

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

June 14, 2022

PRESENT: Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman John Capo, Councilman Patrick Fierro, Municipal Clerk Joseph Wassel and Municipal Attorney Kristin Corrado.

ABSENT: Councilman William Bucher.

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. 03-2022 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 03-2022 has been advertised for public hearing for Tuesday, June 14, 2022.

Municipal Clerk Wassel read the legal notice and title of Ordinance No. 03-2022.

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. 03-2022.

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. 03-2022 by title:

ORDINANCE NO. 03-2022

**A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$3,960,554
FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS TO BE
UNDERTAKEN BY THE BOROUGH OF TOTOWA**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 03-2022 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.

Councilman D'Angelo: Thanked everyone for a very successful Totowa Day – Councilwoman Andriani, Recreation Director Mark Monteyne, the DPW, the Police, the Fire Department and First Aid Squad.

Mayor Coiro: Concurred with the comments on Totowa Day and also thanked everyone for their participation.

Councilwoman Andriani: 1) Thanked everyone for their support of Totowa Day and said it was a great event for the town. 2) Said the pool opens this weekend. 3) Stated that the Summer Concerts begin next week.

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 May 24, 2022. 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. 2022-13 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 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>
177	2	1 Route 46 Totowa Plaza Rt 46 LLC	Lasser Hochman, LLC Trust Account	2020	15,400,000	14,400,000	\$24,220.00
				2021	15,400,000	14,400,000	<u>23,790.00</u>
							\$48,010.00

Mail to:
Lasser Hochman, LLC
75 Eisenhower Parkway
Suite No. 120
Roseland, NJ 07068-1694

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve the fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Michael J. Kortenhaus for Lincoln Fire Company. 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 approve the Junior Firefighter Application for Adam M. Saleh for Fire Rescue Company #4. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Resolution Of The Borough Of Totowa Authorizing The Payment Of Terminal Leave Benefits To Michael J. Paese. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 73-2022

RESOLUTION OF THE BOROUGH OF TOTOWA AUTHORIZING THE PAYMENT OF TERMINAL LEAVE BENEFITS TO MICHAEL J. PAESE

WHEREAS, Michael J. Paese began his employment with the Borough of Totowa as a Grade 6 Laborer in the Department of Public Works – Sewer Department on May 21, 1990; and

WHEREAS, Michael J. Paese retired from the Borough of Totowa Department of Public Works as a Grade 1 Laborer effective February 1, 2022; 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, Michael J. Paese has accumulated one hundred thirty (130) unused sick days and has completed more than twenty-five (25) years of service as an employee of the Borough of Totowa; and

WHEREAS, Michael J. Paese 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 Michael J. Paese is hereby granted one hundred thirty (130) days of accumulated sick leave (Terminal Leave) for a total amount of Fifty-Nine Thousand Five Hundred Seven and 00/100 Dollars (\$59,507.00). Said monies are given in full and final consideration of any and all claims that Michael J. Paese may have against the Borough of Totowa.

Upon the recommendation of DPW Superintendent Jim Niland, there was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve a grade increase for DPW Laborer Gregory LaRose from Grade 1-C to Grade 1-B. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Professional Engineering Services For The Maltese Drive Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 74-2022

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES FOR THE MALTESE DRIVE IMPROVEMENTS

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional engineering firm to provide design services, prepare bid documents, assist in the bidding process and supervise construction of improvements to Maltese Drive; and

WHEREAS, the proposed improvements will cover Maltese Drive from Taft Road westerly to the end of the cul de sac; and

WHEREAS, Alaimo Group, 2 Market Street, Paterson, New Jersey 07501 has submitted a proposal dated August 18, 2021 to provide the design, bid assistance and construction supervision services for this roadway at a cost not to exceed \$85,900.00, 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 on June 14, 2022 did examine the proposal submitted by Alaimo Group; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be awarded 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 Alaimo Group for professional engineering services for the Maltese Drive Improvements in the amount of \$85,900.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Alaimo Group to perform the professional services as set forth in their proposal.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to approve Change Order No. 1 for a contract extension of 75 days with no additional costs for Pact Two, LLC for the William Place Pump Station Upgrade. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Milling And Paving Of The Driveway Under The Portico At The Municipal Complex. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 75-2022

RESOLUTION AUTHORIZING THE MILLING AND PAVING OF THE DRIVEWAY
UNDER THE PORTICO AT THE MUNICIPAL COMPLEX

WHEREAS, the Mayor and Council of the Borough of Totowa desire to repair the driveway under the portico at the Borough of Totowa Municipal Complex; and

WHEREAS, the Borough of Totowa Department of Public Works (“DPW”) Superintendent did solicit proposals for the milling and paving of the driveway; and

WHEREAS, Alvino Asphalt, LLC, 19 Battle Ridge Trail, Totowa, New Jersey 07512 submitted a proposal dated May 27, 2022 for the milling and paving of the driveway for the sum on \$14,800.00, 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 desire to authorize this repair and all related services; and

WHEREAS, pursuant to the applicable New Jersey State laws, the milling and paving of the driveway 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 of Alvino Asphalt, LLC for the milling and paving of the driveway under the portico at the Borough of Totowa Municipal Complex for the sum of \$14,800.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Alvino Asphalt, LLC to perform the services as 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 and DPW Superintendent to execute any and all instruments relating thereto.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Fierro to adopt the following Resolution Authorizing A Shared Services Agreement Between The Township Of Wayne And The Borough Of Totowa For Local Public Health Services. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 76-2022

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN
THE TOWNSHIP OF WAYNE AND THE BOROUGH OF TOTOWA
FOR LOCAL PUBLIC HEALTH SERVICES

WHEREAS, the Mayor and Council of the Borough of Totowa desire to enter into a shared services agreement with the Township of Wayne for local public health services; and

WHEREAS, pursuant to the agreement, the Township of Wayne Health Department will furnish health services of a technical and professional nature pursuant to N.J.A.C. 8:52 et seq., (Public Health Practice Standards of Performance for Local Board of Health in New Jersey); and

WHEREAS, the Wayne Health Officer shall be designated as the full-time Health Officer for the Borough of Totowa and shall assess public health needs, plan, organize, administer and implement the local health program and all public health activities with Totowa meeting the standards set forth in N.J.A.C. 8:52 et seq., (Public Health Practice Standards of Performance for Local Board of Health in New Jersey); and

WHEREAS, the term of this agreement shall be for a ten (10) year period effective July 1, 2022 through June 30, 2032; and

WHEREAS, the total cost to the Borough of Totowa for the aforementioned technical and professional services to be provided by the Township of Wayne Health Department shall be set forth in the Shared Services Agreement, 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 desire to enter into this shared services agreement with the Township of Wayne Health Department and memorialize the terms thereof.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into a shared services agreement with the Township of Wayne for the furnishing of health services of a technical and professional nature pursuant to N.J.A.C. 8:52 et seq., (Public Health Practice Standards of Performance for Local Board of Health in New Jersey).

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.

Upon the recommendation of the Shade Tree Commission, there was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to reject the RFP's for a Tree Consultant to perform a Tree Inventory. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Fierro to adopt the following Resolution Rejecting All Proposals Received For A Tree Consultant To Perform A Tree Inventory. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 77-2022

RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR A TREE CONSULTANT TO PERFORM A TREE INVENTORY

WHEREAS, the Borough of Totowa Shade Tree Commission has recommended that the Mayor and Council of the Borough of Totowa retain the services of a licensed and certified arborist to assist the Borough of Totowa and perform a tree inventory; and

WHEREAS, the Borough of Totowa solicited proposals from licensed and certified arborists to undertake a tree inventory and provide the necessary consulting services; and

WHEREAS, the Borough of Totowa did receive proposals at its Municipal Complex on June 1, 2022; and

WHEREAS, the Borough of Totowa Shade Tree Commission was not able to conduct an accurate cost analysis for the proposals submitted due to each proposal presenting a different payment scale; and

WHEREAS, the Borough of Totowa Shade Tree Commission had recommended that the Borough of Totowa reject the proposals submitted and solicit proposals with a standard fee measurement; and

WHEREAS, the Mayor and Council of the Borough of Totowa accept the recommendation of the Shade Tree Commission to reject the proposals submitted and solicit new proposals with a standard fee measurement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby reject all proposals received to undertake a tree inventory and serve as a Tree Consultant for the Borough of Totowa.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa does hereby authorize the Borough of Totowa to solicit new proposals from licensed and certified arborists to undertake a tree inventory and provide the necessary tree consulting services.

There was a motion by Councilwoman Andriani, seconded by Councilman Fierro to adopt the following Resolution Approving The Menu And Price List For 2022 For The Totowa Swimming Pool. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 78-2022

RESOLUTION APPROVING THE MENU AND PRICE LIST FOR 2022
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 2022 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 2022 menu and Price List for the Totowa Swimming Pool:

2022 Menu and Price List

Chips/Snacks	\$1.00
Water/Sparkling Water	\$1.00
Soda	\$1.50
Ice Cream	\$3.00

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 Fierro to adopt the following Resolution Of The Municipal Council Of The Borough Of Totowa, County Of Passaic, New Jersey Referring The Second Amendment To The North Jersey Developmental Center Redevelopment Plan To The Planning Board Pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 40A:12A-1 Et. Seq. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 79-2022

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF TOTOWA,
COUNTY OF PASSAIC, NEW JERSEY REFERRING THE SECOND AMENDMENT TO
THE NORTH JERSEY DEVELOPMENTAL CENTER REDEVELOPMENT PLAN TO
THE PLANNING BOARD PURSUANT TO THE LOCAL REDEVELOPMENT
AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended from time to time (the “Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute “areas in need of rehabilitation” and “areas in need of redevelopment” as defined in the Redevelopment Law; and

WHEREAS, pursuant to the Redevelopment Law, the municipal council of the Borough of Totowa (the “Borough Council”), by Resolution No. 126-2015 duly adopted on October 13, 2015, designated the properties now identified as Block 154, Lots 19.01, 19.02, 19.04, 19.05, 19.06, and 19.07, formerly known as Block 154, Lot 19 and Block 154.01, Lot 1 and a portion of which was formerly known as Block 154, Lot 19.03, as a non-condemnation “area in need of redevelopment” (the “Redevelopment Area”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), on February 23, 2016, after review and consideration of the recommendations transmitted by the Borough of Totowa Planning Board (the “Planning Board”), by Ordinance No. 03-2016 the Borough Council finally adopted the North Jersey Developmental Center Redevelopment Plan (as amended, the “Redevelopment Plan”) for the Redevelopment Area, which Redevelopment Plan established permitted land uses and building requirements for the Redevelopment Area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), on April 25, 2017, after review and consideration of the recommendations transmitted by the Borough of Totowa Planning Board, by Ordinance No. 04-2017 the Borough Council finally adopted a First Amendment to the Redevelopment Plan entitled “North Jersey Developmental Center (NJDC) First Amendment to Redevelopment Plan Borough of Totowa, Passaic County, New Jersey” dated April 6, 2017; and

WHEREAS, pursuant to the Redevelopment Law, the Borough Council caused an amended Redevelopment Plan to be prepared for the Redevelopment Area entitled “North Jersey Developmental Center (NJDC) Second Amendment to Redevelopment Plan Borough of Totowa, Passaic County, New Jersey” which is dated June, 2022 (the “Second Amendment to the Redevelopment Plan”), attached hereto as Exhibit A; and

WHEREAS, pursuant to the Redevelopment Law, specifically N.J.S.A. 40A:12A-7(e), the Borough Council has determined to refer the Second Amendment to the Redevelopment Plan to the Planning Board for its review and recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Totowa, in the County of Passaic, New Jersey, as follows:

1. The aforementioned recitals hereof are incorporated herein as though set forth at length herein.

2. Pursuant to the requirements of the Redevelopment Law under N.J.S.A. 40A:12A-7(e), the Borough Council hereby refers the proposed Second Amendment to the Redevelopment Plan to the Planning Board for review and recommendation in accordance with N.J.S.A. 40A:12A-7(e).

3. The Planning Board is authorized and directed to prepare a report of its recommendations regarding the Second Amendment to the Redevelopment Plan and submit same to the Borough Council within 45 days after referral in accordance with the requirements set forth in the Redevelopment Law.

4. The Borough Clerk shall immediately forward a certified copy of this Resolution and the Amended Redevelopment Plan to the Planning Board for review in accordance with the requirements set forth in the Redevelopment Law.

5. This Resolution shall take effect immediately.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Fierro, 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. 04-2022

**AN ORDINANCE OF THE BOROUGH OF TOTOWA, COUNTY OF PASSAIC,
NEW JERSEY, AMENDING THE REDEVELOPMENT PLAN FOR THE
PROPERTY IDENTIFIED ON THE TAX MAP OF THE BOROUGH AS BLOCK 154,
LOTS 19.01, 19.02, 19.04, 19.05, 19.06 AND 19.07, FORMERLY KNOWN
AS BLOCK 154, LOT 19.03 AND FORMERLY KNOWN AS BLOCK 154,
LOT 19 AND BLOCK 154.01, LOT 1**

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

RESOLUTION NO. 80-2022

RESOLUTION AUTHORIZING THE RENEWAL OF
DIVISION OF ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSES
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 will expire on June 30th; and

WHEREAS, State and Municipal regulations require that ABC liquor licenses be renewed prior to July 1, 2022; 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 2022 – 2023 license term.

1612-33-001-010	Apple Food Service of Totowa, Inc.
1612-33-002-005	The 46 Lounge, LLC
1612-33-004-007	Murphy's Steakhouse, LLC
1612-33-005-003	Bethwood Catering, LLC
1612-44-006-005	DTJ, Ltd.
1612-33-008-009	Balcony Holdings, LLC
1612-44-009-008	Totowa Fine Wine & Spirits, LLC
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