

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

April 24, 2012

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman John Waryas, Councilman Jim Niland, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Municipal Clerk Joseph Wassel and Alternate Municipal Attorney Kristin Corrado.

ABSENT: Councilman Lou D'Angelo and Municipal Attorney Robert Corrado.

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 that everyone remain standing and offer a moment of silence for two longtime residents who recently passed away—Frank Gloor who was a volunteer fireman for over 60 years and then just this morning John D'Aiuto who did many things for Totowa and was on the Passaic Valley High School Board of Education, the Board of Adjustment and was also the Chairman of the PAL football program for many years.

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 2012 Municipal Budget and Ordinance No. 05-2012 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that the 2012 Municipal Budget and Ordinance No. 05-2012 have been advertised for public hearing for Tuesday, April 24, 2012.

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 2012 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 56-2012

RE: WAIVER OF READING IN FULL THE 2012 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, 2012.

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 2012 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 didn't review our budget yet we cannot adopt the 2012 Municipal Budget at this time.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 05-2012.

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 Ordinance No. 05-2012.

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.

Municipal Clerk Wassel read Ordinance No. 05-2012 by title:

ORDINANCE NO. 05-2012

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 407 ENTITLED "WATER", ARTICLE I, "WATER USE",
SECTION 25, "CHARGES AND FEES"**

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 05-2012 on second and final reading. 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 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: Said she just attended the annual Rabies Clinic at the DPW and thanked the Board of Health and Nurse Darlene Walsh for running a good program.

CITIZENS HEARD:

There were no citizens who wished to be heard.

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 10, 2012. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman Waryas, seconded by Councilwoman Fontanella to approve Resolution No. 2012-10 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 Waryas, seconded by Councilwoman Fontanella to adopt the following resolution endorsing the submission of the 2011 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. 57-2012

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 2011 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 Niland, seconded by Councilman Puglise to approve a grade increase for Patrolman Gary Potenzone from Grade 4 (\$77,344.) to Grade 3 (\$88,011.), effective April 24, 2012. On roll call vote, all members of the Council present voted in the affirmative.

A letter from resident Tracy Straka praising officers Brian Mulroony, Rob Errigo, Brian Britting and Gary Bierach who responded to her residence for an attempted burglary on April 3, 2012 was received and filed, with copies to be placed in their respective personnel files.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Puglise, seconded by Councilman Niland to adopt the following resolution authorizing a contract for a Licensed Site Remediation Professional (LSRP). On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 58-2012

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR A LICENSED SITE REMEDIATION PROFESSIONAL ("LSRP")

WHEREAS, in 2001, the Mayor and Council of the Borough of Totowa authorized the removal of various underground storage tanks located within the Borough of Totowa and installation of new tanks at these same locations; and

WHEREAS, on August 7, 2001, the New Jersey Department of Environmental Protection ("NJDEP") was notified of a discharge from underground storage tanks removed from the Department of Public Works property located at 136 Furler Street; and

WHEREAS, this site was remediated and a report was prepared and submitted to the NJDEP in May 2002 by Boswell McClave Engineering; and

WHEREAS, the NJDEP has since notified the Borough of Totowa that additional remedial activities are now required; and

WHEREAS, the Borough of Totowa now requires the services of a Licensed Site Remediation Professional to oversee the investigation and cleanup of this site in accordance with the regulations promulgated under the NJDEP Site Remediation Program; and

WHEREAS, Frank J. Rossi, Director of Environmental Science, Boswell Engineering, 330 Phillips Avenue, South Hackensack, New Jersey 07606 has submitted a proposal for the necessary professional services, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, Frank J. Rossi possesses the necessary experience and expertise to perform the professional services; and

WHEREAS, for providing the required services, the Borough of Totowa will compensate Frank J. Rossi and Boswell Engineering in accordance with the Fee Schedule set forth in their proposal; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize these professional services to ensure compliance with the existing NJDEP regulations and for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be authorized 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 Frank J. Rossi, Director of Environmental Science, Boswell Engineering, to serve as a Licensed Site Remediation Professional for the Borough of Totowa.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into a contract with Boswell Engineering and 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 Councilwoman Fontanella, seconded by Councilman Puglise to approve Payment Estimate No. 4 (Final) in the amount of \$5,942.86 to T&S Builders, LLC for the Minnisink Field Improvements. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilman Puglise to approve Change Order No. 2 for a net increase of \$2,278.00 and Payment Estimate No. 2 in the amount of \$35,635.50 to T&S Builders, LLC 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 Councilwoman Fontanella, seconded by Councilman Puglise to accept the following bids for the Purchase, Delivery and Planting of Trees for Spring 2012. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Total Bid</u>
Louis Barbato Landscaping, Inc.	\$34,467.00
Pat Scanlan Landscaping, Inc.	\$34,653.00

Upon the recommendation of the Committee, there was a motion by Councilwoman Fontanella, seconded by Councilman Puglise to adopt the following Resolution Rejecting The Low Bid Submitted For The Purchase, Delivery And Planting Of Trees For The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 59-2012

RESOLUTION REJECTING THE LOW BID SUBMITTED FOR THE PURCHASE, DELIVERY AND PLANTING OF TREES FOR THE BOROUGH OF TOTOWA

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

WHEREAS, the grant funds will be used to purchase and plant various species of trees within the municipal right-of-way on streets throughout the Borough of Totowa as well as trees that will be planted at Minnisink Field, Totowa Pool, Veteran's Field and the Municipal Complex grounds; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Specifications and Proposal for the Purchase, Delivery and Planting of Trees for the Borough of Totowa, Borough of Totowa, County of Passaic, New Jersey Spring Planting 2012"; and

WHEREAS, the Mayor and Council of the Borough of Totowa did examine the bids received for this on-going community improvement project on April 24, 2012; and

WHEREAS, the lowest bid submitted by Louis Barbato Landscaping Inc., 1600 Railroad Avenue, Holbrook, New York 11741-2301 for the purchase, delivery and planting of trees was non-responsive because it contained exceptions to the specifications; and

WHEREAS, Boro Landscaping LLC, Consulting Arborist for the Borough of Totowa, has recommended that this bid be rejected for failure to comply with the bid specifications by disregarding the June 15, 2012 planting deadline and offering to plant trees for the Fall 2012 season and by further not abiding by the requirement that all trees must be delivered one (1) day prior to the scheduled planting date for inspection; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Louis Barbato Landscaping Inc. should be rejected.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby reject the bid of Louis Barbato Landscaping Inc. for the purchase, delivery and planting of trees for failure to comply with the bid specifications.

Upon the recommendation of the Committee, there was a motion by Councilwoman Fontanella, seconded by Councilman Puglise to adopt the following Resolution Awarding Contract For The Purchase, Delivery And Planting Of Trees For The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 60-2012

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

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

WHEREAS, the grant funds will be used to purchase and plant various species of trees within the municipal right-of-way on streets throughout the Borough of Totowa municipality as well as trees that will be planted at the Borough of Totowa's Minnisink Field, Totowa Pool, Veteran's Field and the Municipal Complex; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Specifications and Proposal for the Purchase, Delivery and Planting of Trees for the Borough of Totowa, Spring Planting 2012, Borough of Totowa, County of Passaic, New Jersey"; and

WHEREAS, the lowest bid was submitted by Pat Scanlan Landscaping, Inc., P.O. Box 1136, New City, New York 10956 for the purchase, delivery and planting of trees in the amount of Thirty-Four Thousand Six Hundred Fifty-Three and 00/100 Dollars (\$34,653.00), a copy of which is on file in the office of the Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa did examine the bids received for this community improvement project on April 24, 2012; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Pat Scanlan Landscaping, 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 Pat Scanlan Landscaping, Inc. for the purchase, delivery and planting of trees in the amount of Thirty-Four Thousand Six Hundred Fifty-Three and 00/100 Dollars (\$34,653.00).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into a contract with Pat Scanlan Landscaping, Inc. and that the Mayor and Municipal Clerk are hereby authorized to execute any and all necessary instruments relating thereto.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Urging The State Legislature To Approve A-2454 Which Would Alter Eligibility Requirements For Unemployment Insurance For Seasonal Public Entity Workers. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 61-2012

RESOLUTION URGING THE STATE LEGISLATURE TO APPROVE A-2454 WHICH WOULD ALTER ELIGIBILITY REQUIREMENTS FOR UNEMPLOYMENT INSURANCE FOR SEASONAL PUBLIC ENTITY WORKERS

WHEREAS, R.S. 43:21-4 defines "seasonal industry or occupation" as an industry or occupation which, because climatic conditions make it impractical or impossible to do otherwise, customarily operates only during a regularly recurring 28-week period or periods of less than 26-weeks of work in a calendar year; and

WHEREAS, many municipal seasonal jobs in the State are offered for only 10 to 12 weeks in a given year such as beach taggers, recreation personnel, seasonal laborers and lifeguards due to the short summer season; and

WHEREAS, there should be no expectation by an employee who has applied for a seasonal job that when the season ends that there would be continued employment, in fact, that individual consciously made the choice to apply for and accept a seasonal job rather than seeking year-round employment; and

WHEREAS, when the length of employment is clearly defined by the public entity as a seasonal job with a specific beginning and ending date, this seasonal job should not be included in unemployment calculations for individuals working other jobs during the unemployment period of eligible benefits; and

WHEREAS, unlike private employers, municipalities and other public entities are unique in that unemployment claims arising from seasonal employment require the expenditure of tax payers funds to pay unemployment claims for these individuals thereby burdening the already overwhelmed taxpayer in the State New Jersey; and

WHEREAS, in many cases municipalities and other public entities pay claims quarterly and do not pay into the unemployment compensation fund due to budgetary constraints and the high cost of unemployment insurance; and

WHEREAS, these unexpected quarterly payments have forced some municipalities to do special emergency appropriations just to pay this year's claims thereby affecting next year's municipal budget which by all accounts will be equally as difficult as the present year's; and

WHEREAS, Assemblywoman Amy Handlin and Assemblyman Sean Kean have introduced A-2454, which would prohibit all seasonal workers for receiving unemployment insurance benefits during a period between two successive seasons if the worker has a reasonable assurance that the worker will perform those services in the second of such seasons.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa urges the legislature to approve A-2454 as swiftly as possible.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the New Jersey General Assembly sponsors of the bill Assemblywoman Amy H. Handlin, Assemblyman Sean T. Kean and Assemblyman Anthony M. Bucco, our legislators of the 40th District Assemblyman Scott T. Rumana, Assemblyman David C. Russo and Senator Kevin J. O'Toole, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution In Support Of The Employment Initiative Program Of The New Jersey Employer Support Guard And Reserves. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 62-2012

RESOLUTION IN SUPPORT OF THE EMPLOYMENT INITIATIVE PROGRAM OF THE NEW JERSEY EMPLOYER SUPPORT GUARD AND RESERVES

WHEREAS, on Tuesday, January 24, the Commander-in-Chief of our Armed Forces reminded all Americans that, "Above all, our freedom endures because of the men and women in uniform who defend it," and that "... this generation of heroes has made the United States safer and more respected around the world."; and

WHEREAS, the President, further, promised, "As they come home, we must serve them as well as they've served us. That includes giving them the care and the benefits they have earned ... And it means enlisting our veterans in the work of rebuilding our nation."; and

WHEREAS, National Guard and Reserve forces today total over 1 million service members and represent 48 percent of our total military force; while every day around the globe, thousands of men and women in uniform, including dedicated members of the National Guard and Reserves, risk their lives and make great sacrifices to defend our national interests, serving extended tours away from their homes, families and jobs; and

WHEREAS, at the same time, we are now seeing unprecedented levels of unemployment and underemployment among members of the Guard and Reserve, as up to 22 percent of Guard and Reserve members face unemployment; and

WHEREAS, in this time of economic uncertainty, the Employer Support Guard and Reserve (ESGR) is focusing on connecting employers with the talented pool of service members and their spouses, with the intent of facilitating meaningful employment opportunities; and

WHEREAS, to further this goal, the New Jersey ESGR has launched an Employment Initiative Program (EIP), which is a collaborative effort with federal agencies including the Department of Labor (Veterans Affairs), the Department of Veterans, the Small Business Administration and the Office of Personnel Management; and

WHEREAS, the goal is to enhance the employment process and serve as an effective resource for service members and employers. ESGR is also partnering with Employer Partnership of the Armed Forces (EPAF) through EIP with a high-tech and high-touch approach; and

WHEREAS, for almost a year, now, the United States Chamber of Commerce has also endeavored to find employment for our returning veterans and the spouses of those who continue to serve, at home and abroad, with its Hiring Our Heroes program; and

WHEREAS, the Hiring Our Heroes program is a nationwide effort to help veterans and military spouses find meaningful employment, in partnership with the Department of Labor Veterans Employment and Training Service (DOL VETS), to improve public-private sector coordination in local communities, where veterans and their families are returning every day; and

WHEREAS, despite those efforts, the unemployment rate for veterans of our Armed Forces in our Nation and in our State continues to exceed the over-all rate; and

WHEREAS, in order to take the lead on advancing the EIP to the next level, the New Jersey ESGR has enlisted strong and positive support from corporate leaders, the New Jersey State Chamber of Commerce, US Dept. of Labor/VETS and the New Jersey League of Municipalities; and

WHEREAS, it is incumbent on all of us to prove that New Jersey cares for the men and women in uniform who risk their lives and make great sacrifices to defend our national interests; and

WHEREAS, this employment initiative can be New Jersey's way of saying thank you to the men and women who made great sacrifices to protect our nation's freedom; and

WHEREAS, local officials throughout the State of New Jersey, working together through the League of Municipalities, and with the New Jersey ESGR, their local and State Chambers of Commerce, and local business leaders can help to advance basic fairness to our vets and their families by pursuing one simple goal: to allow America's over one million unemployed veterans and military spouses to follow their dreams, instead of spending their lives just trying to catch up.

NOW, THEREFORE, BE IT RESOLVED, on this 24th day of April 2012 that the Mayor and Council of the Borough of Totowa recognizes that we will never be able to repay the debt we owe to all members of our armed forces.

BE IT FURTHER RESOLVED, that in gratitude, the Mayor and Council of the Borough of Totowa pledges its enthusiastic and unqualified support for the Employment Initiative Program of the New Jersey Employer Support Guard and Reserves.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the New Jersey State League of Municipalities and to our neighboring municipalities.

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