

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

October 9, 2012

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

Councilman Waryas: 1) Advised that we have had three water main breaks in the Riverview Drive area and have been working to repair them.; 2) Said that Passaic County has paved Riverview Drive from Union Boulevard to just about Route 46.

Councilwoman Andriani: 1) Reported that the Totowa Health Department will be giving flu shots on October 17th from 10:00—11:00 a.m. and October 24th from 5:00—6:00 p.m. at the Community Center.; 2) Announced that the Board of Recreation will be sponsoring a Hayride of Horrors for Halloween on October 26th.

CITIZENS HEARD:

Anne Krautheim, Library Director: Invited the Mayor and Council to the Grand Re-Opening of the Dwight D. Eisenhower Library on Saturday, October 27th and said that formal invitations will follow.

Louis Amendola, 69 Columbus Avenue: Said that he noticed that the town changed the parking ordinance for Dey Hill—even though signs haven't been put up—and asked if the governing body would do the same for Columbus Avenue. He said that he thinks it would be good because all the residents have large enough driveways, we would know which cars are supposed to be there and people speed in and out of the parked cars. Mayor Coiro: Gave the history of the situation affecting Dey Hill and that since we adopted the ordinance, the situation has cleared itself up, even without us posting the no parking signs. Also said that his theory on no parking and speeding is that without cars parked on the streets, it allows vehicles to travel faster. Councilman D'Angelo: Stated that he did receive an email on this from Mr. Amendola.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of September 25, 2012. 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. 2012-21 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 acknowledge receipt of and review of the CY 2012/SFY 2013 Best Practice Inventory Worksheet and authorize the Borough Clerk to submit the Best Practice Public Meeting Certification Form. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

A letter from AAA North Jersey inviting the Mayor and Police Chief to attend the 2012 AAA Community Traffic Safety Awards Luncheon on Wednesday, October 24, 2012 at 11:00 a.m. at The Brownstone was received and filed.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Waryas, seconded by Councilman Puglise to accept the following bids for the 2012 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Base Bid</u>	<u>Alternate A</u>	<u>Total Bid</u>
Crossroads Pavement Maintenance Nutley, NJ 07110	\$124,050.50	\$12,476.80	\$136,527.30
F. Antonucci & Sons, Inc. Paterson, NJ 07502	\$128,548.50	\$12,003.00	\$140,551.50
AJM Contractors, Inc. Clifton, NJ 07011	\$135,917.00	\$12,668.50	\$148,585.50
D&L Paving Contractors, LLC Nutley, NJ 07110	\$138,983.60	\$14,125.25	\$153,108.85
English Paving Company, Inc. Clifton, NJ 07013	\$150,816.50	\$12,659.42	\$163,475.92
Sanzari Asphalt Maintenance Woodland Park, NJ 07424	Bidder was Non-Responsive.		

Upon the recommendation of the Engineer, there was a motion by Councilman Waryas, seconded by Councilman Puglise to adopt the following resolution to award the contract to the lowest responsible bidder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 103-2012

RESOLUTION AWARDING CONTRACT FOR THE BOROUGH OF TOTOWA
2012 ROAD PROGRAM

WHEREAS, the 2012 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, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for its 2012 Road Program in accordance with its specifications entitled "Specifications, Proposal and Contract Documents for 2012 Road Program, Borough of Totowa, Passaic County, New Jersey, Contract No. 2012-3"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on September 25, 2012; and

WHEREAS, the Mayor and Council of the Borough of Totowa on October 9, 2012 did examine all bids for materials and services called for; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the lowest responsible bid was submitted by Crossroads Pavement Maintenance, LLC, 81 Franklin Avenue, Nutley, New Jersey 07110 with a base bid in the amount of One Hundred Twenty-Four Thousand Fifty and 50/100 Dollars (\$124,050.50), a copy of which is on file in the office of the Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Crossroads Pavement Maintenance, LLC be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the bid of Crossroads Pavement Maintenance, LLC for the 2012 Road Program as the lowest responsible bid for the total sum of One Hundred Twenty-Four Thousand Fifty and 50/100 Dollars (\$124,050.50).

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 ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to approve the 2012 Open Space & Farmland Preservation Trust Fund Agreement between the Borough of Totowa and the County of Passaic for the Lincoln Fields Drainage Project—Phase II. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to adopt the following Resolution Granting Permission To United Federal Data, 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. 104-2012

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

WHEREAS, United Federal Data, 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, United Federal Data, 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 United Federal Data, 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 United Federal Data, 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 United Federal Data, 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. United Federal Data, 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. United Federal Data, 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 United Federal Data, 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 United Federal Data, 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, United Federal Data, 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. United Federal Data, 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 United Federal Data, 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 United Federal Data, 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. United Federal Data, 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 United Federal Data, 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.

A letter was received from the Governor advising that the Department of Environmental Protection and Garden State Preservation Trust have approved Totowa Borough's application for a Green Acres matching grant of \$325,000.00. There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to accept the funds. 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 a motion by Councilman Picarelli, seconded by Councilwoman Andriani to memorialize the following Proclamation In Honor And Support Of The Sixtieth Anniversary Of The Borough Of Totowa Police Athletic League. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION IN HONOR AND SUPPORT OF THE SIXTIETH ANNIVERSARY
OF THE BOROUGH OF TOTOWA POLICE ATHLETIC LEAGUE

WHEREAS, the Borough of Totowa Police Athletic League ("PAL"), a non-profit volunteer organization, was established on June 2, 1952 by a dedicated group of 29 men with the goal of providing trained coaches, equipment and leadership to Totowa's youth while instilling good character and a sense of responsibility in the children; and

WHEREAS, the PAL also committed to developing a friendly relationship between Totowa's Police Officers and the younger members of our community; and

WHEREAS, the Totowa PAL Ladies Auxiliary was formed in the early 1960s and contributed to the success of the PAL by providing financial support to the organization through various fundraising activities; and

WHEREAS, the PAL moved into their current facility in late 1962 with the help and generosity of the entire Totowa community; and

WHEREAS, for the past 60 years, the PAL has been a second home to all of the Totowa boys and girls who participated in the many sports programs offered including football, basketball, baseball, cheerleading, softball, hockey and soccer; and

WHEREAS, the Borough of Totowa PAL continues to thrive by remaining true to its original objectives while expanding the recreational opportunities and social programs for the youth of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa wish to publically honor the Totowa PAL on its Sixtieth Anniversary.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the Borough of Totowa that special recognition be given to the Totowa PAL and all the volunteers, past and present, for providing 60 years of dedicated service, unselfish commitment, opportunity and fun to the most important members of our Totowa family – our children.

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 the Totowa PAL.

Given in tribute this 3rd day of October, 2012 by the Mayor and Council of the Borough of Totowa.

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