

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

November 27, 2018

PRESENT: Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, Councilwoman Lisa Palazzo, Municipal Clerk Joseph Wassel and Municipal Attorney Kristin 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.

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

Councilwoman Andriani: Reminded everyone that the Annual Tree Lighting will be held on December 7th at 6:30 p.m.

CITIZENS HEARD:

Rhonda Corey, 204 Bogert Street: Brought up the following variety of issues: DPW snow removal and how the plows drive too fast and push the snow back onto her

sidewalk and into her driveway apron, the width of the salt spreader and how the salt ends up on her grass and in her driveway, and how her neighbors cars were parked on the street during the storm; Speeding on Bogert Street and how it is used as a cut through and there used to be a sign up prohibiting thru traffic; Asked how come there is no senior housing in town; On the North Jersey Developmental Center property commented on the assisted living facility, data centers, five story height being allowed, and the R&D facility. Why there was so much helicopter activity which is not from the state police. Why is one building still standing. How come there was no police response with the helicopters and military exercises. Asked about the blasting, why the developer is not paying taxes yet and how are you going to handle the traffic. Asked if anyone ever heard a corporate generator and now the data center is going to have 24 of them and what about the noise and if they catch fire.; Asked if the pool was ever fixed and when the development flooded the pool and Winifred Drive with mud and water, how come the developer was responsible to help the residents; There was a home built on Catherine Street and they caused flooding to their neighbors and how come they weren't responsible; Asked why residents are responsible for sidewalks if they don't own them and since residents have to remove snow from the sidewalks shouldn't they have to clear the full sidewalk and not just a strip. Mayor Coiro: Responded to each and every item.

Mike Mahometa, 269 Lincoln Avenue: 1) Said he thought the DPW did an excellent job with the snowstorm. 2) Commented that snow ends up back into a driveway apron because of physics. 3) Asked if DPW Superintendent Jim Niland ever got back to the Council about extending the berm and adding pine trees at the PAL. 4) Remarked that a regular drain – at least 18” – is needed at the PAL. Mayor Coiro: Replied that we are working on the berm and trees, but there is a lot of rock for the drain.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to approve the Minutes of the Mayor and Council for the meeting of November 13, 2018. On roll call vote, all members of the Council present voted in the affirmative. Councilman Bucher and Councilman Capo abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2018-24 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 due to overpayment of 4th Quarter 2018 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

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

WHEREAS, the taxpayer is entitled to a refund; and

WHEREAS, the chart sets forth the refund as follows:

4th Qtr 2018

<u>Block</u>	<u>Lot</u>	<u>Property/Owner</u>	<u>Payable to:</u>	<u>OVERPAYMENT</u>
42	6	38 Hobart Place Hopler M & Martins E	"Corelogic" Mail To: Corelogic Attn: Refunds Dept. PO Box 9202 Coppell, Texas 75019	\$1,659.02
151	5	49 Hillside Drive Sivik Bernard & Vicki	Corelogic (same as above)	\$1,958.69

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 Picarelli, seconded by Councilman D'Angelo to adopt the following resolution to effectuate the redemption of Tax Sale Certificate #18-0000002 for 105 William Place, Block 29, Lot 30. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale Number 18-0000002
Block 29, Lot 30

Property: 105 William Place, Totowa, New Jersey 07512
Owner: Whairhouse, LLC

WHEREAS, at the Municipal Tax Sale on October 25, 2018, a lien was sold on Block 29, Lot 30; and

WHEREAS, this lien known as Tax Sale Certificate Number 18-0000002, was sold to U.S. Bank As Custodian For Actlien Holding Inc for a 0% redemption fee and a premium of \$19,100; and

WHEREAS, Closing Partner Title and Attorney Matt Durham, on behalf of Whairhouse, LLC the owner of the property, has effected redemption of Certificate Number 18-0000002 in the amount of \$2,049.54 as of 11/27/18.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize the Treasurer to issue a check in the amount of \$2,049.54 payable to U.S. Bank As Custodian For Actlien Holding Inc for the redemption of Tax Sale Certificate Number 18-0000002.

BE IT FURTHER RESOLVED, that the Mayor and Council authorize the Treasurer to issue a check in the amount of \$19,100 (premium) to the aforementioned Lien Holder.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2017 And 2018 Tax Appeal Entitled Darryl And Sally Laxson V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 128-2018

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2017 AND 2018 TAX APPEAL ENTITLED DARRYL AND SALLY LAXSON V. BOROUGH OF TOTOWA

WHEREAS, there have been appeals of the real property tax assessments for the stated tax years; and

WHEREAS, each Block and Lot listed therein was assessed at the amount stated therein; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

WHEREAS, the settlement of these matters on the attached list are in the best interest of the Borough of Totowa.

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

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute the Stipulation of Settlement on behalf of the Borough of Totowa with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey.
2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Cancellation Of Outstanding Checks. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 129-2018

RESOLUTION AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS

WHEREAS, there exists numerous, old, outstanding checks on the bank reconciliations of the General and Net Payroll bank accounts; and

WHEREAS, the old, outstanding checks have been investigated by the Chief Financial Officer/Treasurer and it has been determined that these old, outstanding checks should be cancelled.

NOW, THEREFORE, BE IT RESOVLED, by the Governing Body of the Borough of Totowa that the following old, outstanding checks in the amount of \$3,290.38 in the General and Net Payroll bank accounts be and the same are hereby cancelled.

<u>Bank Account</u>	<u>Amount Cancelled</u>
General Account	\$ 1,664.27
Net Payroll Account	<u>1,626.11</u>
	<u>\$ 3,290.38</u> (A)

- (A) A detailed listing of the outstanding checks to be cancelled will be retained on file in the Office of the Borough Clerk.

COMMITTEE ON PUBLIC SAFETY:

There was no report.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following Resolution Authorizing The Replacement Of The Rooftop HVAC Unit At The DPW Building. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 130-2018

RESOLUTION AUTHORIZING THE REPLACEMENT OF THE
ROOFTOP HVAC UNIT AT THE DPW BUILDING

WHEREAS, during routine maintenance at the Department of Public Works ("DPW") Building, 454 Mechanical LLC noticed that the HVAC unit located on the building's rooftop was damaged and determined it was unsafe to operate; and

WHEREAS, the DPW Superintendent has recommended that this rooftop HVAC unit be removed and replaced; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this equipment at the DPW building; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the removal and replacement of the rooftop HVAC unit; and

WHEREAS, 454 Mechanical LLC, 14 Masklee Court, Totowa, New Jersey 07512 has submitted a proposal dated November 8, 2018 for the removal and replacement of the DPW rooftop HVAC unit for the sum of \$16,700.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, pursuant to the applicable New Jersey State laws, the removal and replacement of the HVAC unit may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize 454 Mechanical LLC to remove and replace the rooftop HVAC unit for the sum \$16,700.00.

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

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following Resolution Authorizing The Replacement Of Two Unit Heaters Above Mechanics Area At The DPW Building. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 131-2018

RESOLUTION AUTHORIZING THE REPLACEMENT OF TWO UNIT HEATERS ABOVE MECHANICS AREA AT THE DPW BUILDING

WHEREAS, the Borough of Totowa Department of Public Works ("DPW") Superintendent has recommended that two (2) unit heaters be removed and replaced at the DPW Building; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this equipment at the DPW building; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the removal and replacement of the unit heaters; and

WHEREAS, 454 Mechanical LLC, 14 Masklee Court, Totowa, New Jersey 07512 has submitted a proposal dated November 8, 2018 for the removal and replacement of two (2) unit heaters for the sum of \$8,950.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, pursuant to the applicable New Jersey State laws, the removal and replacement of these unit heaters may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize 454 Mechanical LLC to remove and replace two (2) unit heaters for the sum \$8,950.00.

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

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

Upon the recommendation of the Committee, there was a motion by Councilman Capo, seconded by Councilwoman Andriani to carry this item to adopt a resolution to award the contract/reject the low bid for the Demolition Of Structure At 300 Riverview Drive. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was no report.

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

Joseph Wassel, RMC
Municipal Clerk