 1) Asked about basic maintenance on the house behind hers—presented a picture of the house in question—and said that she has reported it to the Building Code office, but nothing has been done. Council President Puglise: Inquired Construction Code Official Allan Burghardt, who responded that he would have to check with inspector Gus Eifler. 2) Once again came to complain about the speeding and loud motorcycles on Bogert Street and Union Boulevard and said that one motorcyclist constantly taunts her, and stated that nothing has been done by the police. Council President Puglise: Advised that he would once again get on Police Chief Robert Coyle to have his patrols enforce both the speeding and the motorcycle noise. Ms. Hilway: Asked about getting speed bumps installed up and down Bogert Street like they have in Woodland Park. Council President Puglise: Informed her that we have had some issues with speed humps in the past and that we would have to get all the residents to agree. Municipal Attorney Corrado: Explained about the Department of Transportation's role in installing speed humps.

Charles Teale, 99 Bogert Street: Echoed Ms. Hilway's sentiments and said that even Holy Sepulchre Cemetery has speed bumps. Went on to say that he had a neighbor across the street that died and we had three police cars that responded, but we can't get one cop to enforce the speeding. Council President Puglise: Reiterated that he would get Chief Coyle to address the situation.

Ben Olivito, 813 Union Boulevard: Stated that he has been in business for 25 – 30 years and is basically only open seasonal during the months of April, May and June and says that every year Little Falls has their Memorial Day Parade and the police put up barricades at the intersection of Union Boulevard and Riverview Drive, which prevents his customers and family from getting to his business. Asked why traffic has to be blocked there instead of either at the bridge or even over the bridge into Little Falls, so customers would be able to get to his greenhouse. Said he had asked Police Chief Coyle that in the past and he said that he would accommodate him, but yet it wasn't done. Council President Puglise: Responded that they should allow access to his business and would inform Chief Coyle for the future, but also asked that Mr. Olivito call the Chief in advance of the parade to remind him.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve the Minutes of the Mayor and Council for the meeting of May 27, 2014. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Resolution No. 2014-13 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 D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners due to overpayment of 2nd Quarter 2014 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

2nd Quarter 2014

WHEREAS, there has been an overpayment of taxes on the property listed below; and

WHEREAS, the taxpayer is entitled to a refund; and

WHEREAS, the chart sets forth the refund as follows:

Block	Lot	Property/Owner	Payable to:	OVERPAYMENT
56	7	294 Lincoln Avenue Walter & Evelyn Tovar	Signature Closing Services, LLC 520 Speedwell Avenue, Suite 103 Morris Plains, NJ 07950	\$1,836.44

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.

COMMITTEE ON PUBLIC SAFETY:

There was no report.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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. 67-2014

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 no report.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Approving Refund Of Full Season Family Pool Membership Fee. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 68-2014

RESOLUTION AUTHORIZING REFUND OF FULL SEASON
FAMILY POOL MEMBERSHIP FEE

WHEREAS, the Mayor and Council of the Borough of Totowa pursuant to the Code of the Borough of Totowa, Chapter 367 entitled "Swimming Pools", Article I, "Municipal Pool" and any amendments thereto, are authorized to annually establish the "fees" for the Totowa Municipal Swimming Pool; and

WHEREAS, by Resolution No. 53-2014 dated April 8, 2014, the Mayor and Council of the Borough of Totowa, after conferring with the Board of Recreation and Totowa Pool Committee, approved the 2014 Fee Schedule for the Totowa Municipal Swimming Pool; and

WHEREAS, the Borough of Totowa Municipal Swimming Pool will be open from Saturday, June 14, 2014 through Monday, September 1, 2014; and

WHEREAS, the Borough of Totowa Board of Recreation and Totowa Pool Committee held registration for the 2014 Pool Season on May 16, 2014 and May 22, 2014; and

WHEREAS, Javier Tovar, 2A Highview Avenue, Totowa, New Jersey 07512 has requested a refund for a full season family pool membership in the amount of \$470.00 due to the fact that he has decided to install a pool in his backyard; and

WHEREAS, the request for the refund was made prior to the opening of the Totowa Municipal Swimming Pool for the 2014 season; and

WHEREAS, the Mayor and Council desire to authorize the refund of the full season family pool membership in the amount of \$470.00 subject to the return of the 2014 pool badges.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the refund of \$470.00 to Javier Tovar for the full season family pool membership paid to the Borough of Totowa on May 22, 2014.

BE IT FURTHER RESOLVED, that the Borough of Totowa Treasurer is hereby authorized to issue a check in the amount of \$470.00 to Javier Tovar, 2A Highview Avenue, Totowa, New Jersey 07512.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to adopt the following Proclamation In Honor Of Kevin And Darlene Walsh. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION IN HONOR OF KEVIN AND DARLENE WALSH

WHEREAS, Kevin Walsh is a lifelong resident of the Borough of Totowa and attended St. James School and Passaic Valley Regional High School; and

WHEREAS, Darlene Walsh grew up in the City of Clifton and attended St. Philip's School, Paul VI Regional High School and Bloomfield College; and

WHEREAS, Kevin and Darlene Walsh married in 1979 and settled in Totowa where they raised their children, Kevin, Kathleen and Kelly; and

WHEREAS, Kevin Walsh has always been active in the Totowa community serving as an Altar Boy at St. James of the Marches Church; He has been a member of Volunteer Fire Company #1 since 1973 and is a past President of the company and past Assistant Fire Chief and currently serves as President and Chaplain of Totowa's Volunteer Fire Department; and

WHEREAS, after graduating from college, Darlene Walsh worked as a Registered Nurse in Passaic General Hospital and in 1991, she began work as the Town Nurse for the Borough of Totowa; and

WHEREAS, over the years, Kevin and Darlene Walsh have served the St. James Church community by chairing numerous committees including the Prepare the Way Campaign, Parish 75th Anniversary Celebration, the transfer of St. James School to the Academy of St. Francis of Assisi and the annual Good Friday Blood Drive; and

WHEREAS, Kevin Walsh is a Trustee of the Parish and head of the church's Finance Committee and Darlene Walsh is a Eucharistic Minister and taught CCD for a number of years; and

WHEREAS, Kevin and Darlene Walsh enjoy cooking and entertaining and hosting traditional Sunday dinners with family and friends. They are also active in the DePaul High School community where all of their children graduated from and have established a scholarship in memory of their daughter Kathleen who passed away in 2003; and

WHEREAS, the Mayor and Council of the Borough of Totowa wish to publicly acknowledge and honor Kevin and Darlene Walsh as the recipients of the 2014 Father Francis Reilly Award.

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 Kevin and Darlene Walsh for their devotion to their Catholic faith and commitment, dedication and service to the parishioners of St. James and the residents of Totowa.

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 Kevin and Darlene Walsh.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to Amend Raffle License Application No. 1774 for the Demarest Home and School Association. On roll call vote, all members of the Council present voted in the affirmative.

At this time Council President Puglise announced that we would take a ten minute recess before convening in executive session.

Council President Puglise 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: Council President Phil Puglise, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debbie Andriani, Councilman Anthony Picarelli, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

Borough Attorney Corrado gave a synopsis of the current suspension being served by DPW Laborer Keith Wright, the recommendation for dismissal by Interim Superintendent of the DPW Jim Niland and of Mr. Wright's right to have a hearing to review his suspension, disciplinary charges against him and whether or not he should be dismissed from service for cause.

Borough Clerk Wassel informed the Council that Keith Wright had not contacted the Borough regarding these matters.

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

After further discussion the consensus was that:

- The initial suspension was warranted and will be upheld.
- They accept and concur with the recommendation of dismissal.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to uphold the initial suspension of Keith Wright and to accept and concur with the recommendation of dismissal from Jim Niland, Interim Superintendent of the Department of Public Works, effective today, June 10, 2014. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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 Puglise 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 D'Angelo, seconded by Councilwoman Fontanella that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk