

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

January 28, 2020

PRESENT: Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilwoman Debra Andriani, Councilman William Bucher, Councilman John Capo, Councilwoman Lisa Palazzo, Municipal Clerk Joseph Wassel and Municipal Attorney Kristin Corrado.

ABSENT: Councilman Anthony Picarelli.

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 hold a public hearing on Ordinance No. 01-2020 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 01-2020 has been advertised for public hearing for Tuesday, January 28, 2020.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 01-2020.

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. 01-2020.

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. 01-2020 by title:

ORDINANCE NO. 01-2020

**AN ORDINANCE FIXING THE ANNUAL SALARIES AND WAGES
OF THE OFFICIALS, EMPLOYEES AND THE APPOINTEES OF THE
BOROUGH OF TOTOWA, COUNTY OF PASSAIC, STATE OF NEW JERSEY**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 01-2020 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 on Minnisink Road over the railroad tracks there is a circular sink hole and asked about it. DPW Superintendent Jim Niland: Responded that it is either a Verizon or PSE&G issue. 2) Inquired about the possibility of installing solar panels for the Municipal Complex. Mayor Coiro: Told him that we had the roof checked out in the past and it wouldn't support the weight, but we haven't researched installing solar panels on the grounds.

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 14, 2020. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve Resolution No. 2020-03 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 D'Angelo, seconded by Councilman Capo to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners pursuant to State Tax Court judgments. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there has been a State Tax Court Judgment to reduce the evaluation on the following.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the Borough of Totowa is authorized to refund this amount.

<u>Block</u>	<u>Lot</u>	<u>Property/Owner</u>	<u>Payable To:</u>	<u>Year</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
103	10.04	426 Union Blvd.	Daniel G. Keough, Trustee	2019	726,400	650,000	<u>\$1,824.43</u>
170.01	4	11 West End Rd.	Daniel G. Keough, Trustee	2018	1,888,100	1,800,000	\$2,099.42

				2019	1,888,100	1,800,000	<u>\$2,103.83</u>
							Total Check: <u>\$4,203.25</u>
173	38	783 N. Riverview Dr.	Daniel G. Keough, Trustee	2018	3,150,000	2,900,000	\$5,957.50
				2019	3,150,000	2,800,000	<u>\$8,358.00</u>
							Total Check: <u>\$14,315.50</u>

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to adopt the following resolution authorizing the Tax Collector to cancel 1st & 2nd Quarter 2020 taxes due on Block 154, Lot 19.03 which was sub-divided in 2019. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, in 2019, Block 154, Lot 19.03, 169 Minnisink Road was sub-divided into Lots 19.05, 19.06 and 19.07; and

WHEREAS, prior to the sub-division taxes were billed and payable on Block 154, Lot 19.03; and

WHEREAS, the 2019 3rd and 4th Quarter taxes were paid in full in the amounts of \$85,349.04 and \$85,349.03, respectively; and

WHEREAS, there are 2020 1st and 2nd Quarter taxes currently billed and due in the amounts of \$59,777.02 and \$59,777.01, respectively; and

WHEREAS, Block 154, Lot 19.03 no longer exists in 2020; and

WHEREAS, it is the opinion of the Tax Assessor that the 1st and 2nd Quarter taxes for 2020 previously billed would no longer be due; and

WHEREAS, the entire 2020 tax for the new sub-division, Block 154, Lots 19.05, 19.06 and 19.07 will be due in the 3rd and 4th Quarters of 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Tax Collector is hereby authorized to cancel the 1st and 2nd Quarter 2020 taxes on Block 154, Lot 19.03 in the amounts of \$59,777.02 and \$59,777.01, respectively.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Totowa that the Tax Collector shall bill the new sub-division Block 154, Lots 19.05, 19.06 and 19.07 for the entire 2020 tax in the 3rd and 4th quarters of 2020.

A letter of resignation was received from Tax Collector Bernadette Lawler effective February 1, 2020. There was a motion by Councilman D'Angelo, seconded by Councilman Capo to accept her resignation and send her a letter of thanks. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilman Capo to appoint Lisa Nash as the Tax Collector. 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 Lisa Nash as Tax Collector for the unexpired term ending December 31, 2021.

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 adopt the following Resolution Authorizing Reimbursement For 2018 Street Lighting And Garbage Removal Costs To Falls Bridge Meadows Condominium Association Pursuant To The Municipal Services Act. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 28-2020

RESOLUTION AUTHORIZING REIMBURSEMENT FOR 2018 STREET LIGHTING AND GARBAGE REMOVAL COSTS TO FALLS BRIDGE MEADOWS CONDOMINIUM ASSOCIATION PURSUANT TO THE MUNICIPAL SERVICES ACT

WHEREAS, in accordance with New Jersey's Municipal Services Act, the Borough of Totowa is required to either perform certain specified services for qualified private communities or to reimburse these communities in accordance with the statute; and

WHEREAS, Falls Bridge is a residential town house and condominium community located in the Borough of Totowa within which all of the roads located throughout the development are private; and

WHEREAS, Falls Bridge Meadows Condominium Association is a not-for-profit entity that operates and administers the general affairs of this qualified private community as defined by N.J.S.A. 40:67-23.2; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment to the Falls Bridge Meadows Condominium Association for costs incurred in 2018 for street lighting and garbage removal services in accordance with the provisions of the Municipal Services Act.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to the Falls Bridge Meadows Condominium Association for reimbursement of costs incurred in 2018 for street lighting and garbage removal services pursuant to the terms of the New Jersey Municipal Services Act.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to adopt the following Resolution Authorizing The Purchase And Delivery Of 65 Gallon, Two Wheeled Residential Recycling Carts. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 29-2020

RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF 65 GALLON,
TWO WHEELED RESIDENTIAL RECYCLING CARTS

WHEREAS, the Mayor and Council of the Borough of Totowa want to encourage the residents of our community to participate in the Borough of Totowa's Recycling Programs; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to purchase residential recycling carts for the Borough of Totowa home owners; and

WHEREAS, The Educational Services Commission of New Jersey (“ESCNJ Co-op”) has awarded Contract No. ESCNJ 17/18-50 to T.M. Fitzgerald & Associates, Inc., (TMF Corporation), 850 West Chester Pike, Suite 200, Havertown, Pennsylvania 19083-4439 for the purchase of 65G-EDGE 65 gallon two wheeled residential recycling carts with logo; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of these recycling cans 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 720 65G-EDGE 65 gallon two wheeled residential recycling carts with logo from TMF Corporation in the amount of \$38,556.00.

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 PUBLIC SAFETY:

There was a motion by Councilman D’Angelo, seconded by Councilman Capo to adopt the following Resolution Authorizing The Donation Of Certain Old, Unused Police Equipment To The Wagener South Carolina Police Department. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 30-2020

RESOLUTION AUTHORIZING THE DONATION OF CERTAIN OLD, UNUSED POLICE EQUIPMENT TO THE WAGENER SOUTH CAROLINA POLICE DEPARTMENT

WHEREAS, the Wagener Police Department, 100 Railroad Avenue, Wagener, South Carolina 29164 has submitted a request to purchase some old, unused police vehicle equipment from the Borough of Totowa Police Department; and

WHEREAS, the Wagener Police Department recently acquired a 2012 Ford Explorer that is not equipped with prisoner protection cages; and

WHEREAS, the Totowa Police Department is in possession of safety metal dividers for a 2013 Ford Explorer including a divider and sliding window between the driver’s front seat and rear seat as well as a divider between the rear seat and the rear storage area; and

WHEREAS, the Chief of the Borough of Totowa Police Department has advised that the Department cannot use this equipment since it is no longer compatible with the newer Ford Explorer Police vehicles in the fleet; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that it would be appropriate to donate this old, unused Police equipment to the Wagener South Carolina Police.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa hereby authorize the donation of certain old, unused Police Equipment to the Wagener South Carolina Police Department.

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

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to approve Payment Estimate No. 2 in the amount of \$147,142.79 to Manor II Electric, Inc. for the DPW Garage and Shepherds Lane Pump Station Generator Improvements. 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 Bond Release For The Hickory Hill At Totowa Development, Phase 1. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 31-2020

RESOLUTION AUTHORIZING BOND RELEASE FOR THE HICKORY HILL AT TOTOWA DEVELOPMENT, PHASE 1

WHEREAS, Villages at Totowa, L.L.C., a limited liability company with offices located at 1122 Clifton Avenue, Clifton, New Jersey 07011, was the prior owner and applicant for the development of real property identified as Block 9, Lots 38, 39, 47, 48 and 49.02 on the official tax map of the Borough of Totowa, Passaic County, New Jersey; and

WHEREAS, pursuant to a Developer's Agreement entered into on March 19, 2002 between the Borough of Totowa and Villages at Totowa, L.L.C., the developer is required to post a performance bond for the purpose of insuring proper construction of all on-site and off-site improvements; and

WHEREAS, prior to beginning construction, Villages at Totowa, L.L.C. assigned all of their rights, title and interest in the aforementioned property to Pulte Homes of New Jersey, L.P., a limited partnership with offices located at 150 Morristown Road, Suite 200, Bernardsville, New Jersey 07924; and

WHEREAS, in accordance with the Developer's Agreement, Pulte Homes of New Jersey, L.P. posted a performance guarantee for Phase 1 of the development project now known as Hickory Hill at Totowa in the amount of \$10,094,353.80; and

WHEREAS, the Council has authorized previous bond reductions on Bond No. 929262636 down to \$82,914.58 (\$74,623.12 Surety/\$8,291.46 Cash); and

WHEREAS, Pulte Homes of New Jersey, L.P. has now requested the release of the performance bond; and

WHEREAS, the Municipal Engineer had advised that all outstanding work has been completed to date for Phase 1 and has further recommended the release of the performance guarantee bond.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize that the performance bond be released for Phase 1 as requested by Pulte Homes of New Jersey, L.P.

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

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing Bond Release For The Hickory Hill At Totowa Development, Phase 2. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 32-2020

RESOLUTION AUTHORIZING BOND RELEASE FOR THE HICKORY HILL AT
TOTOWA DEVELOPMENT, PHASE 2

WHEREAS, Villages at Totowa, L.L.C., a limited liability company with offices located at 1122 Clifton Avenue, Clifton, New Jersey 07011, was the prior owner and applicant for the development of real property identified as Block 9, Lots 38, 39, 47, 48 and 49.02 on the official tax map of the Borough of Totowa, Passaic County, New Jersey; and

WHEREAS, pursuant to a Developer's Agreement entered into on March 19, 2002 between the Borough of Totowa and Villages at Totowa, L.L.C., the developer is required to post a performance bond for the purpose of insuring proper construction of all on-site and off-site improvements; and

WHEREAS, prior to beginning construction, Villages at Totowa, L.L.C. assigned all of their rights, title and interest in the aforementioned property to Pulte Homes of New Jersey, L.P., a limited partnership with offices located at 150 Morristown Road, Suite 200, Bernardsville, New Jersey 07924; and

WHEREAS, in accordance with the Developer's Agreement, Pulte Homes of New Jersey, L.P. posted a performance guarantee for Phase 2 of the development project now known as Hickory Hill at Totowa in the amount of \$4,571,021.40; and

WHEREAS, the Council has authorized previous bond reductions on Bond No. 929292403 down to \$51,139.92 (\$46,025.93 Surety/\$5,113.99 Cash); and

WHEREAS, Pulte Homes of New Jersey, L.P. has now requested the release of the performance bond; and

WHEREAS, the Municipal Engineer had advised that all outstanding work has been completed to date for Phase 2 and has further recommended the release of the performance guarantee bond.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize that the performance bond be released for Phase 2 as requested by Pulte Homes of New Jersey, L.P.

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

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Palazzo, seconded by Councilwoman Andriani to approve Raffle License Application No. 2194 for the Totowa Parent Teacher Organization for a Tricky Tray to be held on March 13, 2020 at the PAL. 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