

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

August 8, 2023

PRESENT: Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, Councilman Patrick Fierro, Councilman Sanders Reynoso, 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.

Mayor Coiro asked everyone to stand and offer a moment of silence for Lieutenant Governor Sheila Oliver who passed away recently.

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.

Mayor Coiro asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

Mayor Coiro: Expressed his thanks to DPW Superintendent Jim Niland, OEM Coordinator Gary Bierach, Police Chief Carmen Veneziano and Fire Chief Rich Schopperth during last night's water emergency where everyone was in constant contact with each other, with him, the Passaic Valley Water Commission and the Department of

Environmental Protection, providing updates throughout the emergency. DPW Superintendent Niland: Advised that the DEP gave them 10 locations for water samples and said the lab stayed open late for us to get the samples to them and we should have results on the water quality by tomorrow.

Councilman D'Angelo: 1) Congratulated the PBA on a great job done for their 1st National Night Out Ceremony; 2) Wished Councilman Bucher a happy belated birthday.

CITIZENS HEARD:

There were no citizens who wished to be heard.

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

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2023-17 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 Extension Of Grace Period For Payment Of 3rd Quarter 2023 Taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 86-2023

RESOLUTION AUTHORIZING EXTENSION OF GRACE PERIOD FOR PAYMENT OF 3RD QUARTER 2023 TAXES

WHEREAS, the 3rd Quarter tax payment is normally due on August 1st, with a 10 day grace period; and

WHEREAS, the Borough of Totowa will not be able to print and mail out the 2023 Final/2024 Preliminary Tax Bills on time because of a delay; and

WHEREAS, the Borough of Totowa by law must allow the taxpayers a period of 25 days from the date of the mailing of the tax bill to make payment.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby extend the grace period for the 3rd Quarter taxes to September 15, 2023.

BE IT FURTHER RESOLVED, that tax payments received after the extended grace period of September 15, 2023 will be charged interest back to the original due date of August 1, 2023 as required by law.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Reimbursement For Street Light Painting Costs To Hickory Hill Homeowners Association Pursuant To A Municipal Services Agreement With The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 87-2023

RESOLUTION AUTHORIZING REIMBURSEMENT FOR STREET LIGHT PAINTING COSTS TO HICKORY HILL HOMEOWNERS ASSOCIATION PURSUANT TO A MUNICIPAL SERVICES AGREEMENT WITH THE BOROUGH OF TOTOWA

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

WHEREAS, Hickory Hill at Totowa is a residential gated community located in the Borough of Totowa within which all of the roads located throughout the development are private; and

WHEREAS, Hickory Hill Homeowners 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, by Resolution No. 36-2008 dated March 25, 2008, the Mayor and Council of the Borough of Totowa entered into a municipal services agreement with the Hickory Hill Homeowners Association to provide partial reimbursement for street lighting and snow removal services for the residents of the Hickory Hill community; and

WHEREAS, in the spring of 2023, the Hickory Hill Homeowners Association, in consultation with the Borough of Totowa Governing Body, authorized the painting of 80 street lights as part of a maintenance project for the development; and

WHEREAS, the Mayor and Council of the Borough of Totowa have committed to a one-time payment for the painting maintenance project costs at the Hickory Hill at Totowa development for the benefit of the community residents; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment to the Hickory Hill Homeowners Association for costs incurred for the painting of 80 street lights at Hickory Hill in the amount of \$8,000.00 in accordance with the terms of the negotiated agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to the Hickory Hill Homeowners Association for reimbursement of costs incurred for street light painting services pursuant to the terms of the Municipal Services Agreement with the Borough of Totowa.

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 David R. Webb, Jr. 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 Kristofer J. Terzioski for Riverview Park Fire Company. 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 Councilman Fierro, to adopt the following Resolution Of The Borough Of Totowa Authorizing The Payment Of Terminal Leave Benefits To Vincent A. Marciano. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 88-2023

RESOLUTION OF THE BOROUGH OF TOTOWA AUTHORIZING THE
PAYMENT OF TERMINAL LEAVE BENEFITS TO VINCENT A. MARCIANO

WHEREAS, Vincent A. Marciano began his employment with the Borough of Totowa as a Grade 4 Laborer in the Department of Public Works on December 4, 1989; and

WHEREAS, Vincent A. Marciano retired from the Borough of Totowa Department of Public Works as a Grade 1 Laborer effective June 1, 2023; 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, Vincent A. Marciano 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, Vincent A. Marciano 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 Vincent A. Marciano is hereby granted one hundred thirty (130) days of accumulated sick leave (Terminal Leave) for a total amount of Sixty-One Thousand Two Hundred Ten and 00/100 Dollars (\$61,210.00). Said monies are given in full and final consideration of any and all claims that Vincent A. Marciano may have against the Borough of Totowa.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from the St. James Italian Society requesting permission to use the Municipal Parking Lot on the following dates: Tuesday, August 15, 2023 and Saturday, September 23, 2023 for trips to Atlantic City for the Feast of the Wedding of the Sea and Padre Pio Shrine in Pennsylvania. There was a motion by Councilman Capo, seconded by Councilman Reynoso to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

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. 08-2023

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 256 ENTITLED "MOTELS, HOTELS AND TOURIST LODGES",
ARTICLE I, "LICENSING", SECTION 7, "REGISTER OF OCCUPANTS"**

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Renewal Application For ABC Liquor License No. 1612-33-008-009 For The 2023-2024 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 89-2023

RESOLUTION AUTHORIZING THE RENEWAL APPLICATION FOR ABC LIQUOR
LICENSE NO. 1612-33-008-009 FOR THE 2023-2024 LICENSE TERM

WHEREAS, Balcony Holdings LLC has filed a verified petition to the New Jersey Division of Alcoholic Beverage Control (“ABC”) requesting authorization for the local issuing authority to consider a renewal application for License No. 1612-33-008-009 for the 2023-2024 and 2024-2025 license terms pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS, ABC Director James B. Graziano has reviewed the petition and considered all the facts and circumstances related to the inactive status of the license; and

WHEREAS, the ABC Director has found that the licensee Balcony Holdings LLC has established good cause in accordance with the statutory requirements to warrant an application for renewal of the license for the 2023-2024 and 2024-2025 license terms; and

WHEREAS, on August 1, 2023 the ABC Director issued a Special Ruling directing the Borough of Totowa to consider the application for renewal of the subject license for the 2023-2024 and 2024-2025 license terms in accordance with the findings of the ABC Director; and

WHEREAS, Balcony Holdings LLC has filed its renewal application online through POSSE ABC, has received its Alcoholic Beverage Retail License Clearance Certificate and has paid its State and Municipal fees; and

WHEREAS, the Mayor and Council of the Borough of Totowa after due and diligent consideration has determined that the request for renewal should be granted for the 2023-2024 license term.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the renewal of Plenary Retail Consumption License No. 1612-33-008-009 for the 2023-2024 license term for the reasons set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Clerk to renew ABC License No. 1612-33-008-009 for the 2023-2024 license term.

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Massage Establishment License For JGN Massage, LLC Doing Business As Elements Therapeutic Massage. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 90-2023

RESOLUTION AUTHORIZING MASSAGE ESTABLISHMENT LICENSE FOR
JGN MASSAGE, LLC DOING BUSINESS AS ELEMENTS THERAPEUTIC MASSAGE

WHEREAS, JGN Massage, LLC doing business as Elements Therapeutic Massage (“Elements Therapeutic Massage”) has approval to operate a massage establishment in a portion of the premises located at 650 Union Boulevard, Totowa, New Jersey; and

WHEREAS, in accordance with the requirements set forth in Chapter 250 entitled “Massage Establishments” in the Borough of Totowa Code Book, Elements Therapeutic Massage has submitted an application to the Borough of Totowa for a Massage Establishment License; and

WHEREAS, the Borough of Totowa Police Department has conducted a thorough investigation of the applicant in accordance with Section 250-6 of the Borough of Totowa Code Book; and

WHEREAS, the Borough of Totowa Police Chief has cleared the license for approval; and

WHEREAS, after reviewing the application and report issued by the Borough of Totowa Police Department, the Mayor and Council of the Borough of Totowa have determined that the Elements Therapeutic Massage has complied with all the requirements for a Massage Establishment License in the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby approve the Massage Establishment License application for JGN Massage, LLC doing business as Elements Therapeutic Massage and authorize the Borough of Totowa Municipal Clerk to issue a Massage Establishment License effective August 8, 2023 through June 30, 2024.

BE IT FURTHER RESOLVED, that Elements Therapeutic Massage is required to continue to comply with all applicable laws, ordinances, rules and regulations and said license must be renewed annually on or before July 1st each year.

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Massage Therapist Licenses for JGN Massage, LLC Doing Business As Elements Therapeutic Massage. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 91-2023

RESOLUTION AUTHORIZING MASSAGE THERAPIST LICENSES FOR JGN MASSAGE, LLC DOING BUSINESS AS ELEMENTS THERAPEUTIC MASSAGE

WHEREAS, JGN Massage, LLC doing business as Elements Therapeutic Massage (“Elements Therapeutic Massage”) has approval to operate a massage establishment in a portion of the premises located at 650 Union Boulevard, Totowa, New Jersey; and

WHEREAS, the requirements set forth in Chapter 250 entitled “Massage Establishments” in the Borough of Totowa Code Book include obtaining a Massage Establishment License for the business and Massage Therapist Licenses for employees to be issued by the Borough of Totowa Municipal Clerk; and

WHEREAS, by Resolution No. 90-2023 dated August 8, 2023, the Mayor and Council of the Borough of Totowa authorized the issuance of a Massage Establishment License application for Elements Therapeutic Massage effective August 8, 2023 through June 30, 2024; and

WHEREAS, the following individuals have submitted applications for a Massage Therapist License as employees of Elements Therapeutic Massage, 650 Union Boulevard, Totowa, New Jersey:

1. Donna Garrity, 3 Ridge Road, Wharton, New Jersey 07885
2. Ingrid DeJesus, 1010 E. 25th Street, Paterson, New Jersey 07513
3. Robert Simmons, 326 Park Avenue, Newark, New Jersey 07107
4. Souzan Rammaha, 7016 Columbia Avenue, North Bergen, New Jersey 07047
5. Francis O’Loughlin, 89 Parkway, Little Falls, New Jersey 07424
6. Michelle Russell, 12 John Street, Lincoln Park, New Jersey 07035
7. Karen Gutierrez, 350 Baldwin Avenue, Apt 5G, Parsippany, New Jersey 07054
8. Grisel Crespo DaCosta, 32 Essex Street, Paterson, New Jersey 07003
9. Veronica Figueroa, 542 E. 24th Street, Paterson, New Jersey 07514
10. Naomi Lovelace, 82 Avenue C, Haledon, New Jersey 07508
11. Ronald Guevara, 21 King Street, Haledon, New Jersey 07508
12. Ilsa Curtis, 144 Phelps Avenue, 2nd Flr, Englewood, New Jersey 07631
13. Roseann Hutcheson, 351 Hoover Avenue, Bloomfield, New Jersey 07003
14. Jorge Olmo, 1062 Van Houten Avenue, Clifton, New Jersey 07013

WHEREAS, the above named employees of Elements Therapeutic Massage have each submitted proof of their respective clinical training in compliance with Section 250-7 of the Borough of Totowa Code Book; and

WHEREAS, the Borough of Totowa Police Department has conducted a thorough investigation of the applicants in accordance with Section 250-6 of the Borough of Totowa Code Book; and

WHEREAS, the Borough of Totowa Police Chief has cleared the licenses; and

WHEREAS, after reviewing the application and report issued by the Borough of Totowa Police Department, the Mayor and Council of the Borough of Totowa have determined that the aforementioned applicants have complied with all the requirements for a Massage Therapist License in the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby approve the Massage Therapist License applications for Donna Garrity, Ingrid DeJesus, Robert Simmons, Souzan Rammaha, Francis O'Loughlin, Michelle Russell, Karen Gutierrez, Grisel Crespo DaCosta, Veronica Figueroa, Naomi Lovelace, Ronald Guevara, Ilsa Curtis, Roseann Hutcheson, and Jorge Olmo, as employees of JGN Massage, LLC doing business as Elements Therapeutic Massage and authorize the Borough of Totowa Municipal Clerk to issue Massage Therapist Licenses to each applicant effective August 8, 2023 through June 30, 2024.

BE IT FURTHER RESOLVED, that the above Massage Therapist License holders are required to comply with all applicable laws, ordinances, rules and regulations and said license must be renewed annually on or before July 1st each year.

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2323 & 2324 for Silk City Pearls, Inc. for a Tricky Tray and On-Premise 50-50 to be held on October 28, 2023 at The Barnyard & Carriage House. 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 approve Raffle License Application Nos. 2325 & 2326 for BPOE #2111 Passaic Valley Elks for a Tricky Tray and On-Premise 50-50 to be held on October 18, 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 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