

## **BOROUGH OF TOTOWA**

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

**July 27, 2021**

**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.

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 Ordinance No. 03-2021 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 03-2021 has been advertised for public hearing for Tuesday, July 27, 2021.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 03-2021.

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 wished to be heard on Ordinance No. 03-2021.

**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.

Municipal Clerk Wassel read Ordinance No. 03-2021 by title:

**ORDINANCE NO. 03-2021**

**AN ORDINANCE BY THE BOROUGH OF TOTOWA, PASSAIC COUNTY,  
NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS  
OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES  
AND AMENDING CHAPTER 415 ENTITLED "ZONING AND LAND USE",  
PART 4, "ZONING", ARTICLE XXIV, "CONDITIONAL USES",  
SUB-SECTION 190(A) ENTITLED "SMOKE SHOPS"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 03-2021 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 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.

Councilwoman Andriani: Reminded everyone that tomorrow night's summer concert is The Emerald Experience at the Municipal Complex and they have a big following so arrive early.

Mayor Coiro asked if any citizens wished to be heard.

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 July 13, 2021. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2021-16 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 Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2020 And 2021 Tax Appeals Entitled Kanani V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 78-2021

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2020 AND 2021  
TAX APPEALS ENTITLED KANANI V. BOROUGH OF TOTOWA

WHEREAS, there have been appeals of the real property tax assessments for the stated tax years; and

WHEREAS, each Block and Lot listed therein was assessed at the amount stated therein; 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 these matters on the attached list are in the best interest of the Borough of Totowa.

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

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute the Stipulation of Settlement on behalf of the Borough of Totowa with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey.
2. 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 Councilman D'Angelo to authorize the Borough Attorney and Borough Clerk to prepare the specifications and advertise for the receipt of bids for Collection and Transportation of Recyclable Materials and Collection and Transportation of Vegetative Waste Recycling. 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 adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into A Traffic Signal Agreement Route 80 WB And Vreeland Avenue – Minnisink Road (CR 642) With The State Of New Jersey. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 79-2021

#### RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO A TRAFFIC SIGNAL AGREEMENT ROUTE 80 WB AND VREELAND AVENUE – MINNISINK ROAD (CR 642) WITH THE STATE OF NEW JERSEY

WHEREAS, a traffic condition exists at the intersection of Route 80 WB and Vreeland Avenue – Minnisink Road (CR 642) in the Borough of Totowa, in the County of Passaic, which requires the installation of a semi-actuated traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the Borough of Totowa has indicated its willingness to install a traffic control signal at said intersection; and

WHEREAS, the State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal.

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 the State of New Jersey, acting through its Commissioner of Transportation, for the purpose of aforesaid, and a copy of said Agreement is attached hereto and made a part hereof.

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.

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 2022 Grant Cycle July 1, 2021 To June 30, 2022. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 80-2021

#### RESOLUTION AUTHORIZING THE SUBMISSION OF A STRATEGIC PLAN FOR THE TOTOWA MUNICIPAL DRUG ALLIANCE FISCAL YEAR 2022 GRANT CYCLE JULY 1, 2021 TO JUNE 30, 2022

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, 2021 to June 30, 2022 (FY2022) 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.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to adopt the following Resolution Authorizing The Purchase And Delivery Of Portable Radios For The Fire Department. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 81-2021

#### RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF PORTABLE RADIOS FOR THE FIRE DEPARTMENT

WHEREAS, the Borough of Totowa Fire Chief has requested the purchase and delivery of new portable radios that will be used by the members of the Borough of Totowa Fire Department; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this equipment which will enable our volunteer firefighters to respond to emergency calls; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase and delivery of new portable radios for the Borough of Totowa Fire Department; and

WHEREAS, Morris County Cooperative Pricing Council Contract No. 41 has been awarded to Northeast Communications, 244 East Union Turnpike, Wharton, New Jersey 07885 for the purchase and delivery of new portable radios; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this equipment may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase and delivery of new portable radios for the Borough of Totowa Fire Department from Northeast Communications in the amount of \$32,231.20.

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

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve the fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Matthew M. Haddad for Volunteer Fire Company No. 1. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from Lincoln Fire Company requesting permission to attend the Seaford Fire Department Anniversary Parade in Seaford, New York on Saturday, August 28, 2021. There was a motion by Councilman D'Angelo, seconded by Councilman Capo to grant permission. 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 adopt the following Resolution Approving Water Main Extension Permit Application And Authorizing The Mayor And Licensed Water Operator To Execute On Behalf Of The Borough Of Totowa For Digital Realty Trust C/O Digital Totowa, LLC, 701 Union Boulevard, Block 173, Lot 17. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 82-2021

RESOLUTION APPROVING WATER MAIN EXTENSION PERMIT APPLICATION AND AUTHORIZING THE MAYOR AND LICENSED WATER OPERATOR TO EXECUTE ON BEHALF OF THE BOROUGH OF TOTOWA FOR DIGITAL REALTY TRUST C/O DIGITAL TOTOWA, LLC, 701 UNION BOULEVARD, BLOCK 173, LOT 17

WHEREAS, Digital Realty Trust, c/o Digital Totowa, LLC, 701 Union Boulevard, Totowa, New Jersey, 07512, Block 173, Lot 17 has made application for the demolition of the existing water house and the construction of new data center buildings, electrical substation and equipment yards; and

WHEREAS, Digital Totowa, LLC, is required to apply to the New Jersey Department of Environmental Protection (NJDEP) for a Water Main Extension Permit to install 4,700 linear feet of new water main to service the development with an average daily demand of 151,569 gallons per day; and

WHEREAS, the Water Main Extension Permit application has been reviewed and approved by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Totowa, County of Passaic, State of New Jersey that the Mayor and Licensed Water Operator of the Borough of Totowa be and are hereby authorized to execute the various forms on behalf of the Borough of Totowa.



COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Approving Treatment Works Approval Application And Authorizing The Mayor To Execute The Statements Of Consent—NJDEP Form WQM-003 On Behalf Of The Borough Of Totowa For Digital Realty Trust C/O Digital Totowa, LLC, 701 Union Boulevard, Block 173, Lot 17. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 83-2021

RESOLUTION APPROVING TREATMENT WORKS APPROVAL APPLICATION  
AND AUTHORIZING THE MAYOR TO EXECUTE THE STATEMENTS OF  
CONSENT—NJDEP FORM WQM-003 ON BEHALF OF THE BOROUGH OF TOTOWA  
FOR DIGITAL REALTY TRUST C/O DIGITAL TOTOWA, LLC,  
701 UNION BOULEVARD, BLOCK 173, LOT 17

WHEREAS, Digital Realty Trust, c/o Digital Totowa, LLC, 701 Union Boulevard, Totowa, New Jersey, 07512, Block 173, Lot 17 has made application for the demolition of the existing water house and the construction of new data center buildings, electrical substation and equipment yards; and

WHEREAS, Digital Totowa, LLC, is required to apply to the New Jersey Department of Environmental Protection (NJDEP) for a Treatment Works Approval (TWA) for a sewer extension permit to install 1,253 linear feet of new sanitary sewer main to service the development with a projected design discharge of 26,690 gallons per day; and

WHEREAS, the Treatment Works Approval (TWA) permit application has been reviewed and approved by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Totowa, County of Passaic, State of New Jersey that the Mayor of the Borough of Totowa be and is hereby authorized to execute the Statements of Consent – NJDEP Form WQM-003 on behalf of the Borough of Totowa.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into A Real Estate Sales Contract For The Purchase Of 63 Rosengren Avenue For Veteran's Housing. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 84-2021

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO  
A REAL ESTATE SALES CONTRACT FOR THE PURCHASE OF  
63 ROSENGREN AVENUE FOR VETERAN'S HOUSING

WHEREAS, the Estate of Concetta Matarazzo, 63 Rosengren Avenue, Totowa, New Jersey 07512 is the owner of property located at 63 Rosengren Avenue in the Borough of Totowa and identified as Block 80, Lot 14 on the official tax map of the Borough of Totowa; and

WHEREAS, this property is currently listed for sale; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to purchase homes within the community that are in good condition, at a reasonable price, and create safe, affordable homes for Veterans and their families within our community; and

WHEREAS, the Borough of Totowa has made an offer in the amount of \$425,000.00 to purchase the property located at 63 Rosengren Avenue and this offer has been accepted by the Executor for the Estate; and

WHEREAS, the Mayor and Council desire to memorialize the terms and conditions of the purchase of 63 Rosengren Avenue 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 Veteran Family Housing as part of the Borough of Totowa Affordable Housing Trust Fund Spending Plan.

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 the Estate of Concetta Matarazzo for the purchase of property located at 63 Rosengren Avenue in the Borough of Totowa and identified as Block 80, Lot 14 on the official tax map of the Borough of Totowa.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa further authorize the purchase of this property with funds that have been set aside for Veteran Family Housing as part of the Borough of Totowa Affordable Housing Trust Fund Spending Plan.

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 LEGISLATION & ORDINANCES:

There was no report.

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.

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Joseph Wassel, RMC  
Municipal Clerk