

## **BOROUGH OF TOTOWA**

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

**February 25, 2020**

**PRESENT:** Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, Councilwoman Lisa Palazzo, Municipal Clerk Joseph Wassel and Substitute Municipal Attorney Robert Corrado.

**ABSENT:** 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.

The Municipal Clerk 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 have a swearing in ceremony to administer the Oath of Allegiance and Office to Vincent E. Marciano appointed as Patrol Officer of the Borough of Totowa Police Department, to hold a public hearing on the 2020 Passaic County Open Space and Farmland Preservation Trust Fund grant application for the installation of recreational facility lighting at the PAL and to hold a public hearing on Ordinance No. 02-2020 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro went to the front of the dais and asked Council President Lou D'Angelo, Chairman of the Public Safety Committee to join him. Mayor Coiro stated that it is always a highlight of our Council Meetings when we can appoint a new, young officer to join our Police Department and with Vince we have a Totowa boy, who also served our Country and is now coming back to serve our residents.

Mayor John Coiro asked Vincent E. Marciano to approach the dais to take the Oath of Allegiance and Office for Patrol Officer.

Mayor John Coiro administered the Oath of Allegiance and Office to Patrol Officer Vincent E. Marciano, with his wife Olyvia holding the Bible and his father Vince and his son Vincent by his side.

Councilman D'Angelo acknowledged that he has been up here a quite a few times lately and welcomed and congratulated Vince who he says he knows and he was one of his best soccer players growing up. Wished him good luck and told him to lean on his brothers and sister in the department for support.

Police Chief Coyle thanked the Mayor and Council, Borough Clerk Wassel, substitute Borough Attorney Robert Corrado and the administration for moving forward with this appointment because of his impending retirement. Chief Coyle acknowledged and recognized the many family and friends in attendance. Chief Coyle then proceeded to provide a little background information on Vincent.

A badge symbolic to the rank of Patrol Officer was presented to Patrol Officer Vincent E. Marciano by Police Chief Robert Coyle.

Patrol Officer Vincent E. Marciano thanked the Mayor and Council and the Police Department, his family and friends and the Fire Department. He said that he tried college, then joined the army and said he always wanted to do something in law enforcement.

Congratulations were extended to Patrol Officer Vincent E. Marciano 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 the 2020 Passaic County Open Space and Farmland Preservation Trust Fund grant application for the installation of recreational facility lighting at the PAL fields has been advertised for public hearing for Tuesday, February 25, 2020.

Municipal Clerk Wassel read the Open Space Public Hearing Notice.

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 wish to be heard on the 2020 Open Space grant application.

**CITIZENS HEARD:**

Mike Mahometa, 269 Lincoln Avenue: Commented that the geese have returned to the fields and they stay all day. Mayor Coiro: Then asked, but are you in favor of the lights? Mike Mahometa: Replied yes.

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.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing A Grant Application To The Passaic County Open Space, Farmland And Historic Preservation Trust Fund For The PAL Fields Recreational Lighting Project By The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 37-2020

RESOLUTION AUTHORIZING A GRANT APPLICATION  
TO THE PASSAIC COUNTY OPEN SPACE, FARMLAND  
AND HISTORIC PRESERVATION TRUST FUND FOR THE  
PAL FIELDS RECREATIONAL LIGHTING PROJECT  
BY THE BOROUGH OF TOTOWA

WHEREAS, the Passaic County Board of Chosen Freeholders (hereafter "Board") provide grants to municipalities and qualified non-profit corporations for the assistance in acquisition, development, stewardship and historic preservation from the Passaic County Open Space, Farmland and Historic Preservation Trust Fund (hereafter "Trust Fund"); and

WHEREAS, the BOROUGH OF TOTOWA desires to further the public interest by obtaining funding in the amount of \$250,000 from the Board for the County to fund the PAL FIELDS RECREATIONAL LIGHTING PROJECT at a cost of \$633,000; and

WHEREAS, the Board shall determine if the application is complete and in conformance with the scope and intent of the Trust Fund program and the rules and regulations established pursuant to R20170349, and any subsequent Resolutions passed by the Board governing the administration of the Trust Fund.

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE BOROUGH OF TOTOWA AS FOLLOWS:

1. The MAYOR OF THE BOROUGH OF TOTOWA is authorized to make application, provide all required information and documents as required, and correspond as necessary for a grant to the Passaic County Open Space, Farmland and Historic Preservation Trust Fund.
2. That the MAYOR OF THE BOROUGH OF TOTOWA is hereby authorized to execute a grant agreement and any amendment there with the County of Passaic for the PAL FIELDS RECREATIONAL LIGHTING PROJECT.
3. That, if the funds provided by the County are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project.
4. That, the applicant agrees to comply with all applicable federal, State, County, and local laws, rules, and regulations in its performance of the project.

5. That this Resolution shall take effect immediately.

Municipal Clerk Wassel announced that Ordinance No. 02-2020 has been advertised for public hearing for Tuesday, February 25, 2020.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 02-2020.

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 wish to be heard on Ordinance No. 02-2020.

**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. 02-2020 by title:

**ORDINANCE NO. 02-2020**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA  
CHAPTER 189 ENTITLED "FLOOD DAMAGE PREVENTION", ARTICLE IV, "FLOOD  
HAZARD REDUCTION", SECTION 189-17, "GENERAL STANDARDS"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 02-2020 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.

Councilwoman Andriani: Announced that on March 10<sup>th</sup> the Totowa Library will have their annual Dr. Seuss Read A Loud at 6:00 p.m.

#### 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 February 11, 2020. 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. 2020-05 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 due to overpayment of 1<sup>st</sup> Quarter 2020 taxes. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION

WHEREAS, there has been an overpayment of 1st quarter 2020 taxes on the properties listed below; and

WHEREAS, the taxpayer is entitled to a refund; and

WHEREAS, the chart sets forth the refund as follows:

Block	Lot	Property Owner	Payable To:	Overpayment
106	15	29 Washington Pl Kane, Mark & Laura	Wells Fargo R/E Tax Attn:Refunds F2302-04D 1 Home Campus Des Moine, IA 50328	\$1,837.57
128	4.02	65 Crescent Ave Coronado, Robert	Corelogic Attn: Refunds Dept PO Box 9202 Coppell, TX 75019-9760	\$1,305.64

NOW, THEREFORE, BE IT RESOLVED, that the overpayment shall be refunded to the taxpayer, as stated above, and the Treasurer is authorized to issue separate checks for the refunds, which shall be paid to the stated property or taxing authority.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to adopt the following Resolution Of The Borough Of Totowa Authorizing The Payment Of Terminal Leave Benefits To Carl J. Cifaldi. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 38-2020

RESOLUTION OF THE BOROUGH OF TOTOWA AUTHORIZING THE  
PAYMENT OF TERMINAL LEAVE BENEFITS TO CARL J. CIFALDI

WHEREAS, Carl J. Cifaldi began his employment with the Borough of Totowa as a Patrol Officer in the Police Department on September 19, 1979; and

WHEREAS, Carl J. Cifaldi retired from the Borough of Totowa Police Department as a Captain effective October 1, 2019; 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, Carl J. Cifaldi has accumulated four (4) unused sick days and has completed more than twenty-five (25) years of service as an employee of the Borough of Totowa; and

WHEREAS, Carl J. Cifaldi 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 Carl J. Cifaldi is granted four (4) days of accumulated sick leave (Terminal Leave) for a total amount of two thousand four hundred thirty-six and 68/100 Dollars (\$2,436.68). Said monies are given in full and final consideration of any and all claims that Carl J. Cifaldi may have against the Borough of Totowa.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve payment of an additional contribution to the Borough Of Totowa First Aid Squad, Inc. in the amount of \$8,074.00 for their 2019 TSAP. 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 firemen's applications for transfer for David C. MacDonald, Jr. from Riverview Park Fire Company to Fire Rescue and Giovanni Madrid from Riverview Park Fire Company to Volunteer Fire Company No. 1. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilman Capo to appoint Claire Domicolo and Dawn Barbato as School Crossing Guards. On roll call vote, all members of the Council present voted in the affirmative.

## MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Claire Domicolo and Dawn Barbato as School Crossing Guards for a one year term ending December 31, 2020.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to confirm the appointments. 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 add the following item to the agenda. On roll call vote, all members of the Council present voted in the affirmative.

A retirement letter was received from Police Chief Robert W. Coyle effective March 1, 2020 along with a request to keep his service revolver. There was a motion by Councilman D'Angelo, seconded by Councilman Capo to accept his retirement and approve the request for his service revolver. 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 Councilwoman Palazzo to adopt the following Resolution Granting To The County Of Passaic A Guarantee In Lieu Of Performance Bond For Work Performed On A Passaic County Highway. On roll call vote, all members of the Council present voted in the affirmative.

### RESOLUTION NO. 39-2020

#### RESOLUTION GRANTING TO THE COUNTY OF PASSAIC A GUARANTEE IN LIEU OF PERFORMANCE BOND FOR WORK PERFORMED ON A PASSAIC COUNTY HIGHWAY

WHEREAS, the Passaic County Board of Chosen Freeholders have adopted a Resolution known as the Highway Opening and Use Resolution; and

WHEREAS, the aforementioned Resolution provides that whenever a Highway Opening and Use Permit is issued, a performance bond must be posted with the County of Passaic; and

WHEREAS, from time to time, the Borough of Totowa will require a Highway Opening and Use Permit by the County of Passaic in order to perform work in, on, under or over the public right-of-way of the County in connection with the operation of Borough utilities; and

WHEREAS, the Borough of Totowa wishes to file a Guarantee in lieu of a Performance Bond in the amount of \$30,000.00 which shall cover any and all Highway Opening and Use Permits by the County of Passaic to the Borough of Totowa for the purpose of work within the County right of way for a period of two (2) years from the date of acceptance of the final restoration by the County Supervisor of Roads for which the permit has been issued; and

WHEREAS, this Guarantee is only required to be posted once and it will cover all Highway Opening and Use Permits issued to the Borough of Totowa by the County during the year 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the posting of a Guarantee in Lieu of a Performance Bond in the amount of \$30,000.00 for work performed within the right of way of the County.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following resolution authorizing the application to the Passaic County Community Development Block Grant Program for the rehabilitation of the Borough's Sanitary Sewer Main on Lincoln Avenue between Totowa Road and Franklin Place. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 40-2020

WHEREAS, the Mayor and Council of the Borough of Totowa wishes to apply for funding from the Passaic County Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa authorizes the application for and use of requested funds in the amount of \$294,300.00 from the Passaic County Community Development Block Grant (CDBG) Program for the rehabilitation of the Borough's Sanitary Sewer Main on Lincoln Avenue between Totowa Road and Franklin Place.

BE IT FURTHER RESOLVED, that if awarded, the Mayor and Council of the Borough of Totowa shall implement the activities in a manner to ensure compliance with all applicable federal, state and local laws and regulations.

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution In Support Of The Federal Fair Housing Law And New Jersey Law Against Discrimination. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 41-2020

#### RESOLUTION IN SUPPORT OF THE FEDERAL FAIR HOUSING LAW AND NEW JERSEY LAW AGAINST DISCRIMINATION

WHEREAS, the Borough of Totowa supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination; and

WHEREAS, it is the policy of the Borough of Totowa to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8); and

WHEREAS, the Borough of Totowa further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby support Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination as follows:

1. Within available resources, the Borough of Totowa will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate.

2. The Borough of Totowa shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances.

3. The Borough of Totowa will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing Contract For The Removal And Replacement Of Roofing System At Roof Between Library And Municipal Building. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 42-2020

#### RESOLUTION AUTHORIZING CONTRACT FOR THE REMOVAL AND REPLACEMENT OF ROOFING SYSTEM AT ROOF BETWEEN LIBRARY AND MUNICIPAL BUILDING

WHEREAS, the Borough of Totowa Department of Public Works (“DPW”) Superintendent has advised that the roofing system at the roof between the Library and Municipal Building has deteriorated and has recommended that this section of the roofing system be removed and replaced; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for the removal and replacement of this roofing system; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the removal and replacement of the roofing system at the roof between the Library and Municipal Building; and

WHEREAS, James Joseph Construction Co., Inc., 177 McBride Avenue, Paterson, New Jersey 07501 has submitted a proposal for the removal and replacement of the roofing system at the roof between the Library and Municipal Building in the amount of \$15,250.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, pursuant to the applicable New Jersey State laws, the removal and replacement of the roofing system at the roof between the Library and Municipal Building 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 removal and replacement of the roofing system at the roof between the Library and Municipal Building from James Joseph Construction Co., Inc. in the amount of \$15,250.00.

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

A letter was received from American Legion Memorial Post No. 227 requesting permission to use the Municipal Parking Lot on Saturday, May 2, 2020 for a trip to Atlantic City. There was a motion by Councilman Capo, seconded by Councilwoman Andriani 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 Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing Contract For Geese Control Services For 2020. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 43-2020

#### RESOLUTION AUTHORIZING CONTRACT FOR GEESE CONTROL SERVICES FOR 2020

WHEREAS, the Borough of Totowa Board of Recreation has recommended that the Borough of Totowa hire a qualified company to provide safe and effective geese clearing and control services at all of the Borough of Totowa recreational ball fields; and

WHEREAS, the Mayor and Council of the Borough of Totowa have also determined that there is a need to retain a company that can provide these services to ensure the health and well-being of the residents of the Borough of Totowa; and

WHEREAS, the Borough of Totowa has solicited quotes for the necessary geese clearing services for all of the Borough of Totowa recreational fields as well as Washington Park School and the Municipal Complex; and

WHEREAS, Geese Chasers North Jersey LLC, P.O. Box 282, Great Meadows, New Jersey 07838 submitted a proposal dated February 21 , 2020 to clear and maintain a virtually geese-free environment with the use of working border collies, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, Geese Chasers North Jersey LLC will provide these services to the Borough of Totowa on an as needed basis for a term not to exceed a period of one (1) year; and

WHEREAS, pursuant to the applicable New Jersey State laws, the contract for these services may be authorized without public bidding since the total contract price will not exceed the public bidding threshold.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize a contract with Geese Chasers North Jersey LLC for all necessary geese control and clearing services in accordance with the fee schedule set forth in their proposal.

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 instruments relating thereto.

#### COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to table this item to introduce on first reading and advertise for public hearing an Ordinance Of The Borough Of Totowa Authorizing The Execution Of A Financial Agreement With Respect To A Portion Of Certain Property Identified On The Borough's Tax Maps As Block 154, Lot 19.07 Located Within The North Jersey Developmental Center Redevelopment Area. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to table this item Resolution Of The Borough Of Totowa, In The County Of Passaic, State Of New Jersey, Making Application To The Local Finance Board Seeking Authorization For Not To Exceed \$200,000 Non-Recourse Redevelopment Area Bonds In Connection With The Redevelopment Of The North Jersey Developmental Center Redevelopment Area Pursuant To N.J.S.A. 40A:12A-29(a)(3) And N.J.S.A. 40A:12A-67(g). On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Raffle License Application No. 2198 for the BPOE #2111 Passaic Valley Elks for a Tricky Tray to be held on March 13, 2020. 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 Andriani 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