

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

July 9, 2013

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

ABSENT: Councilwoman Carolyn Fontanella.

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) Thanked the DPW for getting the pool ready for the 4th of July after the flood on Monday, July 1st; 2) Said Lincoln Fire Company went to the Mamaroneck, NY parade and won two trophies for best appearance for a truck under 10 years old and best appearance for dress uniforms; 3) Commented that Don Warnet the Fire Official in Clifton received a donation of a bicycle rack from AMC Clifton Commons and the DPW secured it at the Riverview Park. Asked that the Borough Clerk send a thank you letter.

Councilwoman Andriani: 1) Thanked Jim Niland and the DPW for saving the 4th of July at the pool after the flood and said that the pool was packed. Also remarked that the pool was well attended on Saturday, July 6th with the band. Went on to read a letter received from resident Louise Capra thanking Jim Niland and the DPW for enabling the pool members to enjoy a successful 4th of July without the mud.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: Said that he was concerned about a three foot section of a utility pole in front of 257 Barnert Avenue that is just hanging from the lines and asked why the utility company doesn't take care of it. Fire Marshal Allen Del Vecchio: Told him that this is still from the last hurricane, explained the procedure and said that he would contact Verizon to complete the reinstallation of the new pole.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of June 25, 2013. 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 Councilman Picarelli to approve Resolution No. 2013-15 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 Councilman Picarelli to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners due to overpayment of 2nd Quarter 2013 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

TAX OVERPAYMENTS - 2ND QUARTER 2013

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

WHEREAS, the tax payer is entitled to a refund; and,

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

Block	Lot	Property/Owner	Payable to:	OVERPAYMENT
148	9	154 Bogert Street Farrell, Bryan	Farrell, Bryan	\$1,556.84

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.

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to appoint Lisa Nash as Chief Financial Officer. On roll call vote, all members of the Council present voted in the affirmative.

MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Lisa Nash as Chief Financial Officer for a term of one year ending December 31, 2013.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to confirm the appointment. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to approve payment of the 3rd Quarter 2013 Budget Allotment to the Borough of Totowa Public Library in the amount of \$178,914.00. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Member Participation In The Houston-Galveston Area Council Cooperative Purchasing System. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 78-2013

RESOLUTION AUTHORIZING MEMBER PARTICIPATION IN THE HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING SYSTEM

WHEREAS, P.L. 2011, c. 139 allows contracting units to enter into agreements with State, regional or single government agencies that award contracts for its own use and is authorized under its own law to extend those contacts to other governmental agencies; and

WHEREAS, the Houston-Galveston Area Council has offered voluntary participation in a Cooperative Purchasing System for the purchase of goods and services; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to join the Houston-Galveston Area Council Cooperative Purchasing System to purchase goods and/or services, to make the procurement process more efficient and to provide cost savings to the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa further desire to enter into an Agreement with the Houston-Galveston Area Council and memorialize the terms of their participation in the Cooperative Purchasing System.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Totowa, County of Passaic, State of New Jersey, does hereby authorize the following:

1. That the Mayor and Council of the Borough of Totowa authorize the Borough of Totowa to join and participate in the Houston-Galveston Area Council Cooperative Purchasing System.
2. That the Municipal Council authorizes the Mayor and Municipal Clerk to execute any and all necessary instruments relating thereto.
3. This Resolution shall take effect immediately upon final passage according to law.
4. Appropriate Borough of Totowa officials are authorized and directed to perform all required acts for the purpose of this Resolution.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following Resolution Rejecting The Bid Received For The Purchase And Delivery Of One New Heavy Duty Rescue Unit. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 79-2013

RESOLUTION REJECTING THE BID RECEIVED FOR THE PURCHASE AND DELIVERY OF ONE NEW HEAVY DUTY RESCUE UNIT

WHEREAS, the Borough of Totowa Fire Chief has recommended to the Mayor and Council of the Borough of Totowa that a new Fire Truck be added to the Borough of Totowa Fire Department fleet for Fire Rescue Company No. 4, 22 Mitchell Avenue, Totowa, New Jersey 07512; and

WHEREAS, more specifically, the Borough of Totowa Fire Chief recommended that the Borough of Totowa solicit proposals for one (1) new International 4400/Rescue 1, Heavy Duty Rescue Unit #R-241 or approved equivalent that is the manufacturer's latest design and production; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Specifications and Proposal for the Purchase and Delivery of One (1) New Heavy Duty Rescue Unit Or Approved Equivalent for the Borough of Totowa, County of Passaic, New Jersey 2013"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on June 19, 2013; and

WHEREAS, the Mayor and Council of the Borough of Totowa on June 25, 2013 did accept the bid received for the Fire Truck called for and directed the Borough of Totowa Fire Chief and Municipal Attorney to review same; and

WHEREAS, the lone bid was submitted by P.L. Custom Body & Equipment Co. Inc., 2201 Atlantic Avenue, Manasquan, New Jersey 08736 for a 2012 International 4400, Rescue 1, Heavy Duty Rescue Truck in the amount of Two Hundred Eight-One Thousand Eight Hundred Forty-Four and 00/100 Dollars (\$281,844.00) with delivery of the vehicle to be provided within forty-five (45) days from receipt of a contract; and

WHEREAS, the low bid contained numerous exceptions to the specifications; and

WHEREAS, the Borough of Totowa Fire Chief and Municipal Attorney have reviewed the bid and the Borough of Totowa Fire Chief has recommended the bid be rejected for failing to meet the technical requirements of the Borough of Totowa Fire Department which specified a Heavy Duty Fire Truck vehicle to be new custom built and delivered to Fire Rescue Company No. 4 upon completion of construction; and

WHEREAS, the Mayor and Council desire to reject the low bid submitted by P.L. Custom Body & Equipment Co. Inc. for the safety vehicle for the aforementioned reason.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby reject the sole bid of by P.L. Custom Body & Equipment Co. Inc.

COMMITTEE ON PUBLIC WORKS:

There was no report.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Purchase And Delivery Of Two Pumps For The Borough Of Totowa Sewer Department. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 80-2013

RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF TWO PUMPS
FOR BOROUGH OF TOTOWA SEWER DEPARTMENT

WHEREAS, the Borough of Totowa Sewer Department Superintendent has advised the Mayor and Council of the Borough of Totowa that pumps for the William Place Pump Station and West End Pump Station are no longer working satisfactorily and both pumps must be replaced as soon as possible; and

WHEREAS, the William Place Pump Station and West End Pump Station service the residents of the Borough of Totowa by collecting sanitary sewerage waste from individual users throughout the municipality where it is processed and conveyed to the Passaic Valley Sewerage Commissioners located in Newark, New Jersey for proper treatment and disposal; and

WHEREAS, the Borough of Totowa Sewer Department Superintendent has recommended that the Borough of Totowa purchase a Chicago model replacement pump for the William Place Pump Station because it is compatible with the existing Pump Station equipment; and

WHEREAS, the Borough of Totowa Sewer Department Superintendent has recommended that the Borough of Totowa purchase a Yeoman's model replacement pump for the West End Pump Station because it is compatible with the existing Pump Station equipment; and

WHEREAS, Dave Heiner Associates, Inc., 3700 Route 46, Suite 102, Parsippany, New Jersey 07054, a local distributor of Chicago and Yeoman's Pump equipment, has submitted a proposal for the replacement pumps and related equipment in the amount of Thirty Thousand Two Hundred and 00/100 Dollars (\$30,200.00), 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 desire to authorize the purchase of this equipment for the William Place Pump Station and West End Pump Station for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1) (i), this replacement equipment constitutes an extraordinary, unspecifiable service that may be authorized by the Borough of Totowa 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 Dave Heiner Associates, Inc. for the purchase of a Chicago pump and Yeoman's pump and all related equipment for the William Place Pump Station and West End Pump Station respectively in the amount of Thirty Thousand Two Hundred and 00/100 Dollars (\$30,200.00).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Dave Heiner Associates, Inc. to provide the materials and perform the services set forth in their proposal.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Authorizing An Agreement Between The City Of Paterson, Department Of Health And Human Services, Division Of Health And The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 81-2013

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF PATERSON, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH AND THE BOROUGH OF TOTOWA

WHEREAS, the Mayor and Council of the Borough of Totowa desire to enter into a health care services with the City of Paterson, Department of Health and Human Services, Division of Health; and

WHEREAS, pursuant to the agreement, the City of Paterson, Department of Health and Human Services, Division of Health will furnish health care services of a technical and professional nature pursuant to N.J.S.A. 26:3A2-1, et seq. and N.J.S.A. 40A:65-1, et seq.; and

WHEREAS, these technical and professional services include but are not limited to public health administration, health education, public health nursing education promoting and providing immunization, tuberculosis control, sexually transmitted disease control and HIV/Aids prevention; and

WHEREAS, the total cost for the aforementioned technical and professional services is Nine Thousand Eight Hundred Eighty-Eight and 00/100 Dollars (\$9,888.00) for a twelve (12) month period; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to enter into this agreement with the City of Paterson, Department of Health and Human Services, Division of Health and memorialize the terms thereof.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into an agreement with the City of Paterson, Department of Health and Human Services, Division of Health for the furnishing of health services of a technical and professional nature pursuant to N.J.S.A. 26:3A2-1, et seq. and N.J.S.A. 40A:65-1, et seq.

