

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

October 24, 2023

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

ABSENT: Councilman Patrick Fierro and Municipal Attorney Kristin Corrado.

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.

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

Mayor Coiro: Said that he received a call from Cathy Pagano from Wreaths Across America and unfortunately, they will not be passing through Totowa or even coming to Passaic County this year. But they will still have their ceremony at Holy Sepulchre Cemetery.

Councilman Picarelli: Thanked the American Legion for inviting us to their ceremony honoring their Past Commanders.

Councilman Reynoso: Congratulated the Board of Recreation on their Trunk or Treat and Howl-o-ween Dog Parade events this past Sunday. Said that we have a young resident Sophie who is going through some health issues, so the dogs were walked past her house. Also said that for the Turkey Trot there will be a fundraiser Strides for Sophie to help offset some of her medical expenses.

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 October 10, 2023. On roll call vote, all members of the Council present voted in the affirmative. Councilman Reynoso abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2023-22 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 Certifying That The Governing Body Has Complied With N.J.A.C. 5:30-6.5 Pertaining To The Annual Audit. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 104-2023

RESOLUTION CERTIFYING THAT THE GOVERNING BODY HAS COMPLIED WITH N.J.A.C. 5:30-6.5 PERTAINING TO THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local Officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve payment of the 2023 annual contribution to the Totowa Seniors and the Happy Seniors. 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 Capo to approve the Junior Firefighter Application for Carlos I. Vera for Volunteer Fire Company No. 1. 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 Peter Anthony Romano for Lincoln Fire Company. On roll call vote, all members of the Council present voted in the affirmative.

A letter from Volunteer Fire Company No. 1 advising that Richard Schopperth has been nominated as their candidate for Fire Chief was received and filed.

COMMITTEE ON PUBLIC WORKS:

Upon the recommendation of DPW Superintendent Jim Niland, there was a motion by Councilman Bucher, seconded by Councilman Reynoso to approve a grade increase for DPW Laborer Michael Ardis from Grade 2 to Grade 1. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilman Reynoso to approve Payment Estimate No. 3 in the amount of \$34,339.20 to Pact Two, LLC for the William Place Pump Station Improvements. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Capo, seconded by Councilman Reynoso to adopt the following Resolution Authorizing Bond Reduction No. 1 For Totowa Investment Group, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 105-2023

RESOLUTION AUTHORIZING BOND REDUCTION NO. 1 FOR
TOTOWA INVESTMENT GROUP, LLC

WHEREAS, Totowa Investment Group, LLC, 2 Bonnieview Lane, Towaco, New Jersey 07082 (hereinafter the "Developer") is the owner of real property set forth and designated as Lot 1, Blocks 100 and 148 and Lot 23, Block 149 on the official Tax and Assessment Map of the Borough of Totowa and commonly known as 515 Union Boulevard, Totowa, New Jersey 07512; and

WHEREAS, pursuant to a Developer's Agreement entered into on April 22, 2022 between the Borough of Totowa and Totowa Investment Group, LLC, the developer is required to post a performance bond for the purpose of insuring proper construction of all on-site and off-site improvements; and

WHEREAS, in accordance with the Developer's Agreement, Totowa Investment Group, LLC posted a performance guarantee for the project in the amount of \$406,410.00 (\$365,769.00 Surety/\$40,641.00 Cash); and

WHEREAS, Totowa Investment Group, LLC has requested a bond reduction for the work completed to date; and

WHEREAS, the Municipal Engineer had inspected the work completed to date and prepared a performance bond estimate recommending the reduction of the amount of the performance guarantee bond to \$112,338.00 (\$101,104.20 Surety/\$11,233.80 Cash).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Bond be reduced to \$112,338.00 (\$101,104.20 Surety/\$11,233.80 Cash) as requested by Totowa Investment Group, LLC and approved by the Municipal Engineer.

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

A letter was received from the Passaic County Board of County Commissioners advising that Totowa has been awarded a FY2023 Passaic County Community Development Block Grant in the amount of \$100,000 for Sanitary Sewer Lining on Willard Avenue between William Place and Totowa Road. There was a motion by Councilman Capo, seconded by Councilman Reynoso to accept the grant funds. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from the Totowa Public Library requesting permission to use the Municipal Parking Lot for the New Jersey Motor Vehicle Commission Agency on Wheels visit on Tuesday, October 31, 2023 from 10:00 a.m. to 2:00 p.m. 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 a motion by Councilman Reynoso, seconded by Councilman Bucher to adopt the following Resolution Authorizing A Home Improvement Program Agreement Between The Borough Of Totowa And Abdul And Fatima Jalil For 166 Winifred Drive. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 106-2023

RESOLUTION AUTHORIZING A HOME IMPROVEMENT PROGRAM AGREEMENT BETWEEN THE BOROUGH OF TOTOWA AND ABDUL AND FATIMA JALIL FOR 166 WINIFRED DRIVE

WHEREAS, the Borough of Totowa Home Improvement Program (“HIP”) was created by the Borough of Totowa to provide funds to assist properties occupied by low and moderate income households to correct existing interior and exterior health, safety and code substandard conditions of major housing systems in conformity with the standards of the New Jersey State Housing Code, N.J.A.C. 5:28 and the Rehabilitation Subcode, N.J.A.C. 5:23-6; and

WHEREAS, the HIP is guided by N.J.A.C. 5:93-5.2 and in accordance with the New Jersey Department of Community Affairs (“DCA”) Council on Affordable Housing (“COAH”) regulations; and

WHEREAS, the Borough of Totowa has contracted with Community Grants, Planning and Housing LLC (“CGP&H”), a private consulting company specializing in the implementation of publicly funded housing rehabilitation programs, to administer the HIP; and

WHEREAS, the HIP received an application for a Home Improvement Construction loan from Abdul and Fatima Jalil for the property located at 166 Winifred Drive, Totowa, New Jersey 07512 also identified as Block 162, Lot 6 on the official tax map of the Borough of Totowa; and

WHEREAS, the homeowners have been income qualified and the application has been approved; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to enter into a Home Improvement Agreement with the property owners subject to all the rules and regulations of the Borough of Totowa HIP.

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 Home Improvement Agreement with Abdul and Fatima Jalil for the property located at 166 Winifred Drive, Totowa, New Jersey 07512 also identified as Block 162, Lot 6 on the official tax map of the Borough of Totowa.

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.

There was a motion by Councilman Reynoso, seconded by Councilman Bucher to adopt the following Resolution Authorizing A Contract To A-Plus Construction, Inc. For The Borough Of Totowa Home Improvement Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 107-2023

RESOLUTION AUTHORIZING A CONTRACT TO A-PLUS CONSTRUCTION, INC.
FOR THE BOROUGH OF TOTOWA HOME IMPROVEMENT PROGRAM

WHEREAS, the Borough of Totowa Home Improvement Program (“HIP”) was created by the Borough of Totowa to provide funds to assist properties occupied by low and moderate income households to correct existing interior and exterior health, safety and code substandard conditions of major housing systems in conformity with the standards of the New Jersey State Housing Code, N.J.A.C. 5:28 and the Rehabilitation Subcode, N.J.A.C. 5:23-6; and

WHEREAS, the HIP is guided by N.J.A.C. 5:93-5.2 and in accordance with the New Jersey Department of Community Affairs (“DCA”) Council on Affordable Housing (“COAH”) regulations; and

WHEREAS, the Borough of Totowa has contracted with Community Grants, Planning and Housing LLC (“CGP&H”), a private consulting company specializing in the implementation of publicly funded housing rehabilitation programs, to administer the HIP; and

WHEREAS, by Resolution No. 106-2023 dated October 24, 2023, the Mayor and Council of the Borough of Totowa entered into a Home Improvement Agreement with Abdul and Fatima Jalil for the property located at 166 Winifred Drive, Totowa, New Jersey 07512, also identified as Block 162, Lot 6 on the official tax map of the Borough of Totowa; and

WHEREAS, CGP&H advertised a Request for Rehabilitation Bid (Case No. TOTO-2307) inviting general contractors to bid on the repair and rehabilitation work for the property located at 166 Winifred Drive (the “Scope of Work”); and

WHEREAS, the homeowners and CGP&H have reviewed the bids and CGP&H has recommended the award of a contract to the lowest apparent bidder A-Plus Construction, Inc., 18 Station Road, Lincoln Park, New Jersey 07035 in an amount not to exceed \$18,000.00 for the Scope of Work; and

WHEREAS, the HIP is funded by the Borough of Totowa’s Affordable Housing Trust Fund and there is sufficient funding available for the award of this contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the award of a contract to A-Plus Construction, Inc. for the Borough of Totowa Home Improvement Program for repairs to the property located at 166 Winifred Drive, Totowa, New Jersey 07512 in an amount not to exceed \$18,000.00.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilman Reynoso to approve the Application For Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the Passaic Valley Elks #2111 BPOE for November 3, 2023 from 5:00 – 11:59 p.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman Reynoso to add the following item to the agenda. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman Reynoso to approve Raffle License Application No. 2339 for the Passaic Valley Elks #2111 BPOE for an Off-Premise 50/50 to be held on January 12, 2024. 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