

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

December 13, 2022

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.

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. 13-2022 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 13-2022 has been advertised for public hearing for Tuesday, December 13, 2022.

Municipal Clerk Wassel read the legal notice and title of Ordinance No. 13-2022.

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. 13-2022.

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. 13-2022 by title:

ORDINANCE NO. 13-2022

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 43 ENTITLED "FIRE DEPARTMENT", ARTICLE I, "ESTABLISHMENT
OF DEPARTMENT", SUBSECTION 11, "COMPENSATION"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 13-2022 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:

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 meeting of November 29, 2022. 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. 2022-25 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 D'Angelo to approve Resolution No. 2022-26 Authorizing Transfer Of 2022 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 D'Angelo to adopt the following Resolution Authorizing Cancellation Of Outstanding Checks. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 124-2022

RESOLUTION AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS

WHEREAS, there exists numerous, old, outstanding checks on the bank reconciliations of the General and Net Payroll bank accounts; and

WHEREAS, the old, outstanding checks have been investigated by the Chief Financial Officer/Treasurer and it has been determined that these old, outstanding checks should be cancelled.

NOW, THEREFORE, BE IT RESOVLED, by the Governing Body of the Borough of Totowa that the following old, outstanding checks in the amount of \$5,212.83 in the General and Net Payroll bank accounts be and the same are hereby cancelled.

<u>Bank Account</u>	<u>Amount Cancelled</u>
General Account	\$2,097.25
Net Payroll Account	<u>3,115.58</u>
	<u>\$5,212.83</u> (A)

- (A) A detailed listing of the outstanding checks to be cancelled will be retained on file in the Office of the Borough Clerk.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2021 Tax Appeal Entitled Faker Rabboh V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 125-2022

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2021 TAX APPEAL ENTITLED FAKER RABBOH 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 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. 126-2022

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 2022 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>
Jen Electric, Inc.	Morris County Cooperative Contract
Morton Salt, Inc.	Passaic 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 2022, 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 D'Angelo 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. 127-2022

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 2022; 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.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Agreeing To Renew Membership In The Garden State Municipal Joint Insurance Fund For A Period Commencing January 1, 2023 And Terminating December 31, 2025. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 128-2022

RESOLUTION AGREEING TO RENEW MEMBERSHIP IN THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND FOR A PERIOD COMMENCING JANUARY 1, 2023 AND TERMINATING DECEMBER 31, 2025

WHEREAS, a number of local governmental units in the State of New Jersey have joined together to form a Joint Insurance Fund as permitted by Chapter 372, P.L. 1983 (N.J.S.A. 40A:10-36 et seq.); and

WHEREAS, the statutes and regulations governing the creation and operation of a Joint Insurance Fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund; and

WHEREAS, the Governing Body of the Borough of Totowa, has determined that membership in the Garden State Municipal Joint Insurance Fund (hereinafter referred to as the "Fund") is in the best interests of itself and its citizens; and

WHEREAS, the Governing Body of the Borough of Totowa has previously executed a resolution to join the Garden State Municipal Joint Insurance Fund subject to the acceptance of its assessment.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Totowa, County of Passaic, New Jersey (hereinafter referred to as the "Municipality") does hereby resolve and agree to renew its membership in the Fund for a period not to exceed three (3) years commencing January 1, 2023 and terminating December 31, 2025 for the purpose of establishing the following types of insurance coverage (including, but not limited to):

- Workers' Compensation and Employer's Liability;
- General Liability (including Law Enforcement and Public Officials Liability);
- Motor Vehicle Liability;
- Property Damage (including Buildings, Contents, Equipment and Motor Vehicle).

BE IT FURTHER RESOLVED, that the Municipality has never defaulted on claims and has not been canceled for nonpayment of insurance premiums for a period of at least two years prior to the adoption of this Resolution.

BE IT FURTHER RESOLVED, that the Mayor and the Municipal Clerk are authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund and to deliver same to the Executive Director of the Fund with the express reservation that said document shall become effective only upon approval by the New Jersey Department of Insurance and the Department of Community Affairs.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to adopt the following Resolution Supporting Federal Legislation To Establish A Grant Program To Fund State And Local Law Enforcement Efforts To Combat Auto Thefts. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 129-2022

RESOLUTION SUPPORTING FEDERAL LEGISLATION TO ESTABLISH A GRANT PROGRAM TO FUND STATE AND LOCAL LAW ENFORCEMENT EFFORTS TO COMBAT AUTO THEFTS

WHEREAS, nearly 500,000 vehicles worth an estimated \$4.5 billion were stolen nationwide in the first half of 2022, representing a 25% increase in thefts compared to the first half of 2019; and

WHEREAS, the numbers here in New Jersey have increased faster than the national average, with auto thefts in the state on pace to rise by over 30% from 2020 to 2022; and

WHEREAS, car thieves and their organizations have become more emboldened and dangerous, including burglarizing homes, carrying firearms and using stolen vehicles in the commission of violent crimes; and

WHEREAS, proposed legislation, the bipartisan Auto Theft Prevention Act, introduced by Representatives Mikie Sherrill and Don Bacon, would provide a dedicated source of funding for state and local law enforcement agencies for resources to combat auto thefts under the U.S. Department of Justice's Community Oriented Policing Services; and

WHEREAS, the Department of Justice will be permitted to award funds for equipment such as automated license plate readers, hiring additional law enforcement officers and support staff, additional compensation, resources for joint task forces, data collection and research activities; and

WHEREAS, these are resources that have been identified by local police departments, sheriffs, prosecutors and the Office of the Attorney General of New Jersey as necessary to addressing the rise in auto thefts.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa in the County of Passaic, State of New Jersey, do hereby strongly support legislation in regards to funding to address the auto theft epidemic in New Jersey and protect the welfare of our community.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Representative Mikie Sherrill and to the New Jersey League of Municipalities.

COMMITTEE ON PUBLIC WORKS:

A letter was received from the New Jersey Department of Transportation advising that Totowa has been selected to receive funding from their FY 2023 Municipal Aid Program for Winifred Drive, Liberty Ridge Trail and Centennial Court in the amount of \$231,170. There was a motion by Councilman Bucher, seconded by Councilman Fierro to accept the grant funds. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Bucher, seconded by Councilman Fierro to approve Payment Estimate No. 1 in the amount of \$53,753.00 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:

There was no report.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2284 & 2285 for the Totowa Parent Teacher Organization for a Tricky Tray and On-Premise 50/50 to be held on April 21, 2023. 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