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.

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Professional Planning Services For Amendments To Housing Element And Fair Share Plan. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 82-2013

RESOLUTION AUTHORIZING PROFESSIONAL PLANNING SERVICES FOR AMENDMENTS TO HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional planner to revise and update the Borough of Totowa's Housing Element and Fair Share Plan in accordance with the Council on Affordable Housing ("COAH") and New Jersey Department of Community Affairs ("DCA") regulations; and

WHEREAS, the Mayor and Council of the Borough of Totowa also desire the professional planner to attend work sessions with the Borough of Totowa Municipal Council and Planning Board and meet with Totowa's Zoning Officer in order to update and revise the existing Plan as necessary; and

WHEREAS, Kauker & Kauker, LLC, a limited liability company having its principal place of business at 356 Franklin Avenue, Wyckoff, New Jersey 07481, has submitted a proposal dated June 28, 2013 to provide the required planning services for a fee not to exceed the sum of 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 July 9, 2013 did examine the proposal submitted by Kauker & Kauker, LLC; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be authorized 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 Kauker & Kauker, LLC for professional planning services to revise and update the Borough of Totowa's Housing Element and Fair Share Plan in accordance with the most current COAH and DCA regulations 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 Kauker & Kauker, LLC to perform the professional services as set forth in their proposal.

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Release Of Performance Bond For Rachel Manor, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 83-2013

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND FOR RACHEL MANOR, LLC

WHEREAS, Rachel Manor Properties, LLC, formerly known as Rachel Manor at Totowa, LLC, (hereinafter "Rachel Manor"), 820 Morris Turnpike, Suite 301, Short Hills, New Jersey 07078, was the owner and applicant for the development of real property referred to as Jeremy Estates and identified as Block 9, Lots 17.01, 19 and 20 on the official tax map of the Borough of Totowa, Passaic County, New Jersey; and

WHEREAS, the original Major Subdivision application was approved by the Borough of Totowa Planning Board on August 23, 2001 and a Developer's Agreement was entered into on March 19, 2002 between the Borough of Totowa and Rachel Manor; and

WHEREAS, pursuant to the approvals granted and the terms of the Developer's Agreement, Rachel Manor was required to post a performance bond for the purpose of insuring proper construction at all on-site and off-site improvements; and

WHEREAS, in accordance with the Developer's Agreement, Rachel Manor posted a Performance Bond dated April 12, 2002 bearing No. B34219802 issued by Gulf Insurance Company, 125 Broad Street, New York, New York 10004, in the amount of \$984,000.00; and

WHEREAS, the developer has completed all work on the project and has requested a release of the Performance Bond posted as a guarantee for the subdivision improvements; and

WHEREAS, the Municipal Engineer had inspected the work completed to date and has recommended the release of the Performance Bond subject to the developer posting a required two (2) year maintenance bond in the amount of \$122,817.00 which represents 15% of the original construction cost for the project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the release of the Performance Bond submitted by Rachel Manor referred to as Jeremy Estates subject to the posting of a two (2) year Maintenance Bond in the amount of \$122,817.00.

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

MAYOR'S APPOINTMENT

I, Mayor John Coiro do hereby appoint William Bucher
as a Board of Recreation Commissioner for an unexpired
term ending December 31, 2014

This is a Mayor's appointment and does not need Council consent or confirmation.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, 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. 10-2013

**A CAPITAL ORDINANCE AMENDING ORDINANCE NOS. 08-2012 AND 06-2013
APPROPRIATING AN ADDITIONAL \$7,100 FOR SEWER MAIN IMPROVEMENTS TO
BE UNDERTAKEN BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE AN
ADDITIONAL \$7,100 FROM A COMMUNITY DEVELOPMENT BLOCK GRANT**

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

There was a motion by Councilman Picarelli, 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 July 27, 2013 from 7:00 p.m.—11:59 p.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve the Raffle License Application Nos. 1722 & 1723 for Angels of Animals, Inc. for a Tricky Tray and Off-Premise 50/50, respectively, to be held on October 3, 2013 at The Bethwood. 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