

## **BOROUGH OF TOTOWA**

### **MINUTES OF THE MAYOR AND COUNCIL**

**June 11, 2013**

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

**ABSENT:** Council President Phil Puglise.

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 everyone to remain standing and offer a moment of silence for our late Senator Frank Lautenberg.

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 Waryas, seconded by Councilman D'Angelo to dispense with the regular order of business in order to hold a public hearing on the 2013 Municipal Budget Amendment as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that the 2013 Municipal Budget Amendment has been advertised for public hearing for Tuesday, June 11, 2013.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo 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 the 2013 Municipal Budget Amendment.

**CITIZENS HEARD:**

There were no citizens who wished to be heard.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to close the public hearing. 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 Resolution No. 68-2013 To Adopt The 2013 Municipal Budget. 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 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.

Councilwoman Andriani: Announced that the municipal pool opens this Saturday and thanked Interim Superintendent Jim Niland and the DPW for all their work at the pool and said that it looks good.

**CITIZENS HEARD:**

Patti Sesso, Blue Star Mothers: Stated that she is a Blue Star Mother, along with Angela Jones, which is an organization that supports our military. Said that she has an Honor and Remember Flag that she would like to present to the Mayor and Council to fly at Veteran's Park. Continued by explaining the history behind the Honor and Remember Flag. Mayor

Coiro: Accepted the Honor and Remember Flag on behalf of the Borough of Totowa and commented that we are proud of our military and will be honored to fly the Flag. Then mentioned that we also donated various items for the troops.

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to approve the Minutes of the Mayor and Council for the Youth Week meeting of May 28, 2013. On roll call vote, all members of the Council present voted in the affirmative.

**COMMITTEE ON FINANCE:**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Resolution No. 2013-13 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 D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners due to overpayment of 2<sup>nd</sup> Quarter 2013 taxes. On roll call vote, all members of the Council present voted in the affirmative.

**RESOLUTION**

Tax Overpayments – 2<sup>nd</sup> Quarter 2013

WHEREAS, there has been an overpayment of taxes on the property listed below; and

WHEREAS, the tax payer is entitled to a refund; and,

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

<b>Block</b>	<b>Lot</b>	<b>Property/Owner</b>	<b>Payable to:</b>	<b>OVERPAYMENT</b>
9.08	8	35 CONTINENTAL CIRCLE HWANG HYEONG & MI	HWANG HYEONG & MI	\$3,234.71

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.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution authorizing the Treasurer to issue a refund of a payment made in error on Block 30, Lot 16. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION

Re: Refund Of Payment Made In Error  
Block 30, Lot 16

WHEREAS, Central Mortgage Company paid in error the 1<sup>st</sup> and 2<sup>nd</sup> Quarters of 2013 on Block 30, Lot 16, in the amount of \$6,563.16; and

WHEREAS, Central Mortgage Company is now entitled to a refund.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the Borough of Totowa is authorized to refund "Central Mortgage Company" in the amount of \$6,563.16.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following A Resolution To Adopt The 3-Year Cooperative Agreement Between Passaic County And The Borough Of Totowa To Participate In The Passaic County Community Development Block Grant Program: Fiscal Years 2014, 2015 And 2016. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 69-2013

#### A RESOLUTION TO ADOPT THE 3-YEAR COOPERATIVE AGREEMENT BETWEEN PASSAIC COUNTY AND THE BOROUGH OF TOTOWA TO PARTICIPATE IN THE PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: FISCAL YEARS 2014, 2015 and 2016

WHEREAS, Title I of the Housing and Community Development Act of 1974, as amended, provides federal funds to Passaic County to carry out eligible community development activities; and

WHEREAS, the Borough of Totowa (hereinafter referred to as the "Municipality") agrees to participate in eligible activities to be carried out under the Passaic County Urban County Entitlement Community Development Block Grant Program; and

WHEREAS, the Mayor of the Borough of Totowa is authorized to execute this Cooperative Agreement; and

WHEREAS, Passaic County and the Municipality agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities; and

WHEREAS, The County and the Municipality agree to take all actions necessary to assure compliance with the Passaic County Urban County Entitlement Program certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The provision must also include the obligation to comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. The provision must also include the obligation to comply with other applicable laws. The agreements shall also contain a provision prohibiting urban county funding for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification. This provision is required because noncompliance by a unit of general local government included in an urban county may constitute noncompliance by the grantee (i.e., the county) that can, in turn, provide cause for funding sanctions or other remedial actions by the Department; and

WHEREAS, this agreement shall be in effect for the three year program period: Federal Fiscal Years 2014, 2015 and 2016, and remains in effect until the CDBG funds and program income received (with respect to activities carried out during the three-year qualification period) are expended and the funded activities completed, and that the County and Municipality cannot terminate or withdraw from the Cooperative Agreement while it remains in effect. The agreement shall remain in effect until expressly terminated by one of the parties hereto but said termination may only occur at the end of each three year Urban County requalification period; and

WHEREAS, the County has the authority to carry out activities which shall be funded from annual Community Development Block Grant funding appropriations: the County has final responsibility for selecting projects, preparing the Five Year Plan as required by HUD and annual Action Plans; and

WHEREAS, by executing this Cooperative Agreement, the Municipality understands the following:

1. It may not apply for grants under the Small Cities or State CDBG Program for appropriations for fiscal years during the period in which it participates in the Passaic County Urban County CDBG Program;
2. This agreement shall remain in effect until the CDBG funds and income received with respect to the three year qualification period are expended and the funded activities completed;

3. The County and the Municipality may not terminate or withdraw from this agreement while this agreement remains in effect as above;
4. The Municipality has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations;
5. The Municipality has a policy of enforcing applicable State and local laws against physically barring entrance to, or exit from, a facility or location that is the subject of nonviolent civil rights demonstrations within its jurisdiction;
6. The Municipality shall be prohibited from receiving Urban County funding for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with its fair housing certification;
7. The Municipality, pursuant to 24 CFR 570.501(b), is subject to the same requirements applicable to sub-recipients, including the requirement of a written agreement as described in 24 CFR 570.503; and

WHEREAS, the Municipality shall comply with all applicable laws, ordinances, and codes of the State and Local governments, and shall commit no trespass on any private property in performing any of the work embraced by this Cooperative Agreement; and

WHEREAS, the Municipality shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, handicap or familiar status. The Municipality shall take affirmative action to ensure that applicant for employment are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, handicap or familiar status. Such action shall include, but not limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff/termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Municipality shall post in conspicuous places, available to employee and applicants for employment, notices to be provided by the Government setting forth the provisions of this nondiscrimination clause. The Municipality shall incorporate the foregoing requirements of this paragraph (a) in all its contractors for such work to incorporate such requirements in all of its contractors for such requirements in all subcontractors for program work; and

WHEREAS, the Municipality is subject to the requirements of Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968. (P.L. 88-352) and HUD regulations with respect thereto including the regulations under 24 CFR Part I. In the sale, or lease, or other transfer of land acquired, cleared, or improved with the assistance provided under this Agreement, the Municipality shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis of race, color, religion, sex, or national origin in the sale, lease or rental, or in the use or occupancy of such land or any improvements erected thereon, and providing that the sub grantee and the United States are beneficiaries of and entitled to enforce such covenant.

The Municipality in undertaking its obligation in carrying out the program assisted hereunder agrees to take such measures as are necessary to enforce such covenant and shall not itself so discriminate; and

WHEREAS, the aforesaid activities are in the best interest of the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa that the Mayor is authorized to execute the Cooperative Agreement with the County of Passaic to participate in the Passaic County Urban County Entitlement Community Development Block Grant Program for Federal Fiscal Years 2014, 2015 and 2016.

BE IT FUTHER RESOLVED, that this resolution shall take effect immediately upon its enactment, as provided by law.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Waryas, seconded by Councilwoman Fontanella to accept the following bids for the Purchase and Delivery of One Light Tower for Borough of Totowa Fire Rescue Company No. 4. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Bid Amount</u>
AAA Emergency Supply White Plains, NY	\$ 4,282.00
First Priority Flanders, NJ	\$ 7,300.00
P.L. Custom Body & Equipment Manasquan, NJ	\$11,600.00

Upon the recommendation of the Committee, there was a motion by Councilman Waryas, seconded by Councilwoman Fontanella to adopt the following resolution to award the contract to the lowest responsible, responsive bidder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 70-2013

RESOLUTION AWARDING CONTRACT FOR THE PURCHASE AND  
DELIVERY OF ONE LIGHT TOWER FOR THE  
BOROUGH OF TOTOWA FIRE RESCUE COMPANY NO. 4

WHEREAS, the Borough of Totowa has applied for and received a Federal Assistance to Firefighters Grant from the U.S. Department of Homeland Security and Federal Emergency Management Agency ("FEMA"); and

WHEREAS, the purpose of the grant is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

WHEREAS, the Borough of Totowa intends to use a portion of the grant funds to purchase a new Light Tower to be installed on a vehicle from the Borough of Totowa Fire Department fleet for Fire Rescue Company No. 4, 22 Mitchell Avenue, Totowa, New Jersey; 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 and Delivery of One Light Tower for the Borough of Totowa Fire Department, Fire Rescue Company No. 4, County of Passaic, New Jersey 2013"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on May 8, 2013; and

WHEREAS, by Resolution No. 60-2013 dated May 14, 2013, the Mayor and Council of the Borough of Totowa rejected all bids received for the safety equipment called for and authorized the public rebidding of one Light Tower for the Borough of Totowa Fire Rescue Company No. 4; and

WHEREAS, the Mayor and Council of the Borough of Totowa did again advertise for receipt of sealed bids in accordance with the specifications entitled "Specifications and Proposal for the Purchase and Delivery of One Light Tower for the Borough of Totowa Fire Department, Fire Rescue Company No. 4, County of Passaic, New Jersey 2013"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on June 6, 2013; and

WHEREAS, the low bid was submitted by AAA Emergency Supply Co., Inc., 635 N. Broadway, White Plains, New York, 10603 in the amount of Four Thousand Two Hundred Eighty-Two and 00/100 Dollars (\$4,282.00); and



WHEREAS, the Borough of Totowa Fire Official has reviewed the bid and recommended the purchase of this equipment for Borough of Totowa Fire Rescue Company No. 4; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by AAA Emergency Supply 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 AAA Emergency Supply Co., Inc. for the purchase and delivery of one Light Tower for the Borough of Totowa Fire Rescue Company No. 4 as the lowest responsible bid for the total sum of Four Thousand Two Hundred Eighty-Two and 00/100 Dollars (\$4,282.00).

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 Waryas, seconded by Councilwoman Fontanella to accept the following bids for the Purchase and Delivery of 80 Bailout Systems for the Borough of Totowa Fire Department. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Total Amount Bid</u>
AAA Emergency Supply White Plains, NY	\$55,200.00
Fire Ground Technologies Pompton Plains, NJ	\$43,600.00

Upon the recommendation of the Committee, there was a motion by Councilman Waryas, seconded by Councilwoman Fontanella to adopt the following resolution to award the contract to the lowest responsible, responsive bidder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 71-2013

RESOLUTION REJECTING LOW BID AND AWARDING CONTRACT FOR THE  
PURCHASE AND DELIVERY OF EIGHTY (80) BAILOUT SYSTEMS  
FOR THE BOROUGH OF TOTOWA FIRE DEPARTMENT

WHEREAS, the Borough of Totowa has applied for and received a Federal Assistance to Firefighters Grant from the U.S. Department of Homeland Security and Federal Emergency Management Agency (“FEMA”); and

WHEREAS, the purpose of the grant is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

WHEREAS, the Borough of Totowa intends to use a portion of the grant funds to purchase a eighty (80) Bailout Systems for the Borough of Totowa Fire Department; and

WHEREAS, the Bailout Systems are personal safety/escape systems that are worn by firefighters and the specifications for this equipment also includes training instruction; 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 and Delivery of Eighty (80) Complete RIT Pocket Pack P.R.E.S.S. AL Systems or Approved Equivalent for the Borough of Totowa Fire Department, County of Passaic, New Jersey 2013”; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on May 8, 2013; and

WHEREAS, by Resolution No. 61-2013 dated May 14, 2013, the Mayor and Council of the Borough of Totowa rejected all bids received for the safety equipment called for and authorized the public rebidding of eighty (80) Bailout Systems for the Borough of Totowa Fire Department; and

WHEREAS, the Mayor and Council of the Borough of Totowa did again advertise for receipt of sealed bids in accordance with the specifications entitled “Specifications and Proposal for the Purchase and Delivery of Eighty (80) Complete RIT Pocket Pack P.R.E.S.S. AL Systems or Approved Equivalent for the Borough of Totowa Fire Department, County of Passaic, New Jersey 2013”; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on June 6, 2013; and

WHEREAS, the low bid was submitted by Fire Ground Technologies, LLC, P.O. Box 534, Pompton Plains, New Jersey 07444 in the amount of Forty-Three Thousand Six Hundred and 00/100 Dollars (\$43,600.00); and

WHEREAS, the low bid contained numerous exceptions to the specifications; and

WHEREAS, the Borough of Totowa Fire Official has reviewed the bid and recommended the bid be rejected for failing to meet the technical specifications for the purchase of this safety equipment for Borough of Totowa Fire Department; and

WHEREAS, the Mayor and Council desire to reject the low bid submitted by Fire Ground Technologies, LLC for this equipment for the aforementioned reason; and

WHEREAS, the remaining bid submitted by AAA Emergency Supply Co., Inc., 635 N. Broadway, White Plains, New York, 10603 in the amount of Fifty-Five Thousand Two Hundred and 00/100 Dollars (\$55,200.00); and

WHEREAS, the Borough of Totowa Fire Official has reviewed the bid and recommended the purchase of this safety equipment for Borough of Totowa Fire Department; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by AAA Emergency Supply 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 AAA Emergency Supply Co., Inc. for the purchase and delivery of eighty (80) Bailout Systems for the Borough of Totowa Fire Department as the lowest responsible bid for the total sum of in the amount of Fifty-Five Thousand Two Hundred and 00/100 Dollars (\$55,200.00).

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.

A letter was received from Lincoln Fire Company requesting permission to attend the Mamaroneck, NY Fire Department's annual parade on Tuesday, July 2, 2013. There was a motion by Councilman Waryas, seconded by Councilwoman Fontanella to grant permission subject to them following the rules and regulations of the Fire Department. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON PUBLIC WORKS:

A letter from Totowa Public Library Director Anne Krautheim thanking Interim Superintendent Jim Niland and the DPW, specifically Sean Yennie for their assistance with the Arbor Day tree planting project was received and filed, with copies to be placed in their respective personnel jackets.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into An Easement Agreement For The Installation Of A Septic System Within The Public Right-Of-Way On Chestnut Street. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 72-2013

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO AN  
EASEMENT AGREEMENT FOR THE INSTALLATION OF A SEPTIC SYSTEM WITHIN  
THE PUBLIC RIGHT OF WAY ON CHESTNUT STREET

WHEREAS, the Borough of Totowa is the owner of real property known as Chestnut Street which is an unimproved public right of way; and

WHEREAS, Harold and Patricia Winters, husband and wife, are the owners of real property identified as Block 3, Lot 4 on the official tax map of the Borough of Totowa, County of Passaic, State of New Jersey and more commonly identified as 711 Preakness Avenue; and

WHEREAS, the above properties are adjacent to one another; and

WHEREAS, the property owned by Mr. and Mrs. Winters is a corner lot that has frontage along Preakness Avenue, a County of Passaic owned right of way, and Chestnut Street; and

WHEREAS, the on-site sewage disposal system located on the property owned by Mr. and Mrs. Winters at 711 Preakness Street is malfunctioning and must be replaced; and

WHEREAS, Mr. and Mrs. Winters have submitted a design plan to the Borough of Totowa Board of Health for a replacement septic system; and

WHEREAS, because of topographic restrictions and the small size of the lot, the septic system cannot be installed entirely within the subject property and a portion of the system must be located within Chestnut Street; and

WHEREAS, elements of the existing malfunctioning septic system have been and are currently located within the Chestnut Street right of way; and

WHEREAS, Mr. and Mrs. Winters have submitted a request to the Borough of Totowa to enter into an easement agreement with the Borough of Totowa to allow the installation of the septic system within the public right of way; and

WHEREAS, Houser Engineering, LLC of Ringwood, New Jersey has submitted an "On-Site Sewage Disposal System Alteration" plan dated July 26, 2012 and last revised March 18, 2013 to the Municipal Engineer for the Borough of Totowa; and

WHEREAS, the Municipal Engineer has reviewed the plan and found same to be satisfactory; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to grant an easement permitting a portion of the necessary septic system to be installed within the Chestnut Street public right of way subject to certain terms and conditions; and

WHEREAS, said terms and conditions shall be set forth in an easement agreement which has been reviewed and approved by the Municipal Attorney for the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into an easement agreement with Harold And Patricia Winters to accommodate the installation, inspection and maintenance of a portion of the disposal bed of the septic system to be installed with the Chestnut Street public 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 easement agreement shall be recorded in the office of the Passaic County Clerk.

#### COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Purchase And Installation Of Lightning Detection Equipment. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 73-2013

#### RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF LIGHTNING DETECTION EQUIPMENT

WHEREAS, by Resolution No. 64-2013 dated May 14, 2013, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa to enter into a Memorandum of Agreement with the Township of Little Falls, Borough of Woodland Park and Passaic Valley Regional High School for the joint purchase of a Lightning Detection System that will be utilized by all four (4) entities at their respective recreational fields; and

WHEREAS, the Lightning Detection System consists of a lightning sensor (sensor equipment) to be located at a central location and outdoor remote sirens (notification equipment) that will be located at the various recreational fields; and

WHEREAS, the Lightning Detection System may be purchased from Commercial Recreation Specialists, 415 Investment Court, Verona, Wisconsin 53593 pursuant to New Jersey State Contract No. A81431; and

WHEREAS, the entities agree to equally share the cost of the sensor system and will own same jointly for the duration of the Agreement; and

WHEREAS, the purchase, cost and ownership of the notification equipment for each entity shall be made by each individual entity; and

WHEREAS, the cost of the sensor system shall include a three (3) year extended warranty and each entity shall be responsible for the maintenance of their individually owned notification equipment; and

WHEREAS, Commercial Recreation Specialists has submitted a proposal for the purchase and installation of notification equipment for the Borough of Totowa's Lincoln Field and Minnisink Field in the amount of Eight Thousand Nine Hundred Forty- Five and 20/100 Dollars (\$8,945.20), a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the cost of the notification equipment includes a three (3) year extended warranty for the WAVE Sirens, Transmitters and/or Sequencers to be located at each of the above recreational fields; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase and installation of the outdoor remote sirens and all related equipment; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this safety equipment 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 installation of notification equipment from Commercial Recreation Specialists pursuant to State of New Jersey Contract No. No. A81431 for the Borough of Totowa's Lincoln Field and Minnisink Field in the amount of Eight Thousand Nine Hundred Forty- Five and 20/100 Dollars (\$8,945.20).

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 Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Vacation Of A Utility Easement For Lot 20.05, Block 9.19 From The Borough Of Totowa To Rachel Manor, LLC. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 74-2013

#### RESOLUTION AUTHORIZING THE VACATION OF A UTILITY EASEMENT FOR LOT 20.05, BLOCK 9.19 FROM THE BOROUGH OF TOTOWA TO RACHEL MANOR, LLC

WHEREAS, Rachel Manor Properties, LLC, formerly known as Rachel Manor at Totowa, LLC, (hereinafter "Rachel Manor"), 820 Morris Turnpike, Suite 301, Short Hills, New Jersey 07078, was the owner and applicant for the development of real property referred to as Jeremy Estates and identified as Block 9, Lots 17.01, 19 and 20 on the official tax map of the Borough of Totowa, Passaic County, New Jersey; and

WHEREAS, the original Major Subdivision application was approved by the Borough of Totowa Planning Board on August 23, 2001 and a Developer's Agreement was entered into on March 19, 2002 between the Borough of Totowa and Rachel Manor; and

WHEREAS, pursuant to the approvals granted and the terms of the Developer's Agreement, utility easements were provided for the installation of storm sewer, sanitary sewer and water; and

WHEREAS, upon completion of construction and installation of all improvements, Rachel Manor was required to provide the Borough of Totowa with an original tracing and black on white prints of development engineering plans to be known as "as-built plans and profiles of all utilities, roads and improvements"; and

WHEREAS, as shown on the final as-built plans submitted to the Borough of Totowa by Rachel Manor, the utilities were installed outside of the easement limits created on the original filed subdivision plat; and

WHEREAS, it is necessary to realign the forty (40') foot utility easement to reflect the actual location of the water and sewer mains as indicated in the final as-built plans; and

WHEREAS, the easement modification impacts the property identified as Block 9.19, Lot 20.05 (also known as Block 9, Lot 20.05 as per Filed Map Number 3483) within the Borough of Totowa, Passaic County New Jersey; and

WHEREAS, in order to properly establish the new easement, the existing easement will have to be vacated concurrently with the establishment of the new easement; and

WHEREAS, the Municipal Engineer and Municipal Attorney for the Borough of Totowa have recommended that Borough of Totowa vacate the existing drainage utility easement as same is no longer necessary; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to extinguish a portion of the forty (40') utility easement between the Borough of Totowa and Rachel Manor for the aforementioned reasons.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the vacation of a portion of the forty (40') foot utility easement situated within Block 9.19, Lot 20.05 (also known as Block 9, Lot 20.05 as per Filed Map Number 3483) within the Borough of Totowa, Passaic County New Jersey.

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 Deed Vacating Utility Easement shall be recorded in the office of the Passaic County Clerk.

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into A Relocated Utility Easement For Lot 20.05, Block 9.19 With Rachel Manor, LLC. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 75-2013

#### RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO A RELOCATED UTILITY EASEMENT FOR LOT 20.05, BLOCK 9.19 WITH RACHEL MANOR, LLC



WHEREAS, Rachel Manor Properties, LLC, formerly known as Rachel Manor at Totowa, LLC, (hereinafter "Rachel Manor"), 820 Morris Turnpike, Suite 301, Short Hills, New Jersey 07078, was the owner and applicant for the development of real property referred to as Jeremy Estates and identified as Block 9, Lots 17.01, 19 and 20 on the official tax map of the Borough of Totowa, Passaic County, New Jersey; and

WHEREAS, the original Major Subdivision application was approved by the Borough of Totowa Planning Board on August 23, 2001 and a Developer's Agreement was entered into on March 19, 2002 between the Borough of Totowa and Rachel Manor; and

WHEREAS, pursuant to the approvals granted and the terms of the Developer's Agreement, utility easements were provided for the installation of storm sewer, sanitary sewer and water; and

WHEREAS, upon completion of construction and installation of all improvements, Rachel Manor was required to provide the Borough of Totowa with an original tracing and black on white prints of development engineering plans to be known as "as-built plans and profiles of all utilities, roads and improvements"; and

WHEREAS, as shown on the final as-built plans submitted to the Borough of Totowa by Rachel Manor, the utilities were installed outside of the easement limits created on the original filed subdivision plat; and

WHEREAS, it is necessary to realign the forty (40') foot utility easement to reflect the actual location of the water and sewer mains as indicated in the final as-built plans; and

WHEREAS, the easement modification impacts the property identified as Block 9.19, Lots 20.05 (also known as Block 9, Lot 20.05 as per Filed Map Number 3483) within the Borough of Totowa, Passaic County New Jersey; and

WHEREAS, in order to properly establish the new easement, the existing easement will have to be vacated concurrently with the establishment of the new easement; and

WHEREAS, by Resolution No. 74-2013 dated June 11, 2103, the Mayor and Council of the Borough of Totowa authorized the vacation of a portion of the forty (40') foot utility easement situated within Block 9.19, Lot 20.05 (also known as Block 9, Lot 20.05 as per Filed Map Number 3483) within the Borough of Totowa, Passaic County New Jersey; and

WHEREAS, it is necessary for Rachel Manor to relocate the drainage utility easement and provide the Borough of Totowa with access for the inspection, maintenance and repair of the public utilities including sanitary sewer main, potable water main, storm sewer piping and all appurtenances located within the easement; and

WHEREAS, a portion of the relocated forty (40') foot easement is situated within Lot 20.05, Block 9.19, located along the northwesterly line of Hamilton Trail, within the Borough of Totowa, Passaic County New Jersey; and

WHEREAS, the Municipal Engineer and Municipal Attorney for the Borough of Totowa have recommended that the Borough of Totowa enter into the realigned easement; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the Borough of Totowa to enter into a relocated forty (40') foot utility easement with Rachel Manor for the aforementioned reasons.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into a relocated forty (40') foot easement to be situated within Lot 20.05, Block 9.19, located along the northwesterly line of Hamilton Trail, within the Borough of Totowa, Passaic County New Jersey.

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 Deed of Utility Easement shall be recorded in the office of the Passaic County Clerk.

**COMMITTEE ON LEGISLATION & ORDINANCES:**

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to introduce on first reading and advertise for public hearing the following entitled ordinance. On roll call vote, all members of the Council present voted in the affirmative.

**ORDINANCE NO. 08-2013**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA  
CHAPTER 415 ENTITLED "ZONING AND LAND USE", PART 4, "ZONING"**

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to introduce on first reading and advertise for public hearing the following entitled ordinance. On roll call vote, all members of the Council present voted in the affirmative.

**ORDINANCE NO. 09-2013**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 398 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE VI, "STOP AND YIELD INTERSECTIONS", SECTION 24, "STOP INTERSECTIONS DESIGNATED", AND ARTICLE XIII, "SCHEDULES", SECTION 53, "SCHEDULE IX: STOP INTERSECTIONS"**

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application No. 1721 for St. Joseph's Home For The Elderly—Little Sisters Of The Poor for an Off-Premise 50/50 to be held on August 30, 2013. 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 Waryas, 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