

## BOROUGH OF TOTOWA

### MINUTES OF THE MAYOR AND COUNCIL

February 14, 2023

**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.

Mayor Coiro asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

Councilman D'Angelo: Wished Councilwoman Andriani a Happy Birthday.

CITIZENS HEARD:

Carla Grant, 88 Grant Avenue: Said that she lives down the street from the building that was constructed on the corner of Grant Avenue and Totowa Road and that it's a safety hazard because you can't see when you have to make a left or right turn onto Totowa

Road. Mayor Coiro: Asked Project Manager John Waryas to bring Construction Code Official Allan Burghardt to the site to make sure that the building was constructed according to their approvals and to report back.

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 January 24, 2023. On roll call vote, all members of the Council present voted in the affirmative. 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. 2023-04 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 to effectuate the redemption of Tax Sale Certificate Number 21-00001 for 65 Columbus Avenue, Block 69, Lot 3.01. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION

Tax Sale Certificate Number 21-00001  
Block 69, Lot 3.01

Property: 65 Columbus Avenue, Totowa, New Jersey 07512  
Owner: Stephen Fischbach

WHEREAS, at the Municipal Tax Sale on October 20, 2022, a lien was sold on Block 69, Lot 3.01; and

WHEREAS, this lien known as Tax Sale Certificate Number 21-00001, was sold to US Bank Cust Actlien for a 0% redemption fee and \$147,100.00 premium; and

WHEREAS, Stephen Fischbach, the owner of the property, has effected redemption of Tax Sale Certificate Number 21-00001 in the amount of \$33,309.52 as of February 14, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Treasurer to issue a check in the amount of \$33,309.52 payable to US Bank Cust Actlien for the redemption of Tax Sale Certificate Number 21-00001.

BE IT FURTHER RESOLVED, that the Mayor and Council do hereby authorize the Treasurer to issue a check in the amount of \$147,100.00 (premium) to the aforementioned Lien Holder.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following resolution to effectuate the redemption of Tax Sale Certificate Number 21-00002 for 1 Denora Drive, Block 173.02, Lot 11. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION

Tax Sale Certificate Number 21-00002  
Block 173.02, Lot 11

Property: 1 Denora Drive, Totowa, New Jersey 07512  
Owner: Ronald L. Saia

WHEREAS, at the Municipal Tax Sale on October 20, 2022, a lien was sold on Block 173.02, Lot 11; and

WHEREAS, this lien known as Tax Sale Certificate Number 21-00002, was sold to Evolve Bank & Trust for a 0% redemption fee and \$59,000.00 premium; and

WHEREAS, Ronald L. Saia, the owner of the property, has effected redemption of Tax Sale Certificate Number 21-00002 in the amount of \$14,387.31 as of February 14, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Treasurer to issue a check in the amount of \$14,387.31 payable to Evolve Bank & Trust for the redemption of Tax Sale Certificate Number 21-00002.

BE IT FURTHER RESOLVED, that the Mayor and Council do hereby authorize the Treasurer to issue a check in the amount of \$59,000.00 (premium) to the aforementioned Lien Holder.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Treasurer to issue a tax refund for 1<sup>st</sup> Quarter 2023 for Edgar Villanueva, 532 Totowa Road, Block 80, Lot 2 due to a 100% Exemption for a 100% permanent and total disability. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION

WHEREAS, Edgar Villanueva, 532 Totowa Road, Block 80, Lot 2 was granted 100% exemption for a 100% permanent and total disability; and

WHEREAS, his 100% exemption became effective December 28, 2022; and

WHEREAS, Corelogic paid 1<sup>st</sup> quarter taxes in the amount of \$2,536.74 on February 6, 2023; and

WHEREAS, Corelogic is entitled to a refund in the amount \$2,536.74.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Treasurer is authorized to refund \$2,536.74 to Corelogic.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2022 Tax Appeal Entitled Plaxico Burress V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 35-2023

#### RESOLUTION AUTHORIZING SETTLEMENT OF THE 2022 TAX APPEAL ENTITLED PLAXICO BURRESS 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 adopt the following Resolution Authorizing Emergency Temporary Appropriation. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 36-2023

#### RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergent condition has arisen with respect to Current Fund appropriations for the purchase of police vehicles and NJDOT road improvement projects; and

WHEREAS, no adequate provision has been made in the 2023 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 appropriation resolutions adopted in the year 2023 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$836,170 for the Current Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa, County of Passaic, that in accordance with 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 2023 municipal budget so adopted:

