

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

June 28, 2016

PRESENT: Mayor John Coiro, presiding, Council President Phil Puglise, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilman Anthony Picarelli, Councilman William Bucher, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

ABSENT: Councilwoman Debra Andriani.

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 D'Angelo to dispense with the regular order of business in order to enable the Mayor and Council to present a Proclamation In Honor And Recognition Of Harold Eifler For Fifty Years Of Service To The Borough Of Totowa Fire Department and to hold a public hearing on Ordinance No. 13-2016 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked Council President Puglise, the Chairman of the Public Safety Committee to join him, along with Fire Chief Vincent Marciano and Assistant Chief Don Warnet and then asked Harold Eifler to approach the dais to receive the proclamation.

Mayor Coiro remarked that it is always an honor – and we are always amazed – to recognize a person that has volunteered as a fireman for 50 years and also contributed in other areas by serving as Engineer, Lieutenant and Assistant Chief of Riverview Park Fire Company and as Trustee of the Totowa’s Firemen’s Relief Association. Mayor Coiro also commented that Gus also works for the town. Mayor Coiro then read some excerpts from the proclamation and presented the proclamation to Harold “Gus” Eifler and expressed that we can’t thank you enough.

Councilman Puglise commented that 50 years is a long time and congratulated Gus and also said it is great that you are still a fireman and we thank you very much.

Fire Chief Marciano then congratulated Gus and gave some background on his history with the Fire Department. Thanked Gus for his years of service and to this day always answering the calls, his dedication goes above and beyond, how he is a role model for the younger volunteers and that he wants to see him at 60 and 70 years of service. Also thanked the Mayor and Council for recognizing firemen at 50 and 60 years of service.

Assistant Chief Warnet announced that he really couldn’t add anything to what has already been said, so he congratulated and thanked Gus.

Gus thanked the Mayor and Council for the proclamation, his family and fellow firemen.

Mayor Coiro announced that we would have a short recess so everyone in attendance could offer their congratulations to Gus.

Municipal Clerk Wassel announced that Ordinance No. 13-2016 has been advertised for public hearing for Tuesday, June 28, 2016.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 13-2016.

There was a motion by Councilman Puglise, 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 Ordinance No. 13-2016.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo 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. 13-2016 by title:

ORDINANCE NO. 13-2016

**A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$132,720 FOR THE
INSTALLATION OF TENNIS COURTS AT LINCOLN FIELD TO BE UNDERTAKEN
BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE \$132,720 FROM
PASSAIC COUNTY OPEN SPACE GRANTS**

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to adopt Ordinance No. 13-2016 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 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.

There were no reports.

CITIZENS HEARD:

Mrs. Oldja, 43 Mountainwood Court: Said that she is here regarding the situation with her back yard and the water tank and that still nothing has been done. She read off of her phone a statement of the leaky water tank and the damage to her back yard. Stated that she has spoken to numerous people over the years and recently John Waryas and Eric Nemeth the insurance attorney for one of the Borough's insurance companies. Mayor Coiro: Responded that we have recently fixed the water tank and asked DPW Superintendent Jim Niland to explain. DPW Superintendent Niland: Informed her that the one time the tank overflowed the altitude valve froze in the open position and has since been repaired, but that we also constructed a catch system to divert any water away from her home and directly into a catch basin if the tank were ever to overflow again. Mrs. Oldja: Replied that she was never told about this, but thanks for doing that. Councilman D'Angelo: Advised that he has spoken to her husband on numerous occasions, but will defer to the attorney regarding the insurance. Borough Attorney Corrado: Told her that we have attempted to get both insurance companies together on this to provide some assistance to you, even though you never filed the proper Tort Claim Notice. Notwithstanding that, the Mayor and Council were able to get the original insurance company (Eric Nemeth) to take a look at this situation. A conversation ensued. Mayor Coiro: Informed her that we are waiting for the two insurance companies to come to a conclusion. Mrs. Oldja: Asked if there is a time frame for a resolution. Borough Attorney Corrado: Said he would contact Eric Nemeth again and will let Mrs. Oldja know the outcome.

Mike Mahometa, 269 Lincoln Avenue: 1) Commented on the temperature on the sign outside; and 2) That the DPW is doing a great job on cleaning up at the PAL. Mayor Coiro: Responded that we know about the sign and thanked him.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to approve the Minutes of the Mayor and Council for the meeting of June 14, 2016. 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 Councilman D'Angelo to approve Resolution No. 2016-14 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing The Borough Of Totowa Towing List For The 2016/2017 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 88-2016

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA
TOWING LIST FOR 2016/2017 LICENSE TERM

WHEREAS, the Mayor and Council of the Borough of Totowa desire to establish a list of towing services to be used by the Borough of Totowa Police Department for the removal, towing and storing of motor vehicles and to set rates and charges for the same; and

WHEREAS, by Ordinance No. 5-2015 adopted February 24, 2015, the Mayor and Council of the Borough of Totowa established the minimum requirements for a towing contractor to provide services including the removal, impoundment and storage of vehicles; and

WHEREAS, a towing list shall be kept with the Borough of Totowa Police Chief; and

WHEREAS, all towing services placed on the towing list shall be available to respond to a call in accordance with a towing rotation schedule of on-call status established by the Borough of Totowa Police Chief; and

WHEREAS, when the need arises, the Borough of Totowa Police Department will call the towing service on the top of the list, which is on-call with the towing rotation schedule. The towing service called shall be placed on the bottom of the towing list and not called again until all other towing services have been called; and

WHEREAS, all towing services shall respond to a call in any part of the Borough within fifteen (15) minutes of a call. If a towing service does not respond within fifteen (15) minutes of a call, the towing service next on the list shall be called and entitled to provide services as needed; and

WHEREAS, all towing services shall be performed in a safe manner and shall be responsible for ensuring the proper and safe storage of all motor vehicles towed; and

WHEREAS, the Borough of Totowa Police Chief has recommended that the following towing services be placed on the towing list for the Borough of Totowa:

1. Classic Towing
210 21st Avenue
Paterson, New Jersey 07501
2. Frank Leah Towing Service, Inc.
6 Wilson Avenue
Totowa, New Jersey 07512
3. Pohlman's Gulf LLC
160 Union Boulevard
Totowa, New Jersey 07512
4. North Jersey Towing & Recovery, Inc.
84 Union Boulevard
Totowa, New Jersey 07512
5. Totowa Tire Service, Inc.
589 Union Boulevard
Totowa, New Jersey 07512
6. J&M Towing
116 Dorsa Avenue
Wayne, New Jersey 07424

WHEREAS, these towing services have the appropriate vehicles, related equipment and storage facilities and maintain the required licenses and insurance to perform these necessary services for the Borough of Totowa; and

WHEREAS, the towing list shall be in use for a period of one (1) year effective July 1st of each year and expire on June 30th of the following year.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby establish a towing list of the above companies to be used by the Borough of Totowa Police Department for the towing and storage of vehicles.

COMMITTEE ON PUBLIC WORKS:

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilman Puglise to adopt the following resolution to reject the bids and authorize the rebidding for the Supervisory Control And Data Acquisition (SCADA) System. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 89-2016

RESOLUTION REJECTING BIDS FOR THE SUPERVISORY CONTROL
AND DATA ACQUISITION ("SCADA") SYSTEM

WHEREAS, the Superintendent for the Borough of Totowa Department of Public Works ("DPW") has recommended the purchase and installation of a Supervisory Control and Data Acquisition ("SCADA") System for the Borough of Totowa; and

WHEREAS, the SCADA System will allow for the monitoring and control of the Shepherds Lane Pump Station and Bullens Avenue water tank from the Borough of Totowa's DPW Headquarters over a secured internet connection; and

WHEREAS, the Mayor and Council of the Borough of Totowa recognize the need for this System; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for the purchase and installation of the SCADA System in accordance with the specifications entitled "Specifications And Proposal For The Purchase And Installation Of A Supervisory Control And Data Acquisition System For The Borough Of Totowa, Borough Of Totowa, County Of Passaic, New Jersey 2016"; and

WHEREAS, the cost estimate for this Project was \$46,500.00; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on June 1, 2016; and

WHEREAS, the Mayor and Council of the Borough of Totowa on June 28, 2016 did examine all bids for materials and services called for; and

WHEREAS, two (2) bids were received with the apparent low bid submitted by Electronic Drives and Controls, Inc., 17 Eastmans Road, Parsippany, New Jersey 07054 with a bid in the amount of \$70,000.00 and a second bid was submitted by Longo Electrical-Mechanical, Inc., One Harry Shupe Boulevard, Wharton, New Jersey 07885 with a bid in the amount of \$75,297.00, copies of which are on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Superintendent for the Borough of Totowa DPW has advised that the prices bid by each of the contractors for the purchase and installation of the SCADA System are significantly higher than the funds allocated for this Project; and

WHEREAS, the Superintendent for the Borough of Totowa DPW has further advised the low bid is 51% above the Project cost estimate and exceeds the funds allocated by \$23,500.00; and

WHEREAS, the Mayor and Council desire to reject all of the bids received for the purchase and installation of the SCADA System for the aforementioned reason and authorize the public rebidding of this Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby reject the bids received for the purchase and installation of the SCADA System and authorizes the public rebidding of this Project for the Borough of Totowa.

There was a motion by Councilman D'Angelo, seconded by Councilman Puglise to adopt the following Resolution Authorizing Additional Environmental Services For 31 Norwood Terrace For The CDBG-DR Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 90-2016

RESOLUTION AUTHORIZING ADDITIONAL ENVIRONMENTAL SERVICES FOR 31 NORWOOD TERRACE FOR THE CDBG-DR PROGRAM

WHEREAS, the Borough of Totowa has received a grant from Passaic County as a sub-grantee of the State of New Jersey from funding provided by the United States Department of Housing and Urban Development Hurricane Irene Disaster Recovery Program and a grant from the State of New Jersey Department of Environmental Protection Green Acres Program to implement the Community Development Block Grant – Disaster Recovery (“CDBG-DR”) Program; and

WHEREAS, more specifically, the Borough of Totowa will use the funds to acquire up to five (5) homes which were damaged by Hurricane Irene and will be demolished and converted to open space for community-wide use in perpetuity; and

WHEREAS, by Resolution No. 117-2015 dated September 22, 2015, the Mayor and Council of the Borough of Totowa awarded a contract to Sadat Associates, Inc., 1545 Lambertson Road, Trenton, New Jersey 08611 to provide Environmental Preliminary Assessments of the various properties in a manner consistent with all regulations; and

WHEREAS, Sadat Associates, Inc. has prepared an Environmental Preliminary Assessment for the property located at 31 Norwood Terrace, Totowa, New Jersey 07512; and

WHEREAS, the Assessment identified potential areas of concern and included a recommendation that a Historical Fill Investigation be performed at this site; and

WHEREAS, pursuant to Green Acres regulations, the Borough of Totowa must address the area of concern to the Department's satisfaction before Green Acres can disburse funding; and

WHEREAS, the Borough of Totowa has solicited proposals from firms licensed to perform Historical Fill Investigations in the State of New Jersey; and

WHEREAS, the lowest proposal was submitted by T.Slack Environmental Services, Inc. ("TSES"), 180 Market Street, Kenilworth, New Jersey 07033 for the lump sum cost of \$2,000.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be awarded 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 T.Slack Environmental Services, Inc. for Historical Fill Investigation Services for 31 Norwood Terrace, Totowa, New Jersey for the CDBG-DR Program in the amount of \$2,000.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize T.Slack Environmental Services, Inc. to perform the professional services as set forth in their proposal.

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 Councilwoman Fontanella, seconded by Councilman D'Angelo to authorize the Borough Clerk and Borough Attorney to prepare the specifications and advertise for the receipt of bids for the Acquisition of Street Lamp Decorations. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Preparation Of Redevelopment Plan For The Lower Borough Which Has Been Designated As An Area In Need Of Rehabilitation Pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 40a:12a-1 Et. Seq. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 91-2016

RESOLUTION AUTHORIZING THE PREPARATION OF REDEVELOPMENT
PLAN FOR THE LOWER BOROUGH WHICH HAS BEEN DESIGNATED
AS AN AREA IN NEED OF REHABILITATION PURSUANT TO THE LOCAL
REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ.

WHEREAS, the Local Redevelopment and Housing Law ("LRHL"), pursuant to N.J.S.A. 40A:12A-1 et seq., authorizes municipalities to determine whether certain parcels of land in the municipality constitute an area in need of rehabilitation; and

WHEREAS, the Mayor and Council commissioned a report by the Borough Engineer, Richard A. Alaimo Engineering Associates, to investigate whether the statutory criteria under the LRHL could be met to designate a delineated area commonly known as "The Lower Borough" as an area in need of rehabilitation (Delineated Area); and

WHEREAS, the Borough Engineer Richard A. Alaimo Engineering Associates issued a report dated May 6, 2016 which verified that a majority of the water and sewer infrastructure is at least 50 years old and is in need of repair or substantial maintenance and that a program of rehabilitation may be expected to prevent further deterioration and promote the overall development of the Borough of Totowa in accordance with the requirements of Section 14 of the LRHL pursuant to N.J.S.A. 40A:12A-14(a); and

WHEREAS, the Municipal Council previously directed the Municipal Clerk to transmit to the Borough of Totowa Planning Board (Planning Board) a copy of Resolution No. 72-2016 entitled a "Resolution to amend Resolution No. 41-2016 Requesting Planning Board Review of the Resolution Designating Lower Borough in the Borough of Totowa as an Area in Need of Rehabilitation pursuant to The Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et. seq." for its review and providing its recommendation to the Municipal Council within 45 days of said receipt of the Resolution pursuant to Section 14 of the LRHL pursuant to N.J.S.A. 40A:12A-14 (a); and

WHEREAS, the Mayor and Council also previously provided to the Planning Board a copy of the proposed Resolution designating the Delineated Area as an area in need of rehabilitation; and

WHEREAS, the members of the Planning Board were provided with a copy of the Borough Engineer's Review Report dated May 6, 2016 and titled "Existing Water and Sanitary Sewer System Analysis for "Area in Need of Rehabilitation" (Report) in advance of the hearing and reviewed same which Report was on file with the Planning Board and submitted as part of the record; and

WHEREAS, in accordance with the LRHL pursuant to N.J.S.A. 40A:12A-14A, within 45 days of its receipt of the proposed Resolution declaring a delineated area an area in need of rehabilitation, the Planning Board was to submit its recommendations regarding the proposed Resolution, including any modifications which it may recommend, to the Governing Board for its consideration; and

WHEREAS, on May 12, 2016, the Planning Board based upon the findings and conclusions set forth in the Report from Richard A. Alaimo Engineering Associates dated May 6, 2016 accepted the Report as presented and concluded that a majority of the water and sewer infrastructure in the Delineated Area is at least 50 years old and is in need of repair or substantial maintenance and that a program of rehabilitation may be expected to prevent further deterioration and promote the overall development of the Borough of Totowa in accordance with the requirements of Section 14 of the LRHL, N.J.S.A. 40A:12A-14(a); and

WHEREAS, the Planning Board recommended to the Mayor and Council of the Borough of Totowa that it adopt its proposed Resolution designating the Lower Borough as an area in need of rehabilitation and memorialized its action by adopting on May 26, 2016 a Resolution recommending that the Municipal Council of the Borough of Totowa designate the Lower Borough as an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq.; and

WHEREAS, on June 14, 2016, the Mayor and Council adopted Resolution No. 86-2016 entitled "Resolution of the Borough of Totowa, County of Passaic, Designating Certain Property in the Borough of Totowa as an area in need of rehabilitation"; and

WHEREAS, the Mayor and Council of the Borough of Totowa, pursuant to actions set forth above, shall proceed with the preparation of a Redevelopment Plan in furtherance of the designation of the Lower Borough as an area in need of rehabilitation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the preparation of a Redevelopment Plan in furtherance of the designation of the "Lower Borough" as an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. and to retain jurisdiction of same.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Totowa do hereby ratify and reaffirm its prior approval by Resolution No. 40-2016 to Maser Consulting P.A. to perform and finalize its professional services for the preparation of a Redevelopment Plan in furtherance of the designation of the Lower Borough as an area in need of rehabilitation.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Bucher, 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. 14-2016

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 43 ENTITLED "FIRE DEPARTMENT"**

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Renewal Of Division Of Alcoholic Beverage Control Liquor Licenses For The 2016 – 2017 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 92-2016

RESOLUTION AUTHORIZING THE RENEWAL OF DIVISION OF ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSES FOR THE 2016 – 2017 LICENSE TERM

WHEREAS, Division of Alcoholic Beverage Control (ABC) liquor licenses that have been issued by the Borough of Totowa during the year 2015 – 2016 will expire on June 30th; and

WHEREAS, State and Municipal regulations require that ABC liquor licenses be renewed prior to July 1, 2016; and

WHEREAS, the Division of Alcoholic Beverage Control (ABC) has introduced POSSE ABC, a new electronic web based licensing system; and

WHEREAS, licensees have filed their renewal applications online through POSSE ABC, have received their Alcoholic Beverage Retail Licensee Clearance Certificate and have paid their State and Municipal fees.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Municipal Clerk be authorized to issue an ABC License to the following licensed premises for the year 2016 – 2017.

1612-33-001-010	Apple Food Service of Totowa, Inc.
1612-33-002-005	The 46 Lounge, LLC
1612-33-003-003	Anthony Murphy, Inc.
1612-33-004-007	Murphy's Steakhouse, LLC
1612-33-005-002	The Bethwood Corporation
1612-44-006-005	DTJ, Ltd.
1612-33-007-005	Crestview Motel, Inc.
1612-33-008-008	Amber Group, LLC
1612-44-009-007	Daystar Trading Company
1612-33-010-009	New Sushi, LLC
1612-33-011-005	Totowa Barnyard, Inc.
1612-31-012-001	Totowa Boro Memorial Post #227
1612-31-013-001	Italian American Ind Club of Totowa
1612-31-014-001	Passaic Valley Elks Lodge BPOE #2111

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to approve the Application For Special Permit for Social Affair from the State of New Jersey Division Of Alcoholic Beverage Control for the Macedonian Orthodox Church “St. Nikola” for September 9, 2016 from 6:00—10:00 p.m., September 10, 2016 from 12:00—10:00 p.m. and September 11, 2016 from 12:00—8:00 p.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to approve Raffle License Application No. 1937 for the Passaic Valley Regional High School Education Foundation, Inc. for an Off-Premise 50/50, to be held on November 17, 2016 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 D’Angelo that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk