

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

October 11, 2011

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

ABSENT: Councilwoman Carolyn Fontanella.

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.

There were no reports.

CITIZENS HEARD:

Pete Ianzano, 19 Knox Terrace: Said he was here a couple months ago about the drainage of water behind his property and wondered the status. He stated that you can't see the drains anymore, so they need to be cleared and then wants a ditch or

channel dug to drain the water run-off to the three catch basins in his back yard. Mayor Coiro: Asked DPW Superintendent Doug Wright the status. Superintendent Wright: Commented that we have to be careful not to trap the water in Mr. Ianzano's backyard. Then said that they will be bringing up fill from the Union Boulevard paver job and will figure something out.

Mike Burns, 20 Claremont Avenue: Asked what the outcome was from the reports on the radar. Councilman Niland: Read off a list of the records and the number of tickets that have been issued since July. Police Chief Robert Coyle: Announced that we are also using written warnings for our residents. Mr. Burns: Said that it sounds good, but the report should note the speeds. He went on to read off some statistics from an old report and converted them to annual numbers. A conversation ensued. Councilman Niland: Told Mr. Burns that we will be purchasing the new radar/traffic monitor system, but it won't be until next year's budget. Mayor Coiro: Remarked that you can see that we are establishing a better presence there and that the ultimate goal is to have the cars slow down. Mr. Burns: Asked how much this new system costs. Councilman Niland: Answered \$4,400. Mr. Burns: Replied that maybe he can get a donation for it.

Frank Iurato, 24 Vita Road: Said he was here representing Lincoln Fire Company about the condition of the basement and said that a PSE&G representative was there today and got sick. He said that records from the Board of Recreation and old police records were still there. Mayor Coiro: Advised him that we are adding an item to the agenda tonight to authorize the cleanup and restoration and asked Councilman Puglise to explain. Councilman Puglise: Explained what had transpired and what we are going to do.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of September 27, 2011. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve Resolution No. 2011-21 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 approve payment of the 4th Quarter 2011 Budget Allotment to the Dwight D. Eisenhower Library in the amount of \$208,753.25. 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 Execution Of The Supplemental Consent Order Concerning Certain Third-Party Defendant Municipalities For The Settlement With The Novartis Direct Defendants In The Action Entitled New Jersey Department Of Environmental Protection v. Novartis corporation, Et. Al. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 83-2011

RESOLUTION AUTHORIZING EXECUTION OF THE SUPPLEMENTAL CONSENT ORDER CONCERNING CERTAIN THIRD-PARTY DEFENDANT MUNICIPALITIES FOR THE SETTLEMENT WITH THE NOVARTIS DIRECT DEFENDANTS IN THE ACTION ENTITLED NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION V. NOVARTIS CORPOATION., ET AL.

WHEREAS, certain claims have been asserted against the Borough of Totowa (the "Borough") in the action entitled New Jersey Department of Environmental Protection v. Novartis Corporation, et al., Docket No. MRS-L-1843-07 pending in the Superior Court of New Jersey, Morris County (the "Litigation") regarding alleged environmental contamination and damages to natural resources at the Sharkey Farms Landfill in Parsippany, New Jersey (the "Site"); and

WHEREAS, in or around 2007, the New Jersey Department of Environmental Protection and the State of New Jersey instituted the Litigation against various industrial and commercial entities ("Novartis Defendants") to recover costs for Natural Resource Damages ("NRD") incurred as a result of the alleged discharge of hazardous substances at or around the Site; and

WHEREAS, in or around March of 2009, the Novartis Defendants instituted third-party complaints against the Borough seeking contribution for NRD incurred as a result of the alleged discharge of hazardous substances at or around the Site; and

WHEREAS, certain third-party defendant municipalities, including the Borough, are members of a group known as the Municipal Group in the Litigation; and

WHEREAS, on or about February 10, 2011, the Office of Natural Resource Restoration published a proposed Consent Judgment by and between the New Jersey Department of Environmental Protection and the Novartis Defendants; and

WHEREAS, the Municipal Group on behalf of its members engaged in settlement negotiations with the Novartis Direct Defendants PRP Group (“Novartis Defendants”); and

WHEREAS, the Municipal Group has substantially settled the Litigation with the Novartis Defendants and have negotiated the supplemental Consent Order Concerning Certain Third-Party Defendant Municipalities; and

WHEREAS, the terms of the settlement require the Borough to sign off on the supplemental Consent Order Concerning Certain Third-Party Defendant Municipalities prior to the Consent Order being lodged; and

WHEREAS, a copy of the Consent Judgment and supplemental Consent Order Concerning Certain Third-Party Defendant Municipalities are in the office of the Borough’s Municipal Clerk and are incorporated by reference hereto.

