

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

December 14, 2021

PRESENT: Mayor John Coiro, presiding, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman John Capo, Councilwoman Lisa Palazzo, Municipal Clerk Joseph Wassel and Municipal Attorney Kristin Corrado.

ABSENT: Council President Lou D'Angelo and Councilman William Bucher.

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 Councilwoman Andriani, seconded by Councilman Picarelli to dispense with the regular order of business in order to enable the Mayor and Council to present a Proclamation In Honor And Celebration Of Janet Lee Saunders. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked Councilwoman Andriani to join him in front of the dais and also called up Janet Saunders to receive the proclamation. Mayor Coiro started by saying that 41 years is certainly a very long time to serve so selflessly and that every five years when her appointment was up it was so easy to write her name back in for reappointment because she was such a mainstay. Thanked Mrs. Saunders for all of her hard work and dedication over the years and for the transformation of the Library from

the little storefront to what it is now and wished her the very best in her retirement. Mayor Coiro then went on to read some excerpts from the Proclamation and then presented the Proclamation to Mrs. Saunders.

Councilwoman Andriani said she felt so lucky and honored to be the Mayor's Liaison to the Library Board and that it's been a true honor to serve with you and that you were an amazing leader of our Library Family.

Janet Saunders thanked the Mayor and Council for the proclamation and for the privilege of serving on the Library Board for all these years.

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli 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.

There were no reports.

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 Councilwoman Andriani, seconded by Councilman Picarelli to approve the Minutes of the Mayor and Council for the meeting of November 23, 2021. 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 Capo to approve Resolution No. 2021-25 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 Capo to approve Resolution No. 2021-26 Authorizing Transfer Of 2021 Budget Appropriations. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman Capo to adopt the following resolution authorizing the Treasurer to issue refunds to Emergence Church, Inc., 930 N. Riverview Drive, Block 169, Lot 6, Qualifiers C0003 and C0005 due to a 100% exemption for a Religious Organization. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, Emergence Church, Inc., 930 N. Riverview Drive, Block 169, Lot 6, Qualifiers C0003 and C0005 has applied for a 100% exemption for a Religious Organization on the above two properties; and

WHEREAS, Emergence Church, Inc. meets all requirements for the exemption; and

WHEREAS, the exemption becomes effective on October 22, 2021 and is exempt from that date; and

WHEREAS, Emergence Church, Inc. paid the taxes from October 22, 2021 to December 31, 2020, for Qualifiers C0003 and C0005 in the amount of \$7,301.29 and \$10,947.85 respectively and is therefore entitled to refunds of \$7,301.29 and \$10,947.85 respectively.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Treasurer is authorized to refund \$7,301.29 and \$10,947.85 to Emergence Church, Inc. and upon paying the refund due to the Taxpayer, this property will be exempted from future tax payments.

There was a motion by Councilman Picarelli, seconded by Councilman Capo to adopt the following Resolution Authorizing Purchase Of Various Items Through State, County, North Jersey Wastewater And Educational Services Commission Cooperative Contracts. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 120-2021

RESOLUTION AUTHORIZING PURCHASE OF VARIOUS ITEMS THROUGH STATE, COUNTY, NORTH JERSEY WASTEWATER AND EDUCATIONAL SERVICES COMMISSION COOPERATIVE CONTRACTS

WHEREAS, the different Borough of Totowa Departments have requisitioned various goods and services for 2021 pursuant to the following New Jersey State Contracts, Passaic County Cooperative Contracts, Morris County Cooperative Contracts, Bergen County Cooperative Contracts, North Jersey Wastewater Pricing Cooperative Contracts and/or Educational Services Commission of New Jersey Cooperative Contracts; and

<u>VENDOR</u>	<u>STATE/PCC/MCC/BCC/ESCNJ CONTRACT</u>
Allan Briteway	Morris County Cooperative Contract
Chemical Equipment Labs, Inc.	Bergen County Cooperative Contract
Precision Electric Motor Works	North Jersey Wastewater Cooperative Contract
Rachles/Michele's Oil Company	New Jersey State Contract
Rio Supply, Inc.	Morris County Cooperative Contract

WHEREAS, the Mayor and Council of the Borough of Totowa is desirous of approving said purchases in accordance with the terms of the various State Contracts, County Contracts, North Jersey Wastewater Contracts and Educational Services Commission of New Jersey Contracts; and

WHEREAS, the Mayor and Council is also desirous of authorizing these purchases from the State Contracts, County Contracts, North Jersey Wastewater Contracts and Educational Services Commission of New Jersey Contracts throughout calendar year 2021, subject to appropriate procurement controls and availability of funds; and

WHEREAS, the Finance and Administration Committee has considered this matter and recommended this resolution to the Mayor and Council for adoption.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that it hereby authorizes the purchase of the goods and/or services described above in accordance with the terms of the applicable State Contracts, County Contracts, North Jersey Wastewater Contracts or Educational Services Commission of New Jersey Contracts.

BE IT FURTHER RESOLVED, that the Municipal Clerk and all other necessary officers and employees be and hereby are authorized and directed to take such further actions and sign such documents as are necessary to effectuate the purpose of this resolution, including but not limited to issuance of an appropriate Purchase Order.

There was a motion by Councilman Picarelli, seconded by Councilman Capo to adopt the following Resolution Approving Disposal Services For Vegetative Waste Recycling. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 121-2021

RESOLUTION APPROVING DISPOSAL SERVICES FOR
VEGETATIVE WASTE RECYCLING

WHEREAS, the Mayor and Council of the Borough of Totowa need to dispose of the Borough's residential and municipal vegetative waste at a facility that is licensed and permitted by the State of New Jersey Department of Environmental Protection ("DEP"); and

WHEREAS, the Borough of Totowa solicits proposals from licensed and permitted disposal facilities that will dispose of vegetative materials including but not limited to leaves, brush, tree parts, stumps, wood chips and grass; and

WHEREAS, Environmental Renewal, LLC, 27 Andrews Drive, Woodland Park, New Jersey 07424 has submitted a proposal to dispose of vegetative waste at their facility in accordance with their Municipal Rate Schedule, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, these services were utilized during the year 2021; and

WHEREAS, pursuant to the applicable New Jersey State laws, the authorization of this service may be authorized as an exception to public bidding in accordance with the Local Public Contract Law as set forth in N.J.S.A 40A:11-5, et seq.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to utilize Environmental Renewal, LLC for the disposal of vegetative waste for the Borough of Totowa in accordance with the Fee Schedule set forth in their proposal.

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 necessary instruments relating thereto.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to approve a fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Matthew N. Antola for Lincoln Fire Company. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was no report.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Removal, Repairs And Replacement Of The Yeomans Pump At The West End Pump Station. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 122-2021

RESOLUTION AUTHORIZING THE REMOVAL, REPAIRS AND REPLACEMENT
OF THE YEOMANS PUMP AT THE WEST END PUMP STATION

WHEREAS, the Superintendent of the Borough of Totowa Department of Public Works ("DPW") has advised the Mayor and Council of the Borough of Totowa that some of the equipment at the West End Pump Station is no longer working satisfactorily and needs to be repaired and/or replaced; and

WHEREAS, the necessary repairs at the West End Pump Station include the removal, repair and replacement of the Yeomans pump; and

WHEREAS, North Jersey Wastewater Pricing Cooperative Contract No. B279-8 has been awarded to Precision Electric Motor Works, Inc., 18 Sebago Street, Clifton, New Jersey 07013 for various pump services; and

WHEREAS, Precision Electric Motor Works, Inc. has submitted a proposal for the removal, repair and replacement of the existing Yeomans pump in the amount of \$19,850.00, a copy of which is on file on the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize these necessary repairs of the pump 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 Local Public Contracts Law, the repair and replacement of the pump 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 Precision Electric Motor Works, Inc. for the removal, repair and replacement of the Yeomans pump at the West End Pump Station in the amount of \$19,850.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Precision Electric Motor Works, Inc. to provide the labor and materials for the removal, repair and replacement of the Yeomans pump at the West End Pump Station as set forth in their proposal.

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Approving Public Service Electric And Gas Energy Saver Program For The Installation Of HVAC Units At The Municipal Complex. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 123-2021

RESOLUTION APPROVING PUBLIC SERVICE ELECTRIC AND GAS ENERGY SAVER PROGRAM FOR THE INSTALLATION OF HVAC UNITS AT THE MUNICIPAL COMPLEX

WHEREAS, as part of its New Jersey Board of Public Utilities ("NJBP") approved Clean Energy Future – Energy Efficiency Program, Public Service Electric and Gas Company ("PSE&G") is offering the Energy Saver Program (a/k/a the Direct Install Program) to its electric and gas customers; and

WHEREAS, the Energy Saver Program provides a walk through energy audit to determine if the customer may benefit from participating in this Program and the audit results will be used to determine which energy efficiency measures ("EEMs") will be recommended for installation; and

WHEREAS, the audit recommendations for the Borough of Totowa Municipal Complex include the installation of new HVAC units; and

WHEREAS, PSE&G will install the new HVAC units for the initial Total Project Cost of \$75,702.93 minus PSE&G's Incentive Contribution of \$11,903.75 for a final sum of \$63,799.18 payable over a sixty month period with monthly payments in the amount of \$1,063.32; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to participate in the Energy Saver Program which will result in future cost savings to the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby approve the PSE&G Energy Saver Program for the installation of HVAC units at the Borough of Totowa Municipal Complex.

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

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilwoman Palazzo to adopt the following Resolution Approving Public Service Electric And Gas Energy Saver Program For The Installation Of HVAC Units At The Library. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 124-2021

RESOLUTION APPROVING PUBLIC SERVICE ELECTRIC AND GAS
ENERGY SAVER PROGRAM FOR THE INSTALLATION OF HVAC UNITS
AT THE LIBRARY

WHEREAS, as part of its New Jersey Board of Public Utilities ("NJBPU") approved Clean Energy Future – Energy Efficiency Program, Public Electric and Gas Company ("PSE&G") is offering the Energy Saver Program (a/k/a the Direct Install Program) to its electric and gas customers; and

WHEREAS, the Energy Saver Program provides a walk through energy audit to determine if the customer may benefit from participating in this Program and the audit results will be used to determine which energy efficiency measures ("EEMs") will be recommended for installation; and

WHEREAS, the audit recommendations for the Borough of Totowa Library include the installation of new HVAC units; and

WHEREAS, PSE&G will install the new HVAC units for the initial Total Project Cost of \$72,195.96 minus PSE&G's Incentive Contribution of \$17,393.22 for a final sum of \$54,802.74 payable over a sixty month period with monthly payments in the amount of \$913.38; and

WHEREAS, PSE&G will install the new HVAC units for the sum of \$72,195.96 payable over a sixty month period with monthly payments in the amount of \$913.38; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to participate in the Energy Saver Program which will result in future cost savings to the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby approve the PSE&G the Energy Saver Program for the installation of HVAC units at the Borough of Totowa Library.

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

There was a motion by Councilwoman Andriani, seconded by Councilwoman Palazzo to adopt the following Resolution Authorizing An Addendum To The Developer's Agreement Between The Borough Of Totowa And Digital Totowa, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 125-2021

RESOLUTION AUTHORIZING AN ADDENDUM TO THE
DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF TOTOWA
AND 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; 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, Digital Totowa, LLC received approval to permit the construction of two data center buildings on the site inclusive of a substation with two electrical feeds in order to provide power to the proposed buildings on the site; and

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

WHEREAS, by Resolution NO. 73-2013 dated June 25, 2013, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa to enter into the Developer's Agreement; and

WHEREAS, Digital Totowa, LLC has now sought approval for modifications to one of the buildings on the site which is also referred to as Building B; and

WHEREAS, the Borough of Totowa Zoning Board at its public meetings held on November 4, 2020 and November 19, 2021 granted preliminary and final site plan approval for Building B; and

WHEREAS, one of the conditions of the approval granted by the Borough of Totowa Zoning Board was the requirement that Totowa Digital, LLC enter into an Addendum to the original 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 Digital Totowa, LLC.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was no report.

Mayor Coiro announced that since this is the last meeting before Christmas, he wished everyone a Merry Christmas.

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

Joseph Wassel, RMC
Municipal Clerk