

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

February 22, 2011

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

ABSENT: None.

Mayor 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. 03-2011 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 03-2011 has been advertised for public hearing for Tuesday, February 22, 2011.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 03-2011.

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. 03-2011.

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. 03-2011 by title:

ORDINANCE NO. 03-2011

**AN ORDINANCE FIXING THE ANNUAL SALARIES AND WAGES
OF THE OFFICIALS, EMPLOYEES AND THE APPOINTEES OF THE
BOROUGH OF TOTOWA, COUNTY OF PASSAIC, STATE OF NEW JERSEY**

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 03-2011 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: Announced that at the Library meeting tomorrow night, if the Board of Trustees approves the floor plan that they will move forward with the expansion project. Mayor Coiro: Asked if the funds were set aside. Councilman

Waryas: Said yes they are.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Waryas, seconded by Councilman Niland to approve the Minutes of the Mayor and Council for the meeting of February 8, 2011. On roll call vote, all members of the Council present voted in the affirmative. Councilman Puglise and Councilwoman Festa abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve Resolution No. 2011-05 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 Waryas, seconded by Councilman D'Angelo 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 a State Tax Court judgment to reduce the evaluation on the following.

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

Block/ Lot	Property	Owner	Payable To	Year	From	To	Amount
158/3	12 Vreeland Ave.	LB Company	Lasser Hochman, LLC, Trust Account	2009	11,433,600	10,847,800	9,489.96
158/3	12 Vreeland Ave.	LB Company	Lasser Hochman, LLC, Trust Account	2010	11,433,600	10,460,400	16,622.26

			75 Eisenhower Parkway Suite No. 120 Roseland, NJ 07068		TOTAL CHECK	26,112.22	
174/7.01	275 Rt. 46	MCP Rt. 46 Totowa	Lasser Hochman, 2010 LLC, Trust Account	3,005,800	2,905,800	1,708.00	
169.02/3	11 Jackson Rd	Crosstate Enterprises LLC	"Cuccio & Cuccio" 2009 Iolta Attorney Trust Account	6,458,500	5,500,000	15,527.70	
169.02/3	11 Jackson Rd	Crosstate Enterprises LLC	Emil S. Cuccio, Esq 2010 45 Essex Street Hackensack, NJ 07601	6,458,500	5,200,000	21,495.18	
					TOTAL CHECK	37,022.88	

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners pursuant to overpayment of 1st Quarter 2011 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

RE: Tax Overpayments
1st Quarter 2011

WHEREAS, there has been overpayments of taxes on the properties listed below; and

WHEREAS, the taxpayers are entitled to a refund; and

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

Block/Lot	Property	Owner	Over Payment	Payable To
9.09 38	115 Hickory Hill Boulevard	Brendan & Anna Mc Nerney	\$2,788.22	Homeowners
68 5	148 Barnert Ave.	Michael Corbo & Nancy Rettino	\$1,613.21	Homeowners
127 3	25 Crescent Ave.	Carmine & Agnese Assuntino	\$1,413.90	Linear Title and Closing 127 John Clark Rd Middletown, RI 02842

147 26 149 Bogert St. Nguyen Kimloan \$1,494.50 Homeowner

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.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Niland, seconded by Councilman Puglise to approve payment of an additional contribution to the Borough of Totowa First Aid Squad, Inc. in the amount of \$11,500.00 for their 2010 TSAP. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Niland, seconded by Councilman Puglise to adopt the following Resolution Of The Borough Of Totowa Opposing Senate Bill S-818 And Assembly Bill A-2095 Revising Requirements For Emergency Medical Services Delivery. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 28-2011

A RESOLUTION OF THE BOROUGH OF TOTOWA
OPPOSING SENATE BILL S-818 AND ASSEMBLY BILL A-2095
REVISING REQUIREMENTS FOR EMERGENCY MEDICAL SERVICES DELIVERY

WHEREAS, Senate Bill S-818 and Assembly Bill A-2095 revise the requirements for emergency medical services delivery; and

WHEREAS, in New Jersey, when someone calls for an ambulance, in most areas, a volunteer first aid squad will respond; and

WHEREAS, the Emergency Medical Service Volunteers (EMS Volunteers) provide invaluable life saving services while responding to a wide variety of medical emergencies; and

WHEREAS, EMS volunteers are selfless individuals who provide aid to anyone who requires medical assistance under very difficult circumstances; and

WHEREAS, the New Jersey State First Aid Council opposes Senate Bill S-818 and Assembly Bill A-2095 because the bills will impose unnecessary and burdensome regulatory and financial burdens upon volunteer first aid squads already understaffed and under-funded; and

WHEREAS, the Emergency Medical Technician Training Fund is a dedicated, non-lapsing, revolving fund, established to reimburse any entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification; and

WHEREAS, Senate Bill S-818 and Assembly Bill A-2095 replace the "Emergency Medical Technician Training Fund" with the "Emergency Medical Services Training Fund" and permits the use of the fund by individuals and agencies other than for volunteer ambulance, first aid and rescue squad personnel; and

WHEREAS, Senate Bill S-818 and Assembly Bill A-2095 would remove the supervision and control of volunteer first aid squads from their respective municipalities to the New Jersey Department of Health and Senior Services; and

WHEREAS, New Jersey and more than 32 other states as well as the federal government require one (1) Emergency Medical Technician (EMT) along with one (1) other non-EMT to staff each ambulance, Senate Bill S-818 and Assembly Bill A-2095 will mandate each volunteer first aid squad to provide two (2) EMTs on every call; and

WHEREAS, the revisions contained in Senate Bill S-818 and Assembly Bill A-2095 will result in a decline in the number of available volunteer ambulances in the EMS services and increase the financial burden on municipalities and volunteer first aid squads; and

WHEREAS, Senate Bill S-818 and Assembly Bill A-2095 place new and expanded rules, responsibilities and requirements on municipalities that will cause additional expense for municipalities without a funding source, thereby creating an unfunded mandate in violation of the New Jersey Constitution Article VIII, Section 2, Paragraph 5 and N.J.S.A. 52:13H-2; and

WHEREAS, the study upon which these bills are based is reported to contain inaccurate and inconsistent information about the New Jersey EMS System.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Totowa, in the County of Passaic, State of New Jersey, oppose New Jersey Senate Bill S-818 and New Jersey Assembly Bill A-2905.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to Honorable Chris Christie, Governor of the State of New Jersey, Honorable Stephen M. Sweeney, President, NJ State Senate, Honorable Sheila Y. Oliver, Speaker of the NJ General Assembly, Honorable John A. Girgenti, Senator 35th District, Honorable Nellie Pou, Assemblywoman 35th District, Honorable Eleese Evans, Assemblywoman 35th District, the Borough of Totowa First Aid Squad, Inc., the Assembly Health and Senior Services Committee, the Senate Health, Human Services and Senior Services Committee and the League of Municipalities.

There was a motion by Councilman Niland, seconded by Councilman Puglise to add the following item to the agenda. On roll call vote, all members of the Council present voted in the affirmative.

Councilman Niland, Chairman of the Public Safety Committee, stated that after meeting with the Police Chief and the Mayor, the Committee recommends that Nicholas Varcadipane be appointed as a Patrolman in the Borough of Totowa Police Department, with the recommendation being seconded by Councilman Puglise.

There was a motion by Councilman Niland, seconded by Councilman Puglise to accept the recommendation and appoint Nicholas Varcadipane as a Patrolman in the Borough of Totowa Police Department. 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 Nicholas Varcadipane as a Patrolman in the Borough of Totowa Police Department with the swearing in ceremony to be held on Tuesday, March 8, 2011.

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

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Puglise, seconded by Councilman Niland to approve Change Order No. 1 for a net decrease of \$491.00 and Payment Estimate No. 2 in the amount of \$52,924.90 to A&J Contractors Group, Inc. for Grant Avenue Improvements—Phase I & II. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to accept the following bids for the Union Boulevard Curb And Sidewalk Replacement—Phase 2. On roll call vote, all members of the Council present voted in the affirmative.

<u>Contractor</u>	<u>Base Bid</u>
Trino Associates, LLC Paramus, NJ 07652	\$596,400.00
Helios Construction Ocean, NJ 07712	\$661,436.09
Crossroad Construction Newark, NJ 07114	\$669,905.00
Cifelli & Sons Nutley, NJ 07110	\$684,200.00
New Prince Concrete Hackensack, NJ 07601	\$699,734.00
Tony's Concrete Newark, NJ 07105	\$720,205.09
Reggio Construction Fort Lee, NJ 07024	Unresponsive
S. Batala Construction South River, NJ 08882	\$744,035.00

Granada Construction
Newark, NJ 07114

\$830,442.50

Top Line Construction
Somerville, NJ 08876

\$991,465.25

Upon the recommendation of the Engineer, there was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Awarding Contract For The union Boulevard Curb And Sidewalk Replacement—Phase 2. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 29-2011

RESOLUTION AWARDING CONTRACT FOR THE FOR UNION BOULEVARD CURB AND SIDEWALK REPLACEMENT – PHASE 2

WHEREAS, the Mayor and Council of the Borough of Totowa are committed to improving and beautifying Totowa's roads and sidewalks; and

WHEREAS, the on-going Union Boulevard Improvement Project includes the replacement of damaged sidewalks and curbs as well as the installation of brick pavers along the roadway; and

WHEREAS, Phase 1 of the Project covering Union Boulevard from the Paterson border to the intersection of Totowa Road has already been completed; and

WHEREAS, Phase 2 of the Project will cover Union Boulevard from Totowa Road to the Route 80 Interchange; 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 for Union Boulevard Curb & Sidewalk Replacement, Phase 2, Contract No. 2010-3, Borough of Totowa, County of Passaic, New Jersey"; and

WHEREAS, the lowest bid was submitted by Trino Associates, LLC, 354 Verona Way, Paramus, New Jersey 07652 for the Union Boulevard Improvements in the amount of Five Hundred Ninety-Six Thousand Four Hundred and 00/100 Dollars (\$596,400.00), a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Mayor and Council of the Borough of Totowa did examine the bids received for this on-going Beautification and Community Improvement Project on February 22, 2011; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Trino Associates, 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 Trino Associates, LLC for the Union Boulevard Curb & Sidewalk Replacement, Phase 2 in the amount of Five Hundred Ninety-Six Thousand Four Hundred and 00/100 Dollars (\$596,400.00).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into a contract with Trino Associates, LLC and that the Mayor and Municipal Clerk are hereby authorized 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 Professional Engineering Services For Hudson Avenue Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 30-2011

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES FOR HUDSON AVENUE IMPROVEMENTS

WHEREAS, the Borough of Totowa has received a grant from the New Jersey Department of Transportation for improvements on a section of Hudson Avenue including the replacement of curb and driveway aprons and the milling and resurfacing of the roadway; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional engineering firm to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the Hudson Avenue Improvement Project; and

WHEREAS, Richard A. Alaimo Engineering Associates has submitted a proposal dated February 14, 2011 to provide the design, bid assistance and construction supervision services for the road selected at a cost not to exceed Forty Thousand and 00/100 Dollars (\$40,000.00), a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Mayor and Council of the Borough of Totowa on February 22, 2011 did examine the proposal submitted by Richard A. Alaimo Engineering Associates; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be awarded 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 Richard A. Alaimo Engineering Associates for professional engineering services for the Hudson Avenue Improvements in the amount of Forty Thousand and 00/100 Dollars (\$40,000.00).

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

A letter was received from Murph's Tavern inviting the Mayor and Council to their annual celebration in honor of St. Patrick's Day on Saturday, March 12, 2011 and Thursday, March 17, 2011 from 3:00 p.m.—12:00 a.m. and requesting permission to have Rosengren Avenue closed from Totowa Road to Union Boulevard. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve the request. On roll call vote, all members of the Council present voted in the affirmative.

STREET CLOSING AUTHORIZED BY THE MAYOR

Under the authority vested in me as Mayor of the Borough of Totowa, County of Passaic, State of New Jersey, by virtue of N.J.S.A. 40:67-16.9 and the Code of the Borough of Totowa Chapter No. 398-42, I Mayor John Coiro, do hereby order and direct that Rosengren Avenue between Totowa Road and Union Boulevard be closed to vehicular traffic from 3:00 p.m. to 12:00 a.m. on Saturday, March 12, 2011 and Thursday, March 17, 2011. I further direct that proper signs and barriers be erected at the intersections of Rosengren Avenue and Totowa Road and Rosengren Avenue and Union Boulevard and that the Totowa Police Department control and regulate, as well as enforce, this regulation.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Festa to approve the Special Permit To Extend Licensed Premises for Anthony Murphy, Inc. on Saturday, March 12, 2011 and Thursday, March 17, 2011. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Festa to approve Raffle License Application Nos. 1571 & 1572 for Friends Of Wayne Animals, Inc. for a Tricky Tray and On-Premise 50/50, respectively, to be held on April 7, 2011 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There being no further business to come before the Council, there was a motion by Councilman Puglise, seconded by Councilman Waryas that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk