

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

February 26, 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.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to dispense with the regular order of business in order to have a swearing in ceremony to administer the Oath of Allegiance and Office to Patrol Officer Daniel DiBlasio, Patrol Officer Robert Errigo, Patrol Officer Jeffrey Pasquariello and Patrol Officer Jamie Titus being promoted to the rank of Sergeant of the Borough of Totowa Police Department and to hold a public hearing on Ordinance No. 02-2019 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked Public Safety Committee Chairman, Councilman D'Angelo and Police Chief Robert Coyle to join him in front of the dais. Mayor Coiro said that for some of you in attendance it seems like you were just here because last meeting we had promotions to Captain and Lieutenant which opened up spots for Sergeant, so tonight we will have promotions to Sergeant and all four of our Patrol Officers being promoted are qualified.

Mayor Coiro asked Patrol Officer Daniel DiBlasio, Patrol Officer Robert Errigo, Patrol Officer Jeffrey Pasquariello and Patrol Officer Jamie Titus to approach the dais to take the Oath of Allegiance and Office for the rank of Sergeant.

Mayor Coiro administered the Oath of Allegiance and Office to Sergeant Daniel DiBlasio with his wife Melissa holding the Bible, Sergeant Robert Errigo with his wife Marie holding the Bible, Sergeant Jeffrey Pasquariello with his wife Andrea holding the Bible and Sergeant Jamie Titus with his wife Kinga holding the Bible.

A badge symbolic to the rank of Sergeant was presented to Sergeant Daniel DiBlasio, Sergeant Robert Errigo, Sergeant Jeffrey Pasquariello and Sergeant Jamie Titus by Police Chief Robert Coyle.

Congratulations were extended to Sergeant Daniel DiBlasio, Sergeant Robert Errigo, Sergeant Jeffrey Pasquariello and Sergeant Jamie Titus.

Councilman D'Angelo said that this is fun for these Patrol Officers being promoted for the first time, moving up to brass and telling them that the young officers will now be looking up to them, congratulated them all, said it is well deserved and wished them the best.

Mayor Coiro – who had said a little about each officer before he swore them in – then congratulated each officer on their promotion and asked Police Chief Coyle to say a few words.

Police Chief Coyle thanked the Mayor and Council, Chairman Peter Murphy, Borough Clerk Wassel and Borough Attorney/Senator Corrado for the promotions, congratulated each officer and went on to give a little personal and professional history about each officer being promoted.

Sergeant DiBlasio, speaking on behalf of the Sergeants promoted, thanked the Mayor and Council, Chief Coyle and Chairman Peter Murphy for their promotions, and also thanked their families and friends and invited everyone in attendance down to Murph's Tavern for a celebration.

Mayor Coiro announced that there will be a short recess to allow all family and friends to congratulate the promoted officers.

Municipal Clerk Wassel announced that Ordinance No. 02-2019 has been advertised for public hearing for Tuesday, February 26, 2019.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 02-2019.

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. 02-2019.

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. 02-2019 by title:

ORDINANCE NO. 02-2019

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 415 ENTITLED “ZONING AND LAND USE”, PART 4, “ZONING”,
ARTICLE XV, “ESTABLISHMENT OF DISTRICTS”,
SECTION 121, “ZONING MAP AND SCHEDULES”**

There was a motion by Councilman D’Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 02-2019 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.

There were no reports.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: 1) Said that he couldn’t make it to the last meeting because his truck was covered in ice, but commented that the DPW did a great job. 2) Asked if there was any progress made on extending the drainage at the PAL. Mayor Coiro: Told him that we are currently in winter and that we would need our engineer to take a look at it, but the ground is all rock. 3) Stated that the geese are a major issue at the PAL. Mayor Coiro: Responded that if you see the geese at the PAL to call the 800 number for the Geese Chasers.

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 12, 2019. 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. 2019-05 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 the Treasurer to issue refunds to various property owners due to overpayment of 1st Quarter 2019 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there has been an overpayment of taxes on the properties listed below; and

WHEREAS, the taxpayer is entitled to a refund; and

WHEREAS, the chart sets forth the refund as follows:

1st Qtr 2019

Block	Lot	Property/Owner	Payable to:	OVERPAYMENT
129	13	469 South Riverview Drive Augustus Cervino	Augustus Cervino Mail To: Carolyn M. Schultz Senior Closing Coordinator Signature Closing Services, LLC 520 Speedwell Avenue Suite 103 Morris Plains, NJ 07950	\$1,666.91

NOW, THEREFORE, BE IT RESOLVED, that the overpayment shall be refunded to the taxpayer, as stated above, and the Treasurer is authorized to issue separate checks for the refunds, which shall be paid to the stated property owner or taxing authority.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Tax Lien Refund For The Property Identified As 28 Norwood Terrace, Block 123, Lot 10. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 40-2019

RESOLUTION AUTHORIZING TAX LIEN REFUND FOR THE PROPERTY
IDENTIFIED AS 28 NORWOOD TERRACE

WHEREAS, on July 18, 2017, the Borough of Totowa Construction Code Official had issued a Notice of Unsafe Structure for the property located at 28 Norwood Terrace and identified as Block 123, Lot 10 on the official tax map of the Borough of Totowa; and

WHEREAS, more specifically, the Construction Code Official ordered that the structure on the premises be demolished; and

WHEREAS, the Borough of Totowa Tax Collector subsequently held a tax sale for 28 Norwood Terrace for unpaid taxes and water for the years 2015 through 2017; and

WHEREAS, on October 25, 2018, the Borough of Totowa Tax Collector issued Certificate of Sale for Unpaid Municipal Liens No. 18000008 to Matt Bariso, 36 Franklin Avenue, Pompton Plains, New Jersey 07444; and

WHEREAS, the Certificate of Sale for Unpaid Municipal Liens should not have been issued since a Demolition Order was pending; and

WHEREAS, Mr. Bariso has requested a refund on the tax lien he purchased in the amount of \$2,703.28; and

WHEREAS, the Mayor and Council desire to authorize this tax lien refund to Mr. Bariso for the aforementioned reason.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the refunding of Certificate of Sale for Unpaid Municipal Liens No. 18000008 to Mr. Bariso in the amount of \$2,703.28.

BE IT FURTHER RESOLVED, that the Municipal Council of the Borough of Totowa does hereby authorize the Municipal Clerk and Tax Collector to execute any and all necessary instruments relating thereto.

COMMITTEE ON PUBLIC SAFETY:

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 \$9,236.00 for their 2018 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 Councilwoman Palazzo to adopt the following Resolution Granting To The County Of Passaic A Guarantee In Lieu Of Performance Bond For Work Performed On A Passaic County Highway. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 41-2019

RESOLUTION GRANTING TO THE COUNTY OF PASSAIC A GUARANTEE
IN LIEU OF PERFORMANCE BOND FOR WORK PERFORMED ON
A PASSAIC COUNTY HIGHWAY

WHEREAS, the Passaic County Board of Chosen Freeholders have adopted a Resolution known as the Highway Opening and Use Resolution; and

WHEREAS, the aforementioned Resolution provides that whenever a Highway Opening and Use Permit is issued, a performance bond must be posted with the County of Passaic; and

WHEREAS, from time to time, the Borough of Totowa will require a Highway Opening and Use Permit by the County of Passaic in order to perform work in, on, under or over the public right-of-way of the County in connection with the operation of Borough utilities; and

WHEREAS, the Borough of Totowa wishes to file a Guarantee in lieu of a Performance Bond in the amount of \$30,000.00 which shall cover any and all Highway Opening and Use Permits by the County of Passaic to the Borough of Totowa for the purpose of work within the County right of way for a period of two (2) years from the date of acceptance of the final restoration by the County Supervisor of Roads for which the permit has been issued; and

WHEREAS, this Guarantee is only required to be posted once and it will cover all Highway Opening and Use Permits issued to the Borough of Totowa by the County during the year 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the posting of a Guarantee in Lieu of a Performance Bond in the amount of \$30,000.00 for work performed within the right of way of the County.

Upon the recommendation of DPW Superintendent Jim Niland, there was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to approve a grade increase for DPW Laborer Michael Baron from Grade 1-B to Grade 1-A. 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 application to the Passaic County Community Development Block Grant Program for the rehabilitation of the Borough's Sanitary Sewer Main on Boyle Avenue between Totowa Road and Franklin Place. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 42-2019

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 \$213,925.00 from the Passaic County Community Development Block Grant (CDBG) Program for the rehabilitation of the Borough's Sanitary Sewer Main on Boyle Avenue between Totowa Road and Franklin Place.

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.

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. 43-2019

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 Murph's Tavern inviting the Mayor and Council to attend their annual celebration in honor of St. Patrick's Day on Sunday, March 17, 2019 and requesting permission to have Rosengren Avenue closed from Totowa Road to Union Boulevard on Friday, March 15, 2019, Saturday, March 16, 2019 and Sunday, March 17, 2019 from 12:00 p.m. to 2:00 a.m. 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 from 12:00 p.m. to 2:00 a.m. on Friday, March 15, 2019, Saturday, March 16, 2019 and Sunday, March 17, 2019. 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.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing An Amendment To The Redevelopment Agreement Dated June 15, 2017 Between The Borough Of Totowa And NJDC Urban Renewal, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 44-2019

RESOLUTION AUTHORIZING AMENDMENT TO THE REDEVELOPMENT
AGREEMENT DATED JUNE 15, 2017 BETWEEN
THE BOROUGH OF TOTOWA AND NJDC URBAN RENEWAL, LLC

WHEREAS, the Borough of Totowa and NJDC Urban Renewal, LLC entered into a Redevelopment Agreement on June 15, 2017 (the "Redevelopment Agreement") for the undertaking of a redevelopment project at the North Jersey Development Center (NJDC) site within the Borough consisting of several components, including a medical office building and an assisted living facility (the "Project"); and

WHEREAS, NJDC Urban Renewal, LLC is required to build the Project in accordance the NJDC Redevelopment Plan which the Mayor and Council of the Borough of Totowa first adopted by Ordinance No. 03-2016; and

WHEREAS, Section 12.2(f) of the Redevelopment Agreement allows NJDC Urban Renewal, LLC to transfer the responsibility to build various components of the Project to Redeveloper's affiliates; and

WHEREAS, the Borough of Totowa Planning Board has recommended that the Redevelopment Agreement be revised pursuant to the Redevelopment Plan which requires that the Redevelopment Agreement explicitly state the number of long term units to be built in the assisted living facility; and

WHEREAS, NJDC Urban Renewal, LLC is now requesting that the Redevelopment Agreement be amended to specify that a maximum of 120 long term care medical facility units, with a maximum of 140 beds, will be built in the assisted living component of the Project; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to amend the Redevelopment Agreement to explicitly state the number of long term units to be built in the assisted living facility for the aforementioned reason.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize an Amendment to the Redevelopment Agreement to specify that a maximum of 120 long term care medical facility units, with a maximum of 140 beds, will be built in the assisted living component of the Project.

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 Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing Contract For Geese Control Services For 2019. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 45-2019

RESOLUTION AUTHORIZING CONTRACT FOR
GEESE CONTROL SERVICES FOR 2019

WHEREAS, the Borough of Totowa Board of Recreation has recommended that the Borough of Totowa hire a qualified company to provide safe and effective geese clearing and control services at all of the Borough of Totowa recreational ball fields; and

WHEREAS, the Mayor and Council of the Borough of Totowa have also determined that there is a need to retain a company that can provide these services to ensure the health and well-being of the residents of the Borough of Totowa; and

WHEREAS, the Borough of Totowa has solicited quotes for the necessary geese clearing services for all of the Borough of Totowa recreational fields as well as Washington Park School and the Municipal Complex; and

WHEREAS, Geese Chasers North Jersey LLC, P.O. Box 282, Great Meadows, New Jersey 07838 submitted a proposal dated February 20, 2019 to clear and maintain a virtually geese-free environment with the use of working border collies, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, Geese Chasers North Jersey LLC will provide these services to the Borough of Totowa on an as needed basis for a term not to exceed a period of one (1) year; and

WHEREAS, pursuant to the applicable New Jersey State laws, the contract for these services may be authorized without public bidding since the total contract price will not exceed the public bidding threshold.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize a contract with Geese Chasers North Jersey LLC for all necessary geese control and clearing services in accordance with the fee schedule set forth in their proposal.

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 a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve the Extension of Premises Permit for Anthony Murphy, Inc. on Friday, March 8, 2019, Saturday, March 9, 2019 and Sunday, March 10, 2019. 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 the Extension of Premises Permit for Anthony Murphy, Inc. on Friday, March 15, 2019, Saturday, March 16, 2019 and Sunday, March 17, 2019. 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. 2145 & 2146 for Our Lady of the Holy Angels Church for a Tricky Tray and On-Premise 50/50 to be held on May 1, 2019 at The Bethwood. 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 No. 2147 for the BPOE #2111 Passaic Valley Elks for a Tricky Tray to be held on March 23, 2019. 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