

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

May 9, 2023

PRESENT: Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilman Anthony Picarelli, Councilman William Bucher, Councilman Patrick Fierro, Councilman Sanders Reynoso, Municipal Clerk Joseph Wassel and Municipal Attorney Kristin Corrado.

ABSENT: Councilman John Capo.

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 Councilman Picarelli to dispense with the regular order of business in order to enable the Mayor and Council to present Sports Award Certificates to the 2023 Totowa PAL 3rd & 4th Grade Passaic Valley Youth Basketball League champions, to hold a public hearing on the 2023 Municipal Budget and to hold a public hearing on Ordinance No. 06-2023 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro remarked that it is always a fun night for us to celebrate our youth and congratulated all the basketball players and coaches on winning the championship and mentioned how it is great that they are involved in team sports as it teaches you about teamwork, hard work and dedication.

Mayor Coiro began by calling up Coach Chad and Coach Chela and presented each with a Sports Award Certificate. Coach Chad thanked the Mayor and Council, Senator Kristin Corrado and Borough Clerk Wassel for honoring the team. Coach Chad gave a recap of their season and of the championship game. Coach Chela said it was a great season and was honored to coach the boys. Mayor Coiro then called up the players and presented each with a Sports Award Certificate.

Mayor Coiro announced that we would take a short recess so pictures could be taken of the team.

Municipal Clerk Wassel announced that the 2023 Municipal Budget and Ordinance No. 06-2023 have been advertised for public hearing for Tuesday, May 9, 2023.

Municipal Clerk Wassel read the Municipal Budget Notice.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt the following Resolution To Waive The Reading In Full Of The 2023 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 57-2023

RESOLUTION TO WAIVE THE READING IN FULL OF THE 2023 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing and at the hearing, a complete copy of the approved budget:

- a) shall be made available for public inspection; and
- b) shall be made available to each person upon request; and

WHEREAS, the Borough of Totowa has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the Borough of Totowa is hereby permitted to waive the reading in full of the Municipal Budget for the year ending December 31, 2023.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli 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 the 2023 Municipal Budget.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to close the public hearing. 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 Picarelli to adopt the following Resolution Regarding Self-Examination Of The 2023 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 58-2023

RESOLUTION REGARDING SELF-EXAMINATION OF THE
2023 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Totowa has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2023 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, if applicable, the amounts have been calculated pursuant to law and appropriated as such in the budget.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated.
 - b. Items of appropriations are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to approve Resolution No. 59-2023 To Adopt The 2023 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 06-2023.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli 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. 06-2023.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli 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. 06-2023 by title:

ORDINANCE NO. 06-2023

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA TO
CREATE A NEW CHAPTER TO BE KNOWN AS "COMMERCIAL FILM MAKING"**

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt Ordinance No. 06-2023 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 Councilman Picarelli 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:

Vijay Chari, 36 Columbus Avenue: Said that he's been a resident for the last 21 years and while driving past the Municipal Building recently he saw the 125th Anniversary Banner and didn't realize that Totowa has been around for so long. Commented that he moved to Totowa for the taxes and the education system and has raised three children here with the support of the Mayor and Council. Stated that his son was an Eagle Scout and a daughter achieved the Gold Award. Thanked the Mayor and Council for their support of the PAL, youth and education. Asked that the Mayor and Council continue to support the next generation because they made his life easier and was very appreciative and thanked the Mayor and Council for allowing him to raise his children in a safe environment. Mayor Coiro: Thanked Mr. Chari for the nice comments and said that it is not just us, but that it starts at home with parents like himself. Mr. Chari: Agreed, but said it also "takes a village".

There was a motion by Councilman Picarelli, seconded by Councilman Bucher to approve the Minutes of the Mayor and Council for the meeting of April 25, 2023. On roll call vote, all members of the Council present voted in the affirmative. Councilman D'Angelo abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2023-11 for the payment of bills. 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 Bucher to approve a grade increase for Patrol Officer Daniel Rinaldi from Grade 3 Patrol Officer to Grade 2 Patrol Officer. On roll call vote, all members of the Council present voted in the affirmative.

A letter from West Milford Mayor Michele Dale thanking the Mayor and Council for the Mutual Aid assistance during the recent Kanouse Wildfire was received and filed.

COMMITTEE ON PUBLIC WORKS:

There was no report.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Reynoso, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Survey For The Property Identified As Lot 2, Block 170.02 In The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 60-2023

RESOLUTION AUTHORIZING SURVEY FOR THE PROPERTY IDENTIFIED AS
LOT 2, BLOCK 170.02 IN THE BOROUGH OF TOTOWA

WHEREAS, the Borough of Totowa is the owner of real property located on Maltese Drive and identified as Lot 2, Block 170.02, on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough had previously determined that this property is not needed for public use; and

WHEREAS, the Mayor and Council of the Borough of Totowa have also authorized the public leasing of the property located on Maltese Drive identified as Lot 2, Block 170.02, Parcels A, B and C, on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a licensed surveyor to survey a portion of the property and provide an updated deed description; and

WHEREAS, the Borough of Totowa did solicit proposals from professional firms to provide the surveying services; and

WHEREAS, Rigg Associates, P.A., 1000 Maple Avenue, Glen Rock, New Jersey 07452 has submitted a proposal dated May 1, 2023 to provide the survey and related services in the amount of \$5,200.00, 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 did on May 9, 2023 examine the proposal submitted by Rigg Associates, P.A.; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be authorized 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 Rigg Associates, P.A. for the surveying services in the amount of \$5,200.00.

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

There was a motion by Councilman Reynoso, seconded by Councilman Picarelli to adopt the following Resolution Authorizing An Appraisal For The Property Located At 200 West End Road In The Borough of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 61-2023

RESOLUTION AUTHORIZING AN APPRAISAL FOR THE PROPERTY LOCATED AT 200 WEST END ROAD IN THE BOROUGH OF TOTOWA

WHEREAS, the Borough of Totowa is the owner of real property located at 200 West End Road and identified as Block 170.02, Lot 2 on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough had previously determined that this property is not needed for public use; and

WHEREAS, the Mayor and Council of the Borough of Totowa have also authorized the public leasing of the property located on West End Road identified as Block 170.02, Lot 2, Parcels A, B and C, on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a licensed real estate valuation-consulting firm to provide an appraisal report for the property; and

WHEREAS, the Borough of Totowa did solicit proposals from professional firms to provide the professional valuation-consulting services; and

WHEREAS, Marshall Stevens, 350 Fifth Avenue, Suite 4320, New York, New York 10118 has submitted a proposal dated April 27, 2023 to provide the appraisal report and related services in the amount of \$4,000.00, 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 did on May 9, 2023 examine the proposal submitted by Marshall Stevens; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be authorized 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 Marshall Stevens for the appraisal for the property located at 200 West End Road in the Borough of Totowa in the amount of \$4,000.00.

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

There was a motion by Councilman Reynoso, seconded by Councilman Picarelli to adopt the following Resolution Authorizing An Appraisal For The Property Located At 86 Lincoln Avenue In The Borough of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 62-2023

RESOLUTION AUTHORIZING AN APPRAISAL FOR THE PROPERTY LOCATED AT 86 LINCOLN AVENUE IN THE BOROUGH OF TOTOWA

WHEREAS, the Borough of Totowa is the owner of real property located at 86 Lincoln Avenue and identified as Block 23, Lot 1 on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough had previously purchased this property in order to provide municipal parking for the residents of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a licensed real estate valuation-consulting firm to provide an appraisal report for the property; and

WHEREAS, the Borough of Totowa did solicit proposals from professional firms to provide the professional valuation-consulting services; and

WHEREAS, Marshall Stevens, 350 Fifth Avenue, Suite 4320, New York, New York 10118 has submitted a proposal dated April 27, 2023 to provide the appraisal report and related services in the amount of \$3,000.00, 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 did on May 9, 2023 examine the proposal submitted by Marshall Stevens; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be authorized 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 Marshall Stevens for the appraisal for the property located at 86 Lincoln Avenue in the Borough of Totowa in the amount of \$3,000.00.

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

There was a motion by Councilman Reynoso, seconded by Councilman Picarelli to adopt the following Resolution Authorizing An Appraisal For The Property Identified As Block 154, Lot 19.02 In The Borough of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 63-2023

RESOLUTION AUTHORIZING AN APPRAISAL FOR THE PROPERTY IDENTIFIED
AS BLOCK 154, LOT 19.02 IN THE BOROUGH OF TOTOWA

WHEREAS, the Borough of Totowa is the owner of real property identified as Block 154, Lot 19.02 on the official tax map of the Borough of Totowa; and

WHEREAS, this parcel of land is undeveloped and the Mayor and Council of the Borough have determined that this property is not needed for public use; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a licensed real estate valuation-consulting firm to provide an appraisal report for the property; and

WHEREAS, the Borough of Totowa did solicit proposals from professional firms to provide the professional valuation-consulting services; and

WHEREAS, Marshall Stevens, 350 Fifth Avenue, Suite 4320, New York, New York 10118 has submitted a proposal dated April 27, 2023 to provide the appraisal report and related services in the amount of \$3,000.00, 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 did on May 9, 2023 examine the proposal submitted by Marshall Stevens; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be authorized 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 Marshall Stevens for the appraisal for the property located identified as Block 154, Lot 19.02 in the Borough of Totowa in the amount of \$3,000.00.

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

A letter was received from the Friends of the Totowa Public Library requesting permission to use the Municipal Parking Lot for a trip to Atlantic City Resorts Casino on Tuesday, July 18, 2023. There was a motion by Councilman Reynoso, seconded by Councilman Picarelli to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilman Reynoso, seconded by Councilman Bucher to adopt the following Resolution Authorizing Consulting Services For The Environmental Review Process For The FY2022 Community Project Funding Grant. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 64-2023

RESOLUTION AUTHORIZING CONSULTING SERVICES FOR THE
ENVIRONMENTAL REVIEW PROCESS FOR THE
FY2022 COMMUNITY PROJECT FUNDING GRANT

WHEREAS, the Borough of Totowa has received a FY2022 Community Project Funding Grant from the United States Department of Housing and Urban Development (“HUD”) for the PAL Fields Recreational Lighting Project; and

WHEREAS, the upgrades include the installation of new lighting for the recreational fields; and

WHEREAS, prior to the public bidding of the PAL Fields Recreational Lighting Project and disbursement of funds, the Borough of Totowa must undertake a review of all the federal Laws and Authorities covered under the National Environmental Policy Act (“NEPA”); and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a licensed professional firm to assist with the environmental review process for the PAL Fields Recreational Lighting Project; and

WHEREAS, the Borough of Totowa’s Municipal Engineer did solicit proposals from professional firms to provide the professional environmental consulting services; and

WHEREAS, Mullen & Lonergan, 800 Vinal Street, Suite B414, Pittsburgh, Pennsylvania 15212 has submitted a proposal to provide the environmental review consulting services in the amount of \$5,000.00, 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 did on May 9, 2023 examine the proposal submitted by Mullen & Lonergan; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be authorized 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 Mullen & Lonergan for the environmental review consulting services for the PAL Fields Recreational Lighting Project in the amount of \$5,000.00.

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

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Issuance Of A New Division Of Alcoholic Beverage Control License For The Crestview Motel, Inc. For The 2022 – 2023 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 65-2023

RESOLUTION AUTHORIZING THE ISSUANCE OF A NEW DIVISION OF ALCOHOLIC BEVERAGE CONTROL LICENSE FOR CRESTVIEW MOTEL, INC. FOR THE 2022 – 2023 LICENSE TERM

WHEREAS, Division of Alcoholic Beverage Control (ABC) liquor licenses that have been issued by the Borough of Totowa during the 2021 – 2022 license term expired on June 30, 2022; and

WHEREAS, State and Municipal regulations require that ABC liquor licenses be renewed prior to July 1, 2022; and

WHEREAS, state regulations further requires that all licensees must 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 prior to renewing any liquor license; and

WHEREAS, the renewal application for Crestview Motel, Inc., license number 1612-33-007-005 was not timely filed; and

WHEREAS, when a license renewal application is not timely filed, the licensee may petition for the issuance of a “new license” pursuant to N.J.S.A. 33:1-12.18; and

WHEREAS, on March 29, 2023, Crestview Motel, Inc. submitted a petition to the Director of the Division of Alcoholic Beverage Control for relief pursuant to N.J.S.A. 33:1-12.18; and

WHEREAS, on March 30, 2023, Crestview Motel, Inc. submitted the renewal application and paid the appropriate State and Municipal fees; and

WHEREAS, on April 6, 2023, the Director of the Division of Alcoholic Beverage Control did grant relief pursuant to N.J.S.A. 33:1-12.18 for Crestview Motel, Inc.; and

WHEREAS, on May 9, 2023, the Borough of Totowa did receive a Tax Clearance Certificate for Crestview Motel, Inc.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Municipal Clerk be authorized to issue a new ABC Plenary Retail Consumption License For 2022 – 2023 License Term to Crestview Motel, Inc., license number 1612-33-007-006 and that the Municipal Clerk upload a copy of this resolution and complete the renewal process on the POSSE ABC website.

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 Totowa Board of Recreation to be held on June 10, 2023 from 1:00 p.m. – 10:00 p.m. 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 Councilman Picarelli that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk