

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

June 15, 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. 04-2021 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 04-2021 has been advertised for public hearing for Tuesday, June 15, 2021.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 04-2021.

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. 04-2021.

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. 04-2021 by title:

ORDINANCE NO. 04-2021

**CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 04-2021 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.

Mayor Coiro: Stated that this is a better way to have our meetings – in-person for the first time in over 15 months – though our Planning Board and Board of Adjustment will still be held virtually on Zoom due to the advertising of their meetings.

Councilwoman Andriani: Said this is the Board of Recreation busy season, with the pool now open, camp starting next week and the concerts beginning tomorrow night. Asked Recreation Director Mark Monteyne for an update.

Recreation Director Monteyne: Said that there are currently about 430 members at the pool – the pool looks great and the water is warm at 82 degrees – thanked the DPW; Announced that the summer concerts start tomorrow night featuring Biagio and that the start time was pushed back to 7:30 p.m. because of 8th grade graduation; Stated that we currently have about 180 summer camp registrations; And said that the Farmer's Market is doing good. Mayor Coiro: Asked for comparison figures on registrations for both the pool and camp back to pre-pandemic times.

Councilman Picarelli: Commented that he stopped by the pool on Saturday and said the pool looked great and that Mark is doing a great job.

Councilman Bucher: Thanked Councilman Capo for getting his apprentices up to the pool to make various improvements.

Mayor Coiro: Announced that the American Legion donated the Flags on our old-fashion street lamp posts and that they will be donating benches up at the walking path.

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 Youth Week meeting of May 25, 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. 2021-13 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 Numbers 18000004, 18000005 & 18000006 for 4 Columbus Avenue, Block 75, Lots 23, 24 & 27. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Tax Sale Certificate Numbers 18000004, 18000005 & 18000006
Block 75, Lots 23, 24 & 27

Properties: 4 Columbus Avenue, 6 Columbus Avenue and 8 Columbus Avenue,
Totowa, New Jersey 07512
Owner: Marjan Kasapinov

WHEREAS, at the Municipal Tax Sale on October 25, 2018, three (3) liens were sold on Block 75, Lots 23, 24 & 27; and

WHEREAS, these liens known as Tax Sale Certificate Numbers 18000004, 18000005 & 18000006, were struck off to the Borough of Totowa for a 18% redemption fee; and

WHEREAS, Marjan Kasapinov, the owner of the properties, has effected redemption of Tax Sale Certificate Numbers 18000004, 18000005 & 18000006 in the amounts of \$52,905.90, \$40,305.74 & \$35,084.96, respectively, as of May 28, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Totowa are hereby authorized to endorse Tax Sale Certificate Numbers 18000004, 18000005 & 18000006 for cancellation.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Execution Of An Agreement With The Morris County Cooperative Pricing Council To Renew Membership Therein For The Period Of October 1, 2021 Through September 30, 2026. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 61-2021

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT
WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL
TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF
OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Totowa desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township, as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Totowa, County of Passaic, State of New Jersey as follows:

1. The Mayor and Council of the Borough of Totowa hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2021 through September 30, 2026.
2. The Municipal Clerk of the Borough of Totowa is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. Appropriate Borough of Totowa officials are authorized and directed to perform all required acts for the purpose of this Resolution.

There was a motion by Councilman Picarelli, seconded by Councilman D’Angelo to carry the Resolution To Amend Contract Between The Borough Of Totowa And Gaeta Recycling Co., Inc. For The Collection And Transportation Of Solid Waste. 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 carry the Resolution To Amend Contract Between The Borough Of Totowa And Get-A-Can, Inc. For The Collection And Transportation Of Recyclable Materials. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilman Capo to appoint Lisa Frederick as a School Crossing Guard. 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 Frederick as a School Crossing Guard for a one year 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.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to approve Change Order No. 1 for a net decrease of \$61,553.35 and Payment Estimate No. 2 (Final) in the amount of \$8,261.59 to Marini Brothers Construction, Co. for the 2018 – 2019 NJDOT Road Improvement Project. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following Resolution Of The Borough Of Totowa Authorizing The Payment Of Terminal Leave Benefits To Todd W. Pohlman. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 62-2021

