

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

November 14, 2017

PRESENT: Council President Lou D'Angelo, presiding, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman John Capo, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

ABSENT: Mayor John Coiro and Councilman William Bucher.

Council President Lou D'Angelo 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.

Council President D'Angelo asked the Municipal Clerk to read the statement of the meeting.

Municipal Clerk Wassel 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.

Council President D'Angelo asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

Councilman D'Angelo: Congratulated our own Kristin Corrado on being elected Senator of District 40, along with her running mates Kevin Rooney and Chris DePhillips for Assembly and also Councilwoman Andriani and Councilman Bucher on their re-election.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve the Minutes of the Mayor and Council for the meeting of October 24, 2017. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to approve Resolution No. 2017-23 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 Picarelli, seconded by Councilwoman Fontanella to adopt the following resolution to effectuate the redemption of Tax Sale Certificate #17-00002 for 268 Grant Avenue, Block 116, Lot 4. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale #17-00002
Block 116, Lot 4

Property: 268 Grant Ave., Totowa, New Jersey
Owner: McDonald Kelly & Jay Trustees

WHEREAS, at the Municipal Tax Sale on October 26, 2017, a lien was sold on Block 116, Lot 4; and

WHEREAS, this lien known as Tax Sale Certificate #17-00002, was sold to US Bank Cust BV002 Trst & Crdtrs at 0% redemption fee and a premium of \$22,000; and

WHEREAS, Builders Title Agency, Inc. and Attorney Jill Dolinsky, on behalf of owners Kelly A & Jay McDonald, Trustees, have effected Redemption of Certificate #17-00002, in the amount of \$6,352.51 as of 11/2/17.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize the Treasurer to issue a check in the amount of \$6,352.51 payable to US Bank Cust BV002 Trst & Crdtrs for the redemption of Tax Sale Certificate #17-00002.

BE IT FURTHER RESOLVED that the Mayor and Council authorize the Treasurer to issue a check in the amount of \$22,000 (premium) to the aforementioned Lien Holder.

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to acknowledge receipt of the Report of Annual Tax Sale held on October 26, 2017 from Tax Collector Elaine Reddin. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to authorize the Borough Attorney to prepare and the Borough Clerk to advertise for the RFP's for 2018 Professional Services. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Of The Borough Of Totowa Authorizing The Payment Of Terminal Leave Benefits To Mark Ross Aue, Sr. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 114-2017

RESOLUTION OF THE BOROUGH OF TOTOWA AUTHORIZING THE PAYMENT OF TERMINAL LEAVE BENEFITS TO MARK ROSS AUE, SR.

WHEREAS, Mark Ross Aue, Sr. began his employment with the Borough of Totowa as a Patrol Officer in the Police Department on October 10, 1984; and

WHEREAS, Mark Ross Aue, Sr. retired from the Borough of Totowa Police Department as a Captain effective August 1, 2017; and

WHEREAS, the policy of the Borough of Totowa is that employees with twenty-five (25) years of service are entitled to a maximum of one hundred thirty (130) days of Terminal Leave to be paid upon retirement; and

WHEREAS, the Terminal Leave amount is calculated at the amount of sick day benefits, not to exceed one hundred thirty (130) days or eighty-seven (87) days for those employees under the Pitman/12 Hour Shift Schedule, at the daily rate of pay of the last twelve (12) months of service upon retirement; and

WHEREAS, Mark Ross Aue, Sr. has accumulated eighty-seven (87) unused sick days and has completed more than twenty-five (25) years of service as an employee of the Borough of Totowa; and

WHEREAS, Mark Ross Aue, Sr. does hereby waive any other claim and/or claims for any salary, benefits and/or other compensation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that Mark Ross Aue, Sr. is granted eighty-seven (87) days of accumulated sick leave (Terminal Leave) for a total amount of seventy-five thousand nine hundred eighty-nine and 50/100 Dollars (\$75,989.50). Said monies are given in full and final consideration of any and all claims that Mark Ross Aue, Sr. may have against the Borough of Totowa.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve payment of the Fire Department Clothing Allowance for 2017. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Capo, seconded by Councilman Picarelli to accept the following bids for the 2017 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Bid Amount</u>
Smith-Sondy Asphalt Construction, Co., Inc. Wallington, NJ 07057	\$276,766.30
New Prince Concrete Hackensack, NJ 07601	\$375,764.00
Mike Fitzpatrick & Son, Inc. Oak Ridge, NJ 07438	\$391,482.50
Marini Brothers Construction Co., Inc. Hackensack, NJ 07601	\$357,789.50
JTG Construction Newark, NJ 07105	\$319,057.50

J.A. Alexander, Inc. Bloomfield, NJ 07003	\$297,649.14
DLS Contracting Fairfield, NJ 07004	\$317,413.60
D&L Paving Contractors, Inc. Nutley, NJ 07110	\$324,456.00
Crossroads Pavement Maintenance, LLC Nutley, NJ 07110	\$306,270.00
American Asphalt & Milling Services, LLC Kearny, NJ 07032	\$299,344.70
4 Clean-Up, Inc. North Bergen, NJ 07047	\$299,744.50

Upon the recommendation of the Committee, there was a motion by Councilman Capo, seconded by Councilman Picarelli to adopt the following resolution to award the contract to the lowest responsible bidder for the 2017 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 115-2017

RESOLUTION AWARDING CONTRACT FOR BOROUGH OF TOTOWA 2017 ROAD PROGRAM

WHEREAS, the Municipal Engineer for the Borough of Totowa has recommended various improvements to streets throughout the municipality including sections of Greene Avenue, Carroll Place, Knollwood Road, Craig Court and Heritage Court; and

WHEREAS, by Resolution No. 101-2017 dated August 8, 2017, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa Municipal Engineer, Richard A. Alaimo Engineering Associates to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the 2017 Road Program; 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, 2017 Road Program, Contract No. 2017-3"; and

WHEREAS, the Borough of Totowa did receive sealed bids at its Municipal Building on November 2, 2017; and

WHEREAS, the apparent low bid was submitted by Smith-Sondy Asphalt Construction Co., Inc., 150 Anderson Avenue, Wallington, New Jersey 07057 in the amount of \$276,766.30, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Municipal Engineer has reviewed the bids submitted and advised that the bid price submitted by Smith-Sondy Asphalt Construction Co., Inc. is 17.7% below his estimate and further advised that the contractor is capable of completing the project; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Smith-Sondy Asphalt Construction 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 Smith-Sondy Asphalt Construction Co., Inc. for the 2017 Road Program as the lowest responsible bid for the total sum of \$276,766.30.

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 Capo, seconded by Councilman Picarelli to adopt the following Resolution To Authorize The Purchase And Delivery Of One New Landscaping Trailer For The Department Of Public Works. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 116-2017

RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF ONE NEW LANDSCAPING TRAILER FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Borough of Totowa Department of Public Works ("DPW") Superintendent has requested that a new landscaping trailer be purchased for use by the DPW; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for a new landscaping trailer; and

WHEREAS, the DPW Superintendent solicited proposals for the purchase and delivery of a new landscaping trailer; and

WHEREAS, Performance Trailers, Inc., 39 Old Ledgewood Road, Flanders, New Jersey 07836 submitted a quote for the purchase and delivery of one H.D. Factory Landscape package and related equipment in the amount of \$8,510.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase of this H.D. Factory Landscape package and related equipment; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this landscaping trailer may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase and delivery of one H.D. Factory Landscape package and related equipment from Performance Trailers, Inc. in the amount of \$8,510.00.

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

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution authorizing the Mayor to execute the Statements of Consent—NJDEP Form WQM-003 on behalf of the Borough of Totowa for Kari-Out Company, 690 Union Boulevard, Block 179, Lot 1. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 117-2017

WHEREAS, Kari-Out Company, 690 Union Boulevard, Totowa, New Jersey, 07512, Block 179, Lot 1 is requesting approval to increase wastewater flow through a recently constructed 6-inch PVC lateral connected to the existing sanitary sewer system within the King Road right of way; and

WHEREAS, Kari-Out Company is required to apply to the New Jersey Department of Environmental Protection (NJDEP) for a Treatment Works Approval (TWA) permit since the projected average daily flow exceeds 8,000 gallons per day because of wastewater generated by the food processing facility on the property; and

WHEREAS, the projected increased wastewater flow into the existing King Road sanitary sewer system is 9,350 gallons per day; and

WHEREAS, the Treatment Works Approval (TWA) permit application has been reviewed and approved by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Totowa, County of Passaic, State of New Jersey that the Mayor of the Borough of Totowa be and is hereby authorized to execute the Statements of Consent – NJDEP Form WQM-003 on behalf of the Borough of Totowa.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Capo, seconded by Councilman Picarelli 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. 12-2017

**ORDINANCE OF THE BOROUGH OF TOTOWA, IN THE COUNTY OF PASSAIC,
NEW JERSEY AUTHORIZING THE FINANCIAL AGREEMENT BETWEEN THE
BOROUGH AND THE REDEVELOPER PURSUANT TO THE LOCAL
REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.**

There was a motion by Councilman Capo, seconded by Councilman Picarelli to adopt the following Resolution Authorizing An Application To The Local Finance Board Pursuant To N.J.S.A. 40A:12A-29(A)(3) And N.J.S.A. 40A:12A-67(G) In Connection With Not To Exceed \$300,000 Non-Recourse Redevelopment Area Bonds (NJDC Urban Renewal Development Project). On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 118-2017

RESOLUTION AUTHORIZING AN APPLICATION TO THE
LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:12A-29(A)(3)
AND N.J.S.A. 40A:12A-67(G) IN CONNECTION WITH NOT TO EXCEED
\$300,000 NON-RECOURSE REDEVELOPMENT AREA BONDS
(NJDC URBAN RENEWAL REDEVELOPMENT PROJECT)

WHEREAS, the Borough of Totowa (the "Borough") desires to make application to the Local Finance Board (the "Board") with respect to a proposed bond resolution authorizing the issuance of not to exceed \$300,000 non-recourse redevelopment area bonds (the "Bonds"), and the pledge of certain payments in lieu of taxes with respect to the repayment thereof, all in connection with the NJDC Urban Renewal LLC redevelopment project, and pursuant to N.J.S.A. 40A:12A-29(a)(3) and N.J.S.A. 40A:12A-67(g); and

WHEREAS, the Borough believes that:

- (a) it is in the public interest to accomplish such purpose; and
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit; and
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit and will not create an undue financial burden to be placed upon the local unit,

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

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. APPLICATION TO LOCAL FINANCE BOARD APPROVED

- (a) The application to the Local Finance Board is hereby approved, and the Borough's special counsel, McManimon, Scotland & Baumann, LLC, along with other representatives of the Borough, are hereby authorized to prepare and submit the above-referenced application.
- (b) The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as the same may be required by law.

III. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this resolution shall be available for public inspection at the offices of the Borough.

V. EFFECTIVE DATE

This Resolution shall take effect immediately.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve Raffle License Application No. 2065 for the St. Joseph's Home for the Elderly of the Little Sisters of the Poor for an Off-Premise 50/50 to be held on March 17, 2018. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2066 & 2067 for the Passaic Valley Band Association for a Tricky Tray and Off-Premise 50/50 to be held on February 3, 2018 at the Totowa Elks Lodge. 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 Councilwoman Fontanella, seconded by Councilwoman Andriani that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk