

## **BOROUGH OF TOTOWA**

### **MINUTES OF THE MAYOR AND COUNCIL**

**September 26, 2017**

**PRESENT:** Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, Municipal Clerk Joseph Wassel and Municipal Attorney Robert 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 everyone to remain standing and offer a moment of silence for two longtime Totowa residents Claude Kranik and Harold "Gus" Eifler who passed away.

Mayor Coiro asked the Municipal 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 Fontanella to dispense with the regular order of business in order to have a swearing in ceremony to administer the Oath of Allegiance and Office to Jack Pohlman appointed as a Patrol Officer of the Borough of Totowa Police Department and to hold a public hearing on Ordinance No. 11-2017. On roll call vote, all members of the Council present voted in the affirmative.

Mayor John Coiro asked Jack Pohlman to approach the dais to take the Oath of Allegiance and Office for Patrol Officer. Mayor Coiro also asked Council President Lou D'Angelo, Chairman of the Public Safety Committee and Police Chief Robert Coyle to join him.

Mayor Coiro stated that this is always a nice night and an honor for us when we appoint a new police officer and especially when we can bring another one of our own back home to the Borough after your time with the Clifton Police Department. We also know how proud your Dad is looking down on us right now and how happy he is that you are back home. Mayor Coiro said that we are very proud to have him join our police department.

Mayor John Coiro administered the Oath of Allegiance and Office to Patrol Officer Jack Pohlman, with his mom Louise holding the Bible, his step-dad Dennis, step-mom Tina and brother Jake by his side.

Councilman D'Angelo welcomed Jack to the department and mentioned how he went to Church with your Dad and know how proud he is of you, then congratulated Jack and wished him well.

A badge symbolic to the rank of Patrol Officer was presented to Patrol Officer Jack Pohlman by Police Chief Robert Coyle.

Police Chief Coyle thanked the Mayor and Council, Borough Clerk Wassel, Borough Attorney Corrado and the administration for moving forward with this appointment of Patrol Officer. Chief Coyle also acknowledged how tough this is with the passing of his Dad Jack, but who is looking down and smiling tonight. Chief Coyle then proceeded to provide a little background information on Jack.

Patrol Officer Pohlman thanked Mayor Coiro and the Council for the opportunity to come home to the town that he loves and thanked his Mom, Step-Dad, Step-Mom and his Dad who is watching from above.

Congratulations were extended to Patrol Officer Pohlman by the rest of the Council, the Borough Clerk and Borough Attorney.

Mayor Coiro called for a recess, so all in attendance could also offer their congratulations to our new Patrol Officer.

Municipal Clerk Wassel announced that Ordinance No. 11-2017 has been advertised for public hearing for Tuesday, September 26, 2017.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 11-2017.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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. 11-2017.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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. 11-2017 by title:

**ORDINANCE NO. 11-2017**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA  
TO CREATE A NEW CHAPTER 66 ENTITLED "PARKING UTILITY"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt Ordinance No. 11-2017 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 Fontanella 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.

Councilwoman Andriani: 1) Wished Borough Attorney Robert Corrado an early Happy Birthday, which is tomorrow. 2) Said that she attended the exhibit of Mr. Lee's art work at the Library and if you can get there to see it, it's amazing.

Councilman Picarelli: Thanked PAL Football for having them at their bonfire and wished them all a good season.

#### CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve the Minutes of the Mayor and Council for the meeting of September 12, 2017. 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. 2017-20 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 Settlement Of The 2014 & 2015 Tax Appeals Entitled SAR Realty V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 104-2017

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2014 & 2015 TAX APPEALS  
ENTITLED SAR REALTY V. BOROUGH OF TOTOWA

WHEREAS, appeals of the real property tax assessments for stated tax years; and

WHEREAS, each Block and Lot listed therein was assessed at the amount stated therein; and

WHEREAS, the proposed Stipulations of Settlement, copies of which are 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 Borough of Totowa, New Jersey, as follows:

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute Stipulations 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.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve a grade increase for Patrolman Sean Williams from Grade 4 to Grade 3. On roll call vote, all members of the Council present voted in the affirmative.

A letter from a Wayne resident thanking Sergeant James Eisele, and Patrol Officers Jeffrey Pasquariello, Brian Britting and Meagan Akins for their assistance after a motor vehicle accident on September 6, 2017 was received and filed with copies being placed in their personnel jackets.

A letter from Totowa resident Janet Cozzolino thanking Lieutenant Frank DeCeglie and Patrol Officers Brian Britting and Joseph Parlegreco for their kind help during an incident on September 16, 2017 was received and filed with copies being placed in their personnel jackets.

A letter was received from Lincoln Fire Company advising that they will be having the following fundraisers: Wine glass painting, October 7, 2017, 7:00 – 11:00 p.m. and Pancake Breakfast, October 22, 2017, 8:00 a.m. – 12:00 p.m. There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to grant permission. 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 Capo to adopt the following Resolution To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For The 2018 Municipal Aid Application For The Winifred Drive and Adams Drive Improvement Project. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 105-2017

#### RESOLUTION TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2018 MUNICIPAL AID APPLICATION FOR THE WINIFRED DRIVE AND ADAMS DRIVE IMPROVEMENT PROJECT

WHEREAS, the Borough of Totowa continues to develop projects that will improve access and maintenance on public roads; and

WHEREAS, the Borough of Totowa's Engineer has provided plans specifically designed to address and improve traffic flow/safety issues and maintenance on our roads; and

WHEREAS, the Borough of Totowa has submitted plans to the State of New Jersey, Department of Transportation for Municipal Aid in the past and will continue to do so in the future; and

WHEREAS, the Borough of Totowa has identified Winifred Drive and Adams Drive in desperate need of repair.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, in the County of Passaic, State of New Jersey formally approves the grant application for the Winifred Drive and Adams Drive Improvement Project.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as “MA-2018-Totowa Borough-Winifred Drive and Adams Drive Improvement Project-00327” to the New Jersey Department of Transportation on behalf of the Borough of Totowa.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Totowa and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

There was a motion by Councilman Bucher, seconded by Councilman Capo to accept the following bids for the Hobart Place and Gordon Avenue – Final Phase Improvements. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Total Bid</u>
Cifelli & Son General Contracting, Inc. Nutley, New Jersey 07110	\$204,321.00
D&L Paving Contractor’s, Inc. Nutley, New Jersey 07110	\$206,660.37

Upon the recommendation of the Committee, there was a motion by Councilman Bucher, seconded by Councilman Capo to adopt the following resolution to award the contract for the Hobart Place and Gordon Avenue – Final Phase Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 106-2017

RESOLUTION AWARDED CONTRACT FOR HOBART PLACE AND GORDON AVENUE IMPROVEMENTS – FINAL PHASE

WHEREAS, the Borough of Totowa has received a Municipal Aid Grant from the New Jersey Department of Transportation (“NJDOT”) for various improvements for Hobart Place and Gordon Avenue including the installation of ADA compliant curb ramps, the milling and resurfacing of the roadway and associated site improvements; and

WHEREAS, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa Municipal Engineer, Richard A. Alaimo Engineering Associates to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the Hobart Place and Gordon Avenue Improvement Project – Final Phase; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled “Borough of Totowa, NJDOT Municipal Aid Program, Hobart Place and Gordon Avenue Improvements, Contract No. 2017-2”; and

WHEREAS, the Borough of Totowa did receive sealed bids at its Municipal Building on September 21, 2017; and

WHEREAS, the apparent low bid was submitted by Cifelli & Son General Contracting, Inc., 81 Franklin Avenue, Nutley, New Jersey 07110 in the amount of \$204,321.00, 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 have determined that the bid submitted by Cifelli & Son General Contracting, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the bid of Cifelli & Son General Contracting, Inc. for the Hobart Place and Gordon Avenue Improvements as the lowest responsible bid for the total sum of \$204,321.00.

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.

BE IT FURTHER RESOLVED, that the award of this contract is subject to the approval of the New Jersey Department of Transportation.

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

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Change Order No. 2 for a net increase of \$4,000.00 and Payment Estimate No. 4 (Final) in the amount of \$6,131.62 to Aqua Infrastructure Rehabilitation Company, LLC for the Sanitary Sewer Main Rehabilitation – Phase IV. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from the Totowa Deborah Chapter requesting permission to use the Municipal Parking Lot on Sunday, October 22, 2017 for a fundraiser to Atlantic City. There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from Murph's Tavern requesting permission to have Rosengren Avenue closed from Totowa Road to Union Boulevard on Friday, October 6, 2017 from 2:00 p.m.—4:00 p.m. for a charitable event. There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve the request. On roll call vote, all members of the Council present voted in the affirmative.

#### STREET CLOSING AUTHORIZED BY THE MAYOR

Under the authority vested in me as Mayor of the Borough of Totowa, County of Passaic, State of New Jersey, by virtue of N.J.S.A. 40:67-16.9 and the Code of the Borough of Totowa Chapter No. 398-42, I, Mayor John Coiro, do hereby order and direct that Rosengren Avenue between Totowa Road and Union Boulevard be closed to vehicular traffic from 2:00 p.m. to 4:00 p.m. on Friday, October 6, 2017.

I further direct that proper signs and barriers be erected at the intersections of Rosengren Avenue and Totowa Road and Rosengren Avenue and Union Boulevard and that the Totowa Police Department control and regulate, as well as enforce, this regulation.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Purchase And Delivery Of One SUV For The Borough Of Totowa Building Department. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 107-2017

RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF ONE SUV FOR  
THE BOROUGH OF TOTOWA BUILDING DEPARTMENT

WHEREAS, the Borough of Totowa Zoning Officer has requested that one new utility vehicle be purchased for the Building Department and added to the Borough of Totowa fleet; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this new vehicle to be used by the Building Department's employees; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase of the vehicle; and

WHEREAS, Morris County Cooperative Pricing Council Contract No. 15-C has been awarded to Beyer Ford, 170 Ridgedale Avenue, Morristown, New Jersey 07960 for the purchase of one 2017 Ford Explorer utility vehicle and all related equipment; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this utility vehicle may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase of one 2017 Ford Explorer utility vehicle and all related equipment from Beyer Ford in the amount of \$26,490.00.

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

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Capo, seconded by Councilman Picarelli to adopt the following Resolution In Support Of The (FOP) Fibrodysplasia Ossificans Progressiva Awareness Initiative. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 108-2017

RESOLUTION IN SUPPORT OF THE (FOP) FIBRODYSPLASIA OSSIFICANS  
PROGRESSIVA AWARENESS INITIATIVE

WHEREAS, Fibrodysplasia Ossificans Progressiva (FOP) is a rare genetic condition in which the body makes additional bone in locations where bone should not form, such as within muscles, tendons, ligaments, and other connective tissues, which in time produces a “second skeleton” that immobilizes the joints of the body; and

WHEREAS, one in every seven Americans suffer from musculoskeletal impairment causing physical disability and severe long-term pain; and

WHEREAS, the symptoms of FOP usually begin in the first or second decade of life, with the majority of patients diagnosed by the age of 10 depriving children of normal development; and

WHEREAS, FOP is considered an orphan disease whereby it affects so few people and there are less than 12 diagnosed cases in New Jersey and approximately 250 in the nation; and

WHEREAS, musculoskeletal research is close to achieving major breakthroughs that likely will change and simplify the way bone and joint disorders are treated and prevented throughout the world; and

WHEREAS, there is a need for greater awareness of this disorder, its symptoms and the obstacles faced by persons and families affected by this disorder.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Totowa Mayor and Council, in the County of Passaic, State of New Jersey, hereby applaud and recognize Gary W. Whyte as an outstanding individual for his tenacious drive to support and help so many within the community for the awareness of Fibrodysplasia Ossificans Progressiva (FOP) and urge the medical community to continue researching for treatment and a cure for this rare genetic disorder.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to adopt the following Resolution Expressing Opposition To Legislative Proposals Regarding The Open Public Meetings Act And Open Public Records Act. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 109-2017

RESOLUTION EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS  
REGARDING THE OPEN PUBLIC MEETINGS ACT AND  
OPEN PUBLIC RECORDS ACT

WHEREAS, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

WHEREAS, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

WHEREAS, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

WHEREAS, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

WHEREAS, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

WHEREAS, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

WHEREAS, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve the Application For A Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the BPOE #2111 Passaic Valley Elks to be held on October 13, 2017 from 6:00 p.m. – 11:59 p.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2056 & 2057 for Angels of Animals, Inc. for a Tricky Tray and On-Premise 50/50 to be held on October 19, 2017 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2058 & 2059 for the Little Falls School #2 PTA for a Tricky Tray and On-Premise 50/50 to be held on October 19, 2017 at The Bethwood. 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 Fontanella that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

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Joseph Wassel, RMC  
Municipal Clerk