RESOLUTION OF THE BOROUGH OF TOTOWA AUTHORIZING THE PAYMENT OF TERMINAL LEAVE BENEFITS TO TODD W. POHLMAN

WHEREAS, Todd W. Pohlman began his employment with the Borough of Totowa as a Temporary Employee in the Department of Public Works on November 16, 1987; and

WHEREAS, Todd W. Pohlman was then hired as a permanent Grade 4 Laborer in the Department of Public Works on March 14, 1988; and

WHEREAS, Todd W. Pohlman retired from the Borough of Totowa Department of Public Works as an Equipment Operator effective April 1, 2021; and

WHEREAS, the policy of the Borough of Totowa is that employees with twenty-five (25) years of service are entitled to a maximum of one hundred thirty (130) days of Terminal Leave to be paid upon retirement; and

WHEREAS, the Terminal Leave amount is calculated at the amount of sick day benefits, not to exceed one hundred thirty (130) days or eighty-seven (87) days for those employees under the Pitman/12 Hour Shift Schedule, at the daily rate of pay of the last twelve (12) months of service upon retirement; and

WHEREAS, Todd W. Pohlman has accumulated thirty-seven (37) unused sick days and has completed more than twenty-five (25) years of service as an employee of the Borough of Totowa; and

WHEREAS, Todd W. Pohlman does hereby waive any other claim and/or claims for any salary, benefits and/or other compensation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that Todd W. Pohlman is granted thirty-seven (37) days of accumulated sick leave (Terminal Leave) for a total amount of Seventeen Thousand Two Hundred Eight and 00/100 Dollars (\$17,208.00). Said monies are given in full and final consideration of any and all claims that Todd W. Pohlman may have against the Borough of Totowa.

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 Bastante from Grade 5 to Grade 4. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was no report.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Approving The Menu And Price List For 2021 For The Totowa Swimming Pool. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 63-2021

RESOLUTION APPROVING THE MENU AND PRICE LIST FOR 2021
FOR THE TOTOWA SWIMMING POOL

WHEREAS, the Borough of Totowa Board of Recreation has requested permission to sell drinks and snacks from the Totowa Swimming Pool Concession stand for the 2021 Pool season; and

WHEREAS, the Mayor and Council of the Borough of Totowa after conferring with the Board of Recreation and for good cause shown has approved the following 2021 menu and Price List for the Totowa Swimming Pool:

2021 Menu and Price List

Chips	\$.50
Drinks	\$1.00
Ice Cream	\$2.50

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa has adopted the aforementioned Menu and Price List for the Totowa Swimming Pool.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to authorize the Municipal Attorney to prepare the Developer's Agreement for GOM Real Estate Investment, LLC, 95 Shepherds Lane, Block 11, Lot 9.01. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to authorize the Municipal Attorney to prepare the Developer's Agreement for Fortress Holdings, 555 Preakness Avenue, Block 6, Lot 2. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to authorize the Municipal Attorney to prepare the Developer's Agreement for Totowa Investment Group, 515 Union Boulevard, Block 100, Lots 1 & 4 and Block 148, Lot 1. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to authorize the Municipal Attorney to prepare the Amendment To Developer's Agreement for Digital Real Estate Investment, LLC, 701 Union Boulevard, Block 173, Lot 17. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Borough Of Totowa As Part Of Its Affordable Housing Trust Fund Spending Plan To Acquire Properties For Veteran Family Housing Pursuant To N.J.A.C. 5:93-5.11. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 64-2021

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA AS PART OF ITS AFFORDABLE HOUSING TRUST FUND SPENDING PLAN TO ACQUIRE PROPERTIES FOR VETERAN FAMILY HOUSING PURSUANT TO N.J.A.C. 5:93-5.11

WHEREAS, in accordance with the Mount Laurel Doctrine every municipality has a constitutional obligation to create a realistic opportunity for producing a fair share of the regional present and prospective need for housing low and moderate income families; and

WHEREAS, the New Jersey Supreme Court issued a Decision and Order on March 10, 2015, In Re Adoption of N.J.A.C. 5:96 & 5:97 by the Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), wherein the Court held that because COAH failed to adopt amended Third Round Rules, constitutional compliance cannot be evaluated under COAH's jurisdiction which thereby rendered the FHA's exhaustion of administration remedies futile; and

WHEREAS, in 2015, the Mayor and Council of the Borough of Totowa authorized various actions to assist the Borough of Totowa with achieving constitutional compliance with its Affordable Housing mandate in accordance with the State of New Jersey Fair Housing Act; and

WHEREAS, the tasks associated with this mandate have included reviewing the Borough of Totowa's Second Round Substantive Certification and the Borough of Totowa's Master Plan Housing Element and Fair Share Plan ("HEFSP"), determining the Borough of Totowa's Third Round obligation and filing a Declaratory Judgment application in accordance with the New Jersey Supreme Court's decision on March 20, 2015; and

WHEREAS, by Resolution No. 112-2018 dated September 25, 2018, the Mayor and Council of the Borough of Totowa adopted the Affordable Housing Trust Fund Spending Plan ("AJTFSP") as part of its HEFSP; and

WHEREAS, a component of the AJTFSP provided for Veteran Family Housing and allocates up to \$1,516,483.14 to purchase homes within the Borough of Totowa and provide housing for income-eligible Veterans and their families; and

WHEREAS, the Mayor and Council of the Borough of Totowa recognize the need to provide affordable housing for our Veterans and their families; 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.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to purchase and acquire properties 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 necessary instruments relating thereto.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Palazzo, 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. 05-2021

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 72 ENTITLED "PERSONNEL POLICIES", ARTICLE V,
"LEAVES OF ABSENCE", SECTION 24, "ABSENCES DUE
TO PERSONAL ILLNESS OR DISABILITY"**

There was a motion by Councilwoman Palazzo, 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. 06-2021

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 75 ENTITLED "POLICE DEPARTMENT", ARTICLE XII,
"GENERAL RULES", SECTION 80, "OUTSIDE EMPLOYMENT REGULATED;
EMPLOYMENT OF OFF-DUTY POLICE"**

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Renewal Of Division Of Alcoholic Beverage Control Liquor Licenses For The 2021 – 2022 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 65-2021

**RESOLUTION AUTHORIZING THE RENEWAL OF
DIVISION OF ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSES
FOR THE 2021 – 2022 LICENSE TERM**

WHEREAS, Division of Alcoholic Beverage Control (ABC) liquor licenses that have been issued by the Borough of Totowa during the 2020 – 2021 license term will expire on June 30th; and

WHEREAS, State and Municipal regulations require that ABC liquor licenses be renewed prior to July 1, 2021; and

WHEREAS, the Division of Alcoholic Beverage Control (ABC) has introduced POSSE ABC, an electronic web based licensing system; and

WHEREAS, licensees have filed their renewal applications online through POSSE ABC, have received their Alcoholic Beverage Retail Licensee Clearance Certificate and have paid their State and Municipal fees.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Municipal Clerk be authorized to issue an ABC License to the following licensed premises for the 2021 – 2022 license term.

1612-33-001-010 Apple Food Service of Totowa, Inc.

1612-33-003-004 Anthony Murphy, Inc.

1612-33-004-007 Murphy's Steakhouse, LLC

1612-33-005-003 Bethwood Catering, LLC

1612-44-006-005 DTJ, Ltd.

1612-44-009-007 Daystar Trading Company

1612-33-010-009 New Sushi, LLC

1612-33-011-005 Totowa Barnyard, Inc.

1612-31-012-001 Totowa Boro Memorial Post #227

1612-31-013-001 Italian American Ind Club of Totowa

1612-31-014-001 Passaic Valley Elks Lodge BPOE #2111

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