

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

October 23, 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: Thanked all who attended the Health Fair on October 20th, which is sponsored by the Mayor and Council, Board of Health and the Totowa Library. She gave special thanks to the Police and Fire Departments for their participation and the PAL for hosting the event. She said this is our 4th year and we gave out over 50 flu shots.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: 1) Thanked the DPW for planting the pine trees; 2) Said his neighbor is now requesting that the berm and additional trees be extended; 3) Again asked about improving the existing drainage at the PAL fields. Mayor Coiro: Advised that the area is mostly rock and won't be easy. Mike Mahometa: Responded that prior to the installation of the playground and walkway the area always drained naturally to the ball field and away from the property.

Cynthia Raso, 327 Union Boulevard: Said she was sexually assaulted by a former employee of the Borough and wants to know how he was allowed to retire. Attorney Corrado: Advised Ms. Raso that pursuant to your tort claim against the Borough and the fact that you brought up a former employee we cannot discuss this issue at this time. Ms. Raso: Handed out her time line of events to the Borough Attorney. She then asked the Mayor why there was no one running against him, but then declared that she is not even a registered voter.

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 October 9, 2018. On roll call vote, all members of the Council present voted in the affirmative. 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. 2018-22 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 this amount.

<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>
9.05	10.03	23 Mountainview Ct. Modi Ketang & Minisha	The Lutz Law Group, Attorney Trust Account Mail To: The Lutz Law Group Attorneys At Law, LLC 121 Ridge Avenue Passaic, NJ 07056	2017	1,380,900	1,177,600	\$4,795.85
9.05	10.03	(same as above)	(same as above)	2018	1,380,900	1,177,600	\$4,844.64
						Total check	\$9,640.49
74.02	1	28 Battle Ridge Trail Amador Roberto & Zoraida	"Spiotti & Esposito, P.C.- Attorney Trust Account" Mail To: Spiotti & Esposito, P.C. 271 U.S. Highway 46. Suite F105-106 Fairfield. NJ 07004-2471	2015	1,056,200	1,021,200	\$799.40

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Professional Engineering Services For Revisions To The Tax Maps And Certification By The State Of New Jersey Division Of Taxation. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 117-2018

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES FOR REVISIONS TO THE TAX MAPS AND CERTIFICATION BY THE STATE OF NEW JERSEY DIVISION OF TAXATION

WHEREAS, by Resolution No. 37-2017 dated February 14, 2017, the Mayor and Council of the Borough of Totowa authorized Richard A. Alaimo Engineering Associates to digitize the Borough of Totowa tax maps; and

WHEREAS, by letter dated March 7, 2017, the Borough of Totowa's Tax Assessor has requested that the tax maps also be revised to include all recently recorded deeds of easement as well as other various revisions; and

WHEREAS, by Resolution No. 91-2017 dated July 11, 2017, the Mayor and Council of the Borough of Totowa authorized Richard A. Alaimo Engineering Associates to complete the requested revisions of the Borough of Totowa tax maps; and

WHEREAS, thereafter Richard A. Alaimo Engineering Associates submitted the digitized and revised tax maps to the State of New Jersey Division of Taxation for their review and recertification; and

WHEREAS, the State of New Jersey Division of Taxation reviewed the Borough of Totowa tax maps and issued a series of requested revisions that they will require in order for the tax maps to be certified; and

WHEREAS, Richard A. Alaimo Engineering Associates has submitted a supplemental proposal dated January 24, 2018 to complete the requested revisions to the Borough of Totowa tax maps for the sum of \$5,000.00, 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 October 23, 2018 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 to complete the requested revisions for the certification of the Borough of Totowa tax maps in the amount of \$5,000.00.

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.

COMMITTEE ON PUBLIC SAFETY:

There was no report.

COMMITTEE ON PUBLIC WORKS:

There was no report.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Removal And Replacement Of The Hot Water Heater In The Municipal Complex. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 118-2018

RESOLUTION AUTHORIZING THE REMOVAL AND REPLACEMENT OF THE
HOT WATER HEATER AT THE MUNICIPAL COMPLEX

WHEREAS, the Borough of Totowa Department of Public Works (“DPW”) Superintendent has advised that the hot water heater at the Borough of Totowa Department Municipal Complex is no longer working properly and recommended that this equipment 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 Borough of Totowa Municipal Complex; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the removal and replacement of the hot water heater; and

WHEREAS, Ray Keeley Plumbing & Heating, 8 Furler Street, Totowa, New Jersey 07512 has submitted a proposal for the removal and replacement of the hot water heater in the amount of \$2,455.00, 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 hot water heater may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the, the removal and replacement of the hot water heater from Keeley Plumbing & Heating in the amount of \$2,455.00.

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 LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Adopting Affirmative Marketing Plan. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 119-2018

RESOLUTION ADOPTING AFFIRMATIVE MARKETING PLAN

WHEREAS, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, et seq., the Borough of Totowa is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created within the Borough of Totowa, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 1, the COAH Housing Region encompassing the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Totowa shall be marketed in accordance with the provisions herein.
- B. The Borough of Totowa has a Prior Round Obligation and a Third Round Obligation covering the years from 1999-2025. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Borough's Prior Round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Borough of Totowa. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.

