

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

December 23, 2014

PRESENT: Mayor John Coiro, presiding, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman Brendan Murphy, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

ABSENT: Council President Phil Puglise.

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.

Mayor Coiro: Announced that since this is the last meeting of the calendar year, it is also the last meeting for Councilman Murphy and thanked him for filling in for Councilman John Waryas. Councilman Murphy: Said thank you for the opportunity, it's been an honor.

Municipal Attorney Corrado advised the attorneys for Gaeta Recycling and Bella Carting that if they wished to address the Council before we get to the agenda item for the Recycling Collection Services, now would be the time to do it.

CITIZENS HEARD:

Richard Trenk: Said that he represents Gaeta Recycling, Inc., and in regard to the bids, said there are some very basic flaws in that Bella is not the lowest responsible bidder because they don't have the proper equipment or experience necessary to carry out this contract. Municipal Attorney Corrado: Asked many questions with owner Anthony Gaeta and Mr. Trenk responding and a conversation ensued.

John Ambrosio: Stated that he represents Bella Carting and said first of all let me make it very clear that my client will not be using roll off containers and on the day the bid was opened his client had two packer trucks and currently has four packers. Said that he only needs one packer to carry out this contract. Municipal Attorney Corrado: Asked questions about Bella's experience in municipal work with owner Ben Raabe and Mr. Ambrosio responding and a conversation ensued.

Mayor Coiro: Thanked everyone for their input.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve the Minutes of the Mayor and Council for the meeting of December 9, 2014. 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. 2014-27 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 adopt the following resolution to effectuate the redemption of Tax Sale Certificate #14-00001 for 191 Washington Place, Block 110, Lot 9. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #14-00001
Block 110, Lot 9
PROPERTY: 191 Washington Place
Totowa, N.J. 07512
OWNER: Santana, Fernando

WHEREAS, at the Municipal Tax Sale on October 23, 2014, a lien was sold on Block 110, Lot 9 also known as 191 Washington Place in Totowa, for 2013 delinquent taxes and water; and

WHEREAS, this lien known as Tax Sale Certificate #14-00001, was sold to DGP Capital LLC, for 0% redemption fee and a \$14,000 premium; and

WHEREAS, Attorney Julieth A. Rios and Main Street Title, on behalf of their clients Fernando & Amada Santana, has effected redemption of Certificate #14-00001 in the total amount of \$15,387.77 as of 12/23/14.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of 15,387.77 payable to DGP Capital, LLC for the redemption of Tax Sale Certificate #14-00001.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$14,000 (premium) to the aforementioned Lien Holder.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution to effectuate the redemption of Tax Sale Certificate #14-00002 for 111 Maltese Drive, Block 170.02, Lot 9. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #14-00002
Block 170.02, Lot 9
PROPERTY: 111 Maltese Drive
Totowa, N.J. 07512
OWNER: Vinces Development LLC

WHEREAS, at the Municipal Tax Sale on October 23, 2014, a lien was struck off to the Municipality of Totowa on Block 170.02, Lot 9 also known as 111 Maltese Drive in Totowa, for 2013 delinquent water; and

WHEREAS, Main Street Title, on behalf of Vinces Development, LLC has effected redemption of Certificate #14-00002 in the total amount of \$20,286.14, for water and taxes included.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Municipality of Totowa are hereby authorized to endorse Certificate of Sale #14-00002 for cancellation.

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution to award the contract for Solid Waste Collection Services. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 112-2014

RESOLUTION AWARDING CONTRACT FOR SOLID WASTE
COLLECTION SERVICES FOR THE BOROUGH OF TOTOWA

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for residential and municipal solid waste collection services in accordance with its specifications entitled "Specifications and Proposal for Solid Waste Collection Services in the Borough of Totowa, County of Passaic, New Jersey 2014"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on December 3, 2014; and

WHEREAS, the Mayor and Council of the Borough of Totowa on December 23, 2014 did examine all bids for the collection services called for in the specifications; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the lowest responsible bid was submitted by B & B Disposals, LLC, 470 Hillside Avenue, Hillside, New Jersey 07205 with a bid in the amount of Two Hundred Forty-Three Thousand and 00/100 Dollars (\$243,000.00) for the period of January 1, 2015 through December 31, 2015; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by B & B Disposals, 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 B & B Disposals, LLC for solid waste collection services for the total sum of Two Hundred Forty-Three Thousand and 00/100 Dollars (\$243,000.00) for the period of January 1, 2015 through December 31, 2015; and

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.

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution to award the contract for Solid Waste Disposal Services. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 113-2014

RESOLUTION AWARDING CONTRACT FOR SOLID WASTE
DISPOSAL SERVICES FOR THE BOROUGH OF TOTOWA

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for residential and municipal solid waste disposal services in accordance with its specifications entitled "Specifications and Proposal for Solid Waste Disposal Services in the Borough of Totowa, County of Passaic, New Jersey 2014"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on December 3, 2014; and

WHEREAS, the Mayor and Council of the Borough of Totowa on December 23, 2014 did examine all bids for the disposal services called for in the specifications; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the lowest responsible bid was submitted by Advanced Enterprises Recycling, Inc., an EnviroSolutions, Inc. Company, 540 Doremus Avenue, Newark, New Jersey 07105 with a bid in the amount of Sixty-Eight and 33/100 Dollars (\$68.33) per ton for the period of January 1, 2015 through December 31, 2019; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Advanced Enterprises Recycling, Inc., an EnviroSolutions, Inc. Company 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 Advanced Enterprises Recycling, Inc., an EnviroSolutions, Inc. Company for solid waste disposal services for the total sum of Sixty-Eight and 33/100 Dollars (\$68.33) per ton for the period of January 1, 2015 through December 31, 2019; and

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.

Mayor Coiro recommended that the Council recess to executive session before considering the bids for Recycling Collection Services. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution to recess to executive session to review the bids submitted and consider the arguments presented for the Recycling Collection Services. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 114-2014

WHEREAS, pursuant to N.J.S.A. 10:4-1 et seq. the Open Public Meetings Act, the Governing Body of a municipality may exclude the public from a portion of a meeting; and

WHEREAS, prior to the exclusion of the public from a portion of the meeting the Governing Body shall first adopt a resolution at a meeting to which the public shall be admitted; and

WHEREAS, pursuant to N.J.S.A. 10:4-12 b.(7) the Governing Body of a municipality may exclude the public from that portion of a meeting in which the Governing Body discusses pending or anticipated litigation or contract negotiation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that they go into Executive session to discuss pending or anticipated litigation or contract negotiation.

BE IT FURTHER RESOLVED, that the matters discussed in Executive session will be made public upon the resolution of the items(s) discussed.

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution to reject the low bid for Recycling Collection Services. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 115-2014

RESOLUTION REJECTING LOW BID FOR THE COLLECTION AND
TRANSPORTATION OF RECYCLABLE MATERIALS
FOR THE BOROUGH OF TOTOWA

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for collection and transportation services for residential and municipal recyclable materials in accordance with its specifications entitled "Specifications and Proposal for Collection and Transportation of Recyclable Materials in the Borough of Totowa, County of Passaic, New Jersey 2014"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on December 4, 2014; and

WHEREAS, the apparent lowest bid was submitted by Bella Cleaning & Carting, LLC, 9 Prospect Street, Ridgewood, New Jersey 07450 with a bid in the amount of \$75,120.00 for a one (1) year term effective January 1, 2015 to December 31, 2015; \$232,570.00 for a three (3) year term effective January 1, 2015 to December 31, 2017 and \$384,100.00 for a five (5) year term effective January 1, 2015 to December 31, 2019; and

WHEREAS, a formal objection to the bid submitted by Bella Cleaning & Carting, LLC was filed with the Borough of Totowa on December 9, 2014 by Gaeta Recycling Co., Inc., 278 Railway Avenue, Paterson, New Jersey 07503, 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 December 23, 2014 did examine all bids for the collection and transportation services called for in the specifications; and

WHEREAS, attorneys for both Bella Cleaning & Carting, LLC and Gaeta Recycling Co., Inc, appeared before the Mayor and Council of the Borough of Totowa during the public portion of the December 23, 2014 meeting and were give the opportunity to address the formal objection filed in regard to bid submitted by Bella Cleaning & Carting, LLC; and

WHEREAS, after a thorough review of the bid submitted by Bella Cleaning & Carting, LLC and consideration of the arguments presented by counsel for both vendors, the Mayor and Council of the Borough of Totowa have determined that the bid does not meet the definition and requirements of a Responsible Bidder as set forth in N.J.S.A. 40A:11-2(32) in that it lacks the required experience in curbside collection and has not been actively engaged in the business of the collection and transportation of residential and municipal recyclable materials for a reasonable period of time as required by the specifications; and

WHEREAS, the Mayor and Council of the Borough of Totowa further found that Bella Cleaning & Carting, LLC did not have adequate vehicles for the twice per month collection of the recyclable materials as defined in the specifications; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the lowest bid submitted by Bella Cleaning & Carting, LLC should not be accepted as the lowest responsible bid and shall be rejected by the governing body.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby reject the bid submitted by Bella Cleaning & Carting, LLC for the collection and transportation of residential and municipal recyclable materials for the Borough of Totowa as being non-responsible for the aforementioned reasons.

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution to award the contract for Recycling Collection Services. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 116-2014

RESOLUTION AWARDING CONTRACT FOR THE COLLECTION AND TRANSPORTATION OF RECYCLABLE MATERIALS FOR THE BOROUGH OF TOTOWA

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for collection and transportation services for residential and municipal recyclable materials in accordance with its specifications entitled "Specifications and Proposal for Collection and Transportation of Recyclable Materials in the Borough of Totowa, County of Passaic, New Jersey 2014"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on December 4, 2014; and

WHEREAS, the Mayor and Council of the Borough of Totowa on December 23, 2014 did examine all bids for the collection and transportation services called for in the specifications; and

WHEREAS, by Resolution No. 115-2014 dated December 23, 2014, the Mayor and Council of the Borough of Totowa determined that the low bid submitted by Bella Cleaning & Carting, LLC, 9 Prospect Street, Ridgewood, New Jersey 07450 did not meet the definition and requirements of a Responsible Bidder as set forth in N.J.S.A. 40A:11-2(32) and rejected same as being non-responsible; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the lowest responsible bid was submitted by Gaeta Recycling Co., Inc., 278 Railway Avenue, Paterson, New Jersey 07503 with a bid in the amount of \$103,800.00 for the period of January 1, 2015 through December 31, 2015; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Gaeta Recycling Co., 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 Gaeta Recycling Co., Inc. for the collection and transportation of residential and municipal recyclable materials for the Borough of Totowa for the sum of \$103,800.00 for the period of January 1, 2015 through December 31, 2015.

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 Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing Reimbursement For 2012 Lighting And Garbage Removal Costs To Falls Bridge Meadows Condominium Association Pursuant To The Municipal Services Act. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 117-2014

RESOLUTION AUTHORIZING REIMBURSEMENT FOR 2012 LIGHTING AND GARBAGE REMOVAL COSTS TO FALLS BRIDGE MEADOWS CONDOMINIUM ASSOCIATION PURSUANT TO THE MUNICIPAL SERVICES ACT

WHEREAS, in accordance with New Jersey's Municipal Services Act, the Borough of Totowa is required to either perform certain specified services for qualified private communities or to reimburse these communities in accordance with the statute; and

WHEREAS, Falls Bridge is a residential town house and condominium community located in the Borough of Totowa within which all of the roads located throughout the development are private; and

WHEREAS, Falls Bridge Meadows Condominium Association is a not-for-profit entity that operates and administers the general affairs of this qualified private community as defined by N.J.S.A. 40:67-23.2; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment to the Falls Bridge Meadows Condominium Association for costs incurred in 2012 for street lighting and garbage removal services in accordance with the provisions of the Municipal Services Act.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to the Falls Bridge Meadows Condominium Association for reimbursement of costs incurred in 2012 for street lighting and garbage removal services pursuant to the terms of the New Jersey Municipal Services

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing Reimbursement For 2013 Lighting And Garbage Removal Costs To Falls Bridge Meadows Condominium Association Pursuant To The Municipal Services Act. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 118-2014

RESOLUTION AUTHORIZING REIMBURSEMENT FOR 2013 LIGHTING AND GARBAGE REMOVAL COSTS TO FALLS BRIDGE MEADOWS CONDOMINIUM ASSOCIATION PURSUANT TO THE MUNICIPAL SERVICES ACT

WHEREAS, in accordance with New Jersey's Municipal Services Act, the Borough of Totowa is required to either perform certain specified services for qualified private communities or to reimburse these communities in accordance with the statute; and

WHEREAS, Falls Bridge is a residential town house and condominium community located in the Borough of Totowa within which all of the roads located throughout the development are private; and

WHEREAS, Falls Bridge Meadows Condominium Association is a not-for-profit entity that operates and administers the general affairs of this qualified private community as defined by N.J.S.A. 40:67-23.2; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment to the Falls Bridge Meadows Condominium Association for costs incurred in 2013 for street lighting and garbage removal services in accordance with the provisions of the Municipal Services Act.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to the Falls Bridge Meadows Condominium Association for reimbursement of costs incurred in 2013 for street lighting and garbage removal services pursuant to the terms of the New Jersey Municipal Services Act.

A letter was received from the employees at the Municipal Complex requesting permission to switch holidays for 2015. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve the change of Lincoln's Birthday, February 12th for the day after Thanksgiving, November 27th. On roll call vote, all members of the Council present voted in the affirmative.

A letter from the Happy Seniors thanking the Mayor and Council for their annual contribution was received and filed.

COMMITTEE ON PUBLIC SAFETY:

A letter from the Totowa Seniors thanking Police Chief Robert Coyle and Captain Scott Titus for taking them home from the Totowa Farmers Market on November 26, 2014 after the Senior Bus broke down was received and filed with copies to be placed in their personnel jackets.

A letter from resident Gilda Blair thanking Patrolman Gary Bierach for his assistance during a 911 call when she became ill on November 13, 2014 was received and filed with a copy to be placed in his personnel jacket.

There was a motion by Councilman Murphy, seconded by Councilwoman Fontanella to approve a fireman's application and authorize a fireman's physical for Jay W. Tempe for Riverview Park Fire Company. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Murphy, seconded by Councilwoman Fontanella to approve a Fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Anthony L. Marafino and Raphael B. Santiago for Riverview Park Fire Company and Zachary M. Zavattaro for Fire Rescue Company No. 4. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

A letter was received from DPW Superintendent Jim Niland requesting permission to switch holidays for 2015. There was a motion by Councilman Murphy, seconded by Councilman D'Angelo to approve the following changes: Lincoln's Birthday, February 12th for Monday, July 6th and Election Day, November 3rd for the day after Thanksgiving, November 27th. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from the Friends of the Totowa Library requesting permission to use the Municipal Parking Lots at the Municipal Complex for their "Trash to Treasure" spring fundraiser on Saturday, April 25, 2015 (rain date: Sunday, April 26, 2015) from 8:30 a.m. – 3:00 p.m. There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to grant permission. 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 approve Raffle License Application No. 1817 for Passaic Valley High School Op Grad 2015 for a Tricky Tray to be held on February 11, 2015 at The Barnyard & Carriage House. 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 Bingo License Application No. 1818 for the Totowa PAL for January through May 2015. 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 Raffle License Application No. 1819 for the Totowa PAL for their annual Pull Tab Raffle for 2015. 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 Raffle License Application No. 1820 for the BPOE #2111 Passaic Valley Elks for an On-Premise 50/50 to be held on January 17, 2015. On roll call vote, all members of the Council present voted in the affirmative.

There being no further business to come before the Council, there was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella that the meeting be adjourned. The next meeting will be the Reorganization Meeting on January 1, 2015 at 12:00 p.m. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk