

## **BOROUGH OF TOTOWA**

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

**April 23, 2013**

**PRESENT:** Mayor John Coiro, presiding, Council President Phil Puglise, 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:** 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.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to dispense with the regular order of business in order to hold a public hearing on the 2013 Municipal Budget 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 has been advertised for public hearing for Tuesday, April 23, 2013.

Municipal Clerk Wassel read the Municipal Budget Notice.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following Resolution Re: Waiver Of Reading In Full The 2013 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 52-2013

RE: WAIVER OF READING IN FULL THE 2013 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall

- a) be posted in a public place where public notices are customarily posted; and
- b) is made available to each person requesting the same during said week and during the public hearing; and

WHEREAS, the Borough of Totowa has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the Borough of Totowa is hereby permitted to waive the reading in full, of the Municipal Budget for the year ending December 31, 2013.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any citizens wished to be heard on the 2013 Municipal Budget.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro announced that since the State of New Jersey hasn't reviewed our budget yet we cannot adopt the 2013 Municipal Budget at this time.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

Councilman Picarelli: Announced that he, Councilwoman Fontanella and Councilman D'Angelo all attended the North Jersey Developmental Center's Volunteer Recognition Ceremony this past Sunday and said it was a very nice affair.

Councilwoman Andriani: Reminded everyone that we will have our annual free rabies clinic on April 30<sup>th</sup> at the DPW from 7:00—8:00 p.m.

#### CITIZENS HEARD:

George Stafford, New Jersey Highlands Coalition: Asked that the Mayor and Council consider a resolution in support of the Coalition to help with the water quality for the Highlands, by utilizing re-development versus new development—a resolution to support the original Highlands Act. Mayor Coiro: Inquired about the 2004 law and asked who does the resolution go to? Mr. Stafford: Said send it to us. A conversation ensued.

Mike Mahometa, 269 Lincoln Avenue: Said he thought that yesterday we were out flushing hydrants and asked if a reverse 9-1-1 call should have gone out because there was no water in the highlands. Mayor Coiro: Responded that was a little confusing because we did put out a reverse 9-1-1 by District(s) affected. Interim DPW Superintendent Jim Niland: Told the Mayor that we were flushing hydrants in the 3<sup>rd</sup> District, not the 5<sup>th</sup> and that is why Mr. Mahometa didn't receive a call. Water Operator Allen Del Vecchio: Advised that when we shut certain valves in the 3<sup>rd</sup> District it affected other areas and we weren't aware of that.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of April 9, 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. 2013-10 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 pursuant to State Tax Court judgments, subject to the availability of funds. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there has been State Tax Court judgments to reduce the evaluation on the following.

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

Block	Lot	Property/Owner	Payable To	Year	From	To	Amount
100	1	515 UNION BLVD SITT ASSET/515 UNION BLVD	GARIPPA, LOTZ & GIANNUARIO ATTORNEYS FOR SITT ASSET/515 UNION BLVD LAW OFFICES GARIPPA, LOTZ & GIANNUARIO 66 PARK STREET MONTCLAIR, NJ 07042	2011	15,397,300	10,000,000	\$106,056.95
100	1	515 UNION BLVD SITT ASSET/515 UNION BLVD	GARIPPA, LOTZ & GIANNUARIO ATTORNEYS FOR SITT ASSET/515 UNION BLVD LAW OFFICES GARIPPA, LOTZ & GIANNUARIO 66 PARK STREET MONTCLAIR, NJ 07042	2012	15,397,300	9,000,000	\$131,784.38
						TOTAL CK	\$237,841.33
174	1	464 ROUTE 46 FIDELITY SYNDICATIONS COMPANY, LLC	LASSER HOCHMAN, LLC TRUST ACCOUNT LASSER HOCHMAN, LLC ATTORNEYS AT LAW 7 EISENHOWER PARKWAY SUITE NO. 120 ROSELAND, NJ 07068-1694	2009	69,059,600	60,000,000	\$146,765.52
174	1	464 ROUTE 46 FIDELITY SYNDICATIONS COMPANY, LLC	LASSER HOCHMAN, LLC TRUST ACCOUNT LASSER HOCHMAN, LLC ATTORNEYS AT LAW 7 EISENHOWER PARKWAY SUITE NO. 120 ROSELAND, NJ 07068-1694	2010	69,059,600	59,000,000	\$171,817.97
						TOTAL CK	\$318,583.49

A letter of resignation was received from Tax Collector James M. TenHoeve, effective April 30, 2013. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to accept his resignation. 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 endorsing the submission of the 2012 Recycling Tonnage Grant Application and Tax Reimbursement Certification to the New Jersey Department of Environmental Protection. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 53-2013

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2012 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Totowa to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa hereby endorses the submission of the Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Joseph Wassel, Certified Recycling Professional, 537 Totowa Road at Cherba Place, Totowa, NJ, 07512, to ensure that the application is properly filed.

BE IT FURTHER RESOLVED, that the monies received from the Recycling Tonnage Grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

#### COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve a grade increase for Patrolman Gary Potenzzone from Grade 3 (\$89,771.) to Grade 2 (\$100,652.), effective April 24, 2013. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to authorize the Borough Attorney to prepare the specifications for: 1) Purchase of One Light Tower for Borough of Totowa Fire Rescue Company No. 4 and 2) Purchase and Delivery of 80 Bailout Systems for the Borough of Totowa Fire Department and Borough Clerk to advertise for the receipt of bids. 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 Puglise, seconded by Councilman Waryas to appoint Denise Tillie as a School Crossing Guard. 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 Denise Tillie as a School Crossing Guard  
for a term of one year expiring December 31, 2013.

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

COMMITTEE ON PUBLIC WORKS:

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

<u>Company</u>	<u>Total Bid</u>
Stanziale Construction, LLC Bloomfield, NJ 07003	\$172,891.00
Mark Paving Company, Inc. Woodbridge, NJ 07095	\$211,336.95
A.J.M. Contractors, Inc. Clifton, NJ 07013	\$232,059.50
M. Ingannamonti & Son, Inc. Tenafly, NJ 07670	\$269,925.00
DLS Contracting, Inc. Nutley, NJ 07110	\$270,359.00
Your Way Construction, Inc. Irvington, NJ 07111	\$295,210.00

There was a motion by Councilman Waryas, seconded by Councilman Puglise to adopt the following Resolution Granting Withdrawal Of Low Bid For The Lincoln Avenue Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO.54-2013

RESOLUTION GRANTING WITHDRAWAL OF LOW BID FOR THE  
LINCOLN AVENUE IMPROVEMENTS

WHEREAS, the Borough of Totowa has received a grant from the New Jersey Department of Transportation under the Transportation Trust Fund for improvements on a section of Lincoln Avenue including the installation of drainage improvements, the milling and resurfacing of the roadway, installation of ADA complaint curb ramps and associated site improvements; and

WHEREAS, by Resolution No. 66-2012 dated May 8, 2012, the Mayor and Council of the Borough of Totowa authorized the Borough's Municipal Engineer, Richard A. Alaimo Engineering Associates, to provide the design, bid assistance and construction supervision services for the Lincoln Avenue Improvements project; 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, NJDOT Municipal Aid Program, Lincoln Avenue Improvements, Contract No. 2012-4"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on April 16, 2013; and

WHEREAS, the apparent low bid was submitted by Stanziale Construction, LLC, P.O. Box 2597, Bloomfield, New Jersey 07003 in the amount of One Hundred Seventy-Two Thousand Eight Hundred Ninety-One and 00/100 Dollars (\$172,891.00), a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, after the public bid opening held on April 16, 2013, Stanziale Construction, LLC submitted a letter dated April 19, 2013 requesting to withdraw their bid pursuant to N.J.S.A. 40A:11-23.3; and

WHEREAS, Stanziale Construction, LLC stipulated in their April 19, 2013 letter that their bid proposal contained a grievous mistake would cause financial hardship if they were forced to continue with the project; and

WHEREAS, Nordan Murphy, P.E., Richard A. Alaimo Engineering Associates, Municipal Engineer for the Borough of Totowa, has reviewed the written request submitted by Stanziale Construction, LLC and recommended to the Municipal Council that they grant the withdrawal of the bid from Stanziale Construction, LLC and return the bid guarantee to the bidder; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2, Stanziale Construction, LLC shall be disqualified from future bidding on this project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby grant the request of Stanziale Construction, LLC to withdraw their bid for the Lincoln Avenue Improvements and do authorize the return of the bid guarantee to the bidder.



COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from Cindi Brocato of 1D Highview Avenue requesting permission to have a Block Party on Saturday, June 8, 2013 (rain date: Sunday, June 9, 2013) from 3:00—8:00 p.m. There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to grant permission, subject to them providing us with the Certificate of Liability Insurance and allowing access for emergency vehicles. 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 Picarelli to adopt the following Resolution Fixing The Fee Schedule For The Totowa Municipal Swimming Pool For 2013. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 55-2013

RESOLUTION FIXING THE FEE SCHEDULE FOR THE TOTOWA MUNICIPAL SWIMMING POOL FOR 2013

WHEREAS, the Mayor and Council of the Borough of Totowa pursuant to the Code of the Borough of Totowa, Chapter 367 entitled "Swimming Pools", Article I, "Municipal Pool" and any amendments thereto, is authorized to annually establish the "fees" for the Totowa Municipal Swimming Pool; and

WHEREAS, the Mayor and Council of the Borough of Totowa after conferring with the Board of Recreation and Totowa Pool Committee and for good cause shown has approved the following 2013 Fee schedule for the Totowa Swimming Pool, to wit:

2013 Fee Schedule

	<u>ENTIRE SEASON</u>	<u>AS OF AUG 1st</u>	<u>WEEKNIGHTS (FROM 5 PM)/ WEEKENDS/HOLIDAYS</u>	<u>AS OF AUG 1st</u>
FAMILY	\$400.00 plus \$35.00 per child	\$200.00 plus \$18.00 per child	\$280.00 plus \$25.00 per child	\$140.00 plus \$13.00 per child

(The per child rate will be applied to the first 2 children, each additional child is free.)

SENIOR CITIZEN (Age 62* or older)	\$ 90.00	\$ 45.00	\$ 60.00	\$ 30.00
SINGLE (Age 18* or older)	\$265.00	\$ 133.00	\$185.00	\$ 93.00
CHILDREN (Ages 4-17**)	\$ 95.00	\$ 48.00	\$ 70.00	\$ 35.00

\* Age at time of registration. \*\* Must be purchased with any other package.

Family is defined as an adult couple or 1 or 2 legal guardians plus unmarried children under 21 as of 5/23/13 or under 26 as of 5/23/13 and a full time student who resides in the same residence.

A \$100.00 discount will be applied to the entire season rate for families who register for the pool and also register their children for Summer Camp with the Borough of Totowa Board of Recreation Camp. (Camp receipt must be shown when registering for the 2013 Pool Season in order for the discount to be applied.)

WHEREAS, the Mayor and Council of the Borough of Totowa after conferring with the Board of Recreation and Totowa Pool Committee and for good cause has also approved the following half-price rates for volunteers of the Borough of Totowa Fire Department and First Aid Squad; to wit:

2013 Fee Schedule For Volunteers

	<u>ENTIRE SEASON</u>	<u>AS OF AUG 1st</u>	<u>WEEKNIGHTS (FROM 5 PM)/ WEEKENDS/HOLIDAYS</u>	<u>AS OF AUG 1st</u>
FAMILY	\$235.00	\$118.00	\$165.00	\$83.00
SENIOR CITIZEN (AGE 62* OR OLDER)	\$ 45.00	\$ 23.00	\$30.00	\$15.00
SINGLE (AGE 18* OR OLDER)	\$133.00	\$ 67.00	\$ 93.00	\$47.00
CHILDREN (AGES 4-17**)	\$ 48.00	\$ 24.00	\$ 35.00	\$18.00

\* Age at time of registration. \*\* Must be purchased with any other package.

\*\*There will be a \$20.00 late fee for anyone registering after May 23, 2013.

Refunds will not be given once the pool has opened for the season.

Guest Fees-

Under 4 Years of Age	Free
Age 4 and up – Weekdays Per Person	\$ 8.00
Age 4 and up – Weekends/Holidays Per Person	\$ 9.00
Five Passes Purchased on Registration Days	\$35.00

In addition to the fees established above, the following fees shall be put into effect for 2013 for special events:

Totowa Non-Members	\$150.00
(Plus \$5.00 guest fee for every non-member, including parents.)	
Swimming Lessons	\$ 50.00 members
	\$ 80.00 non-members

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa has adopted the aforementioned Fee Schedule for the Totowa Swimming Pool for 2013.

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to authorize the Borough Attorney to prepare a Request For Proposals To Operate The Food Concession Facility For The Borough Of Totowa Community Swimming Pool and the Borough Clerk to advertise for the receipt of proposals. On roll call vote, all members of the Council present voted in the affirmative.

A letter of resignation was received from Board of Recreation Commissioner Michele Guarneri. There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to accept her resignation and send her a letter of thanks. On roll call vote, all members of the Council present voted in the affirmative.

**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. 05-2013**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA  
CHAPTER 153 ENTITLED "BUILDING CONSTRUCTION"**

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to adopt the following Resolution Supporting Public Service Electric And Gas Company's Energy Strong Program. On roll call vote, all members of the Council present voted in the affirmative.

## RESOLUTION NO. 56-2013

### RESOLUTION SUPPORTING PUBLIC SERVICE ELECTRIC AND GAS COMPANY'S ENERGY STRONG PROGRAM

WHEREAS, the State of New Jersey has experienced a series of extreme weather events over the last two years, including but not limited to: Hurricane Irene, the October 2011 snowstorm, Superstorm Sandy and an accompanying Nor'easter; and

WHEREAS, the Borough of Totowa was impacted by said extreme weather events, including but not limited to: downed power lines and power outages that lasted up to a week or more in some areas; and

WHEREAS, Public Service Electric and Gas Company ("PSE&G") provides the Borough of Totowa with electric and gas service; and

WHEREAS, said extreme weather events severely damaged PSE&G infrastructure, including but not limited to: flooded electrical substations due to storm surges, downed power lines and poles due to high winds and fallen trees, and the destruction of gas meters due to contact with water; and

WHEREAS, said damages to PSE&G infrastructure contributed to the Borough of Totowa's said impacts; and

WHEREAS, the New Jersey Board of Public Utilities ("BPU") issued an order on January 23, 2013 directing the State's electric and gas utilities, including PSE&G, to implement certain recommendations in the areas of: "Preparedness efforts", "Communications", "Restoration and response", "Post event", and "Underlying infrastructure issues"; and

WHEREAS, PSE&G submitted an infrastructure filing on February 20, 2013 entitled "Energy Strong"; and

WHEREAS, "Energy Strong" proposes an investment of \$3.9B worth of infrastructure projects over a 10-year period to enhance PSE&G's electrical and gas system, including but not limited to: fortifying electrical stations, replacing and modernizing cast iron gas mains, deploying smart grid technologies, improving pole distribution systems, creating more redundancies, undergrounding of electricity lines, and protecting gas metering stations; and

WHEREAS, the Borough of Totowa would benefit from the proposed investments in the “Energy Strong” filing.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa formally declares its support for PSE&G’s “Energy Strong” program.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to PSE&G.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application No. 1718 for the Totowa PAL for an Off-Premise 50/50 to be held on June 23, 2013. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1719 & 1720 for the Lincoln Park Elementary School PTO for a Tricky Tray and On-Premise 50/50, respectively, to be held on May 15, 2013 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.

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Joseph Wassel, RMC  
Municipal Clerk