- D.* In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Totowa, shall undertake, at the minimum, the publication of an advertisement or press release in one or more newspapers of general circulation within the housing region. Additional advertising and/or publicity shall be on an “as needed” basis.
- E.* The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Totowa is located in COAH Housing Region 1, consisting of Bergen, Hudson, Passaic and Sussex Counties.
- F.* The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for very-low, low and moderate income units shall appear in the Star-Ledger.
 2. The primary marketing shall take the form of at least one press release and/or a paid display advertisement in the above newspaper once at the start of the affirmative marketing process. Additional press releases and/or advertising shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 3. The advertisement shall include a description of the:
 - a. Address of the units;
 - b. Range of prices for the units;

- c. Size, as measured in bedrooms, of units;
- d. Maximum income permitted to qualify for the units;
- e. Where to obtain applications;
- f. Business hours when interested households may obtain an application; and
- g. Application fees.

G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

- 1. Sussex County Main Library
- 2. Hudson County Administration Building
- 3. Bergen County Administration Building
- 4. Passaic County Administration Building
- 5. Totowa Borough Municipal Building
- 6. Totowa Public Library
- 7. Developer's Sales/Rental Offices

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Hudson, Passaic and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Section 3e of COAH's Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 1 (attached to and hereby made part of this Resolution) as well as the following entities: Passaic Resource Network, New Bridge Services, Family Promise of Bergen County and Hudson County Housing Resource Center.

1. Once at the start of the affordable marketing process, a flyer and preliminary application shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3e.
 2. In addition, specific notification of the availability of affordable housing units in Totowa shall be provided to the following entities: Passaic Resource Network, New Bridge Services, Family Promise of Bergen County and Hudson County Housing Resource Center.
- I.* The Affirmative Marketing Plan shall provide a regional preference for very low, low and moderate income households that live and/or work in COAH Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very-low, low and moderate income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.
- J.* The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to:
1. Income qualify very-low, low and moderate income households;
 2. Place income eligible households in very-low, low and moderate income units upon initial occupancy;
 3. Provide for the initial occupancy of very-low, low and moderate income units with income qualified households;
 4. Continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls;
 5. Assist with outreach to very-low, low and moderate income households; and
 6. Enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, et seq.

- K. The Administrative Agent shall provide or direct qualified very-low, low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- L. All developers/owners of very-low, low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very-low, low and moderate income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Of Intent To Bond In The Event That There Is A Shortfall In Funding To Implement The Borough Of Totowa Sponsored Rehabilitation Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 120-2018

RESOLUTION OF INTENT TO BOND IN THE EVENT THAT THERE IS A SHORTFALL IN FUNDING TO IMPLEMENT THE BOROUGH-SPONSORED REHABILITATION PROGRAM

WHEREAS, the Borough voluntarily brought a declaratory judgment action pursuant to the procedures set forth by the Supreme Court in In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (201) (“Mt. Laurel IV”) seeking approval of a Housing Element and Fair Share Plan that satisfied the Borough’s obligation to provide for its fair share of the regional need of low and moderate income housing; and

WHEREAS, after a Fairness Hearing held on May 24, 2018, by Order dated June 20, 2018, Hon. Thomas F. Brogan, P.J.Cv., approved a settlement agreement between the Borough of Totowa and Fair Share Housing Center, which established the Borough's affordable housing obligations; and

WHEREAS, in accordance with the June 20, 2018 Order, the Totowa Planning Board has adopted a Housing Element and Fair Share Plan dated September 13, 2018 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the Housing Element and Fair Share Plan provides for a municipally-sponsored Rehabilitation Program, in addition to other developer-funded mechanisms; and

WHEREAS, the Borough has adopted a Development Fee Ordinance in order to generate revenue for the Borough's Affordable Housing Trust Fund; and

WHEREAS, the Borough of Totowa anticipates that monies collected and deposited in the Affordable Housing Trust Fund, will be sufficient to effectuate the above-referenced mechanism; and

WHEREAS, the Borough of Totowa is committed to securing judicial approval of its Housing Element and Fair Share Plan; and

WHEREAS, the Borough of Totowa acknowledges the COAH rules and regulations that provide that, although utilization of a mandatory development fee ordinance is an appropriate mechanism to raise money for the purpose of off-setting the expenses incurred in connection with the Housing Element and Fair Share Plan, there must be an alternative funding source in the event that insufficient monies are derived from the mandatory development fee ordinance, or the funds are not received in a timely fashion, for the purpose of effectuating the municipally-sponsored Rehabilitation Program; and

WHEREAS, the Borough of Totowa wishes to express its commitment to cover such funding shortfalls and to fully implement the municipally-sponsored rehabilitation program through bonding or other lawful means.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby confirm its intent that in the event that the projected funding from the mandatory development fee ordinance the Borough has adopted is insufficient to complete the municipally-sponsored rehabilitation program, it is the intention of the Borough Council of the Borough of Totowa to adopt appropriate bond ordinances in order to provide the required funding in an appropriate timely manner.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Adopting The "Sales Operating Manual", "Rental Operating Manual" And "Rehabilitation Operating Manual" For The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 121-2018

RESOLUTION ADOPTING THE "SALES OPERATING MANUAL", "RENTAL OPERATING MANUAL" AND "REHABILITATION OPERATING MANUAL" FOR THE BOROUGH OF TOTOWA

WHEREAS, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, *et seq.*, the Borough of Totowa is required to adopt all program operating manuals, which set forth the procedures for administering the program(s) and their associated affordability controls for affordable housing units created within the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby adopt the following attached operating manuals:

1. Sales Operating Manual
2. Rental Operating Manual
3. Rehabilitation Operating Manual

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2124 & 2125 for The Woman's Club of Little Falls for a Tricky Tray and On-Premise 50/50 to be held on November 13, 2018 at The Barnyard and Carriage House. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Bingo License Application No. 2126 and Raffle License Application Nos. 2127 & 2128 for the PTA Little Falls School #1 for a Bingo, Tricky Tray and On-Premise 50/50 to be held on December 7, 2018 at The Elks Lodge. 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 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