

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

August 28, 2012

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman John Waryas, Councilman Jim Niland, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani and Municipal Clerk Joseph Wassel.

ABSENT: Municipal Attorney Robert Corrado.

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: Advised that next Monday, Labor Day, September 3, 2012 will be the last day at the Totowa Municipal Pool and they will have the usual games and events for the children.

CITIZENS HEARD:

The following people got up to speak in support of the North Jersey Developmental Center (NJDC) and asked for the Mayor and Council's support as well:

Eric McKensie: Said he is from Paterson, but has worked at NJDC for 21 years. Said that the clients there only know NJDC as their home, everyone's jobs are at stake and asked for support to protect the clients and the workers.

Jenelle Blackmon, CWA Union Representative: Wanted to reiterate Mr. McKensie's sentiments and then stated that the CWA wants support to help overturn the panel's recommendation to close the facility. Reported that the City of Paterson is passing a resolution in support. Mayor Coiro: Asked about the panel who recommended closure and whether they were elected or appointed and what the vote was. Told her that he is meeting with Senator Kevin O'Toole and understands it to be a five year plan. Asked what the plan was for the residents. Ms. Blackmon: Answered that they would go into group homes.

Rex Reid, American Federation of State, County and Municipal Employees (AFSCME): Read off "quotes from the Mayor" from the newspaper article and then read off a list of stores that they patronize and some statistics about how much the local businesses will be hurt and to think about the economy and how Totowa will be affected. Mayor Coiro: Clarified that the reporter didn't print all of his comments in the article and that he stated that he doesn't want to see anyone lose their jobs ever, especially in this economy, and that he didn't really know how it would affect Totowa's economy, but after hearing Mr. Reid's list of stores—even though they weren't all Totowa businesses—he has a better idea. Mr. Reid: Went on to say that if the NJDC closes, the residents will be placed into group homes right here in Totowa and it will put a drain on the Police Department.

Jean Davidson, Blairstown: Commented that her sister is 60 years old and has been at the NJDC since she was ten and that this is her home and she needs the care of the staff at NJDC and also how her family feels she is safe there.

Marie, Westfield: Said that her daughter has been at NJDC for 18 years and that the progress that she has made has been great, but is worried about how she would be able to fair in a group home.

Edward Pierce: A representative who works at NJDC and said that he just wanted you to hear from the workers and relatives of the residents so you can understand and that we are taking a position against the closure and are asking for local help.

Mona Boles: Stated that she is a Paterson resident and worker at NJDC, but always patronizes businesses in Totowa because we are neighbors and said she goes to Murphy's Bar and attends the Memorial Day Parades. Said that they need their jobs to keep moving the economy, said we are the working class and also advised how much the residents spend their money in town.

Winnie Durant, AFSCME President: Remarked that she has been at NJDC for 42 years

and gave some stories about their clients and how they need the care of the facility, how they can't function on their own and live in group homes and just how they become your family.

Mr. Sanjay, Woodland Park: Described how he has two children and has been at NJDC for 7 years and how he loves his job and needs his job. Asked for a resolution to be passed in support of NJDC.

Andre Sayegh, Paterson Councilman: Advised that he was here in support of NJDC, the workers and the residents and that the Paterson City Council unanimously adopted a resolution and asked that the Totowa Council do the same. Said the Governor keeps touting a "Jersey Comeback", but this will be a "Setback" if NJDC is allowed to close.

Waheda Mohammed: Told the Mayor that she is glad that she came to see his human side, because that is not what she read in the newspaper article. Said this is not about economics, it is about humanity. Was glad to see the Council's reactions and caring side.

Mayor Coiro: Explained that we were not asked our opinion and only found out about this from the reporter at which time he contacted Senator O'Toole to discuss the NJDC and doesn't know what their plan is, but heard it is a five year plan. Went on to say that former Councilwoman Arlene Festa is a Trustee at NJDC and that the Council does frequently attend their Volunteer Recognition Ceremony. Then advised that he grew up here and has known that the NJDC has been here since 1928—with a variety of different names—and how even though this wasn't our decision, he wants to find out why. Mr. Reid: Said he wanted to correct the Mayor's statement about the five year plan, because the task force said they would close NJDC in 18 months. Mayor Coiro: Asked who would rule on this the task force or the Legislature. Mr. Reid: Answered the Legislature would have to overrule the task force. Mayor Coiro: Responded that then he is starting in the right direction by meeting with the Senator.

Councilman Waryas: Mentioned that we all feel for everyone here and how he is familiar with NJDC because he grew up with Dr. Buttermore's son and also how he sees the different faces in town. Asked the Mayor if we could adopt a resolution now. Mayor Coiro: Responded that the Attorney is not here tonight to draft one, but that we could put something together for the next meeting.