CURRENT FUND

Operations

Police

Purchase of Police Vehicles \$140,000

Capital Improvements

Public and Private Programs Offset by Revenues

NJDOT Road Improvement Projects – State Share 231,170

NJDOT Road Improvement Projects – Local Share 465,000

\$836,170

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to accept the Franchise Fees for calendar year 2022 from Cablevision (Altice) in the amount of \$107,379.00. 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 accept the Franchise Fees for calendar year 2022 from Verizon (Fios) in the amount of \$41,188.96. 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 Approving Participation With The State Of New Jersey Federal Grant Program Under The FY2023 Safe And Secure Communities Program Administered By The New Jersey Department Of Law And Public Safety, Office Of The Attorney General And To Accept The Grant Funding. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 37-2023

RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY  
FEDERAL GRANT PROGRAM UNDER THE FY2023 SAFE AND SECURE  
COMMUNITIES PROGRAM ADMINISTERED BY THE NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF THE ATTORNEY  
GENERAL AND TO ACCEPT THE GRANT FUNDING

WHEREAS, the Mayor and Council of the Borough of Totowa wishes to apply for funding of approximately \$32,400 with a match of \$445,928 for an approximate project total cost of \$478,328 for a project under the State of New Jersey Safe and Secure Communities Program Grant # 23-1612 for the period of 01/25/2023 to 01/24/2024; and

WHEREAS, the Mayor and Council of the Borough of Totowa has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the New Jersey Department of Law and Public Safety, Office of the Attorney General and the Borough of Totowa, for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that:

- 1) As a matter of public policy, the Mayor and Council of the Borough of Totowa wishes to participate to the fullest extent possible with the New Jersey Department of Law and Public Safety, Office of the Attorney General and to accept the grant funding in the amount of \$32,400.
- 2) The New Jersey Department of Law and Public Safety, Office of the Attorney General shall receive funds on behalf of the applicant.
- 3) The New Jersey Department of Law and Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the applications for said funds.
- 4) The New Jersey Department of Law and Public Safety, Office of the Attorney General shall initiate allocations to the applicant as authorized by law.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to adopt the following Resolution Authorizing The Purchase And Delivery Of Two Chevrolet Tahoe Patrol Vehicles For The Borough Of Totowa Police Department. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 38-2023

#### RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF TWO CHEVROLET TAHOE PATROL VEHICLES FOR THE BOROUGH OF TOTOWA POLICE DEPARTMENT

WHEREAS, the Borough of Totowa Police Chief has requested that two new police vehicles be purchased and added to the Borough of Totowa fleet; and

WHEREAS, more specifically, the Police Chief has requested the purchase of two Chevrolet Tahoe Patrol Vehicles; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for two new police vehicles in order to maintain and keep the fleet updated; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase of these vehicles; and

WHEREAS, State of New Jersey Contract No. 21-Fleet-01485 has been awarded to Gentilini Motors, 2703 Fire Road, Egg Harbor Township, New Jersey 08234 for the purchase and delivery of Chevrolet Tahoe Patrol Vehicles and all related equipment; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of the police vehicles 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 of two 2022/2023 Chevrolet Tahoe Patrol Vehicles from Gentilini Motors in the amount of \$53,278.04 per Patrol Vehicle for a total cost of \$106,556.08.

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

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilman Capo to appoint Michael Antonuccio as a Police Dispatcher. On roll call vote, all members of the Council present voted in the affirmative.

#### MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Michael Antonuccio as a Police Dispatcher for a term of one year expiring on December 31, 2023.



There was a motion by Councilman D'Angelo, seconded by Councilman Capo to confirm the appointment. 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 payment of an additional contribution to the Borough Of Totowa First Aid Squad, Inc. in the amount of \$14,720.00 for their 2022 TSAP. 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 Councilman Fierro to adopt the following Resolution Authorizing Professional Engineering Services For The 2023 New Jersey Department Of Transportation Municipal Aid Road Program. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 39-2023

#### RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES FOR THE 2023 NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID PROGRAM

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional engineering firm to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the 2023 New Jersey Department of Transportation ("NJDOT") Municipal Aid Road Program; and

WHEREAS, the 2023 NJDOT Road Program calls for improvements to sections of Winifred Drive, Liberty Ridge Trail and Centennial Court; and

WHEREAS, the project will consist of roadway subbase repair, the milling and resurfacing of the roadways, the adjustment of castings, the installation of ADA compliant curb ramps, the installation of crosswalks, the installation of Stop Signs and Stop bars and replacing pavement markings; and

WHEREAS, Alaimo Group has submitted a proposal dated December 12, 2022 to provide the design, bid assistance and construction supervision services for the roads selected at a cost not to exceed \$110,700.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa on February 14, 2023 did examine the proposal submitted by Alaimo Group; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be awarded 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 Alaimo Group for professional engineering services for the 2023 NJDOT Municipal Aid Road Program in the amount of \$110,700.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Alaimo Group to perform the professional services as set forth in their proposal.

There was a motion by Councilman Bucher, seconded by Councilman Fierro to approve Payment Estimate No. 2 in the amount of \$193,749.08 To AJM Contractors for the 2022 NJDOT and 2022 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from Murph's Tavern inviting the Mayor and Council to attend their annual celebration in honor of St. Patrick's Day on Friday, March 17, 2023 and requesting permission to have Rosengren Avenue closed from Totowa Road to Union Boulevard on Thursday, March 16, 2023 and Friday, March 17, 2023. There was a motion by Councilman Capo, seconded by Councilwoman Andriani to approve the request. On roll call vote, all members of the Council present voted in the affirmative.

#### STREET CLOSING AUTHORIZED BY THE MAYOR

Under the authority vested in me as Mayor of the Borough of Totowa, County of Passaic, State of New Jersey, by virtue of N.J.S.A. 40:67-16.9 and the Code of the Borough of Totowa Chapter No. 398-42, I, Mayor John Coiro, do hereby order and direct that Rosengren Avenue between Totowa Road and Union Boulevard be closed to vehicular traffic on Thursday, March 16, 2023 and Friday, March 17, 2023. I further direct that proper signs and barriers be erected at the

intersections of Rosengren Avenue and Totowa Road and Rosengren Avenue and Union Boulevard and that the Totowa Police Department control and regulate, as well as enforce, this regulation.

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution authorizing the application to the Passaic County Community Development Block Grant Program for the rehabilitation of the Borough's Sanitary Sewer Main on Willard Avenue from William Place to Totowa Road. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 40-2023

WHEREAS, the Mayor and Council of the Borough of Totowa wishes to apply for funding from the Passaic County Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa authorizes the application for and use of requested funds in the amount of \$266,750 from the Passaic County Community Development Block Grant (CDBG) Program for the rehabilitation of the Borough's Sanitary Sewer Main on Willard Avenue from William Place to Totowa Road.

BE IT FURTHER RESOLVED, that if awarded, the Mayor and Council of the Borough of Totowa shall implement the activities in a manner to ensure compliance with all applicable federal, state and local laws and regulations.

BE IT FURTHER RESOLVED, the Mayor and Council of the Borough of Totowa agrees that if CDBG funds are determined by the US Department of Housing and Urban Development to be expended on ineligible program costs or do not meet a national objective, the Borough of Totowa agrees to repay the proportion deemed ineligible from non-federal sources.

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution In Support Of The Federal Fair Housing Law And New Jersey Law Against Discrimination. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 41-2023

#### RESOLUTION IN SUPPORT OF THE FEDERAL FAIR HOUSING LAW AND NEW JERSEY LAW AGAINST DISCRIMINATION

WHEREAS, the Borough of Totowa supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination; and

WHEREAS, it is the policy of the Borough of Totowa to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8); and

WHEREAS, the Borough of Totowa further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby support Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination as follows:

1. Within available resources, the Borough of Totowa will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate.

2. The Borough of Totowa shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances.

3. The Borough of Totowa will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

A letter was received from the Totowa Public Library Foundation requesting permission to use the Municipal Parking Lot for their Irish Dinner To Go Fundraiser on Monday, March 13, 2023. There was a motion by Councilman Capo, seconded by Councilwoman Andriani to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from the Totowa Public Library requesting permission to use the Municipal Parking Lot for Passaic County Parents of Adults with Disabilities Agency on Wheels visit from the New Jersey Motor Vehicle Commission on Saturday, April 1, 2023. There was a motion by Councilman Capo, seconded by Councilwoman Andriani to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON LIAISON & INSPECTION:

#### MAYOR'S APPOINTMENT

I, Mayor John Coiro, do hereby appoint Domenick Coiro as a Board of Recreation Commissioner for an unexpired term ending December 31, 2027.

The above appointment is a Mayor's appointment and does not require Council consent or confirmation.

A letter from the Totowa PAL inviting the Mayor and Council to Baseball & Softball Opening Day on Saturday, April 22, 2023 at 10:00 a.m. was received and filed.

#### COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Fierro, 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. 03-2023**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA  
TO ADD A NEW CHAPTER ENTITLED "BUSINESS AND INSURANCE  
REGISTRY" PURSUANT TO N.J.S.A. 40A:10A-2**

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve the Application For Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the Passaic Valley Elks Lodge 2111 BPOE to be held on March 4, 2023 from 6:00 p.m. – 11:30 p.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2299 & 2300 for the HSA School #5 Clifton for a Tricky Tray and On-Premise 50/50 to be held on March 25, 2023 at the American Legion. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2301, 2302 & 2303 for Operation Graduation Passaic Valley Regional High School for a Tricky Tray, Off-Premise Merchandise and On-Premise 50/50 to be held on April 6, 2023 at the Passaic Valley Elks Lodge. 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.

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Joseph Wassel, RMC  
Municipal Clerk