

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

October 25, 2011

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman John Waryas, Councilman Jim Niland, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debbie Andriani, 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 Niland: Advised that we just completed the first phase of the police test and there were over 60 applicants, with about one half being Totowa residents.

Councilwoman Andriani: Announced that tomorrow will be the last day for the free flu shots and will be held at the Community Center between 10:00 and 11:00 a.m.

CITIZENS HEARD:

Charles Teale, 99 Bogert Street: Said that this was the first time that he heard about the free flu shots. Councilwoman Andriani: Explained the program further.

Bernadette Hilway, 114 Bogert Street: 1) Had a question about the restriction on putting up signs for garage sales. Asked what happens if people put up signs? Mayor Coiro: Answered that they could be fined. Ms. Hilway: Said she doesn't think that it is fair as long as they take the signs down. Mayor Coiro: Gave some history on garage sales and why the Committee recommended changes to some parts of the ordinance and the result was that we just wanted to keep the town clean. A conversation ensued. Mayor Coiro: Informed her that we can revisit it at any time if we get complaints. Ms. Hilway: Said that she is now on record to oppose the sign restriction. She then showed pictures of various companies that put up signs all the time and asked why they were allowed. Mayor Coiro: Told her that they are not allowed and asked the Construction Official to check it out. 2) Asked why we don't pass an ordinance on motorcycles. Mayor Coiro: Asked Police Chief Robert Coyle to respond. Police Chief Coyle: Responded that Officer Gary Bierach chased a motorcycle, caught him and gave him a summons for noise too. Ms. Hilway: Said that speeding is still a problem. A conversation ensued. Councilman Niland: Commented that he saw the most recent reports from Chief Coyle with the different tickets that have been issued on Bogert Street and also said that there were tickets for parking by the yellow curb.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of October 11, 2011. On roll call vote, all members of the Council present voted in the affirmative. Councilwoman Fontanella abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve Resolution No. 2011-22 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was no report.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Puglise, seconded by Councilman Niland to accept the following bids for the 2011 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Total Bid</u>
Crossroads Pavement Maintenance, LLC Nutley, NJ 07110	\$ 86,463.00
D&L Paving Contractors, Inc. Nutley, NJ 07110	\$ 94,233.54
Sanzari Services Woodland Park, NJ 07424	\$100,055.50
J.A. Alexander, Inc. Bloomfield, NJ 07003	\$127,133.75
Stanziale Construction, LLC Bloomfield, NJ 07003	Non Responsive
A.J.M. Contractors, Inc. Clifton, NJ 07011	Non Responsive

There was a motion by Councilman Puglise, seconded by Councilman Niland to adopt the following Resolution Awarding Contract For The Borough Of Totowa 2011 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 89-2011

RESOLUTION AWARDING CONTRACT FOR THE
BOROUGH OF TOTOWA 2011 ROAD PROGRAM

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for its 2011 Road Program in accordance with its specifications entitled "Specifications, Proposal and Contract Documents for 2011 Road Program, Borough of Totowa, Passaic County, New Jersey, Contract No. 2011-3"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on October 18, 2011; and

WHEREAS, the Mayor and Council of the Borough of Totowa on October 25, 2011 did examine all bids for materials and services called for; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the lowest responsible bid was submitted by Crossroads Pavement Maintenance, LLC, 81 Franklin Avenue, Nutley, New Jersey 07110 with a bid in the amount of Eighty-Six Thousand Four Hundred Sixty-Three and 00/100 Dollars (\$86,463.00), a copy of which is on file in the office of the Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Crossroads Pavement Maintenance, 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 Crossroads Pavement Maintenance, LLC for the 2011 Road Program as the lowest responsible bid for the total sum of Eighty-Six Thousand Four Hundred Sixty-Three and 00/100 Dollars (\$86,463.00).

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 Puglise, seconded by Councilman Niland to approve a grade increase for Department of Public Works Laborer Matt Laudi from Grade 5 (\$40,415.) to Grade 4 (\$42,543.). 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 adopt the following Resolution Approving Supplemental Proposal For Design Services For Lincoln Field Drainage Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 90-2011

RESOLUTION AUTHORIZING SUPPLEMENTAL PROPOSAL FOR DESIGN SERVICES FOR THE LINCOLN AVENUE DRAINAGE IMPROVEMENTS

WHEREAS, the Borough of Totowa has applied for an Open Space Grant for drainage improvements at the Borough's Lincoln Avenue recreational fields; and

WHEREAS, these improvements will include but are not limited to rock excavation, subsurface drainage, top soiling, fertilizing and seeding of the athletic field; and

WHEREAS, by Resolution No. 39-2011 dated April 12, 2011, the Mayor and Council of the Borough of Totowa retained the services of Richard A. Alaimo Engineering Associates to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the Lincoln Avenue Drainage Improvement Project for a fee not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00); 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 Lincoln Field Drainage Improvements, Contract No. 2011-1"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on August 17, 2011; and

WHEREAS, the Mayor and Council of the Borough of Totowa on August 23, 2011 did examine all bids for the Improvement Project; and

WHEREAS, by Resolution No. 72-2011 dated August 23, 2011, the Mayor and Council of the Borough of Totowa rejected all bids received for the Improvement Project in order to expand the scope of same and authorized the public rebidding of this Project.

WHEREAS, the Mayor and Council of the Borough of Totowa on April 12, 2011 did examine the proposal submitted by Richard A. Alaimo Engineering Associates; and

WHEREAS, Richard A. Alaimo has submitted a request dated October 13, 2011 to supplement their original proposal for design services to cover the cost of the revisions to the plans and specifications in an amount not to exceed Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00), a copy of which is on file in the office of the Municipal Clerk; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be supplemented 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 to supplement their professional design services for the Lincoln Avenue Drainage Improvements in the amount of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00).

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to accept the following bids for the Lincoln Field Drainage Improvements. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Total Bid</u>
T&S Builders, LLC New Milford, NJ 07646	\$ 65,511.00
CMS Construction, Inc. Newark, NJ 07114	\$ 75,754.00
John Garcia Construction Co., Inc. Clifton, NJ 07013	\$ 90,934.20
Sanzari Asphalt Maintenance Woodland Park, NJ 07424	\$110,804.00
T.M. Brennan Contractors, Inc. Hamburg, NJ 07419	\$120,274.00
Rock Solid Construction Newark, NJ 07015	\$136,851.00
Marini Bros. Construction Co. Hackensack, NJ 07601	\$152,135.00

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Awarding Contract For The Lincoln Field Drainage Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 91-2011

RESOLUTION AUTHORIZING CONTRACT FOR THE
LINCOLN FIELD DRAINAGE IMPROVEMENTS

WHEREAS, the Borough of Totowa has received an Open Space Grant from Passaic County for drainage improvements at the Borough's Lincoln Field Recreational fields; and

WHEREAS, these improvements will include but are not limited to rock excavation, subsurface drainage, top soiling, fertilizing and seeding of the athletic fields; 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 Lincoln Field Drainage Improvements Re-bid, Contract No. 2011"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on October 25, 2011; and

WHEREAS, the Mayor and Council of the Borough of Totowa on October 25, 2011 did examine all bids for the equipment called for; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the lowest responsible bid was submitted by T & S Builders, LLC, 174 Cedar Road, New Milford, New Jersey 07646 with a bid in the amount of Sixty-Five Thousand Five Hundred Eleven and 00/100 Dollars (\$65,511.00), a copy of which is on file in the office of the Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by T & S Builders, 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 T & S Builders, LLC for the Lincoln Field Drainage Improvements as the lowest responsible bid for the total sum of Sixty-Five Thousand Five Hundred Eleven and 00/100 Dollars (\$65,511.00).

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 accept the following bids for the Fall 2011 Tree Planting. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Total Bid</u>
Andy-Matt, Inc. Mine Hill, NJ 07803	\$31,555.00
Louis Barbato Landscaping, Inc. Holbrook, NY 11741	\$43,594.00
D'Onofrio & Son, Inc. Maplewood, NJ 07040	\$61,578.25
Pat Scanlan Landscaping, Inc. New City, NY 10956	\$44,051.00

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Awarding Contract For The Purchase, Delivery And Planting Of Trees. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 92-2011

RESOLUTION AWARDING CONTRACT FOR THE PURCHASE, DELIVERY
AND PLANTING OF TREES

WHEREAS, the Borough of Totowa has received a No Net Loss Tree Planting Grant from the New Jersey Forest Service; and

WHEREAS, the grant funds will be used to purchase and plant various species of trees within the municipal right-of-way on streets throughout the Borough of Totowa municipality as well as trees that will be planted at the Borough of Totowa's Minnisink Field, Totowa Pool, Kennedy Field, Veteran's Park, Veteran's Field and the Municipal Complex; 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 and Proposal for the Purchase, Delivery and Planting of Trees for the Borough of Totowa, Fall Planting 2011, Borough of Totowa, County of Passaic, New Jersey"; and

WHEREAS, the lowest bid was submitted by Andy Matt Inc., 11 Scrub Oaks Road, Mine Hill, New Jersey 07803 for the purchase, delivery and planting of trees in the amount of Thirty-One Thousand Five Hundred Fifty-Five and 00/100 Dollars (\$31,555.00), a copy of which is on file in the office of the Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa did examine the bids received for this community improvement project on October 25, 2011; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Andy Matt 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 Andy Matt Inc. for the purchase, delivery and planting of trees in the amount of Thirty-One Thousand Five Hundred Fifty-Five and 00/100 Dollars (\$31,555.00).

A letter was received from the Italian American Club requesting permission to use the Municipal Parking Lot on Sunday, November 13, 2011 for their trip to Atlantic City. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Waryas to adopt the following Resolution Authorizing A Reduction Of The Performance Bond On Behalf Of Rachel Manor At Totowa, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 93-2011

RESOLUTION AUTHORIZING BOND REDUCTION ON BEHALF OF RACHEL MANOR, LLC

WHEREAS, Rachel Manor at Totowa, LLC, a limited liability company with offices at 47 Roosevelt Street, Roseland, New Jersey 07068, is the developer of real property referred to as Jeremy Estates and identified as Block 9, Lots 17.01 and 20 on the official tax map of the Borough of Totowa; and

WHEREAS, pursuant to a Developer's Agreement entered into March 19, 2002 between the Borough of Totowa and Rachel Manor at Totowa, LLC, the developer was required to post a performance bond for the purpose of insuring proper construction at all on-site and off-site improvements; and

WHEREAS, in accordance with the Developer's Agreement, Rachel Manor at Totowa, LLC posted a performance bond in the amount of \$984,000.00; and

WHEREAS, by Resolution No. 65-2004 dated June 15, 2004, the Mayor and Council of the Borough of Totowa authorized a reduction of the performance bond guarantee for work completed at that time to \$385,185.23; and

WHEREAS, Rachel Manor at Totowa, LLC has again requested a bond reduction for work completed to date; and

WHEREAS, the Municipal Engineer has reviewed the request, inspected the installed improvements and reviewed the as-built survey and prepared a performance bond estimate recommending the reduction of the performance guarantee and inspection costs to \$17,995.00, a copy of which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the recommendation of the Municipal Engineer and authorize that the performance bond be reduced as requested by Rachel Manor at Totowa, LLC from \$385,185.23 to \$17,995.00 in accordance with the above reference performance bond estimate.

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

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Proclamation In Honor And Celebration Of The One Hundredth Anniversary Of The Totowa United Methodist Church. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION IN HONOR AND CELEBRATION OF THE ONE HUNDREDTH
ANNIVERSARY OF THE TOTOWA UNITED METHODIST CHURCH

WHEREAS, in 1905, Reverend Williams of the Westside Methodist Church in Paterson learned that there was no organized worship services in the Borough of Totowa and offered to conduct religious services for a small group of families who had been using the local school house to conduct religious classes; and

WHEREAS, in 1911, Reverend A. N. Smith suggested that a regular preaching place be established in the Borough of Totowa and the New Union Methodist Episcopal Church was formed; and

WHEREAS, in 1912, the Board of Trustees purchased 3 lots on Hill Street (later renamed Church Street) for \$100.00 breaking ground on September 13th and the cornerstone was laid on November 14th; and

WHEREAS, the first worship services were celebrated on May 4, 1913 and the Church was formally dedicated as the Union Methodist Episcopal Church on November 5, 1916; and

WHEREAS, as membership grew over the next 4 decades, the Church expanded to include an educational building which was constructed at the rear of the Church complex in 1959; and

WHEREAS, on January 11, 1967, a fire destroyed the Church and educational building despite the heroic efforts of the Totowa Fire Department and firemen from the neighboring towns and the congregation quickly approved plans for the construction of a new Church edifice; and

WHEREAS, the Church became the Totowa United Methodist Church in 1968 and on September 13, 1970, the members of the Totowa United Methodist Church celebrated the first service in their new Church; and

WHEREAS, as the Totowa United Methodist Church celebrates its 100th Anniversary, it remains a symbol of commitment and dedication to God, family and the community; and

WHEREAS, the Mayor and Council of the Borough of Totowa wish to publicly honor the Totowa United Methodist Church and all their members as they celebrate their One Hundredth Anniversary.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the Borough of Totowa that special recognition is given to the Totowa United Methodist Church for one hundred years of devotion to the Church and their community.

Given in tribute this 25th day of October, 2011 by the Mayor and Council of the Borough of Totowa.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Supporting S-3062 "Telecommunications—Cable Television Deregulation Ensuring Consumer Protection Act". On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 94-2011

RESOLUTION SUPPORTING S-3062,
"TELECOMMUNICATIONS-CABLE TELEVISION DEREGULATION ENSURING
CONSUMER PROTECTION ACT"

WHEREAS, at a time when all municipal revenues are reduced and facing further threat, the need for stability and predictability in video telecommunications is paramount for municipalities and our taxpayers; and

WHEREAS, all video franchise fees, all PEG channels, all equipment and training and return feeds are vitally important to keeping communications open through local access channels and programming; and

WHEREAS, Mayors and municipal officials give a high priority to the requirements for free Internet and basic cable outlets for all libraries and all municipal buildings served by statewide franchises; and

WHEREAS, existing law requires all cable companies that convert from a municipal consent-based franchise to a system-wide franchise to pay a 4% franchise fee; and

WHEREAS, recently proposed legislation would fundamentally alter the regulation of telephone and cable television service in New Jersey, resulting in widespread opposition from consumer groups and advocates as well as municipalities; and

WHEREAS, in response, S-3062 has now been introduced as an alternative to protect the existing System wide Franchise and keeping in place necessary protections for municipalities.

NOW, THEREFORE, BE IT RESOLVED, video franchise related revenue and benefits must not be reduced by the State.

BE IT FURTHER RESOLVED, the Governing Body of the Borough of Totowa supports S-3062, which is currently assigned to the Senate Economic Growth Committee, and urges its swift passage.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Bob Smith, the primary sponsor of S-3062, the members of the Senate Economic Growth Committee, the Senate Leadership; Senator John A. Girgenti, Assemblywoman Nellie Pou and Assemblywoman Elease Evans; the Governor of the State of New Jersey; and the New Jersey State League of Municipalities.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application No. 1601 for the Knights of Columbus for an Off-Premise Merchandise Draw Raffle to be held on December 19, 2011. On roll call vote, all members of the Council present voted in the affirmative. Councilman D'Angelo abstained from the voting.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1602 & 1603 for St. Mary's School/Church for a Tricky Tray and On-Premise 50/50, respectively, to be held on November 8, 2011 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application No. 1604 for the BPOE #2111 Passaic Valley Elks for an Off-Premise 50/50 to be held on January 21, 2012. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1605 & 1606 for the Academy of St. Francis of Assisi for a Calendar Raffle to be held from December 2011 to February 2012 and a Tricky Tray to be held on November 18, 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 Andriani to approve Raffle License Application No. 1607 for the Do Good Student Support Group for a Casino Night to be held on November 18, 2011 at the American Legion Hall. 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