Councilman D'Angelo: Expressed that he is a member of the Knights of Columbus and has attended many events at NJDC. Stated that this was not our decision and the Mayor is the best and we do support you all.

Councilwoman Fontanella: Declared that she has attended many Volunteer Recognition Ceremonies and thanked and applauded them all.

Councilman Puglise: Said that we read it in the paper and didn't really know what it was about, but now that we see you and hear your stories, we do support you.

Mayor Coiro asked for a motion to prepare and adopt a Resolution In Support Of The North Jersey Developmental Center To Remain Open at the next regular Council Meeting. There was a motion by Councilman Puglise, seconded by Councilman Waryas. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of August 14, 2012. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve Resolution No. 2012-18 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners due to overpayment of 3rd Quarter 2012 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Re: Tax Overpayments
3rd Quarter 2012

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

WHEREAS, the taxpayers are entitled to a refund; and

WHEREAS, the chart sets forth the refunds, as follows:

Block	Lot	Property	Owner	Overpayment	Payable To
78	77	106 Highview Ave.	Jamie & Carmela Ricciardiello	\$1,905.56	Homeowners
107	13	63 Washington Pl.	Pawel Bajek	\$1,716.77	Homeowners

There was a motion by Councilman Niland, seconded by Councilman Puglise to approve the Junior Firefighter application for John Peter Bateman for Fire Rescue. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from Fire Department Fund Drive Chairman Bill Warnet advising that their annual fund drive will begin the week of September 10, 2012 with their door-to-door campaign being held on October 7, 8 & 9, 2012. There was a motion by Councilman Niland, seconded by Councilman Puglise to approve them going door-to-door. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

Upon the recommendation of Assistant Superintendent Jim Both, there was a motion by Councilman Puglise, seconded by Councilman Niland to approve a grade increase for DPW Laborer Sean Yennie from Grade 1-C (\$68,534.) to Grade 1-B (\$75,080.), effective August 27, 2012. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Niland to adopt the following Resolution Authorizing Professional Engineering Services For The Borough Of Totowa 2012 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 93-2012

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES FOR THE BOROUGH OF TOTOWA 2012 ROAD PROGRAM

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 the 2012 Road Program; and

WHEREAS, the Road Program calls for improvements to sections of Young Avenue, Garfield Place, Scrivens Street, North Winifred Drive and Chamberlain Avenue with Shady Lane being bid as an alternate; and

WHEREAS, Richard A. Alaimo Engineering Associates has submitted a proposal dated August 17, 2012 to provide the design, bid assistance and construction supervision services for the roads selected at a cost not to exceed Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), 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 August 28, 2012 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 2012 Road Program in the amount of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00).

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.

There was a motion by Councilman Puglise, seconded by Councilman Niland to authorize the Borough Attorney and Borough Clerk to prepare the specifications and advertise for the receipt of bids for the purchase of a pump(s). On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Granting Permission To Cross River Fiber, LLC To Locate, Operate And Maintain Fiber Optic Cable Within The Municipal Right-Of-Way. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 94-2012

RESOLUTION GRANTING PERMISSION TO CROSS RIVER FIBER, LLC TO LOCATE, OPERATE AND MAINTAIN FIBER OPTIC CABLE WITHIN THE MUNICIPAL RIGHT-OF-WAY

WHEREAS, Cross River Fiber, LLC is a telecommunications utility authorized by the New Jersey Board of Public Utilities ("BPU") to provide local telecommunications services throughout the State of New Jersey; and

WHEREAS, Cross River Fiber, LLC, has requested approval to install telecommunications facilities aerially on existing utility poles or in underground conduits in the Borough of Totowa's municipal right-of-way for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, the Mayor and Council of the Borough of Totowa has deemed it to be in the best interests of the community to grant consent to Cross River Fiber, LLC to occupy said municipal right-of-way; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to enter into an agreement with Cross River Fiber, LLC setting forth the terms and conditions of this consent.

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

1. Permission and authority are hereby granted to Cross River Fiber, LLC to install telecommunication facilities on utility poles or within underground conduits located within the public right-of-way in the Borough, in order to provide telecommunication services to the public and to operate, maintain and repair said facilities, subject to the following:
 - A. The facilities shall be installed in underground conduit and/or onto utility poles in the public right-of-way.
 - B. Cross River Fiber, LLC, its successors and assigns, shall adhere to all applicable Federal, State and Local laws regarding safety requirements for the use of the public right-of-way.
 - C. Cross River Fiber, LLC, its successors and assigns, shall comply with all Federal, State and Local laws requiring permits prior to beginning construction.
 - D. Such permission shall be and is hereby given upon the condition and provision that Cross River Fiber, LLC, its successors and assigns, not only indemnify and save harmless the Borough, its officers, agents and servants from any claims arising from or in any way connected to the acts or omissions of Cross River Fiber, LLC

in use of the public right-of-way but shall agree on behalf of the Borough to defend any action at law or equity which may be brought against the Borough upon such claim or claims arising during the construction period, excluding in all instances claims arising out of the gross negligence or willful misconduct on the part of the Borough.

- E. In addition to the aforesaid indemnity agreement, Cross River Fiber, LLC, its successors and assigns, shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Borough in the amount of \$1,000,000.00 covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation of the telecommunication services contemplated herein and an excess liability (or “umbrella”) policy in the amount of \$5,000,000.00. Proof of said coverage, naming the Borough as an additional insured and including the indemnification coverage required in Section D, shall be filed with the Borough Clerk prior to commencing with any construction or installation work. The Borough shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of the insurance called for under this Section. Cross River Fiber, LLC shall provide the Borough with thirty (30) days written notice of modification, cancellation or non-renewal of said insurance policy.
- F. Such permission shall be and is hereby given upon the further condition that in the use of the public right-of-way Cross River Fiber, LLC, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Borough.
- G. Such permission shall be and is hereby given upon the further condition that Cross River Fiber, LLC shall obtain all applicable permits which may be required by the Borough and shall comply with and bear the expenses of all applicable Borough requirements regarding traffic control and police supervision while any work in the public right-of-way is occurring.
- H. Cross River Fiber, LLC shall be responsible for the repair of any damage to paving, existing utility lines or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said telecommunication facilities.

- I. This instrument shall be adopted on behalf of the Borough by the Borough Council and attested to by the Borough Clerk who shall affix the Borough Seal thereto. Said execution, approval and filing thereof shall constitute the existence of public notification.
- J. The permission and authority granted herein shall be for a period of fifty (50) years from the effective date of this Resolution. However either party may cancel such permission and authority with a minimum of one (1) year prior written notice to each other.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into an agreement with Cross River Fiber, LLC memorializing the aforementioned terms.

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

COMMITTEE ON LIAISON & INSPECTION:

MAYOR'S APPOINTMENT

I, Mayor John Coiro, do hereby appoint Bruce Fusco as a Shade Tree Commissioner for an unexpired term ending December 31, 2012.

MAYOR'S APPOINTMENT

I, Mayor John Coiro, do hereby appoint Doreen Makoujy as a Shade Tree Commissioner for an unexpired term ending December 31, 2015.

The above are Mayor's appointments and do not require Council consent or confirmation.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani 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. 08-2012

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$568,250 FOR THE MAKING OF VARIOUS SANITARY SEWER, STORM SEWER AND ROAD IMPROVEMENTS BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE \$208,250 FROM A COMMUNITY DEVELOPMENT BLOCK GRANT, \$175,000 FROM A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT, \$107,000 FROM THE RESERVE FOR LAND SALE PROCEEDS AND \$78,000 PROVIDED FOR IN THE 2012 CURRENT FUND BUDGET

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve the Capital Budget Amendment. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to 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. 09-2012

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 61 ENTITLED, "OFFICERS AND EMPLOYEES", ARTICLE XII, "ADDITIONAL POSITIONS", SECTION 43, "POSITIONS OF EMPLOYMENT"

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani 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. 10-2012

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 22 ENTITLED "COURT, MUNICIPAL"

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani 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. 11-2012

AN ORDINANCE TO AMEND AN 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 Councilwoman Fontanella, seconded by Councilwoman Andriani to approve the Application For Special Permit For Social Affair from the State Of New Jersey Division Of Alcoholic Beverage Control for the BPOE #2111 Passaic Valley Elks for September 15, 2012 from 6:00 – 11:45 p.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1651 & 1652 for Angels of Animals, Inc. for a Tricky Tray and Off-Premise 50/50, respectively, to be held on October 11, 2012 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1653 & 1654 for Little Falls School #2 PTA for an On-Premise 50/50 and Tricky Tray, respectively, to be held on November 15, 2012 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1655 & 1656 for Helpful Hands, Northeast Regional Early Intervention Collaborative, Inc. for a Casino Night and Off-Premise 50/50, respectively, to be held on November 3, 2012 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1657 & 1658 for Pet Adoption Thru Caring Hands (PATCH) for a Tricky Tray and Off-Premise 50/50, respectively, to be held on October 2, 2012 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application No. 1659 for the Totowa PAL for a Casino Night to be held on September 28, 2012. On roll call vote, all members of the Council present voted in the affirmative.

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

Joseph Wassel, RMC
Municipal Clerk