

## BOROUGH OF TOTOWA

### MINUTES OF THE MAYOR AND COUNCIL

**September 22, 2015**

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

**ABSENT:** None.

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

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

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

The Municipal Clerk read the following statement: This meeting of the Mayor and Council held on this day is being held in accordance with Chapter 231, P.L. 1975 of the State of New Jersey as amended. The agenda for this meeting has been prepared and distributed to the Mayor and Council and a copy has been on file in the Office of the Municipal Clerk.

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

Councilman Picarelli: Thanked St. James for having us for their 9-11 event, which was also attended by many of our first responders and said that it was a nice affair. Mayor Coiro: Concurred.

**CITIZENS HEARD:**

Mike Mahometa, 269 Lincoln Avenue: Inquired about a couple of items on tonight's

agenda: 1) The Environmental Preliminary Assessment. Mayor Coiro: Informed him that it is one of the requirements for our CDBG-DR flood buyout program. 2) The amendment to the Municipal Shared Services Defense Agreement. Mayor Coiro: Explained that this has to do with the new COAH rules and that our original expert had a stroke and cannot continue, so we have to hire a new expert to determine our affordable housing fair share.

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 September 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. 2015-20 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 Requesting Permission For The Dedication By Rider For The Snow Removal Reserve Required By N.J.S.A. 40A:4-62.1. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 115-2015

##### A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR THE SNOW REMOVAL RESERVE REQUIRED BY N.J.S.A. 40A:4-62.1

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-62.1 provides for receipt of unexpended balances budgeted annually for snow and ice removal by the municipality to provide for the operating costs related to snow and ice removal; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Snow Removal Reserve are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Totowa, County of Passaic, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Snow Removal Reserve – N.J.S.A. 40A:4-62.1.
2. The Clerk of the Borough of Totowa, County of Passaic, is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

#### COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to approve a grade increase for Patrolman Sean Williams from Grade 6 to Grade 5, effective September 27, 2015. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to approve payment of the annual contribution for 2015 to the Borough Of Totowa First Aid Squad, Inc. in the amount of \$15,000.00. On roll call vote, all members of the Council present voted in the affirmative.

A letter from AAA North Jersey inviting the Mayor and Police Chief to attend the 2015 AAA Community Traffic Safety Awards Luncheon on Wednesday, October 21, 2015 at 11:00 a.m. at The Brownstone was received and filed.

#### COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to accept the following bids for the Gordon Avenue Improvement Project. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Total Bid</u>
Smith-Sondy Asphalt Construction Co., Inc. Wallington, NJ 07057	\$213,581.34
Marini Brothers Construction Co., Inc. Hackensack, NJ 07601	\$252,460.00
AJM Contractors, Inc. Clifton, NJ 07011	\$252,552.00
Your Way Construction Irvington, NJ 07111	\$291,912.85

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to adopt the following resolution to award the contract for the Gordon Avenue Improvement Project. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 116-2015

#### RESOLUTION AWARDING CONTRACT FOR THE GORDON AVENUE IMPROVEMENT PROJECT

WHEREAS, the Borough of Totowa has received Municipal Aid FY 2013 funding from the New Jersey Department of Transportation ("NJDOT") for various improvements for Gordon Avenue from Union Boulevard to Barnert Avenue including the milling and resurfacing of the roadway; replacement of concrete curb along both sides of the road; ADA compliant curb ramps and associated site improvements; and

WHEREAS, by Resolution No. 46-2014, the Mayor and Council of the Borough of Totowa revised the project limits to be from Crosby Avenue to Barnert Avenue; and

WHEREAS, by Resolution No. 47-2014 dated April 8, 2014, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa Municipal Engineer, Richard A. Alaimo Engineering Associates to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the Gordon Avenue Improvement 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, Gordon Avenue Improvements, Contract No. 2015-1"; and

WHEREAS, the Borough of Totowa did receive sealed bids at its Municipal Building on June 4, 2015; and

WHEREAS, all of the bids received exceeded the grant funds allocated for this Improvement Project; and

WHEREAS, by Resolution No. 82-2015 dated June 23, 2015, the Mayor and Council of the Borough of Totowa did reject all bids received for the Gordon Avenue Improvement Project and authorized the public rebidding of this Improvement Project for the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa did re-advertise for receipt of sealed bids for the Improvement Project in accordance with the specifications entitled "Borough of Totowa, NJDOT Municipal Aid Program, Gordon Avenue Improvements, Contract No. 2015-1"; and

WHEREAS, the Borough of Totowa did receive sealed bids at its Municipal Building on September 16, 2015; and

WHEREAS, the Mayor and Council of the Borough of Totowa on September 22, 2015 did examine all bids for materials and services called for; and

WHEREAS, Smith-Sondy Asphalt Construction Co., Inc., 150 Anderson Avenue, Wallington, New Jersey 07057 has submitted a proposal for the Improvement Project with a bid in the amount of Two Hundred Thirteen Thousand Five Hundred Eighty-One and 34/100 Dollars (\$213,581.34), 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 have determined that the lowest responsible bid submitted by Smith-Sondy Asphalt Construction 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 Smith-Sondy Asphalt Construction Co., Inc. for the Gordon Avenue Improvement Project for the total sum of Two Hundred Thirteen Thousand Five Hundred Eighty-One and 34/100 Dollars (\$213,581.34).

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 D'Angelo, seconded by Councilman Puglise to accept the following proposals for the Environmental Preliminary Assessment for the CDBG-DR Program. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Bid (Per Unit Fee)</u>
Sadat Associates, Inc. Trenton, NJ 08611	\$1,200.00
Tectonic Engineering & Surveying Consultants, PC Short Hills, NJ 07078	\$1,295.00
H2M Associates, Inc. Parsippany, NJ 07054	\$1,449.00
Environmental Alliance, Inc. Edison, NJ 08817	\$1,500.00
Engineering & Land Planning Associates, Inc. High Bridge, NJ 08829	\$1,650.00
Brinkerhoff Environmental Services, Inc. Manasquan, NJ 08736	\$1,800.00
JM Sorge, Inc. Somerville, NJ 08876	\$1,800.00
WFS Environmental, Inc. East Brunswick, NJ 08816	\$2,000.00
Prestige Environmental, Inc. Somerset, NJ 08873	\$2,250.00



WHEREAS, the Mayor and Council of the Borough of Totowa on September 22, 2015 did review the proposals received for the Environmental Preliminary Assessment Services for the CDBG-DR Program; and

WHEREAS, the lowest proposal was submitted by Sadat Associates, Inc., 1545 Lambertson Road, Trenton, New Jersey 08611, 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 have determined that the bid submitted by Sadat Associates, Inc. be accepted as the lowest responsible bid; and

WHEREAS, for providing the required services, the Borough of Totowa will compensate Sadat Associates, Inc. in accordance with their proposal; and

WHEREAS, the professional services shall be awarded as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the bid of Sadat Associates, Inc. for Environmental Preliminary Assessment Services for the CDBG-DR Program.

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

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was no report.

#### COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to acknowledge receipt of Notice of Termination of the Research Study Agreement between Rutgers The State University of New Jersey and Municipal Joint Defense Group dated June 30, 2015. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution To Authorize An Amendment To The Municipal Shared Services Defense Agreement For Affordable Housing Constitutional Compliance. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 118-2015

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE MUNICIPAL  
SHARED SERVICES DEFENSE AGREEMENT FOR  
AFFORDABLE HOUSING CONSTITUTIONAL COMPLIANCE

WHEREAS, the Mayor and Council of the Borough of Totowa entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Mayor and Council of the Borough of Totowa recognize that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that it is in the best interests of the citizens of the Borough of Totowa to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Municipal Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Mayor and Council of the Borough of Totowa hereby authorize Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Borough of Totowa with Econsult Solutions, Inc. The Mayor and Council of the Borough of Totowa hereby authorize Jeffrey R. Surenian, Esq., to execute on behalf of the Borough of Totowa with the approval of the Borough of Totowa's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.
4. The Mayor and Council of the Borough of Totowa further authorize its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA. In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Mayor and Council of the Borough of Totowa shall only be responsible for such funding if it authorizes same.
5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Mayor and Council of the Borough of Totowa.
6. This Resolution shall take effect immediately.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to carry the Resolution Authorizing The Award Of A Professional Services Contract To 1868 Public Affairs, L.L.C. For Consulting Services. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to approve Raffle License Application No. 1870 for ASFA/Academy of St. Francis of Assisi for a Calendar Raffle to be held during November 2015, December 2015 & January 2016. 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.

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Joseph Wassel, RMC  
Municipal Clerk