

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

September 24, 2019

PRESENT: Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, Councilwoman Lisa Palazzo, Municipal Clerk Joseph Wassel and Municipal Attorney Kristin 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 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: Announced the following: 1) The Library is having a Fall Clean-out accepting used clothing and household goods along with shredding and e-waste on October 5th from 10:00 a.m. to 1:00 p.m.; 2) The Board of Recreation is hosting a Hayride of Horrors on October 12th; 3) We are having our 4th Annual Health and Wellness Fair on October 19th at the PAL from 10:00 a.m. to 1:00 p.m.; 4) The Board of Recreation is hosting a Trunk or Treat on October 25th from 7:00 – 8:30 p.m. in the parking lot behind Washington Park School; and 5) The Board of Recreation is hosting their 1st Annual Turkey Trot 5K Challenge on November 24th.

Councilman D'Angelo: Asked if we received permission to use the parking lot for the Trunk or Treat and Councilwoman Andriani said we have.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: 1) Said he drove down Riverview Drive recently and that most of the garbage has been cleaned up; 2) Stated that he spoke to a PSE&G guy about the old fashioned street light that has been missing; 3) Asked if the speed monitor can be placed back onto Lincoln Avenue since football has begun at the PAL.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to approve the Minutes of the Mayor and Council for the meeting of September 10, 2019. On roll call vote, all members of the Council present voted in the affirmative. Councilman Capo abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2019-20 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 Councilman D'Angelo to adopt the following Resolution Certifying That The Governing Body Has Complied With N.J.A.C. 5:30-6.5 Pertaining To The Annual Audit. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 109-2019

RESOLUTION CERTIFYING THAT THE GOVERNING BODY HAS COMPLIED
WITH N.J.A.C. 5:30-6.5 PERTAINING TO THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations" as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – "A local Officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution To Acknowledge Receipt Of And Accept The 2018 Audit Corrective Action Plan. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 110-2019

RESOLUTION TO ACKNOWLEDGE RECEIPT OF AND ACCEPT
THE 2018 AUDIT CORRECTIVE ACTION PLAN

WHEREAS, by Resolution No. 21-2019 dated January 1, 2019, the Mayor and Council of the Borough of Totowa authorized the firm of Lerch, Vinci & Higgins, LLP, 17-17 Route 208, Fair Lawn, New Jersey 07410, to serve as the Municipal Auditor for the Borough of Totowa; and

WHEREAS, the professional services to be provided by the Municipal Auditor include but are not limited to auditing the financial statements for the Borough of Totowa; preparing the unaudited annual financial statement; review and certification of the annual budget; and preparing the annual debt statement and performing all general auditing services as needed; and

WHEREAS, the Municipal Auditor has completed the Borough of Totowa, Passaic County, New Jersey Report of Audit Year Ended December 31, 2018; and

WHEREAS, the Municipal Clerk and Chief Financial Officer/Treasurer prepared the 2018 Audit Corrective Action Plan based on the recommendations listed in the Audit Report, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, copies of the 2018 Audit Corrective Action Plan have been distributed to the Mayor and Council of the Borough of Totowa and the Recommendations and 2018 Audit Corrective Action Plan have been forwarded to all affected personnel.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby acknowledge receipt of and accept the 2018 Audit Corrective Action Plan as prepared by the Municipal Clerk and Chief Financial Officer/Treasurer.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to add the following item to the agenda. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of the Committee, there was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to hire Steven Baker as a part time employee for the Recycling Center. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

A retirement letter was received from Police Captain Carl J. Cifaldi, effective October 1, 2019. There was a motion by Councilman D'Angelo, seconded by Councilman Capo to accept his retirement, thank him for all of his years of service and allow him to keep his service weapon. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve a grade increase for Patrol Officer Sean Williams from Grade 2 to Grade 1. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve a grade increase for Patrol Officer Jack Pohlman from Grade 5 to Grade 4. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to accept the following bids for the 2018 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Bid Amount</u>
AJM Contractors, Inc. Clifton, NJ 07011	\$196,938.00
Marini Brothers Const., Co., Inc. Hackensack NJ 07601	\$204,098.00

Crossroads Pavement Maintenance \$215,249.60
Pompton Plains, NJ 07444

DLS Contracting, Inc. \$235,445.00
Fairfield, NJ 07004

Upon the recommendation of the Committee, there was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following resolution to award the contract for the 2018 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 111-2019

RESOLUTION AWARDING CONTRACT FOR THE BOROUGH OF TOTOWA 2018 ROAD PROGRAM

WHEREAS, the Municipal Engineer for the Borough of Totowa has recommended various improvements to streets throughout the municipality including sections of William Place, Haven Avenue and Roseland Avenue; and

WHEREAS, by Resolution No. 100-2018 dated September 11, 2018, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa Municipal Engineer, Richard A. Alaimo Engineering Associates, to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the 2018 Road Program; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Specifications, Proposal and Contract Documents for Borough of Totowa 2018 Road Program, Passaic County, New Jersey, Contract No. 2019-4"; and

WHEREAS, the Borough of Totowa did receive sealed bids at its Municipal Building on September 17, 2019; and

WHEREAS, the apparent low bid was submitted by A.J.M. Contractors, Inc., 300 Kuller Road, Clifton, New Jersey 07011 in the amount of \$196,938.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Municipal Engineer has reviewed the bids submitted and advised that the contractor is capable of completing the project; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by A.J.M. Contractors, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the bid of A.J.M. Contractors, Inc. for the 2018 Road Program as the lowest responsible bid for the total sum of \$196,938.00.

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:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to accept the following bids for the Riverview Drive Pump Station Improvements. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Bid Amount</u>
RML Construction, Inc. Carlstadt, NJ 07072	\$1,376,425.00
Rapid Pump & Meter Service, Co., Inc. Paterson, NJ 07509	\$1,598,270.00

Upon the recommendation of the Committee, there was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following resolution to reject the bids for the Riverview Drive Pump Station Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 112-2019

RESOLUTION REJECTING BIDS FOR THE
RIVERVIEW DRIVE PUMP STATION IMPROVEMENTS

WHEREAS, by Resolution No. 128-2016 dated September 13, 2016, the Mayor and Council of the Borough of Totowa authorized various repairs for the Riverview Drive Pump Station; and

WHEREAS, the proposed repairs included but are not limited to installation of new wet well ventilation as well as the replacement of grating, side gates, valves, a door and the automatic transfer switch; and

WHEREAS, by Resolution No. 37-2019 dated February 12, 2019, the Borough of Totowa Sewer Department Superintendent has recommended that additional ventilation improvements be undertaken for the Riverview Drive Pump Station as well; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for the Riverview Drive Pump Station Improvements in accordance with the specifications entitled "Specifications, Proposal and Contract Documents for the Borough of Totowa Riverview Drive Pump Station Improvements, Passaic County, New Jersey, June 2019" and "Addendum No. 1 for the Borough of Totowa Riverview Drive Pump Station Improvements, Passaic County, New Jersey, August 29, 2019"; and

WHEREAS, the cost estimate for this Project was \$862,305.00; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on September 11, 2019; and

WHEREAS, the Mayor and Council of the Borough of Totowa on September 24, 2019 did examine all bids for materials and services called for in the specifications; and

WHEREAS, 2 bids were received with the apparent low bid submitted by RML Construction, Inc., 500 13th Street, Carlstadt, New Jersey 07072 with a bid in the amount of \$1,376,425.00 and a second bid was submitted by Rapid Pump & Meter Service Co., Inc., 285 Straight Street, Paterson, New Jersey 07509 with a bid in the amount of \$1,598,270.00, copies of which are on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Municipal Engineer for the Borough of Totowa has advised that the prices bid by each of the contractors for the Riverview Drive Pump Station Improvements are significantly higher than the funds allocated for this Project; and

WHEREAS, the Mayor and Council desire to reject all of the bids received for the Riverview Drive Pump Station Improvements 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 does hereby reject all of the bids received for the Riverview Drive Pump Station Improvements and authorizes the public rebidding of this project.

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Of The Borough Of Totowa Authorizing The Payment Of Terminal Leave Benefits To Ernest J. Paese, Jr. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 113-2019

RESOLUTION OF THE BOROUGH OF TOTOWA AUTHORIZING THE
PAYMENT OF TERMINAL LEAVE BENEFITS TO ERNEST J. PAESE, JR.

WHEREAS, Ernest J. Paese, Jr. began his employment with the Borough of Totowa as a Laborer – CETA Title II in the Department of Public Works on June 17, 1972; and

WHEREAS, Ernest J. Paese, Jr. continued his employment in the Department of Public Works/Sewer Department and retired from the Borough of Totowa as Sewer Department Superintendent effective July 1, 2019; and

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

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

WHEREAS, Ernest J. Paese, Jr. has accumulated one hundred thirty (130) unused sick days and has completed more than twenty-five (25) years of service as an employee of the Borough of Totowa; and

WHEREAS, Ernest J. Paese, Jr. does hereby waive any other claim and/or claims for any salary, benefits and/or other compensation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that Ernest J. Paese, Jr. is granted one hundred thirty (130) days of accumulated sick leave (Terminal Leave) for a total amount of Sixty-Seven Thousand Two Hundred Twenty-Eight and 00/100 (\$67,228.00). Said monies are given in full and final consideration of any and all claims that Ernest J. Paese, Jr. may have against the Borough of Totowa.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Palazzo, 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. 14-2019

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 115 ENTITLED "ANIMALS", TO CREATE A NEW SECTION TO BE
KNOWN AS ARTICLE II TO BE ENTITLED "WILDLIFE FEEDING"**

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2172 & 2173 for the Little Falls School #2 PTA for a Tricky Tray and On-Premise 50/50 to be held on November 14, 2019 at The Bethwood Grand. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2174 & 2175 for Angels of Animals, Inc. for a Tricky Tray and On-Premise 50/50 to be held on October 17, 2019 at The Bethwood Grand. 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 D'Angelo, 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