

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

May 14, 2013

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

ABSENT: Councilman Anthony Picarelli.

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.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to dispense with the regular order of business in order to hold a public hearing on Ordinance No. 05-2013 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 05-2013 has been advertised for public hearing for Tuesday, May 14, 2013.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 05-2013.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 05-2013.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 05-2013 by title:

ORDINANCE NO. 05-2013

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 153 ENTITLED "BUILDING CONSTRUCTION"**

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 05-2013 on second and final reading. 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 revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

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

Councilman Waryas: Thanked the town, neighbors, DPW, Police and Fire Departments for all their help with the Library circus fundraiser, even though the weather wasn't great.

Councilwoman Fontanella: Congratulated her running mate Anthony Picarelli who graduated from Law School today.

Councilwoman Andriani: Reminded everyone that summer camp and pool registrations will be held on May 17th & 23rd at the Library.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: 1) Said he thought that the circus was excellent, with the clean-up of the grounds and also for the efforts of the Police and Firemen during the event; 2) Stated that the DPW cleared some brush and bushes by his yard and did an excellent job; 3) Commented that on Union Boulevard by the cemetery there are two utility poles with power and phone lines that are busted at the bottom and asked when will they be fixed. Councilman Waryas: Advised him that once we receive a call on this we report it to PSE&G right away. Fire Chief Vince Marciano: Reported that the power portion (PSE&G) is done and now it is just cable and phone service that still needs to be repaired.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of April 23, 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 Councilwoman Fontanella to approve Resolution No. 2013-11 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to appoint Elaine Reddin as Tax Collector. 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 Elaine Reddin as Tax Collector for a term on one year
expiring on December 31, 2013.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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 Councilwoman Fontanella to adopt Resolution No. 57-2013 Resolution Re: Establishing Emergency Temporary Budget Appropriations For 2013. 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 adopt Resolution No. 58-2013 Resolution Re: Resolution To Amend The 2013 Municipal Budget. 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 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 State Tax Court judgments to reduce the evaluation on the following.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer is authorized to refund these amounts.

<u>Block</u>	<u>Lot</u>	<u>Property/Owner</u>	<u>Payable to</u>	<u>Year</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
170.02	9	111 MALTESE DRIVE VINCES DEVELOPMENT,LLC	"TRUST FUND OF HARRY HAUSHALTER" HARRY HAUSHALTER ATTORNEY AT LAW LEXINGTON SQ. COMMONS 2119 ROUTE # 33 SUITE A HAMILTON SQ., NJ 08690	2011	3,906,400	3,410,000	\$9,754.26
170.02	9	111 MALTESE DRIVE VINCES DEVELOPMENT,LLC	"TRUST FUND OF HARRY HAUSHALTER" HARRY HAUSHALTER ATTORNEY AT LAW LEXINGTON SQ. COMMONS 2119 ROUTE #33 SUITE A HAMILTON SQ., NJ 08690	2012	3,906,400	3,100,000	\$16,611.84
						TOTAL CHECK	\$26,366.10
170.01	1	77 WEST END ROAD R-J REALTY CO.L.P.	"DANIEL G. KEOUGH, TRUSTEE" VENTURA, MIESOWITZ, KEOUGH & WARNER COUNSELLORS AT LAW 783 SPRINGFIELD AVENYE SUMMIT,NJ 07901-2332	2009	3,120,500	2,880,000	\$3,896.10

170.01	1	77 WEST END ROAD R-J REALTY CO.L.P.	"DANIEL G. KEOUGH, TRUSTEE" VENTURA,MIESOWITZ, KEOUGH & WARNER COUNSELLORS AT LAW 783 SPRINGFIELD AVENUE SUMMIT, NJ 07901-2332	2010	3,120,500	2,520,000	\$10,256.54
						TOTAL CHECK	\$14,152.64
170.01	3	33 WEST END ROAD MORGAN DEMARCO,LLC	"DANIEL G. KEOUGH, TRUSTEE" VENTURA, MIESOWITZ, KEOUGH, & WARNER COUNSELLORS AT LAW 783 SPRINGFIELD AVENUE SUMMIT, NJ 07901-2332	2009	1,140,300	1,000,000	\$2,272.86
170.01	3	33 WEST END ROAD MORGAN DEMARCO	"DANIEL G. KEOUGH, TRUSTEE" VENTURA, MIESOWITZ, KEOUGH & WARNER COUNSELLORS AT LAW 783 SPRINGFIELD AVENUE SUMMIT, NJ 07901-2332	2010	1,140,300	901,500	\$4,078.70
						TOTAL CHECK	\$6,351.56

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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

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
16	11	31 LINCOLN AVENUE MIGUEL & ANNETTE PEREZ	CORELOGIC REAL ESTATE TAX SERVICE	\$1,549.12

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 D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing Coffey & Associates To Pursue Insurance Claims In Connection With The Passaic River Litigation (NJDEP v. Occidental Chemical Corporation, et al., Docket No. ESX-L-9868-05). On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 59-2013

RESOLUTION AUTHORIZING COFFEY & ASSOCIATES TO PURSUE INSURANCE CLAIMS IN CONNECTION WITH THE PASSAIC RIVER LAWSUIT (NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION V. OCCIDENTAL CHEMICAL CORPORATION, ET AL., DOCKET NO. ESX-L-9868-05)

WHEREAS, certain claims have been asserted against the Borough of Totowa (the "Borough") in the action entitled New Jersey Department of Environmental Protection v. Occidental Chemical Corporation, et al., Docket No. ESX-L-9868-05 pending in the Superior Court of New Jersey, Essex County (the "Passaic River Litigation") regarding alleged environmental contamination at the Newark Bay Complex ("Newark Bay Complex"); and

WHEREAS, certain Third-Party Defendant Municipalities and municipal utilities authorities, including the Borough of Totowa, are members of a group known as the Municipal Joint Defense Group in the Litigation; and

WHEREAS, the Municipal Joint Defense Group on behalf of its members engaged in settlement negotiations with the State of New Jersey (State "Plaintiffs") towards the resolution of the Litigation through the entry of a Consent Judgment; and

WHEREAS, the parties have substantially settled the Litigation and entered into a Consent Judgment; and

WHEREAS, by Resolution No. 30-2013 dated March 12, 2013, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa's participation in the settlement and authorized the appropriation of the payment of settlement funds in the sum of \$95,000.00; and

WHEREAS, the Borough of Totowa has incurred and continues to incur significant legal and transactional fees since being named as a Third-Party Defendant in the Passaic River Litigation in February of 2009; and

WHEREAS, the firm of Coffey & Associates, 310 South Street, Morristown, New Jersey 07960 has submitted a letter proposal and fee arrangement dated May 2, 2013 wherein the law firm will pursue claims against insurance carriers for recovery of defense and indemnity costs associated with the Passaic River Litigation on behalf of the Borough of Totowa, 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 pursue recovery and reimbursement for the whole or any portion of the Settlement Funds, legal and transactional costs incurred to date in the Passaic River Litigation from any insurance carrier(s) identified now or in the future; 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 the law firm of Coffey & Associates to perform the professional services set forth in their proposal to pursue claims on behalf of the Borough of Totowa against insurance carriers for recovery of defense and indemnity costs associated with the Passaic River Litigation.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Coffey & Associates to perform the professional services as set forth in their proposal.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Waryas to reject the bids for the Purchase and Delivery of One Light Tower for Borough of Totowa Fire Rescue Company No. 4. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of the Committee, there was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following resolution to reject the bids. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 60-2013

RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE PURCHASE AND
DELIVERY OF ONE LIGHT TOWER FOR THE BOROUGH OF TOTOWA
FIRE RESCUE COMPANY NO. 4

WHEREAS, the Borough of Totowa has applied for and received a Federal Assistance to Firefighters Grant from the U.S. Department of Homeland Security and Federal Emergency Management Agency (“FEMA”); and

WHEREAS, the purpose of the grant is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

WHEREAS, the Borough of Totowa intends to use a portion of the grant funds to purchase a new Light Tower to be installed on a vehicle from the Borough of Totowa Fire Department fleet for Fire Rescue Company No. 4, 22 Mitchell Avenue, Totowa, New Jersey; 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 Light Tower for the Borough of Totowa Fire Department, Fire Rescue Company No. 4, County of Passaic, New Jersey 2013”; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on May 8, 2013; and

WHEREAS, the Mayor and Council of the Borough of Totowa on May 14, 2013 did examine all bids for the safety equipment called for; and

WHEREAS, the low bid was submitted by AAA Emergency Supply Co., Inc., 635 N. Broadway, White Plains, New York, 10603 in the amount of Four Thousand Two Hundred Eighty-Two and 00/100 Dollars (\$4,282.00); and

WHEREAS, the low bidder failed to submit the Consent of Surety as required in the specifications in accordance with N.J.S.A. 40A:11-22; and

WHEREAS, the remaining two (2) bids submitted by Absolute Fire Protection Company, Inc., 2800 Hamilton Boulevard, South Plainfield, New Jersey 07080 in the amount of Thirteen Thousand Five Hundred Ninety-Eight and 00/100 Dollars (\$13,598.00) and First Priority Emergency Vehicles, Inc., 2444 Ridgeway Boulevard, Manchester, New Jersey 08759 in the amount of Eighteen Thousand Seven Hundred and 00/100 Dollars (\$18,700.00) exceed the grant funds allocated for this purchase; and

WHEREAS, the Mayor and Council desire to reject all of the bids received for this equipment for the aforementioned reasons and authorize the public rebidding of this equipment.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby reject the bids received for the Light Tower for the Borough of Totowa Fire Department and authorize the public rebidding of one Light Tower for the Borough of Totowa Fire Rescue Company No. 4.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to reject the bids for the Purchase and Delivery of 80 Bailout Systems for the Borough of Totowa Fire Department. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of the Committee, there was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following resolution to reject the bids. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 61-2013

RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE PURCHASE AND DELIVERY OF EIGHTY (80) BAILOUT SYSTEMS FOR THE BOROUGH OF TOTOWA FIRE DEPARTMENT

WHEREAS, the Borough of Totowa has applied for and received a Federal Assistance to Firefighters Grant from the U.S. Department of Homeland Security and Federal Emergency Management Agency ("FEMA"); and

WHEREAS, the purpose of the grant is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

WHEREAS, the Borough of Totowa intends to use a portion of the grant funds to purchase a eighty (80) Bailout Systems for the Borough of Totowa Fire Department; and

WHEREAS, the Bailout Systems are personal safety/escape systems that are worn by firefighters and the specifications for this equipment also includes training instruction; 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 Eighty (80) Complete RIT Pocket Pack P.R.E.S.S. AL Systems or Approved Equivalent for the Borough of Totowa Fire Department, County of Passaic, New Jersey 2013"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on May 8, 2013; and

WHEREAS, the Mayor and Council of the Borough of Totowa on May 14, 2013 did examine all bids for the safety equipment called for; and

WHEREAS, the low bid was submitted by AAA Emergency Supply Co., Inc., 635 N. Broadway, White Plains, New York, 10603 in the amount of Fifty-Five Thousand Two Hundred and 00/100 Dollars (\$55,200.00); and

WHEREAS, the low bidder failed to submit the Consent of Surety as required in the specifications in accordance with N.J.S.A. 40A:11-22; and

WHEREAS, the remaining bid submitted by Firefighter One LLC, 26 Gail Court, Suite 1, Sparta, New Jersey 07871 in the amount of Sixty-Three Thousand Four Hundred Seventy-Two and 00/100 Dollars (\$63,472.00) exceeds the grant funds allocated for this purchase; and

WHEREAS, the Mayor and Council desire to reject all of the bids received for this equipment for the aforementioned reasons and authorize the public rebidding of this equipment.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby reject the bids received for the eighty (80) Bailout Systems for the Borough of Totowa Fire Department and authorize the public rebidding of eighty (80) Bailout Systems for the Borough of Totowa Fire Department.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Waryas, seconded by Councilman Puglise to adopt the following Resolution Awarding Contract For The Lincoln Avenue Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 62-2013

RESOLUTION AWARDING CONTRACT FOR THE LINCOLN AVENUE IMPROVEMENTS

WHEREAS, the Borough of Totowa has received a grant from the New Jersey Department of Transportation under the Transportation Trust Fund for improvements on a section of Lincoln Avenue including the installation of drainage improvements, the milling and resurfacing of the roadway, installation of ADA complaint curb ramps and associated site improvements; and

WHEREAS, by Resolution No. 66-2012 dated May 8, 2012, the Mayor and Council of the Borough of Totowa authorized the Borough's Municipal Engineer, Richard A. Alaimo Engineering Associates, to provide the design, bid assistance and construction supervision services for the Lincoln Avenue Improvements project; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Borough of Totowa, NJDOT Municipal Aid Program, Lincoln Avenue Improvements, Contract No. 2012-4"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on April 16, 2013; and

WHEREAS, the apparent low bid was submitted by Stanziale Construction, LLC, P.O. Box 2597, Bloomfield, New Jersey 07003 in the amount of One Hundred Seventy-Two Thousand Eight Hundred Ninety-One and 00/100 Dollars (\$172,891.00), a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, Stanziale Construction, LLC submitted a letter dated April 19, 2013 requesting to withdraw their bid pursuant to N.J.S.A. 40A:11-23.3 and stipulated in the letter that their bid proposal contained a grievous mistake that would cause financial hardship if they were forced to continue with the project; and

WHEREAS, pursuant to Resolution No. 54-2013 dated April 23, 2013, the Mayor and Council of the Borough of Totowa granted the request of Stanziale Construction, LLC to withdraw their bid for the Lincoln Avenue Improvements and authorized the return of the bid guarantee to the bidder; and

WHEREAS, the low bidder is now Mark Paving Company, Inc., 77 Gutters Dock Road, Woodbridge, New Jersey 07095 with a bid in the amount of Two Hundred Eleven Thousand Three Hundred Thirty-Six and 95/100 Dollars (\$211,336.95), 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 Mark Paving Company, Inc. 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 Mark Paving Company, Inc. for the Lincoln Avenue Improvements as the lowest responsible bid for the total sum of Two Hundred Eleven Thousand Three Hundred Thirty-Six and 95/100 Dollars (\$211,336.95).

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.

BE IT FURTHER RESOLVED, that the award of this contract is subject to the approval of the New Jersey Department of Transportation.

There was a motion by Councilman Waryas, seconded by Councilman Puglise to adopt the following Resolution Authorizing Emergency Water Main Repair On Dewey Avenue. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 63-2013

RESOLUTION AUTHORIZING EMERGENCY WATER MAIN REPAIRS
ON DEWEY AVENUE

WHEREAS, a water main break occurred on the lower portion of Dewey Avenue on April 23, 2013 disrupting water service to the residents living on Dewey Avenue and the surrounding streets; and

WHEREAS, the Borough of Totowa's Interim Superintendent of the Department of Public Works (DPW") and Water Operator were both present at the site of the water main break and verbally advised the Mayor and Council of the Borough of Totowa of the need to quickly repair the broken water main; and

WHEREAS, this situation adversely affected the public health, safety and welfare of the residents of the Borough of Totowa residing in the Dewey Avenue neighborhood and required the immediate repair of the water main and installation of new piping; and

WHEREAS, F. Antonucci & Sons, Inc., 283 Edmund Avenue, Paterson, New Jersey 07502 provided the necessary emergency repair services on April 23, 2013 which included supplying his crew and all equipment to excavate at the break site; removing and disposing of all asphalt and wet, muddy soil; removing a ten (10') foot section of broken pipe and installing a new pipe; and supplying and installing RCA stone to fill the hole at the break site; and

WHEREAS, F. Antonucci & Sons, Inc. has submitted an invoice for the emergency repairs in the amount of Seven Thousand Two Hundred Fifty and 00/100 Dollars (\$7,250.00); a copy of which is on file in the office of the Municipal Clerk; and

WHEREAS, the Interim DPW Superintendent for the Borough of Totowa and Water Operator have reviewed the invoice and recommended that the Borough of Totowa authorize payment for the necessary emergency repairs; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the emergency repairs to the Dewey Avenue water main that were needed to protect the public health, safety and welfare of the residents of the Borough of Totowa; and

WHEREAS, pursuant to the applicable New Jersey State laws, the authorization of these emergency repair services may be awarded without public bidding; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment for the emergency repairs performed by F. Antonucci & Sons, Inc. on Dewey Avenue.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the invoice submitted by F. Antonucci & Sons, Inc. for the repair of the water main located on Dewey Avenue in the amount of Seven Thousand Two Hundred Fifty and 00/100 Dollars (\$7,250.00).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to F. Antonucci & Sons, Inc. for providing the materials and performing the emergency repair services as set forth in their invoice.

A letter from Totowa Public Library Director Anne Krautheim thanking Interim Superintendent Jim Niland and the DPW, specifically Mike Baron and Steve Filan for their assistance with various projects was received and filed, with copies to be placed in their respective personnel jackets.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was no report.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Waryas to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into A Memorandum Of Understanding For The Joint Purchase Of A Lightning Detection System. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 64-2013

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING FOR THE JOINT PURCHASE OF A
LIGHTNING DETECTION SYSTEM

WHEREAS, the Borough of Little Falls, Borough of Totowa, Borough of Woodland Park and Passaic Valley Regional High School desire to jointly obtain a Lightning Detection System that will be utilized by all four (4) entities at their respective recreational fields; and

WHEREAS, the Lightning Detection System consists of a lightning sensor (sensor equipment) to be located at a central location and outdoor remote sirens (notification equipment) that will be located at the various recreational fields; and

WHEREAS, the Lightning Detection System may be purchased from Commercial Recreation Specialists, 415 Investment Court, Verona, Wisconsin 53593 pursuant to New Jersey State Contract No. T10103; and

WHEREAS, the total cost of the sensor system is Nineteen Thousand Four Hundred Nineteen and 85/100 Dollars (\$19,419.85) and the entities agree to equally share the cost of the sensor system in the amount of Four Thousand Eight Hundred Fifty-Four and 96/100 Dollars (\$4,854.96) and own same jointly for the duration of the Agreement; and

WHEREAS, the purchase, cost and ownership of the notification equipment for each entity shall be made by each individual entity; and

WHEREAS, the cost of the sensor system shall include a three (3) year extended warranty and each entity shall be responsible for the maintenance of their individually owned notification equipment; and

WHEREAS, the Borough of Woodland Park shall assume the role of lead agency to make the purchase of the sensor equipment and it shall be located at the Woodland Park DPW, 1 Browertown Road, Woodland, Park, New Jersey; and

WHEREAS, the Borough of Woodland Park shall be responsible for the maintenance of the sensor equipment and shall purchase warranty coverage beyond the initial three (3) year period at its discretion and all costs shall be borne equally by the four (4) entities; and

WHEREAS, the four (4) entities shall enter into a Memorandum of Agreement memorializing the above terms for the joint purchase of the Lightning Detection System; and

WHEREAS, the Agreement shall remain in effect through December 31, 2023 and is subject to renewal at the joint discretion of the entities.

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 a Memorandum of Agreement with the Township of Little Fall, Borough of Woodland Park and Passaic Valley Regional High School for the joint purchase of a Lightning Detection System

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 Waryas to adopt the following Resolution Authorizing Developer's Agreement Between The Borough Of Totowa And Digital Totowa, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 65-2013

RESOLUTION AUTHORIZING A DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF TOTOWA AND DIGITAL TOTOWA, LLC

WHEREAS, Digital Totowa, LLC is the owner of real property commonly known and designated as Block 173, Lot 17 on the official Tax and Assessment Map of the Borough of Totowa and is located at 701 Union Boulevard in the I-3 Restricted Industry District; and

WHEREAS, Digital Totowa, LLC has filed an application for development with the Borough of Totowa Planning Board for preliminary and final site plan approval for the 701 Union Boulevard property; and

WHEREAS, Digital Totowa, LLC intends to raze the existing 272,000 square foot building along with all other improvements on the property and construct two new data centers inclusive of a two-story office space for one of the buildings; and

WHEREAS, the Borough of Totowa Planning Board at its public meetings held on April 11, 2013, April 25, 2013 and May 9, 2013 granted preliminary and final site plan approval for the application filed by Totowa Digital, LLC for the 701 Union Boulevard property, subject to certain conditions and restrictions; and

WHEREAS, one of the conditions of the approval granted by the Borough of Totowa Planning Board was the requirement that Totowa Digital, LLC enter into a Developer's Agreement with the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa Municipal Attorney to prepare a Developer's Agreement between the Borough of Totowa and Digital Totowa, LLC.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Andriani, seconded by Councilman Puglise 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. 06-2013

A CAPITAL ORDINANCE AMENDING ORDINANCE NO. 08-2012 APPROPRIATING AN ADDITIONAL \$40,000 FOR THE LINCOLN AVENUE IMPROVEMENTS TO BE UNDERTAKEN BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE AN ADDITIONAL \$40,000 FROM THE CAPITAL IMPROVEMENT FUND

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

There was a motion by Councilwoman Andriani, seconded by Councilman Puglise 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. 07-2013

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 415 ENTITLED "ZONING AND LAND USE", PART 4, "ZONING"

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