

## **BOROUGH OF TOTOWA**

### **MINUTES OF THE MAYOR AND COUNCIL**

**March 8, 2022**

**PRESENT:** Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, Councilman Patrick Fierro, 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.

Municipal Clerk Wassel 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 D'Angelo, seconded by Councilwoman Andriani to dispense with the regular order of business in order to hold a public hearing on the 2022 Passaic County Open Space and Farmland Preservation Trust Fund grant application for the installation of upgraded playground equipment and rubberized safety surface at Riverview Park as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that the 2022 Passaic County Open Space and Farmland Preservation Trust Fund grant application for the Riverview Park Playground Equipment Project has been advertised for public hearing for Tuesday, March 8, 2022.

Municipal Clerk Wassel read the Open Space Public Hearing Notice.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani 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 wish to be heard on the 2022 Open Space grant application.

**CITIZENS HEARD:**

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to close the public hearing. 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 Andriani to adopt the following Resolution Authorizing A Grant Application To The Passaic County Open Space, Farmland And Historic Preservation Trust Fund For The Riverview Park Playground Equipment Project By The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

**RESOLUTION NO. 36-2022**

**RESOLUTION AUTHORIZING A GRANT APPLICATION  
TO THE PASSAIC COUNTY OPEN SPACE, FARMLAND  
AND HISTORIC PRESERVATION TRUST FUND FOR THE  
RIVERVIEW PARK PLAYGROUND EQUIPMENT PROJECT  
BY THE BOROUGH OF TOTOWA**

WHEREAS, the Passaic County Board of Chosen Freeholders (hereafter "Board") provide grants to municipalities and qualified non-profit corporations for the assistance in acquisition, development, stewardship and historic preservation from the Passaic County Open Space, Farmland and Historic Preservation Trust Fund (hereafter "Trust Fund"); and

WHEREAS, the BOROUGH OF TOTOWA desires to further the public interest by obtaining funding in the amount of \$209,252 from the Board for the County to fund the RIVERVIEW PARK PLAYGROUND EQUIPMENT PROJECT at a cost of \$209,252; and

WHEREAS, the Board shall determine if the application is complete and in conformance with the scope and intent of the Trust Fund program and the rules and regulations established pursuant to R20170349, and any subsequent Resolutions passed by the Board governing the administration of the Trust Fund.

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE BOROUGH OF TOTOWA AS FOLLOWS:

1. The MAYOR OF THE BOROUGH OF TOTOWA is authorized to make application, provide all required information and documents as required, and correspond as necessary for a grant to the Passaic County Open Space, Farmland and Historic Preservation Trust Fund.
2. That the MAYOR OF THE BOROUGH OF TOTOWA is hereby authorized to execute a grant agreement and any amendment thereto with the County of Passaic for the RIVERVIEW PARK PLAYGROUND EQUIPMENT PROJECT.
3. That, if the funds provided by the County are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project.
4. That, the applicant agrees to comply with all applicable federal, State, County, and local laws, rules, and regulations in its performance of the project.
5. That this Resolution shall take effect immediately.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani 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.

Mayor Coiro: Said the Dr. Seuss event tonight at the Library was very nice.

Councilwoman Andriani: Acknowledged that today is International Woman's Day and said that we have two powerful women here tonight and would like to thank them for all

of their contributions. Also, reminded everyone in the room that they all know of powerful and influential women and should recognize them on this important day.

Mayor Coiro: Remarked that we do thank all of the important and influential women in our lives, but said that we have three powerful women here tonight, not two, by including Councilwoman Andriani, in addition to Senator Kristin Corrado and Totowa Library Director Anne Krautheim.

#### CITIZENS HEARD:

There were no citizens who wished to be heard.

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 February 22, 2022. On roll call vote, all members of the Council present voted in the affirmative. Councilman Picarelli and Councilman Bucher abstained from the voting.

#### COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2022-06 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 Authorizing Emergency Temporary Appropriation. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 37-2022

#### RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergent condition has arisen with respect to Current Fund appropriations for the acquisition of property; and

WHEREAS, no adequate provision has been made in the 2022 Temporary Budget for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2022 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$220,000 for the Current Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa (not less than two-thirds of all members affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20 that emergency temporary appropriations be made and that said emergency temporary appropriations shall be provided for in full in the 2022 Municipal Budget so adopted:

CURRENT FUND

CAPITAL IMPROVEMENTS – EXCLUDED FROM “CAPS”

Acquisition of Property

\$220,000

There was a motion by Councilman Picarelli, seconded by Councilman D’Angelo to authorize the Borough Attorney to prepare and the Borough Clerk to advertise for the RFP for 2022 Professional Services for the Board of Adjustment Attorney. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D’Angelo, seconded by Councilman Capo to approve a grade increase for Patrol Officer Damiano Dilorio from Grade 7 Patrol Officer to Grade 6 Patrol Officer. 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 adopt the following Resolution Authorizing The Submission Of A Strategic Plan For The Totowa Municipal Drug Alliance Fiscal Year 2023 Grant Cycle July 1, 2022 To June 30, 2023. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 38-2022

RESOLUTION AUTHORIZING THE SUBMISSION OF A STRATEGIC PLAN  
FOR THE TOTOWA MUNICIPAL DRUG ALLIANCE FISCAL YEAR 2023  
GRANT CYCLE JULY 1, 2022 TO JUNE 30, 2023

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Mayor and Council of the Borough of Totowa further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Mayor and Council of the Borough of Totowa has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Passaic.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey hereby recognizes the following:

1. The Mayor and Council of the Borough of Totowa do hereby authorize submission of a strategic plan for the Totowa Municipal Drug Alliance grant for the period of July 1, 2022 to June 30, 2023 (FY2023) in the amount of:

DEDR	\$8,276.48
Cash Match	\$2,069.12
In-Kind	\$6,207.36

2. The Mayor and Council of the Borough of Totowa acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

#### COMMITTEE ON PUBLIC WORKS:

Upon the recommendation of the Committee, there was a motion by Councilman Bucher, seconded by Councilman Fierro to hire Justin Miceli as a Department of Public Works Laborer. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Bucher, seconded by Councilman Fierro to approve Change Order No. 2 for a net decrease of \$138,243.00 and Payment Estimate No. 2 (Final) in the amount of \$26,251.78 to American Asphalt & Milling Services, LLC for the New Jersey Department Of Transportation Fiscal Year 2021 Municipal Aid Program Improvements To Artillery Park Road, Knox Terrace, Colonial Court, Knollwood Road And Stewart Terrace. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into An Access Street Agreement With The New Jersey Department Of Transportation For Riverview Drive And Minnisink Road, U.S. Route 46, Milepost 57.02. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 39-2022

#### RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO AN ACCESS STREET AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR RIVERVIEW DRIVE AND MINNISINK ROAD, U.S. ROUTE 46, MILEPOST 57.02

WHEREAS, Manzo Doren Organization of Totowa, LLC, a/k/a Manzo-Doren Organization of Totowa, LLC (hereinafter "Manzo-Doren Organization") is the owner of real property set forth and designated as Block 171, Lots 2.01, 19, 20, 21 and 22 on the official Tax and Assessment Map of the Borough of Totowa and commonly known as 809-813 North Riverview Drive and 423, 429 and 441 Minnisink Road, Totowa, New Jersey 07512; and

WHEREAS, the Borough of Totowa Zoning Board of Adjustment granted preliminary and final site plan approval for the application filed by Manzo-Doren Organization for the Riverview Drive/Minnisink Road property on November 19, 2020 and memorialized its decision in a Resolution adopted by the Zoning Board on March 10, 2021; and

WHEREAS, some of the required improvements for the project must be done within the New Jersey Department of Transportation ("NJDOT") right-of-way located on Riverview Drive and Minnisink Road at U.S. Route 46, Milepost 57.02; and

WHEREAS, the NJDOT has advised that they will only enter into an agreement with the Borough of Totowa for the proposed work which will be done by the developer; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire that the project move forward and are willing to enter into an Access Street Agreement with the NJDOT on behalf of Manzo-Doren Organization; and

WHEREAS, by Resolution No. 34-2022 dated February 22, 2022, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa to enter into a Developer's Agreement with the Manzo-Doren Organization which will indemnify and hold the municipality harmless against any claims, suits, losses or demands caused by a negligent act, error or omission caused by the developer in the performance of their work for on- and off-site improvements.

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 Access Street Agreement with the New Jersey Department of Transportation for Riverview Drive and Minnisink Road, U.S. Route 46, Milepost 57.02, Permit Number S-46-N-23491-2020.

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 Capo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Borough Of Totowa To Purchase The Property Along Peterson Road Known And Identified As Block 149, Lot 23 On The Tax Map From Totowa Investment Group, LLC. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 40-2022

#### RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO PURCHASE THE PROPERTY ALONG PETERSON ROAD KNOWN AND IDENTIFIED AS BLOCK 149, LOT 23 ON THE TAX MAP FROM TOTOWA INVESTMENT GROUP, LLC

WHEREAS, Totowa Investment Group, LLC, 2 Bonnieview Lane, Towaco, New Jersey 07082 (hereinafter the "Developer") is the owner of real property set forth and designated as Lot 1, Blocks 100 and 148 and Lot 23, Block 149 on the official Tax and Assessment Map of the Borough of Totowa and commonly known as 515 Union Boulevard, Totowa, New Jersey 07512; and

WHEREAS, the property is located in the B-4 Local Business Zone District; and

WHEREAS, the Developer filed an application with the Borough of Totowa Zoning Board of Adjustment for various land use approvals, preliminary site plan approval and final site plan approval for the Union Boulevard property; and

WHEREAS, the Borough of Totowa Zoning Board of Adjustment granted the preliminary and final site plan approval for the application filed by the Developer for the Union Boulevard property on May 12, 2021 and memorialized its decision in a Resolution adopted by the Zoning Board on June 9, 2021; and

WHEREAS, the Developer also owns a parcel of land located along Peterson Road and identified as Block 149, Lot 23 on the Totowa Tax and Assessment Map which is currently used as a parking lot; and

WHEREAS, the Developer has voluntarily agreed to sell the property to the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to purchase the property in order to continue to use the parking lot as an overflow lot by residents and visitors to our community for the Borough of Totowa Municipal Complex, Washington Park School as well as for the nearby park and recreational fields; and

WHEREAS, the Borough of Totowa has made an offer in the amount of \$220,000.00 to purchase the property located along Peterson Road and this offer has been accepted by the Developer; and

WHEREAS, the Mayor and Council desire to memorialize the terms and conditions of the purchase of the Peterson Road property in a Real Estate Sales Contract; and

WHEREAS, the Mayor and Council of the Borough of Totowa further desire to authorize the purchase of this property for use by our residents and visitors to our community.

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 Real Estate Sales Contract with Totowa Investment Group, LLC for the purchase of property located along Peterson Road in the Borough of Totowa and identified as Block 148, Lot 23 on the official tax map of the Borough of Totowa.

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 instruments relating thereto.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Municipal Attorney To Prepare A Developer's Agreement Between The Borough Of Totowa And Totowa Investment Group, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 41-2022

RESOLUTION AUTHORIZING THE MUNICIPAL ATTORNEY TO PREPARE  
A DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF TOTOWA  
AND TOTOWA INVESTMENT GROUP, LLC

WHEREAS, Totowa Investment Group, LLC, 2 Bonnieview Lane, Towaco, New Jersey 07082 (hereinafter the "Developer") is the owner of real property set forth and designated as Lot 1, Blocks 100 and 148 and Lot 23, Block 149 on the official Tax and Assessment Map of the Borough of Totowa and commonly known as 515 Union Boulevard, Totowa, New Jersey 07512; and

WHEREAS, the property is located in the B-4 Local Business Zone District; and

WHEREAS, the Developer filed an application with the Borough of Totowa Zoning Board of Adjustment for various land use approvals, preliminary site plan approval and final site plan approval for the Union Boulevard property; and

WHEREAS, the Borough of Totowa Zoning Board of Adjustment at its public meetings held on April 14, 2021, May 12, 2021 and June 9, 2021 granted the preliminary and final site plan approval for the application filed by the Developer for the Union Boulevard property, subject to certain conditions and restrictions; and

WHEREAS, the Borough of Totowa Zoning Board of Adjustment approved the application on May 12, 2021 and memorialized its decision in a Resolution adopted by the Zoning Board on June 9, 2021; and

WHEREAS, one of the conditions of the approval granted by the Borough of Totowa Zoning Board of Adjustment was the requirement that the Developer enter into a Developer's Agreement with the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa Municipal Attorney to prepare a Developer's Agreement between the Borough of Totowa and the Totowa Investment Group, LLC.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to carry the Resolution Authorizing The Provision Of A Grant Pursuant To The Borough Of Totowa Affordability Assistance Program For The Tenant Of An Affordable Housing Unit Located At Sunset Ridge At Totowa, 617 Preakness Avenue, Apartment 110. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to carry the Resolution Authorizing The Provision Of A Grant Pursuant To The Borough Of Totowa Affordability Assistance Program For The Tenant Of An Affordable Housing Unit Located At Sunset Ridge At Totowa, 617 Preakness Avenue, Apartment 310. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to carry the Resolution Authorizing The Provision Of A Grant Pursuant To The Borough Of Totowa Affordability Assistance Program For The Tenant Of An Affordable Housing Unit Located At Sunset Ridge At Totowa, 617 Preakness Avenue, Apartment 410. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Proclamation In Honor Of John F. Capo. On roll call vote, all members of the Council present voted in the affirmative.

#### PROCLAMATION IN HONOR OF JOHN F. CAPO

WHEREAS, John F. Capo is a long-time resident of the Borough of Totowa and was appointed as Director of the Bricklayers and Allied Craftworkers in June of 2020; and

WHEREAS, John F. Capo worked as a Cement Finisher all through college in order to pay his tuition and after graduation, he joined the Bricklayers and Allied Craftworkers, Local 2 Paterson, New Jersey as a Cement Finisher Apprentice; and

WHEREAS, in 1999, John F. Capo joined the Bricklayers and Allied Craftworkers as a Field Representative for Local 4 and for two consecutive terms thereafter, he was Secretary-Treasurer of that organization until the creation of the Administrative District Council in 2006, when he was appointed as Secretary-Treasurer of the Council; and

WHEREAS, John F. Capo is a trustee and co-chairperson of the NJBAC State Health Fund and State Annuity Fund. He has served as Vice President of the Passaic County Building Trades for 16 years and is on the International Union Executive Council as Cement Craft Committee Vice President since 2010; and

WHEREAS, John F. Capo was elected to the Borough of Totowa Council in 2016 and is currently serving his second term as a Councilman where he chairs the Committee on Engineering and Public Property and is also a member of the Finance Committee and Committee of Public Safety; and

WHEREAS, on March 1, 2022, John F. Capo will be honored by Cardinal Joseph W. Tobin at the Cardinal's 29th annual Business and Labor Recognition Reception that will benefit the Archdiocese of Newark's Office for Youth and Young Adults Ministry and St. John Paul II Youth Retreat Center in Kearney which serves more than 35,000 young people each year; and

WHEREAS, the Mayor and Council of the Borough of Totowa wish to publicly congratulate and honor John F. Capo on this prestigious award and recognize him for his leadership in the labor community as well as for his dedication to the residents of the Borough of Totowa.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey do hereby give special recognition to John F. Capo for his distinguished career and years of devoted service to our community.

BE IT FURTHER PROCLAIMED, that this Proclamation be made a part of the permanent records of the Borough of Totowa and that a copy of said Proclamation be presented to John F. Capo.

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve Raffle License Application No. 2259 for St. Joseph's Home for the Elderly of the Little Sisters of the Poor for an Off-Premise 50/50 to be held on August 30, 2022. 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