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

1. The Borough is hereby authorized and directed to sign the signature pages of the supplemental Consent Order Concerning Certain Third-Party Defendant Municipalities, which will be adopted in substantially the form contained in the draft copy on file, and thereafter immediately transmit the signature pages to Gregory J. Coffey, Esq., Joint Defense Counsel for the Municipal Group.
2. This resolution shall take effect immediately.

There was a motion by Councilman Waryas, seconded by Councilman D’Angelo to approve payment of the annual contribution to the Happy Seniors and the Totowa Seniors for 2011 in the amount of \$2,000.00 each. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

A letter from AAA North Jersey inviting the Mayor and Council to their annual AAA Community Traffic Safety Awards luncheon to be held on Wednesday, October 26, 2011 at The Brownstone was received and filed.

A letter from Volunteer Fire Company No. 1 advising the Mayor and Council that they have nominated Vincent Marciano as their candidate for Fire Chief was received and filed.

COMMITTEE ON PUBLIC WORKS:

Upon the recommendation of DPW Superintendent Doug Wright and the Committee, there was a motion by Councilman Puglise, seconded by Councilman Niland to appoint James Both as Assistant Superintendent of the Department of Public Works. 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 James Both as Assistant Superintendent of the Department of Public Works effective immediately.

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

There was a motion by Councilman Puglise, seconded by Councilman Niland to adopt the following Resolution Fixing The Annual Salary Of The Assistant Superintendent Of The Borough Of Totowa Department Of Public Works. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 84-2011

RESOLUTION FIXING THE ANNUAL SALARY OF THE
ASSISTANT SUPERINTENDENT OF THE BOROUGH OF TOTOWA
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Superintendent of the Department of Public Works has recommended to the Public Works Committee the need for an Assistant Superintendent of the Department of Public Works; and

WHEREAS, the Public Works Committee then recommended to the full Governing Body the need to appoint an Assistant Superintendent of the Department of Public Works; and

WHEREAS, the Mayor and Council of the Borough of Totowa at their regular meeting held on October 11, 2011 appointed James Both to the position of Assistant Superintendent of the Department of Public Works; and

WHEREAS, the Mayor and Council of the Borough of Totowa must now set the annual salary of the Assistant Superintendent of the Department of Public Works for the remainder of 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the annual salary for the Assistant Superintendent of the Department of Public Works be set at \$102,000 for the remainder of 2011.

There was a motion by Councilman Puglise, seconded by Councilman Niland to adopt the following Resolution Authorizing The Purchase And Installation Of A Stainless Steel Spreader. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 85-2011

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION
OF A SALT SPREADER

WHEREAS, the Borough of Totowa Department of Public Works Superintendent has recommended the purchase of one (1) salt spreader to be used by the Department of Public Works to maintain local roads during the winter months; and

WHEREAS, the Borough of Totowa Department of Public Works did solicit proposals for one (1) salt spreader; and

WHEREAS, Bristol-Donald Co., Inc., 50 Roanoke Avenue, Newark, New Jersey 07105 has submitted a proposal for the purchase and installation of one (1) Swenson Model MDV1044ESTSS B&S Stainless Steel spreader in the amount of Seven Thousand Nine Hundred Fifty and 00/100 Dollars (\$7,950.00) and for a 12" 14ga mild steel side extension kit in the amount of Four Hundred Sixty Five and 00/100 Dollars (\$465.00) for the total sum of Eight Thousand Four Hundred Fifteen and 00/100 Dollars (\$8,415.00), a copy of which is attached hereto as Exhibit "A; and

WHEREAS, the Borough of Totowa Department of Public Works Superintendent has reviewed the proposal and recommended the purchase of this equipment for the Department of Public Works; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this equipment will not exceed the public bidding threshold and may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase and delivery of one (1) Swenson Model MDV1044ESTSS B&S Stainless Steel spreader in the amount of Seven Thousand Nine Hundred Fifty and 00/100 Dollars (\$7,950.00) and for a 12" 14ga mild steel side extension kit in the amount of Four Hundred Sixty Five and 00/100 Dollars (\$465.00) for the total sum of Eight Thousand Four Hundred Fifteen and 00/100 Dollars (\$8,415.00).

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

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to approve Change Order No. 1 for a net increase of \$1,433.00 and Payment Estimate No. 2 in the amount of \$62,173.16 to T&S Builders, LLC for the Minnisink Field Improvements. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to approve Change Order No. 2 for a net increase of \$6,000.00 to T&S Builders, LLC for the Minnisink Field Improvements. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to adopt the following Resolution Authorizing The Leasing Of Real Property And Reservation Of Rights For A Portion Of The Property Identified As Lot 2, Block 170.02 In The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 86-2011

RESOLUTION AUTHORIZING THE LEASING OF REAL PROPERTY AND
RESERVATION OF RIGHTS FOR A PORTION OF THE PROPERTY IDENTIFIED
AS LOT 2, BLOCK 170.02 IN THE BOROUGH OF TOTOWA

WHEREAS, the Borough of Totowa is the owner of real property located on Maltese Drive and identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough have determined that this property is not needed for public use; and

WHEREAS, by Resolution No. 60-2010 dated June 15, 2010, the Mayor and Council of the Borough of Totowa authorized the public leasing of a portion of the property located on Maltese Drive identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa; and

WHEREAS, by Resolution No. 82-2010, the Mayor and Council of the Borough of Totowa did reject all bids received for the leasing of the property located on Maltese Drive; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to again authorize the public leasing of a portion of the property located on Maltese Drive identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa; and

WHEREAS, bids will be solicited for lease rights on two (2) parcels hereinafter referred to as Parcel A and Parcel B; and

WHEREAS, the lease rights will include the right to construct and occupy office space on the property not to exceed 1,600 square feet on Parcel A; and

WHEREAS, bids will be solicited for an annual leasehold with rent to be paid in equal monthly installments; and

WHEREAS, pursuant to the provisions of N.J.S.A 40:A12-14(a), the governing body may fix a minimum rental with the reservation of the right to reject all bids where the highest bid is not accepted; and

WHEREAS, N.J.S.A. 40A: 12-14(a) further provides that upon completion of the bidding the highest bid may be accepted or all of the bids may be rejected.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the leasing of the property located on Maltese Drive identified as a portion of Lot 2, Block 170.02 on the official tax map of the Borough of Totowa.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby establish a minimum rental fee of Five Thousand and 00/100 Dollars (\$5,000.00) per month for Parcel A.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby establish a minimum rental fee of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) per month for Parcel B.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby reserve the right to reject all bids where the highest bid is not accepted.

BE IT FURTHER RESOLVED, that the advertisement for the public bidding of this lease shall include notice of the minimum rent and the reservation of rights.

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

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to adopt the following Resolution Authorizing The Clean Up And Restoration Of The Lincoln Avenue Fire House. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 87-2011

RESOLUTION AUTHORIZING THE CLEAN UP AND RESTORATION
OF THE LINCOLN AVENUE FIRE HOUSE

WHEREAS, the Borough of Totowa Lincoln Fire House located on Lincoln Avenue was flooded in August of 2011 in the aftermath of Hurricane Irene; and

WHEREAS, the Borough of Totowa Fire Chief has advised the Mayor and Council of the Borough of Totowa that the basement of the Lincoln Avenue Fire House sustained substantial damage as a result of the flooding and has recommended that a professional commercial clean-up company be retained to extract the standing water in the basement and clean-up the resulting debris from the basement as soon as possible; and

WHEREAS, the Lincoln Fire Company is comprised entirely of volunteers who serve all the residents of the Borough of Totowa and this situation adversely affects the public health, safety or welfare of these volunteers; and

WHEREAS, CleanFlow Chimney, 62 Suter Lane, Haledon, New Jersey 07508, has submitted a proposal to provide the necessary clean-up and related restoration services in the amount of Six Thousand Six Hundred and 00/100 Dollars (\$6,600.00), a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the services to be provided by CleanFlow Chimney as set forth in their proposal include but are not limited to the extraction of any remaining water in the basement, clean up and removal of all debris, power washing the entire basement and applying a antimicrobial spray to basement floor and walls; and

WHEREAS, CleanFlow Chimney is a licensed and insured professional company with the necessary experience to provide the required clean-up and restoration services; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the clean-up services at the Lincoln Avenue Fire House for the general health, safety and well-being of the Borough of Totowa Lincoln Fire Company members; and

WHEREAS, pursuant to the applicable N.J.S.A. 40A:11-5(1)(i), this emergency clean-up and restoration service constitutes an extraordinary unspecifiable service and this service may be authorized by the Borough of Totowa 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 CleanFlow Chimney for clean-up and related restoration services in the amount of Six Thousand Six Hundred and 00/100 Dollars (\$6,600.00)

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

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to adopt the following Resolution Authorizing The Supply And Installation Of A Direct Vent Hot Water Boiler And Hot Water Maker At The Lincoln Avenue Fire House. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 88-2011

RESOLUTION AUTHORIZING THE SUPPLY AND INSTALLATION OF A
DIRECT VENT HOT WATER BOILER AND HOT WATER MAKER
AT THE LINCOLN AVENUE FIRE HOUSE

WHEREAS, the Borough of Totowa Lincoln Fire House located on Lincoln Avenue was flooded in August of 2011 in the aftermath of Hurricane Irene; and

WHEREAS, the Borough of Totowa Fire Chief has advised the Mayor and Council of the Borough of Totowa that the hot water boiler and hot water heater sustained substantial damage as a result of the flooding and has recommended that this equipment be relocated as soon as possible; and

WHEREAS, the Lincoln Fire Company is comprised entirely of volunteers who serve all the residents of the Borough of Totowa and this situation adversely affects the public health, safety or welfare of these volunteers; and

WHEREAS, Tim Vander Berg Plumbing & Heating, Inc., 31 Scrivens Street, Totowa, New Jersey 07512, has submitted a proposal to supply and install a direct vent hot water boiler and hot water maker and to provide all related equipment and necessary labor in the amount of Twelve Thousand Four Hundred and 00/100 Dollars (\$12,400.00), a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the services to be provided by Tim Vander Berg Plumbing & Heating, Inc. as set forth in their proposal include but are not limited to supplying and installing one (1) Utica DV-200B 200,000 BTU Gas Direct Vent Hot Water Boiler, one (1) 40 Gallon Hot Water Maker, four (4) Honeywell Zone Valves and relocate all gas, heat and water pipes as needed; and

WHEREAS, Tim Vander Berg Plumbing & Heating, Inc. is a licensed and insured professional company bearing Master Plumber's License #6527 and has the necessary experience to provide the relocation and installation services; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the supply and installation of a direct vent hot water boiler and hot water maker at the Lincoln Avenue Fire House for the general health, safety and well-being of the Borough of Totowa Lincoln Fire Company members; and

WHEREAS, pursuant to the applicable N.J.S.A. 40A:11-5(1)(i), this emergency relocation and installation of a direct vent hot water boiler and hot water maker constitutes an extraordinary unspecifiable service and this service may be authorized by the Borough of Totowa 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 Tim Vander Berg Plumbing & Heating, Inc. to supply and install a direct vent hot water boiler and hot water maker and to provide all related equipment and necessary labor in the amount of Twelve Thousand Four Hundred and 00/100 Dollars (\$12,400.00).

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

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Andriani, seconded by Councilman Niland to approve Raffle License Application No. 1598 for Christ Episcopal Church for an Off-Premise Merchandise Draw Raffle to be held on November 5, 2011. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Niland to approve Raffle License Application Nos. 1599 & 1600 for HSA West Paterson Memorial School for a Tricky Tray and On-Premise 50/50, respectively, to be held on December 8, 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