

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

December 22, 2015

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilman Anthony Picarelli, Councilman William Bucher, Deputy Municipal Clerk Kathryn Wasilewski and Municipal Attorney Robert Corrado.

ABSENT: Councilwoman Debra Andriani and Municipal Clerk Joseph Wassel.

Mayor John Coiro called the meeting to order and asked the Deputy Municipal Clerk to call the roll.

Deputy Municipal Clerk Wasilewski recited the Prayer of the Meeting followed with the Pledge of Allegiance to the Flag with the public participating.

Mayor Coiro asked the Deputy Clerk to read the statement of the meeting.

The Deputy 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 Deputy Municipal Clerk or the Municipal Attorney wished to address the Council.

Councilman D'Angelo: Said that he attended the First Aid Squad Christmas party and it was very nice.

CITIZENS HEARD:

Mark Moon, the attorney representing Gaeta Recycling Co., Inc.: Stated that he doesn't think the Borough of Totowa should reject his clients' bid and rebid for Solid Waste

Collection. Said he believes that Gaeta is the lowest bidder and that the other bidder made a mistake and should be out by law. Municipal Attorney Corrado: Discussed the Borough's legally viable options.

Joe Puglise, 229 Totowa Road: Said that he has a complaint about the 3 foot high fence at the corner of 227 Totowa Road and Lewis Place because it obstructs the view. Also said that he had a petition of 17 names of people that agree. Construction Code Official Allan Burghardt: Stated that this fence was approved in 2006. Mayor Coiro: Remarked that we could have our engineer take a look at it.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to approve the Minutes of the Mayor and Council for the meeting of December 8, 2015. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2015-27 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 Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution To Rescind Resolution No. 131-2015. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 140-2015

RESOLUTION TO RESCIND RESOLUTION NO. 131-2015

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 2015"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on November 17, 2015; and

WHEREAS, the Mayor and Council of the Borough of Totowa on November 24, 2015 did examine all bids for the collection services called for in the specifications; and

WHEREAS, by Resolution No. 131-2015 dated November 24, 2015, the Mayor and Council of the Borough of Totowa awarded a contract to B & B Disposals, LLC, 470 Hillside Avenue, Hillside, New Jersey 07205 in the amount of Seven Hundred Fifty-Five Thousand and 00/100 Dollars (\$755,000.00) for the period of January 1, 2016 through December 31, 2018; and

WHEREAS, by letter dated November 25, 2015, an objection to the bid submitted by B and B Disposal, LLC was filed by the law office of Trenk, DiPasquale, Della Fera & Sodono, P.C., 347 Mt. Pleasant Avenue, Suite 300, West Orange, New Jersey 07052 on behalf of Gaeta Recycling Co., Inc., 278 Railway Avenue, Paterson, New Jersey 07503; and

WHEREAS, the objection asserted that the B & B Disposals, LLC bid failed to include a copy of its most recent Annual Report as required to be filed with the New Jersey Department of Environmental Protection (“DEP”) on or about June 1, 2015 in response to Question No. 13 contained in the specification’s Questionnaire; and

WHEREAS, B & B Disposals, LLC submitted a copy of their 2013 Annual Report with their bid package; and

WHEREAS, the Mayor and Council of the Borough of Totowa have reviewed the objection and determined that the failure of B & B Disposals, LLC to submit its Annual Report to the DEP on or about June 1, 2015 constitutes a material defect; and

WHEREAS, the failure of B & B Disposals, LLC to submit a copy of its 2014 Annual Report with its bid also constitutes a material defect which cannot be waived by the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa have further determined that the award of the contract to B & B Disposals, LLC should be rescinded.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby rescind Resolution No. 131-2015 dated November 24, 2015 awarding a contract to B & B Disposals, LLC for solid waste collection services for the total sum of Seven Hundred Fifty-Five Thousand and 00/100 Dollars (\$755,000.00) for the period of January 1, 2016 through December 31, 2018.

There was a motion by Councilman Picarelli, seconded by Councilman D’Angelo to adopt the following Resolution To Reject Remaining Bid Received For Solid Waste Collection And Authorize The Public Rebidding. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 141-2015

RESOLUTION TO REJECT REMAINING BID RECEIVED FOR SOLID WASTE
COLLECTION AND AUTHORIZE THE PUBLIC REBIDDING

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 2015"; and

WHEREAS, the Borough of Totowa did receive two bids at its Municipal Building on November 17, 2015; and

WHEREAS, the Mayor and Council of the Borough of Totowa on November 24, 2015 did examine all bids for the collection services called for in the specifications; and

WHEREAS, by Resolution No. 131-2015 dated November 24, 2015, the Mayor and Council of the Borough of Totowa awarded a contract to B & B Disposals, LLC, 470 Hillside Avenue, Hillside, New Jersey 07205 in the amount of Seven Hundred Fifty-Five Thousand and 00/100 Dollars (\$755,000.00) for the period of January 1, 2016 through December 31, 2018; and

WHEREAS, by letter dated November 25, 2015, an objection to the bid submitted by B & B Disposal, LLC was filed by the law office of Trenk, DiPasquale, Della Fera & Sodono, P.C., 347 Mt. Pleasant Avenue, Suite 300, West Orange, New Jersey 07052 on behalf of Gaeta Recycling Co., Inc., 278 Railway Avenue, Paterson, New Jersey 07503; and

WHEREAS, by Resolution No. 140-2015 dated December 22, 2015, the Mayor and Council of the Borough of Totowa disqualified the bid submitted by B & B Disposals, LLC for its failure to file its Annual Report with the New Jersey Department of Environmental Protection ("DEP") on or about June 1, 2015 and for submitting a copy of their 2013 Annual Report with their bid package; and

WHEREAS, also by Resolution No. 140-2015 dated December 22, 2015, the Mayor and Council of the Borough of Totowa rescinded Resolution No. 131-2015 dated November 24, 2015 awarding a contract to B & B Disposals, LLC for solid waste collection services; and

WHEREAS, the Mayor and Council of the Borough of Totowa after reviewing the remaining bid submitted by Gaeta Recycling Co., Inc. have determined that it exceeds the bid submitted by B & B Disposals, LLC by 5.9% for the one year option, 8.3% for the three option and 8.9% for the five year option and would also subject the Borough of Totowa to additional fees for solid waste collection services at Totowa's Falls Bridge and Riverview Gardens Condominium Complexes; and

WHEREAS, the Mayor and Council of the Borough of Totowa have further determined that the bid submitted by Gaeta Recycling Co., Inc substantially exceeds the anticipated costs for the solid waste collection services to be provided herein; and

WHEREAS, the Borough of Totowa has the express power during the public bidding process to award or reject all bids pursuant to N.J.S.A. 40A:11-24(a); and

WHEREAS, after careful review of all the facts, the Mayor and Council of the Borough of Totowa have determined that the remaining bid substantially exceeds its cost estimates for residential and municipal solid waste collection services for the Borough of Totowa and the decision to reject this bid is neither arbitrary or capricious; is free of fraud, collusion or bad faith; and is in the best interests of the residents of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to reject the remaining bid received for residential and municipal solid waste collection services for the aforementioned reasons and authorize the public rebidding of this Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby reject the remaining bid received for the residential and municipal solid waste collection services and authorize the public rebidding of these services for the Borough of Totowa.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution To Authorize First Amendment To Contract For Solid Waste Collection Extending Contract For Ninety Days. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 142-2015

RESOLUTION TO AUTHORIZE FIRST AMENDMENT TO CONTRACT FOR SOLID WASTE COLLECTION SERVICES EXTENDING CONTRACT FOR NINETY DAYS

WHEREAS, by Resolution No. 112-2014 dated December 23, 2014, the Mayor and Council of the Borough of Totowa awarded a contract to 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

WHEREAS, in anticipation of the contract terminating on December 31, 2015, 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 2015"; and

WHEREAS, the Mayor and Council of the Borough of Totowa on November 24, 2015 did examine all bids for the collection services called for in the specifications; and

WHEREAS, by Resolution No. 131-2015 dated November 24, 2015, the Mayor and Council of the Borough of Totowa awarded a contract to B & B Disposals, LLC, 470 Hillside Avenue, Hillside, New Jersey 07205 in the amount of Seven Hundred Fifty-Five Thousand and 00/100 Dollars (\$755,000.00) for the period of January 1, 2016 through December 31, 2018; and

WHEREAS, by letter dated November 25, 2015, an objection to the bid submitted by B & B Disposal, LLC was filed by the law office of Trenk, DiPasquale, Della Fera & Sodono, P.C., 347 Mt. Pleasant Avenue, Suite 300, West Orange, New Jersey 07052 on behalf of Gaeta Recycling Co., Inc., 278 Railway Avenue, Paterson, New Jersey 07503; and

WHEREAS, by Resolution No. 140-2015 dated December 22, 2015, the Mayor and Council of the Borough of Totowa disqualified the bid submitted by B & B Disposals, LLC for its failure to file its Annual Report with the New Jersey Department of Environmental Protection ("DEP") on or about June 1, 2015 and for submitting a copy of their 2013 Annual Report with their bid package and rescinded Resolution No. 131-2015 dated November 24, 2015 awarding a contract to B & B Disposals, LLC for solid waste collection services; and

WHEREAS, by Resolution No. 141-2014 dated December 22, 2015, that the Mayor and Council of the Borough of Totowa rejected the remaining bid received by Gaeta Recycling Co., Inc. for the residential and municipal solid waste collection services and authorized the public rebidding of these services for the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to continue to provide uninterrupted residential and municipal solid waste collection services for the residents of the Borough of Totowa; and

WHEREAS, the Mayor and Council further desire to extend the contract with B & B Disposals, LLC for solid waste collection services for a period of ninety days effective January 1, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize a first amendment to the contract between the Borough of Totowa and B & B Disposals, LLC for solid waste collection services for a period of ninety days effective January 1, 2016 subject to the existing terms and conditions.

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 PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to approve a fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Vincent A. Colavitti, Jr. for Volunteer Fire Company No. 1. On roll call vote, all members of the Council present voted in the affirmative.

A letter from Wayne resident Lynn A. Dolan thanking Patrolman Joseph Flynn and Patrolman Park Balloutine for their assistance when her car would not start after leaving Bed, Bath & Beyond was received and filed with a copy to be placed in their personnel jackets.

COMMITTEE ON PUBLIC WORKS:

There was no report.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to approve Payment Estimate No. 2 in the amount of \$11,760.00 to Envirocon, Inc. for the Municipal Complex Generator Project. 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 Authorizing The Vacation Of Maple Street. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 143-2015

RESOLUTION AUTHORIZING VACATION OF MAPLE STREET

WHEREAS, Sunset Ridge Development, LLC, has filed an application with the Borough of Totowa Board of Adjustment for the development of property identified on the official Tax Map of the Borough of Totowa as Lots 1, 2, 3, and 4 in Block 2 and Lots 1, 1.01, 3, 6, 7 and 8 in Block 3; and

WHEREAS, the applicant is proposing construction of a multi-story, multi-unit residential building with associated site improvements; and

WHEREAS, the noted Lots and Blocks are bisected by Maple Street, an unimproved right-of-way which the applicant would require to be vacated in order to complete the proposed project; and

WHEREAS, by letter dated November 12, 2015, Sunset Ridge Development, LLC submitted a request to the Mayor and Council to consider vacating the unimproved Maple Street right-of-way; and

WHEREAS, the Mayor and Council of the Borough of Totowa have referred the vacation request to the Borough of Totowa Municipal Engineer for a preliminary review; and

WHEREAS, the Engineer has reviewed the request to vacate Maple Street and has made the following comments and /or recommendations:

1. The vacation of the right-of-way will not create landlocked parcels. The submitted application proposes the consolidation of the referenced parcels into one lot.

2. In consideration of the proposed improvements, it would not be practical to establish any form of utility or access easement over the same area currently occupied by the right-of-way.

3. From an engineering perspective, the existing unimproved right-of-way does not provide a benefit to the Borough of Totowa.

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the existing unimproved right-of-way does not provide a benefit to the Borough of Totowa from a planning or engineering perspective; and

WHEREAS, the Mayor and Council desire to authorize the vacation of Maple Street.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby consent to and authorize the vacation of the unimproved Maple Street right-of-way subject to the following conditions:

1. The consent by the Mayor and Council of the Borough of Totowa to vacate the unimproved Maple Street right-of-way will not obligate the Borough of Totowa Board of Adjustment to approve the requested site plan approval and requested variances for the proposed use of the consolidated property by Sunset Ridge Development, LLC.

2. The vacation of the unimproved Maple Street right-of-way is contingent upon Site Plan approval being granted to Sunset Ridge Development, LLC by the Borough of Totowa Board of Adjustment for the proposed use of the consolidated property.

3. All recommendations made by the Borough of Totowa Municipal Engineer as referenced above must be complied with as well as any future recommendations made by the Engineer as part to the Site Plan review and approval process.

4. All costs incurred to vacate the right-of-way and consolidate the remaining parcels must be borne by the applicant, Sunset Ridge Development, LLC including the posting of adequate escrow funds to cover the Borough of Totowa's costs related to the review of the various required documents by the Borough of Totowa Municipal Engineer and Municipal Attorney.

5. The Municipal Clerk is authorized to forward a Letter of Consent to the Borough of Totowa Board of Adjustment advising that the Mayor and Council of the Borough of Totowa authorized the vacation of the unimproved Maple Street right-of-way.

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 a copy of the duly adopted Ordinance Vacating Maple Street and all documents related to the consolidation of the individual parcels of land shall be recorded in the office of the Passaic County Clerk.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to approve Raffle License Application Nos. 1892 & 1893 for the Butler High School Booster Club for a Tricky Tray and On-Premise 50/50, respectively, to be held on January 22, 2016 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 D'Angelo that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Kathryn Wasilewski
Deputy Municipal Clerk