

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

July 26, 2016

PRESENT: Mayor John Coiro, presiding, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

ABSENT: Council President Phil Puglise and Councilman Lou D'Angelo.

Mayor John Coiro called the meeting to order and asked the Municipal Clerk to call the roll.

Municipal Clerk Wassel recited the Prayer of the Meeting followed with the Pledge of Allegiance to the Flag with the public participating.

Mayor Coiro asked the Clerk to read the statement of the meeting.

The Municipal Clerk read the following statement: This meeting of the Mayor and Council held on this day is being held in accordance with Chapter 231, P.L. 1975 of the State of New Jersey as amended. The agenda for this meeting has been prepared and distributed to the Mayor and Council and a copy has been on file in the Office of the Municipal Clerk.

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

Councilwoman Andriani: 1) Advised that there was a near drowning at the Totowa Pool on Sunday, July 24th, but the good news is that the 71 year old man is still in the hospital, but doing okay. Said three of our lifeguards – Tito Ramirez, Alex Pezzino and Matt Shpiruk – sprang into action to save his life, along with off-duty Totowa Police Officers Keith Schaffer and Gary Bierach, an off-duty Passaic County Corrections Officer and a resident who is a nurse who all assisted. The Totowa Police Department and First Aid Squad also arrived and took the man to the hospital. Said thank God that our lifeguards were able to call on their training in this emergency situation. Mayor

Coiro: Commented that the good thing is our lifeguards were prepared and this is a heartwarming story.; 2) Announced that this Friday at the Totowa Pool will be movie night with the showing of Star Wars The Force Awakens. The event will be open to all residents for a \$2 entry fee, while pool members are free.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: Asked what the status is of the North Jersey Developmental Center. Mayor Coiro: Responded that it is still in the hands of the State, gave a background on the history of the property and that we now need to agree on a Memorandum of Understanding.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve the Minutes of the Mayor and Council for the meeting of July 12, 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 Councilwoman Fontanella to approve Resolution No. 2016-16 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 Of The Mayor And Borough Council Of The Borough Of Totowa In The County Of Passaic Authorizing Settlement Of The 2012, 2013, 2014 And 2015 Tax Appeals Entitled Joseph & Marie Corrado V. Borough Of Totowa, Docket Nos.: 004647-2012; 014903-2013; 008756-2014; 010016-2015 Of The Tax Assessment Of Block 145, Lot 8.01, Known As 589 Union Boulevard In The Borough Of Totowa, Passaic County, New Jersey. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 105-2016

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF TOTOWA IN THE COUNTY OF PASSAIC AUTHORIZING
SETTLEMENT OF THE 2012, 2013, 2014 AND 2015 TAX APPEALS ENTITLED
JOSEPH & MARIE CORRADO V. BOROUGH OF TOTOWA,
DOCKET NOS.: 004647-2012; 014903-2013; 008756-2014; 010016-2015 OF THE
TAX ASSESSMENT OF BLOCK 145, LOT 8.01, KNOWN AS 589 UNION BOULEVARD
IN THE BOROUGH OF TOTOWA, PASSAIC COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessments for tax years 2012, 2013, 2014 and 2015 on Block 145, Lot 8.01 have been filed by the Taxpayers, Joseph and Marie Corrado; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Borough of Totowa.

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

1. Settlement of the 2012-2013 tax appeals is hereby authorized as follows:

589 Union Boulevard
Block 145, Lot 8.01
Years: 2012, 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 498,000	N/A	\$ 498,000
Imprvts:	\$ 502,000	N/A	\$ 502,000
Total:	\$1,000,000	N/A	\$1,000,000

2. Settlement of the 2014-2015 tax appeals is hereby authorized as follows:

589 Union Boulevard
Block 145, Lot 8.01
Years: 2014, 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 498,000	N/A	\$ 498,000
Imprvts:	\$ 502,000	N/A	\$ 371,900
Total:	\$1,000,000	N/A	\$ 869,900

- All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to adopt the following Resolution Of The Mayor And Borough Council Of The Borough Of Totowa In The County Of Passaic Authorizing Settlement Of The 2013, 2014, 2015 And 2016 Tax Appeal Entitled Ferdinell, Inc. V. Borough Of Totowa, Docket Nos.: 006968-2013; 000515-2014; 000157-2015; 003926-2016 Of The Tax Assessment Of Block 95, Lot 3, Known As Rosengren Avenue And Block 96, Lot 11, Known As 15 Masklee Court In The Borough Of Totowa, Passaic County, New Jersey. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 106-2016

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF TOTOWA IN THE COUNTY OF PASSAIC AUTHORIZING SETTLEMENT OF THE 2013, 2014, 2015 AND 2016 TAX APPEAL ENTITLED FERDINELL, INC. V. BOROUGH OF TOTOWA, DOCKET NOS.: 006968-2013; 000515-2014; 000157-2015; 003926-2016 OF THE TAX ASSESSMENT OF BLOCK 95, LOT 3, KNOWN AS ROSENGREN AVENUE AND BLOCK 96, LOT 11, KNOWN AS 15 MASKLEE COURT IN THE BOROUGH OF TOTOWA, PASSAIC COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessments for tax years 2013, 2014, 2015 and 2016 on Block 95, Lot 3 and Block 96, Lot 11 have been filed by the Taxpayer, Ferdinell, Inc.; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Borough of Totowa.

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

1. Settlement of the 2013 tax appeal is hereby authorized as follows:

Rosengren Avenue
Block 95, Lot 3
Year: 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 371,900	N/A	WITHDRAWN
Imprvts:	\$ 982,300	N/A	WITHDRAWN
Total:	\$1,354,200	N/A	WITHDRAWN

15 Masklee Court
Block 96, Lot 11
Year: 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 185,500	N/A	WITHDRAWN
Imprvts:	\$ 246,700	N/A	WITHDRAWN
Total:	\$ 432,200	N/A	WITHDRAWN

2. Settlement of the 2014 tax appeal is hereby authorized as follows:

Rosengren Avenue
Block 95, Lot 3
Year: 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 371,900	N/A	\$ 371,900
Imprvts:	\$ 982,300	N/A	\$ 928,100
Total:	\$1,354,200	N/A	\$1,300,000

15 Masklee Court
Block 96, Lot 11
Year: 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 185,500	N/A	\$ 185,500
Imprvts:	\$ 246,700	N/A	\$ 214,500

Total: \$ 432,200 N/A \$ 400,000

3. Settlement of the 2015 tax appeal is hereby authorized as follows:

Rosengren Avenue
Block 95, Lot 3
Year: 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 371,900	N/A	\$ 371,900
Imprvts:	\$ 982,300	N/A	\$ 878,100
Total:	\$1,354,200	N/A	\$1,250,000

15 Masklee Court
Block 96, Lot 11
Year: 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 185,500	N/A	\$ 185,500
Imprvts:	\$ 246,700	N/A	\$ 214,500
Total:	\$ 432,200	N/A	\$ 400,000

4. Settlement of the 2016 tax appeal is hereby authorized as follows:

Rosengren Avenue
Block 95, Lot 3
Year: 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 371,900	N/A	\$ 371,900
Imprvts:	\$ 982,300	N/A	\$ 778,100
Total:	\$1,354,200	N/A	\$1,150,000

15 Masklee Court
Block 96, Lot 11
Year: 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
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Land:	\$ 185,500	N/A	\$ 185,500
Imprvts:	\$ 246,700	N/A	\$ 214,500
Total:	\$ 432,200	N/A	\$ 400,000

5. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to adopt the following Resolution Of The Mayor And Borough Council Of The Borough Of Totowa In The County Of Passaic Authorizing Settlement Of The 2012, 2013, 2014 And 2015 Tax Appeals Entitled R-J Realty Co. L.P. V. Borough Of Totowa, Docket Nos.: 004649-2012; 000124-2013; 001075-2014; 000706-2015 Of The Tax Assessment Of Block 170.01, Lot 1, Known As 77 West End Road In The Borough Of Totowa, Passaic County, New Jersey. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 107-2016

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF TOTOWA IN THE COUNTY OF PASSAIC AUTHORIZING
SETTLEMENT OF THE 2012, 2013, 2014 AND 2015 TAX APPEALS ENTITLED
R-J REALTY CO. L.P. V. BOROUGH OF TOTOWA, DOCKET NOS.: 004649-2012;
000124-2013; 001075-2014; 000706-2015 OF THE TAX ASSESSMENT OF BLOCK
170.01, LOT 1, KNOWN AS 77 WEST END ROAD IN THE BOROUGH OF TOTOWA,
PASSAIC COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessments for tax years 2012, 2013, 2014 and 2015 on Block 170.01, Lot 1 have been filed by the Taxpayer, R-J Realty Co. L.P.; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Borough of Totowa.

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

1. Settlement of the 2012-2013 tax appeals is hereby authorized as follows:

77 West End Road
Block 170.01, Lot 1
Years: 2012, 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 828,000	N/A	\$ 828,000
Imprvts:	\$1,404,000	N/A	\$1,404,000
Total:	\$2,232,000	N/A	\$2,232,000

2. Settlement of the 2014-2015 tax appeals is hereby authorized as follows:

77 West End Road
Block 170.01, Lot 1
Years: 2014, 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 828,000	N/A	\$ 828,000
Imprvts:	\$1,404,000	N/A	\$1,332,000
Total:	\$2,232,000	N/A	\$2,160,000

3. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to adopt the following Resolution Of The Mayor And Borough Council Of The Borough Of Totowa In The County Of Passaic Authorizing Settlement Of The 2009, 2010, 2011, 2012, 2013, 2014, 2015 Tax Appeals Entitled Totowa Plaza Assoc. V. Borough Of Totowa, Docket Nos: 003363-2009; 006525-2010; 003173-2011; 004653-2012; 003794-2013; 001077-2014; 000708-2015 Of The Tax Assessment Of Block 173, Lot 38, Known As 783 North Riverview Drive In The Borough Of Totowa, Passaic County, New Jersey. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 108-2016

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF TOTOWA IN THE COUNTY OF PASSAIC AUTHORIZING SETTLEMENT OF THE 2009, 2010, 2011, 2012, 2013, 2014, 2015 TAX APPEALS ENTITLED TOTOWA PLAZA ASSOC. V. BOROUGH OF TOTOWA, DOCKET NOS: 003363-2009; 006525-2010; 003173-2011; 004653-2012; 003794-2013; 001077-2014; 000708-2015 OF THE TAX ASSESSMENT OF BLOCK 173, LOT 38, KNOWN AS 783 NORTH RIVERVIEW DRIVE IN THE BOROUGH OF TOTOWA, PASSAIC COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessments for tax years 2009, 2010, 2011, 2012, 2013, 2014 and 2015 on Block 173, Lot 38 have been filed by the Taxpayer, Totowa Plaza Assoc.; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Borough of Totowa.

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

1. Settlement of the 2009-2010 tax appeals is hereby authorized as follows:

783 North Riverview Drive
Block 173, Lot 38
Years: 2009, 2010

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$3,210,000	N/A	\$3,049,500
Imprvts:	\$ 594,300	N/A	\$ 555,000
Total:	\$3,804,300	N/A	\$3,604,500

2. Settlement of the 2011 tax appeal is hereby authorized as follows:

783 North Riverview Drive
Block 173, Lot 38
Year: 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$3,210,000	N/A	WITHDRAWN
Imprvts:	\$ 394,500	N/A	WITHDRAWN
Total:	\$3,604,500	N/A	WITHDRAWN

3. Settlement of the 2012-2014 tax appeals is hereby authorized as follows:

783 North Riverview Drive
 Block 173, Lot 38
Years: 2012, 2013, 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$3,210,000	N/A	\$2,923,100
Imprvts:	\$ 394,500	N/A	\$ 394,500
Total:	\$3,604,500	N/A	\$3,317,600

4. Settlement of the 2015 tax appeal is hereby authorized as follows:

783 North Riverview Drive
 Block 173, Lot 38
Year: 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$3,210,000	N/A	\$2,768,600
Imprvts:	\$ 394,500	N/A	\$ 381,400
Total:	\$3,604,500	N/A	\$3,150,000

5. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to adopt the following Resolution Establishing A Petty Cash Fund. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 109-2016

RESOLUTION ESTABLISHING A PETTY CASH FUND

WHEREAS, N.J.S.A 40A:5-21 provides that a local unit may establish a Petty Cash Fund upon written application to and after approval by the Director of the Division of Local Government Services; and

WHEREAS, the Director of the Division of Local Government Services has established rules and regulations in accordance with the operation of a Petty Cash Fund and the Borough of Totowa would be in compliance with said rules and regulations; and

WHEREAS, the Borough Clerk's Office is in need of a Petty Cash Fund to provide for minor purchases or reimbursements – up to \$25.00 – as may be necessary to perform the daily activities of the office; and

WHEREAS, it is the desire of the Borough of Totowa to establish a Petty Cash Fund for the Borough Clerk's Office in the amount of \$200.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa, that the Chief Financial Officer is hereby instructed to prepare the appropriate application and submit such to the Director of the Division of Local Government Services.

BE IT FURTHER RESOLVED, that Joseph Wassel, RMC, Municipal Clerk is hereby appointed as custodian of the Petty Cash Fund and as the custodian shall maintain records in a manner conducive to proper accounting and auditing procedures.

BE IT FURTHER RESOLVED, that two copies of this resolution be filed with the application and one copy shall be submitted to the Auditors for the Borough of Totowa.

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing Extension Of Due Date For Payment Of 3rd Quarter 2016 Taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 110-2016

RESOLUTION AUTHORIZING EXTENSION OF DUE DATE FOR PAYMENT
OF 3RD QUARTER 2016 TAXES

WHEREAS, the third quarter tax payment is normally due on August 1, with a 10 day grace period; and

WHEREAS, the Borough of Totowa will not be able to print and mail out the 2016 final/preliminary 2017 tax bills on time because of a delay; and

WHEREAS, the Borough of Totowa by law must allow the taxpayers a period of 25 days from the date of the mailing of the tax bill to make payment.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council do hereby extend the due date for the 3rd quarter taxes to August 29, 2016 which is inclusive of the 10 day grace period.

BE IT FURTHER RESOLVED, that tax payments received after the extended grace period of August 29, 2016 will be charged interest back to the original due date of August 1, 2016 as required by law.

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing Reimbursement For 2015 Lighting And Garbage Removal Costs To Falls Bridge Meadows Condominium Association Pursuant To The Municipal Services Act. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 111-2016

RESOLUTION AUTHORIZING REIMBURSEMENT FOR 2015 LIGHTING AND GARBAGE REMOVAL COSTS TO FALLS BRIDGE MEADOWS CONDOMINIUM ASSOCIATION PURSUANT TO THE MUNICIPAL SERVICES ACT

WHEREAS, in accordance with New Jersey's Municipal Services Act, the Borough of Totowa is required to either perform certain specified services for qualified private communities or to reimburse these communities in accordance with the statute; and

WHEREAS, Falls Bridge is a residential town house and condominium community located in the Borough of Totowa within which all of the roads located throughout the development are private; and

WHEREAS, Falls Bridge Meadows Condominium Association is a not-for-profit entity that operates and administers the general affairs of this qualified private community as defined by N.J.S.A. 40:67-23.2; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment to the Falls Bridge Meadows Condominium Association for costs incurred in 2015 for street lighting and garbage removal services in accordance with the provisions of the Municipal Services Act.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to the Falls Bridge Meadows Condominium Association for reimbursement of costs incurred in 2015 for street lighting and garbage removal services pursuant to the terms of the New Jersey Municipal Services Act.

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to acknowledge receipt of the Report of Audit for the year ended December 31, 2015 and that the recommendations will be reviewed by the Governing Body. 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 Councilman Bucher to approve payment of the annual garage rent for 2016 to Volunteer Fire Company No. 1 and to Riverview Park Fire Company, Inc. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilwoman Andriani, seconded by Councilwoman Fontanella to approve Change Order No. 1 for a net decrease of \$3,018.51 and Payment Estimate No. 2 in the amount of \$90,435.37 to Smith-Sondy Asphalt Construction Co., Inc. for the Gordon Avenue Improvements. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilwoman Fontanella to accept the following bids for the 2015 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Amount Bid</u>
Marini Bros. Construction Co., Inc.	\$128,942.00
D&L Paving Contractors, Inc.	\$132,279.00
DLS Contracting	\$142,288.00
Rockborn Trucking & Excavation, Inc.	\$144,255.80
Smith-Sondy Paving Contractors	\$173,673.10

Upon the recommendation of the Engineer, there was a motion by Councilwoman Andriani, seconded by Councilwoman Fontanella to adopt the following resolution to award the contract to the lowest responsible bidder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 112-2016

RESOLUTION AWARDING CONTRACT FOR THE BOROUGH OF TOTOWA 2015 ROAD PROGRAM

WHEREAS, the 2015 Road Program calls for improvements to sections of Taft Road, Lind Road and Melissa Drive; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for its 2015 Road Program in accordance with its specifications entitled "Specifications, Proposal and Contract Documents for 2015 Road Program, Borough of Totowa, Passaic County, New Jersey, Contract No. 2016-2"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on July 20, 2016; and

WHEREAS, the Mayor and Council of the Borough of Totowa on July 26, 2016 did examine all bids for materials and services called for; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the lowest responsible bid was submitted by Marini Brothers Construction Co., Inc., 9 Lafayette Street, Hackensack, New Jersey 07601 with a base bid in the amount of \$128,942.00, 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 have determined that the bid submitted by Marini Brothers 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 by Marini Brothers Construction Co., Inc. for the 2015 Road Program as the lowest responsible bid for the total sum of \$128,942.00.

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

There was a motion by Councilwoman Andriani, seconded by Councilwoman Fontanella to accept the following bids for the Water Main Repair project. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Amount Bid</u>
Dewcon, Inc.	\$97,753.00

Upon the recommendation of the Engineer, there was a motion by Councilwoman Andriani, seconded by Councilwoman Fontanella to adopt the following resolution to award the contract to the lowest responsible bidder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 113-2016

RESOLUTION AWARDING CONTRACT FOR BOROUGH OF TOTOWA WATER MAIN REPAIR PROJECT

WHEREAS, the Borough of Totowa Department of Public Works Superintendent has advised the Mayor and Council of the Borough of Totowa that the water main crossing underneath the railroad adjacent to Riverview Drive is leaking and in need of repair; and

WHEREAS, the proposed repair includes the relining of approximately 225 linear feet of existing leaking water main and associated work; and

WHEREAS, by Resolution No. 36-2016 dated February 23, 2016, the Mayor and Council of the Borough of Totowa authorized Richard A. Alaimo Engineering Associates to provide the design, bid assistance and construction supervision services for the water main repair; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for its 2015 Road Program in accordance with its specifications entitled "Specifications, Proposal and Contract Documents for Borough of Totowa Water Main Repair, Passaic County, New Jersey, Contract No. 2016-3"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on July 20, 2016; and

WHEREAS, the sole bid was submitted by Dewcon, Inc., P.O. Box 439, Basking Ridge, New Jersey 07920, in the amount of \$97,753.00, 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 on July 26, 2016 did examine the bid submitted for materials and services called for; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Dewcon, 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 by Dewcon, Inc. for the Water Main Repair Project as the lowest responsible bid for the total sum of \$97,753.00.

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

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

Upon the recommendation of the Committee, there was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to authorize the hiring of Pazait Shehu as a Custodian for the Municipal Complex. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Payment Estimate No. 1 in the amount of \$37,975.00 to Aqua Infrastructure Rehabilitation Company, LLC for the Sanitary Sewer Main Rehabilitation – Phase IV. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to accept the following bids for Leasing Portion of Property Identified as Lot 2, Block 170.02, Parcel “C”. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Amount Bid</u>
Southport, LLC	\$12,500.00/month \$150,000.00/year

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into A Lease Agreement For A Portion Of Property Identified As Lot 2, Block 170.02, Parcel “C”. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 114-2016

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO A
LEASE AGREEMENT FOR A PORTION OF PROPERTY IDENTIFIED AS
LOT 2, BLOCK 170.02, PARCEL “C”

WHEREAS, the Borough of Totowa is the owner of real property located on Maltese Drive and identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough have determined that this property is not needed for public use; and

WHEREAS, by Resolution No. 38-2016 dated February 23, 2016, the Mayor and Council of the Borough of Totowa authorized the public leasing of a portion of the property located on Maltese Drive identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa hereinafter referred to as Parcel “C”; and

WHEREAS, pursuant to the provisions of N.J.S.A 40:A12-14(a), the governing body fixed a minimum rental fee of \$12,000.00 per month for Parcel "C" with the reservation of the right to reject all bids where the highest bid is not accepted; and

WHEREAS, bids were solicited for lease rights on the parcel hereinafter referred to as Parcel "C" in accordance with specifications entitled "Specifications for Leasing of Portions of Property Identified as Lot 2, Block 170.02, Borough of Totowa, County of Passaic, New Jersey 2016"; and

WHEREAS, the Borough of Totowa did accept the bids for the lease rights on July 20, 2016; and

WHEREAS, one bid was submitted by Southport, LLC, 216 Terrace Lake Drive, Butler, New Jersey 07405 in the amount of \$12,500.00 per month for an annual rental of \$150,000.00 for Parcel "C"; and

WHEREAS, the Mayor and Council of the Borough of Totowa did on July 26, 2016 examine the bid submitted for the parcel "C" lease rights; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14(a) the Mayor and Council have determined that bid submitted by Southport, LLC should be accepted as the highest bid for Parcel "C".

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into a lease agreement with Southport, LLC for a five (5) year lease for the real property located on Maltese Drive and identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa and referred to as Parcel "C".

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 Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing An Agreement Between The Borough Of Totowa And Nasir Albarim To Encroach On A Drainage Easement. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 115-2016

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE BOROUGH OF TOTOWA AND NASIR ALBARIM TO ENCROACH ON A DRAINAGE EASEMENT

WHEREAS, Nasir Albarim is the owner of real property commonly known as 15 Patriots Trail and further identified as Block 74.02, Lot 10 on the official tax map of the Borough of Totowa, County of Passaic, State of New Jersey; and

WHEREAS, the Borough of Totowa retains a sewer easement on the aforementioned property; and

WHEREAS, Mr. Albarim has requested permission from the Borough of Totowa to construct a two (2) foot retaining wall on his property which will encroach on the Borough of Totowa's easement; and

WHEREAS, the Mayor and Council of the Borough of Totowa have consented to the request and will allow the retaining wall to be constructed on a portion of the sewer easement with the conditions that access to the easement not be impeded and that the wall be removed upon written notification from the Borough of Totowa in the event that it becomes necessary to utilize the easement; and

WHEREAS, Mr. Albarim shall also indemnify and hold harmless the Borough of Totowa as long as the retaining wall remains on the Borough of Totowa's easement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into an agreement with Nasir Albarim to allow a retaining wall to be constructed and encroach and remain on the Borough of Totowa's sewer easement in accordance with the aforementioned terms and conditions.

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 Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Demolition Of Dwelling At 262 Totowa Road, Block 26, Lot 2. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 116-2016

RESOLUTION AUTHORIZING THE DEMOLITION OF DWELLING AT
262 TOTOWA ROAD, BLOCK 2, LOT 2

WHEREAS, the Borough of Totowa is the owner of real property located at 262 Totowa Road and identified as Lot 2, Block 2 on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough have determined that this property is not needed for public use; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a licensed contractor to demolish the existing dwelling structure on the property; and

WHEREAS, the demolition services include but are not limited to disconnecting and capping all existing sewer later and water service connections, demolishing the dwelling structure and garage, removing and disposing of all demolition debris, and backfilling the foundation with dirt to grade as required; and

WHEREAS, the Borough of Totowa did solicit proposals from licensed contractor's firms to provide these services; and

WHEREAS, F. Antonucci & Sons, Inc., 283 Edmund Avenue, Paterson, New Jersey 07502 has submitted a proposal to demolish the dwelling structure located at 262 Totowa Road and provide all related services in the amount of \$16,500.00, 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 did on July 26, 2016 examine the proposal submitted by F. Antonucci & Sons, Inc.; and

WHEREAS, pursuant to the applicable New Jersey State laws, these services may be authorized without public bidding since it will not exceed the public bidding threshold.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by F. Antonucci & Sons, Inc. to demolish the dwelling structure located at 262 Totowa Road and provide all related services in the amount of \$16,500.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize F. Antonucci & Sons, Inc. to perform the services as set forth in their proposal.

BE IT FURTHER RESOLVED, that F. Antonucci & Sons, Inc. shall comply with all Federal, State and Local laws requiring permits prior to beginning construction and shall comply with all Federal, State and Local Ordinances and laws, including Borough of Totowa Code Book Section 336-4, while performing the aforementioned services.

BE IT FURTHER RESOLVED, that F. Antonucci & Sons, Inc. shall provide the Borough of Totowa with a one (1) year warranty on all workmanship and on all materials furnished for this project.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Purchase And Installation Of New Carpet For The Court Office And Building Department Office In The Municipal Complex. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 117-2016

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF NEW CARPET FOR THE COURT OFFICE AND BUILDING DEPARTMENT OFFICE IN THE MUNICIPAL COMPLEX

WHEREAS, the Mayor and Council of the Borough of Totowa desire to replace the existing carpet in the Borough of Totowa Court office and Building Department office located within the Municipal Complex; and

WHEREAS, the Borough of Totowa did solicit quotes for the removal of the existing carpet and for the purchase and installation of new carpet for the Borough of Totowa Court and Building Department offices; and

WHEREAS, Afford A Floor, 5 Garfield Place, Totowa, New Jersey 07512 has submitted a proposal dated May 9, 2016 for the removal of the existing carpet and purchase and installation of new carpet at a cost not to exceed \$2,515.38, 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 on July 26, 2016 did examine the proposal submitted by Afford A Floor; and

WHEREAS, pursuant to the applicable New Jersey State laws, the contract for the purchase and installation of the new carpet be awarded without public bidding since it will not exceed the public bidding threshold.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by Afford A Floor for purchase and installation of carpet for the Borough of Totowa Court office and Building Department office in the amount \$2,515.38.

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

A letter was received from the Dey Hill Neighbors requesting permission to have a Block Party on Battle Ridge Trail from Dey Hill Trail south to the cul-de-sac on Saturday, September 24, 2016 (rain date: Sunday, September 25, 2016). There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve their request. On roll call vote, all members of the Council present voted in the affirmative.

STREET CLOSING AUTHORIZED BY THE MAYOR

Under the authority vested in me as Mayor of the Borough of Totowa, County of Passaic, State of New Jersey, by virtue of N.J.S.A. 40:67-16.9 and the Code of the Borough of Totowa Chapter No. 398-42, I, Mayor John Coiro, do hereby order and direct that Battle Ridge Trail from the intersection of Dey Hill Trail south to the cul-de-sac be closed to vehicular traffic from 1:00 p.m. to 7:00 p.m. on Saturday, September 24, 2016 (rain date: Sunday, September 25, 2016). I further direct that proper signs and barriers be erected at the intersection of Battle Ridge Trail and Dey Hill Trail and that the Totowa Police Department control and regulate, as well as enforce, this regulation.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing Contract For The Removal Of Trees At The Recreation Fields At The PAL. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 118-2016

RESOLUTION AUTHORIZING CONTRACT FOR THE REMOVAL OF TREES
AT THE RECREATIONAL FIELDS AT THE PAL

WHEREAS, the Superintendent of the Borough of Totowa Department of Public Works (“DPW”) has advised that several trees located at the Borough of Totowa PAL recreational fields appear to be dead and should be removed for safety reasons; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for the removal of these trees; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the tree removal at the PAL; and

WHEREAS, Morris County Cooperative Pricing Council Contract No. 18 has been awarded to Tree King Inc., 12 Lenel Road, Landing, New Jersey 07850 for tree trimming and removal services; and

WHEREAS, pursuant to the applicable New Jersey State laws, these tree removal services may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Tree King Inc. to provide professional tree removal services for the Borough of Totowa at the recreational field at the PAL in the amount of \$2,740.00.

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

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Release Of Bond For 26 Washington Place, Block 113, Lot 3. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 119-2016

RESOLUTION AUTHORIZING THE RELEASE OF BOND FOR
26 WASHINGTON PLACE, BLOCK 113, LOT 3

WHEREAS, Alexander Oldja is the owner of real property commonly known and designated as Block 113, Lot 3 on the official Tax and Assessment Map of the Borough of Totowa and is located at 26 Washington Place; and

WHEREAS, the Borough of Totowa Building Department issued a Certificate of Occupancy for the above referenced residential structure subject to the owner replacing the curb and sidewalk along the frontage of the property; and

WHEREAS, the Borough of Totowa Building Department also required Mr. Oldja to post a bond in the amount of \$3,500.00 to ensure the proper installation of the new curbing and sidewalk; and

WHEREAS, Mr. Oldja posted the required bond by submitting the sum of \$3,500.00 to the Borough of Totowa; and

WHEREAS, Mr. Oldja has replaced the curb and sidewalk along the frontage of the property at 26 Washington Place; and

WHEREAS, the Municipal Engineer for the Borough of Totowa has inspected the improvements on the property and deemed the work acceptable; and

WHEREAS, the Municipal Engineer has recommended the full release of the sum of \$3,500.00 to Mr. Oldja for the work performed at 26 Washington Place.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the recommendation of the Municipal Engineer and authorize the release of the \$3,500.00 bond posted by Alexander Oldja for the improvements to the real property commonly known and designated as Block 113, Lot 3 on the official Tax and Assessment Map of the Borough of Totowa and located at 26 Washington Place.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing Reimbursement To Various Property Owners For Hydeway Drive Road Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 120-2016

RESOLUTION AUTHORIZING PAYMENT TO VARIOUS PROPERTY OWNERS
FOR HYDEWAY DRIVE ROAD IMPROVEMENTS

WHEREAS, Totowa Road Developers, LLC, was the owner of real property commonly known and designated as Block 10, Lots 13 and 13.01 on the official Tax and Assessment Map of the Borough of Totowa and located at 705 Totowa Road; and

WHEREAS, Totowa Road Developers, LLC filed an application for development with the Borough of Totowa Planning Board for preliminary major subdivision approval and planning variances for the 705 Totowa Road property; and

WHEREAS, Totowa Road Developers, LLC sought to create four (4) lots for single family homes and the proposed lots have frontage along Hydeway Drive, an existing private street; and

WHEREAS, the Borough of Totowa Planning Board at its public meetings held on August 18, 2008 and September 8, 2005 granted preliminary major subdivision approval and planning variances for the application filed by Totowa Road Developers, LLC for the 705 Totowa Road property, subject to certain conditions and restrictions; and

WHEREAS, the Borough of Totowa Planning Board at its public meeting held on September 8, 2005 adopted a Resolution memorializing their approvals subject to certain terms and conditions; and

WHEREAS, the granting of the application was subject to and conditioned upon Totowa Road Developers, LLC posting the sum of \$10,000.00 in escrow for repairs to the private road for the full frontage of the property along Hydeway Drive that formed the basis of the development application; and

WHEREAS, the approval further provided that in the event the other property owners with frontage on the Hydeway Drive elected to undertake repairs, each homeowner would be responsible for its prorated share and Totowa Road Developers, LLC agreed to contribute \$10,000.00 toward road improvements; and

WHEREAS, various Hydeway Drive property owners did elect to undertake the repairs with the understanding that Totowa Road Developers, LLC was required to contribute toward the road improvements and the property owners would be reimbursed for its pro-rata share of the repairs; and

WHEREAS, Totowa Road Developers, LLC defaulted on the application and failed to post the required funds in escrow; and

WHEREAS, the Mayor and Council of the Borough recognize that the Hydeway Drive property owners undertook the repairs to their street in good faith pursuant to the condition that they would be reimbursed; and

WHEREAS, the repairs do constitute an improvement to the roadway for the Hydeway Drive residents; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to reimburse the various Hydeway Drive property owners their pro-rated share of the road improvements for good cause.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to various property owners for the Hydeway Drive road improvements.

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.

A letter was received from the Totowa Board of Education requesting that the permit fees be waived for a new roof project at Washington Park School and shingle repair and maintenance work at Memorial School. There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to waive the permit fees. On roll call vote, all members of the Council present voted in the affirmative.

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. 15-2016

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 398 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II, "PARKING", SECTION 11, "HANDICAPPED PARKING" AND ARTICLE XII, "SCHEDULES", SECTION 65, "SCHEDULE XVIII: HANDICAPPED PARKING"

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to approve Raffle License Application Nos. 1941 & 1942 for Autism Radio for a Casino Night and On-Premise 50/50 to be held on September 24, 2016 at The Bethwood. 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 Nos. 1943, 1944 & 1945 for the First Reformed Church of Pompton Plains for a Tricky Tray, On-Premise 50/50 and Off-Premise 50/50 to be held on October 28, 2016 at The Barnyard & Carriage House. 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