

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

October 8, 2013

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

ABSENT: None.

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

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

Mayor Coiro asked everyone to remain standing and offer a moment of silence for our former Senior Citizen Bus Driver Earnest "Ray" Reed who passed away recently.

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 Ordinance No. 15-2013 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 15-2013 has been advertised for public hearing for Tuesday, October 8, 2013.

Municipal Clerk Wassel read the legal notice and title of Ordinance No. 15-2013.

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

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 15-2013.

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. 15-2013 by title:

ORDINANCE NO. 15-2013

A WATER UTILITY CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$110,000 FOR THE ABANDONMENT OF THE SHEPHERDS LANE PUMP STATION TO BE UNDERTAKEN BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE \$110,000 FROM THE CAPITAL IMPROVEMENT FUND

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt Ordinance No. 15-2013 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: 1) Advised that the Board of Health will hold their Annual Flu

Clinic on Wednesday, October 9th from 10:00 – 11:00 a.m. and on Monday, October 21st from 6:00 – 7:00 p.m. at the Community Center; 2) Announced that on October 10th the Board of Recreation will be selling tickets for their annual Hayride of Horror.

Mayor Coiro: Commented that on September 28th he attended the flag raising ceremony for Italian Heritage Month at the Totowa Public Library.

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 September 24, 2013. On roll call vote, all members of the Council present voted in the affirmative. Councilman D'Angelo abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Resolution No. 2013-21 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve payment of the 4th Quarter 2013 Budget Allotment to the Borough of Totowa Public Library in the amount of \$178,913.00. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing The Purchase, Delivery And Installation Of A Digital Recording System. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 97-2013

RESOLUTION AUTHORIZING CONTRACT FOR THE PURCHASE, DELIVERY AND INSTALLATION OF A DIGITAL RECORDING SYSTEM

WHEREAS, the Borough of Totowa is in need of a new digital recording system to record Borough of Totowa Municipal Court proceedings as well as record Planning Board and Board of Adjustment meetings; and

WHEREAS, the Mayor and Council of the Borough of Totowa recognize the importance of this equipment and desire to purchase a new digital recording system to be utilized by the Borough of Totowa Municipal Court, Planning Board and Board of Adjustment; and

WHEREAS, the Borough of Totowa solicited quotes for the purchase, delivery and installation of a four (4) channel digital recording package that is approved by the New Jersey Administrative Office of the Courts (“AOC”); and

WHEREAS, Gramco Business Communications, 1148 Bloomfield Avenue, Clifton, New Jersey 07012 has submitted a proposal to provide and install a Liberty four (4) channel digital recording package with microphones in the amount of Four Thousand Five Hundred Fifteen and 00/100 Dollars (\$4,515.00), a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the purchase of the Liberty four (4) channel digital recording package also includes a 19” laptop, wireless mouse and headset, recording software license; training and a one (1) year support/hardware warranty; and

WHEREAS, the Liberty four (4) channel digital recording package with microphones is AOC approved for use by the Borough of Totowa Municipal Court; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this equipment will not exceed the public bidding threshold and may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal of Gramco Business Communications for the purchase, delivery and installation of a Liberty four (4) channel digital recording package with microphones in the amount of Four Thousand Five Hundred Fifteen and 00/100 Dollars (\$4,515.00).

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 Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Accepting The Street Lighting For Rachel Manor, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 98-2013

RESOLUTION ACCEPTING THE STREET LIGHTING
FOR RACHEL MANOR, LLC

WHEREAS, Rachel Manor Properties, LLC, formerly known as Rachel Manor at Totowa, LLC, (hereinafter "Rachel Manor"), 820 Morris Turnpike, Suite 301, Short Hills, New Jersey 07078, was the owner and applicant for the development of real property referred to as Jeremy Estates and identified as Block 9, Lots 17.01, 19 and 20 on the official tax map of the Borough of Totowa, Passaic County, New Jersey; and

WHEREAS, the original Major Subdivision application was approved by the Borough of Totowa Planning Board on August 23, 2001 and a Developer's Agreement was entered into on March 19, 2002 between the Borough of Totowa and Rachel Manor; and

WHEREAS, pursuant to the approvals granted and the terms of the Developer's Agreement, Rachel Manor was required to install and maintain street lighting for the development in accordance with a design plan approved by the Municipal Engineer; and

WHEREAS, pursuant to the approvals granted and the terms of the Developer's Agreement, Rachel Manor was also required to post a performance bond for the purpose of insuring proper construction at all on-site and off-site improvements; and

WHEREAS, Rachel Manor installed and maintained the necessary street lighting on what is now identified on the official tax map of the Borough of Totowa, Passaic County, New Jersey and more commonly referred to as Hamilton Trail; and

WHEREAS, in accordance with the Developer's Agreement, Rachel Manor posted a Performance Bond dated April 12, 2002 bearing No. B34219802 issued by Gulf Insurance Company, 125 Broad Street, New York, New York 10004, in the amount of \$984,000.00; and

WHEREAS, the developer has completed all work on the project; and

WHEREAS, the Municipal Engineer has inspected the work completed to date and has recommended the release of the Performance Bond subject to the developer posting a required two (2) year maintenance bond in the amount of \$122,817.00 which represents 15% of the original construction cost for the project; and.

WHEREAS, by Resolution No. 83-2013 dated July 9, 2013, the Mayor and Council of the Borough of Totowa authorized the release of the Performance Bond submitted by Rachel Manor referred to as Jeremy Estates subject to the posting of a two (2) year Maintenance Bond in the amount of \$122,817.00; and

WHEREAS, Rachel Manor has also requested that the Borough of Totowa now accept the street lighting for this development.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough do hereby accept the street lighting for the real property referred to as Jeremy Estates and identified as Block 9, Lots 17.01, 19 and 20 on the official tax map of the Borough of Totowa, Passaic County, New Jersey in accordance with the Developer's Agreement entered into on March 19, 2002 between the Borough of Totowa and Rachel Manor.

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

COMMITTEE ON PUBLIC SAFETY:

There was no report.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Waryas, seconded by Councilman Puglise to adopt the following Resolution Authorizing The Purchase, Delivery And Installation Of One VFD For Riverview Drive Pump Station. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 99-2013

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF ONE VARIABLE FREQUENCY DRIVE ("VFD") FOR THE RIVERVIEW DRIVE PUMP STATION

WHEREAS, the Borough of Totowa Sewer Department Superintendent has advised the Mayor and Council of the Borough of Totowa that one (1) Variable Frequency Drive ("VFD") for the Riverview Drive Pump Station is no longer working satisfactorily and must be replaced as soon as possible; and

WHEREAS, the Superintendent has further advised that the existing VFD is over 25 years old and replacement parts for repairs are no longer available; and

WHEREAS, the Riverview Drive Pump Station services the residents of the Borough of Totowa by collecting sanitary sewerage waste from individual users throughout the municipality where it is processed and conveyed to the Passaic Valley Sewerage Commissioners located in Newark, New Jersey for proper treatment and disposal; and

WHEREAS, the Borough of Totowa Sewer Department Superintendent has recommended that the Borough of Totowa purchase equipment and parts that are compatible with the existing pump station equipment; and

WHEREAS, Electronic Drives and Controls, 17 Eastman Road, Parsippany, New Jersey 07054, has submitted proposals for the purchase and installation of one (1) Yaskawa P7 Drive Model No. CIMR-P7U41100, 480V, 240A, 200HP in the amount of Seventeen Thousand and 00/100 Dollars (\$17,000.00), a copy of which is on file in the office of Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase of this equipment for the West End Pump Station for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to the N.J.S.A. 40A:11-5(1)(i), this replacement equipment constitutes an extraordinary, unspecifiable service that 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 Electronic Drives and Controls for the purchase and installation of one (1) Yaskawa P7 Drive for the Riverview Drive Pump Station in the total amount of Seventeen Thousand and 00/100 Dollars (\$17,000.00).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Electronic Drives and Controls to provide the materials and perform the services set forth in their proposal.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into A Sidewalk Easement For Lot 17, Block 173 With Digital Totowa, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 100-2013

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO A
SIDEWALK EASEMENT FOR LOT 17, BLOCK 173 WITH DIGITAL TOTOWA, LLC

WHEREAS, Digital Totowa, LLC is the owner of real property commonly known and designated as Block 173, Lot 17 on the official Tax and Assessment Map of the Borough of Totowa and is located at 701 Union Boulevard in the I-3 Restricted Industry District; and

WHEREAS, Digital Totowa, LLC had filed an application for development with the Borough of Totowa Planning Board for preliminary and final site plan approval for the 701 Union Boulevard property wherein they proposed to raze the existing 272,000 square foot building along with all other improvements on the property and construct two new data centers inclusive of a two-story office space for one of the buildings; and

WHEREAS, the Borough of Totowa Planning Board at its public meetings held on April 11, 2013, April 25, 2013 and May 9, 2013 granted preliminary and final site plan approval for the application filed by Totowa Digital, LLC for the 701 Union Boulevard property, subject to certain conditions and restrictions; and

WHEREAS, by Resolution No. 65-2013 dated May 14, 2013, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa to enter into a Developer's Agreement with the Digital Totowa, LLC; and

WHEREAS, the approval granted by the Borough of Totowa Planning Board as well as the terms of the Developer's Agreement required Digital Totowa, LLC to also secure all necessary County Approvals; and

WHEREAS, the Passaic County Planning Board has directed Digital Totowa, LLC to give the Borough of Totowa a sidewalk easement in front of the property along Union Boulevard for the use of the public; and

WHEREAS, the easement requires Digital Totowa, LLC, and its successors and assigns, to bare all costs for the installation of said sidewalk and to assume the sole and exclusive responsibility to maintain, repair and/or replace the sidewalk; and

WHEREAS, the Municipal Engineer and Municipal Attorney for the Borough of Totowa have recommended that the Borough of Totowa enter into this sidewalk easement; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the Borough of Totowa to enter into a sidewalk easement with Digital Totowa, LLC for the aforementioned reasons.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter a sidewalk easement to be situated within parts of Lot 17, Block 173 located along Union Boulevard within the Borough of Totowa, Passaic County New Jersey.

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.

BE IT FURTHER RESOLVED, that a copy of the Deed of Sidewalk Easement shall be recorded in the office of the Passaic County Clerk.

A letter was received from Volunteer Fire Company No. 1 requesting permission to use the Municipal Parking Lot on November 10, 2013. There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to introduce on first reading and advertise for public hearing the following entitled ordinance. On roll call vote, all members of the Council present voted in the affirmative.

ORDINANCE NO. 16-2013

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 415 ENTITLED "ZONING AND LAND USE", ARTICLE XIII, "DESIGN STANDARDS", SECTION 103, "OFF-STREET PARKING"

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to adopt the following Proclamation In Honor Of The 102nd Birthday Of Harold Simon. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION IN HONOR OF THE 102nd BIRTHDAY OF HAROLD SIMON

WHEREAS, Harold Simon was born on October 2, 1911 in Brooklyn, New York and shortly thereafter moved with his parents to the Borough of Totowa; and

WHEREAS, Harold Simon married Josephine Kendrionski in May of 1941; and

WHEREAS, Harold Simon served in the United States Army from October of 1942 until November of 1945 with the 1st Brigade, Combat Special Engineers Team U and took part in the invasion of Normandy during the second wave of the invasion and he also saw action during the Battle of the Bulge; and

WHEREAS, in 1946, Harold and Josephine Simon moved to the City of Paterson where they raised their children Harold and Cynthia; and

WHEREAS, Harold Simon was appointed to the Paterson Police Department on August 1, 1950 and became the Assistant Master Mechanic until his retirement in July of 1971; and

WHEREAS, Harold Simon is a proud Veteran and member of the American Legion Post 227, and VFW Post 10104, Totowa, New Jersey as well as the DAV Chapter 1, Clifton, New Jersey and still attends meetings at Post 227; and

WHEREAS, the Mayor and Council of the Borough of Totowa wish to publicly honor Harold Simon on his 102nd birthday and thank him for his service to our Country.

NOW THEREFORE BE IT PROCLAIMED by the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey that special recognition is given to Harold Simon as he celebrates his 102nd birthday.

BE IT FURTHER PROCLAIMED that this Proclamation be made a part of the permanent records of the Borough of Totowa.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1735 & 1736 for Montville Township High School Ice Hockey Association for a Tricky Tray and On-Premise 50/50, respectively, to be held on November 22, 2013 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application No. 1737 for Fighting Children's Cancer Foundation for a Casino Night to be held on November 2, 2013 at the Passaic Valley Elks. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1738 & 1739 for St. Mary's School for a Tricky Tray and On-Premise 50/50, respectively, to be held on November 12, 2013 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There being no further business to come before the Council, there was a motion by Councilman Puglise, seconded by Councilman Waryas that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk