

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

August 23, 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 Waryas: 1) Said that at the last meeting he reported that 8 or 9 contractors picked up the bid package for the library project, but there ended up being a total of 12 contractors and the bids are due on Friday, August 26th. 2) Announced that the Republican Club Picnic will be held on Sunday, September 11th at 12:00 p.m.

Mayor Coiro: Mentioned that he met with Paterson Mayor Jeffrey Jones and surrounding Mayors to discuss the possibility of shared services. Stated that the Mayor's had met in the past and have now started this up once again.

CITIZENS HEARD:

Americo Monzo, 11 Knollwood Road: 1) Said that a while back the town put out a notice that garbage cans can only be put out at certain times and must be brought back in by certain times, but said that it is not enforced because his neighbors leave them out and they blow all around. 2) Stated that his wife has a bad heart and can't get nervous and he can't drive anymore because he is losing his eyesight, so she drives but the people at #10 Meadow Drive park their cars on the wrong side of the street and the daughter speeds away and almost ran them into park cars. He said the cars park contrary to traffic. Mayor Coiro: Asked Police Chief Robert Coyle to check it out and take care of it. Councilman Niland: Requested that Police Chief Coyle provide him with a report on the outcome of this situation.

Said she is a 37 year resident who loves the new street lights, pavers, etc., but has one complaint about the trucks going up and down Totowa Road and it is very dangerous. Mayor Coiro: Responded that Mrs. Hollis reminded him that several years ago we spoke to Passaic County to inquire about creating a truck route which would take trucks along Union Boulevard instead of Totowa Road. Disclosed that most of the trucks are from Tilcon and asked Police Chief Coyle to go to Tilcon to discuss this situation. Also asked Borough Attorney Robert Corrado to check with Kristin Corrado who was the Borough Attorney at the time to pull her file on establishing a truck route. Borough Attorney Corrado will have a meeting with Police Chief Coyle, Sergeant Mark Aue and Councilman Niland. Councilman Niland: Informed Police Chief Coyle that he would go with him to visit Tilcon.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of August 9, 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. 2011-18 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 signing of the Group Affidavit certifying to the Local Finance Board of the State of New Jersey that all members of the Governing

Body have reviewed at a minimum the section of the Annual Report of Audit entitled "Comments and Recommendations". On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 68-2011

There was a motion by Councilman Waryas, seconded by Councilman D'Angelo to adopt the following Resolution Re: Dedicate by Rider, Developers' Escrow Deposits (N.J.S.A. 40:55D-53.1). On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 69-2011

Resolution Re: Dedicate by Rider, Developers' Escrow Deposits
(N.J.S.A. 40:55D-53.1)

WHEREAS, N.J.S. 40A:4-39 provides that a municipality may dedicate certain revenues in any budget when the character of the revenue is not subject to reasonable accurate estimate in advance by including in said budget a statement dedicating such revenues to the purpose or purposes for which they are received, and

WHEREAS, the Borough will receive deposits from developers, builders and contractors to be used solely toward costs associated with professional services employed by the Borough to review applications for development, for municipal inspection fees in accordance with subsection h. of section 41 of P.L. 1975, c. 291 (C. 40:55D-53), or to satisfy the guarantee requirements of subsection a. of section 41 of P.L. 1975, c. 291 (C. 40:55D-53).

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa that deposits received from developers, buildings and contractors are hereby dedicated and shall be made available for expenditures for the purpose stated above as and when received in cash during the fiscal year.

BE IT FURTHER RESOLVED, by the Governing Body that two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

Upon the recommendation of the Committee, there was a motion by Councilman

Waryas, seconded by Councilman D'Angelo to hire Robert Tiers, 41 Hobart Place as a Part Time employee for the Recycling Center. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Niland, seconded by Councilman Puglise to adopt the following resolution authorizing the submission of an application for the Totowa Mayor and Council Municipal Alliance grant for calendar year 2012 in the amount of \$25,163. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 70-2011

A letter from Bill Warnet, Chairman of the Fire Department Fund Drive advising that their annual fund drive will begin September 12th with their door-to-door campaign being held on October 9th, 10th & 11th was received and filed.

A letter from resident Rose Blair thanking our first responders—particularly Fire Marshall Allen Del Vecchio, Fire Chief Vinnie Marciano and Police Chief Robert Coyle and the officers and volunteers—who have provided assistance on numerous occasions during July and August was received and filed with copies to be placed in their respective personnel jackets.

COMMITTEE ON PUBLIC WORKS:

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

<u>Contractor</u>	<u>Total Bid Price</u>
S. Batata Construction, Inc. South River, NJ 08882	\$198,709.00
Cifelli & Son General Const., Inc. Nutley, NJ 07110	\$203,450.00
Jenicar Builders Contractors Co., Inc.	\$216,885.41

Kearny, NJ 07032

Crossroad Construction Corp. Newark, NJ 07114	\$234,556.00
--	--------------

AJM Contractors, Inc. Clifton, NJ 07011	\$235,706.00
--	--------------

Reggio Construction Inc. Fort Lee, NJ 07024	\$235,771.20
--	--------------

Trino Associates, LLC Paramus, NJ 07652	\$247,390.00
--	--------------

There was a motion by Councilman Puglise, seconded by Councilman Niland to adopt the following resolution to award the contract to S. Batata Construction, Inc., the lowest responsible bidder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 71-2011

RESOLUTION AUTHORIZING CONTRACT 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 did advertise for receipt of sealed bids for its Road Improvement Program in accordance with its specifications entitled "Borough of Totowa, NJDOT Municipal Aid Program, Hudson Avenue 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 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 S. Batata Construction, Inc., 11 Jackson

Street, Suite 2G, South River, New Jersey 08882 with a bid in the amount of One Hundred Ninety-Eight Thousand Seven Hundred Nine and 00/100 Dollars (\$198,709.00); a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by S. Batata Construction, 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 S. Batata Construction, Inc. for the Hudson Avenue Improvements as the lowest responsible bid for the total sum of One Hundred Ninety-Eight Thousand Seven Hundred Nine and 00/100 Dollars (\$198,709.00.)

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.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to reject all the bids for the Lincoln Field Drainage 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 Councilwoman Fontanella to adopt the following resolution to reject the bids, have the engineer increase the scope of the project and re-advertise for the receipt of bids for the Lincoln Field Drainage Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 72-2011

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Payment Estimate No. 4 in the amount of \$87,279.05 to Trino Associates, LLC for the Union Boulevard Curb and Sidewalk Replacement—Phase 2. 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 Purchase Of Replacement Parts To Rebuild The Comminutors At The Lackawanna And South End Pump Station. On roll

call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 73-2011

RESOLUTION AUTHORIZING THE PURCHASE OF REPLACEMENT
PARTS TO REBUILD THE COMMUNOTORS AT THE LACKAWANNA AND
SOUTH END PUMP STATIONS

WHEREAS, the Borough of Totowa Sewer Department Superintendent has advised the Mayor and Council of the Borough of Totowa that the comminutors at the Lackawanna Pump Station and South End Pump Stations are not working satisfactorily and various parts must be repaired and/or replaced as soon as possible; and

WHEREAS, the Pump Stations service the residents of the Borough of Totowa by collecting sanitary sewerage waste from individual users throughout the municipality where it is processed and conveyed to the Passaic Valley Sewerage Commissioners located in Newark, New Jersey for proper treatment and disposal; and

WHEREAS, this situation adversely affects the public health, safety or welfare of the residents of the Borough of Totowa and requires the immediate repair of this equipment; and

WHEREAS, the Borough of Totowa Sewer Department Superintendent has recommended that the Borough of Totowa purchase parts that are compatible with the existing Pump Station equipment; and

WHEREAS, Clearwater Services, P.O. Box 365, Lincoln Park, New Jersey 07035, a unit of Bob Ryan Associates, Inc., has submitted a proposal to remove, power clean, replace and re-install the comminutor units and related equipment at both Pump Stations in the amount of Eighteen Thousand Nine Hundred Eleven and 00/100 Dollars (\$18,911.00), a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase of this necessary equipment and related repair costs for the Lackawanna Pump Station and the South End Pump Station for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to the applicable N.J.S.A. 40A:11-5(1)(i), this emergency equipment repair service constitutes an extraordinary unspecifiable service and this service may be authorized and the related necessary parts may be purchased 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 Clearwater Services for the purchase of various equipment, parts and labor costs for the Lackawanna Pump Station and South End Pump Station in the amount of Eighteen Thousand Nine Hundred Eleven and 00/100 Dollars (\$18,911.00).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Clearwater Services to provide the materials and perform the services as set forth in their proposal.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, 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. 08-2011

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 310 ENTITLED "SALES, SPECIAL", ARTICLE I, "GARAGE SALES"**

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to withdraw the agenda item to introduce on first reading and advertise for public hearing An Ordinance To Amend The Code Of The Borough Of Totowa Chapter 289 Entitled "Peddling And Soliciting" To Create A New Section to Be Known As Article III, "Clothing Bins" for further review and discussion. 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 adopt the following Resolution Of The Borough Of Totowa Joining The National Moment Of Remembrance of The 10th Anniversary Of September 11th. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 74-2011

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