

## **BOROUGH OF TOTOWA**

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

**September 12, 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.

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 Councilman Picarelli to dispense with the regular order of business in order to enable the Mayor and Council to present Sports Award Certificates to the 2023 Totowa PAL Girls 3<sup>rd</sup> & 4<sup>th</sup> Grade Passaic Valley Softball Association champions. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro remarked that it is always a nice night for us to celebrate our youth, especially when our team beats another town's team and congratulated all the softball players and coaches on winning the championship, then mentioned how it is great that they are involved in team sports as it teaches you about teamwork, hard work and dedication.

Mayor Coiro began by calling up Coach Sara Mulroony, Coach Katie Livecchi and Coach Kim Breban and presented each with a Sports Award Certificate. Coach Sara thanked the Mayor and Council for honoring the team and gave a recap of their season and that they went undefeated. Mayor Coiro then called up the players and presented each with a Sports Award Certificate.

Mayor Coiro announced that we would take a short recess so pictures could be taken of the team.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli 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: Congratulated the Police Department and Fire Department on their response to a car fire today on Route 46.

#### 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 August 22, 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. 2023-19 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 Providing For The Insertion Of A Special Item Of Revenue In The Budget Pursuant To N.J.S.A. 40A:4-87 (Ch. 159, P.L. 1948) – Public And Private Revenues Offset By Appropriations – NJUCF Stewardship Grant. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 94-2023

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM  
OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A. 40A:4-87  
(CH. 159, P.L. 1948) – PUBLIC AND PRIVATE REVENUES OFFSET  
BY APPROPRIATIONS – NJUCF STEWARDSHIP GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount; and

WHEREAS, the Borough of Totowa has been awarded funds in the amount of \$25,000 from a NJUCF Stewardship Grant for tree inventory for street trees in public rights of way and wishes to amend its 2023 Budget to include this amount as an item of revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of 2023 in the sum of \$25,000 which is now available as a revenue item from:

Miscellaneous Revenues	
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:	
Public and Private Revenues Offset with Appropriations:	
NJUCF Stewardship Grant	\$25,000

BE IT FURTHER RESOLVED, that a like sum of \$25,000 be and the same is hereby, appropriated under the caption:

General Appropriations
(A) Operations - Excluded from CAPS
Public and Private Programs Offset by Revenues

NJUCF Stewardship Grant

\$25,000

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to forward two (2) copies of this Resolution to the Director of Local Government Services.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve a grade increase for Patrol Officer Matthew Cossari from Grade 4 to Grade 3. On roll call vote, all members of the Council present voted in the affirmative.

A letter from Fire Chief Rich Schopperth advising that he will be attending the New Jersey State Firemen's Convention from September 15 – 16, 2023 was received and filed.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve payment of the annual contribution for 2023 to the Borough Of Totowa First Aid Squad, Inc. 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 accept the following bids for the Maltese Drive Improvements. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Total Bid</u>
American Asphalt & Trucking, LLC	\$225,334.61
AJM Contractors, Inc.	\$241,454.00
4 Clean Up	\$250,315.51
Smith-Sondy Asphalt Construction	\$310,643.00
D&L Paving, Inc.	\$319,025.16

Cifelli & Son General Construction	\$323,830.00
D.S. Meyer Enterprises, LLC	\$324,336.99
DLS Contracting, Inc.	\$364,505.00

Upon the recommendation of the Engineer, there was a motion by Councilman Bucher, seconded by Councilman Fierro to adopt the following resolution to award the contract to the lowest responsible bidder for the Maltese Drive Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 95-2023

RESOLUTION AWARDING CONTRACT FOR MALTESE DRIVE IMPROVEMENTS

WHEREAS, the Municipal Engineer for the Borough of Totowa has recommended various improvements which will cover Maltese Drive from Taft Road westerly to the end of the cul-de-sac with funds provided by the FY2022 New Jersey Department of Transportation (“NJDOT”) under the Transportation Trust Fund; and

WHEREAS, by Resolution No. 74-2022 dated June 14, 2022, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa Municipal Engineer, Alaimo Group, to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the Maltese Drive Improvements; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled “Specifications, Proposal and Contract Documents for Borough of Totowa Maltese Drive Improvements, Passaic County, New Jersey, Contract No. 2022-2”; and

WHEREAS, the Borough of Totowa did receive sealed bids at its Municipal Building on August 29, 2023; and

WHEREAS, the apparent low bid was submitted by American Asphalt & Trucking LLC, 818 Summer Street, Newark, New Jersey 07104 in the amount of \$225,334.61, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Municipal Engineer has reviewed the bids submitted and advised that the contractor is capable of completing the project; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by American Asphalt & Trucking LLC 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 American Asphalt & Trucking LLC for the Maltese Drive Improvements as the lowest responsible bid for the total sum of \$\$225,334.61.

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.

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilman Reynoso to adopt the following Resolution Authorizing Emergency Repairs And Installation Of A Transfer Switch With Power Command Control At Riverview Pump Station. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 96-2023

#### RESOLUTION AUTHORIZING EMERGENCY REPAIRS AND INSTALLATION OF A TRANSFER SWITCH WITH POWER COMMAND CONTROL AT RIVERVIEW PUMP STATION

WHEREAS, the Borough of Totowa Department of Public Works (“DPW”) Superintendent has advised the Mayor and Council of the Borough of Totowa that the transfer switch for the Riverview Pump Station is no longer working satisfactorily and must be replaced as soon as possible; and

WHEREAS, the Pump Station services the residents of the Borough of Totowa by collecting sanitary sewerage waste from individual users throughout the municipality where it is processed and conveyed to the Passaic Valley Sewerage Commissioners located in Newark, New Jersey for proper treatment and disposal; and

WHEREAS, the Borough of Totowa DPW Superintendent has recommended that the Borough of Totowa remove the existing Transfer Switch and replace it with a new Transfer Switch with Power Command Control; and

WHEREAS, Cummins Sales and Service, 435 Bergen Avenue, Kearney, New Jersey 07032 has submitted a proposal for the installation of a new CXTC Series Transfer Switch with Power Command Control in the amount of \$44,610.38, a copy of which is on file on the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize these necessary repairs for the Riverview Pump Station for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to Local Public Contracts Law, the replacement of the Transfer Switch may be authorized by the Borough of Totowa 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 Cummins Sales and Service for the installation of a new CXTC Series Transfer Switch with Power Command Control at the Riverview Pump Station in the amount of \$44,610.38.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Cummins Sales and Service to provide the labor and materials for the purchase and delivery of one new CXTC Series Transfer Switch with Power Command Control for the Riverview Pump Station as set forth in their proposal.

There was a motion by Councilman Capo, seconded by Councilman Reynoso to adopt the following Resolution Authorizing Emergency Repairs To The Sanitary Sewer Main Along Totowa Road In Sidewalk Area. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 97-2023

#### RESOLUTION AUTHORIZING EMERGENCY REPAIRS TO THE SANITARY SEWER LINE ALONG TOTOWA ROAD IN SIDEWALK AREA

WHEREAS, the Superintendent of the Borough of Totowa Department of Public Works (“DPW”) has advised the Mayor and Council of the Borough of Totowa that the sanitary sewer line located along Totowa Road in the sidewalk area near Charles Street needed to be repaired and/or replaced as soon as possible; and

WHEREAS, the nearby homes in the surrounding area serviced by the sanitary sewer line were also experiencing sewer back-ups in their homes as a result of the blocked piping; and

WHEREAS, the necessary repairs to the sanitary sewer line included but were not limited to removing the existing sidewalk, excavating to the existing sewer line, removing and disposing of the damaged piping; installing 97 linear feet of new 8" sewer main piping and replacing the sidewalk; and

WHEREAS, the Borough of Totowa DPW Superintendent solicited quotes from companies experienced in sanitary sewer repairs; and

WHEREAS, Regal Utility Services, Inc., 731 Warwick Turnpike, Hewitt, New Jersey 07421 submitted a proposal for the removal and replacement of the sanitary sewer line in the amount of \$45,000.00, a copy of which is on file on the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize these necessary repairs along Totowa Road in the sidewalk area for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the repairs and replacement of this sewer line constitutes an emergency service that may be authorized by the Borough of Totowa 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 Regal Utility Services, Inc. for the removal and replacement of the sanitary sewer line along Totowa Road in the sidewalk area near Charles Street in the amount of \$45,000.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Regal Utility Services, Inc. to provide the labor and materials for the emergency repairs to the sanitary sewer line along Totowa Road in the sidewalk area near Charles Street as set forth in their proposal.

#### COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilman Reynoso, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Transfer Of The Totowa Welfare Agency To The Passaic County Board Of Social Services. On roll call vote, all members of the Council present voted in the affirmative.



RESOLUTION NO. 98-2023

RESOLUTION AUTHORIZING THE TRANSFER OF THE TOTOWA WELFARE  
AGENCY TO THE PASSAIC COUNTY BOARD OF SOCIAL SERVICES

WHEREAS, the State of New Jersey funds a General Assistance Program which is administered at the local level in Totowa by the Local Assistance Board and Director of Welfare pursuant to N.J.S.A 44:8-107 et seq.; and

WHEREAS, the Borough of Totowa Director of Welfare serves as the administrative officer of the Local Assistance Board through which he administers the Totowa General Assistance Program; and

WHEREAS, the Governing Body has determined that the viability of the Local Assistance Board may be better served by transferring that function to the County of Passaic Board of Social Services; and

WHEREAS, as a result of this decision, the Borough of Totowa investigated the feasibility of transferring Totowa's General Assistance Program to Passaic County Board of Social Services for administration; and

WHEREAS, pursuant to N.J.S.A. 44:8-145.1, the Borough of Totowa may, by mutual agreement with Passaic County, transfer to the Passaic County Board of Social Services the financial and operational responsibility for the administration of the General Assistance Program under N.J.S.A 44:8-107 et seq., to Totowa residents; and

WHEREAS, in the event of a transfer, also pursuant to said statute, the Municipal Welfare Agency is to be abolished and its functions, powers and duties transferred to the Passaic County Board of Social Services no later than the 60<sup>th</sup> day after the effective date of the transfer; and

WHEREAS, the Mayor and Council of the Borough of Totowa find that it is in the best interests of the municipality and its residents to transfer the General Assistance Program in Totowa to the Passaic County Board of Social Services; and

WHEREAS, there shall be no cost to the Borough of Totowa and the effective date of the transfer shall be retroactive to September 1, 2023 to ensure that there is no disruption in services.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the following:

1. The Mayor, Clerk and such other official and employees as may be appropriate are hereby authorized and directed to transfer Totowa's General Assistance Program to the Passaic County Board of Social Services in accordance with the applicable statutes and regulations and this Resolution, the transfer taking effect retroactively on September 1, 2023, including but not limited to the following:
  - A. On or before October 1, 2023, Totowa shall send all open cases a letter informing their residents that their General Assistance cases will be administered by the Passaic County Board of Social Services.
  - B. On or before October 1, 2023, Totowa shall make the appropriate arrangements to transfer the physical files of the open and pending cases in Totowa to the Passaic County Board of Social Services.
2. The Mayor and Municipal Clerk to execute any and all agreements as may be required by law with the Passaic County Board of Social Service necessary to effectuate the transfer ns as described in this Resolution.
3. The applicable provisions of the Borough of Totowa ordinances shall be amended as necessary to reflect the transfer of the General Assistance Program to the Passaic County Board of Social Services.
4. A certified copy of this resolution shall be forwarded to the Passaic County Board of Social Services and the State of New Jersey Department of Human Services.

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. 09-2023**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA TO REPEAL CHAPTER 189 ENTITLED "FLOOD DAMAGE PREVENTION"; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN AND ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Resolution Approving A Place To Place Transfer Of ABC Plenary Retail Consumption License No. 1612-33-008-009 For Balcony Holdings LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 99-2023

RESOLUTION APPROVING A PLACE TO PLACE TRANSFER OF  
ABC PLENARY RETAIL CONSUMPTION LICENSE NO. 1612-33-008-009  
FOR BALCONY HOLDINGS LLC

WHEREAS, an application has been filed for a Place To Place transfer of Plenary Retail Consumption License No. 1612-33-008-009, heretofore issued to Balcony Holdings LLC for an inactive pocket license with a mailing address of 60 Montclair Avenue, Cedar Grove, NJ 07009; and

WHEREAS, the submitted application is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa does hereby approve, effective September 12, 2023, the Place To Place transfer of the aforesaid Plenary Retail Consumption License from its former address at 60 Montclair Avenue, Cedar Grove, NJ 07009 to 555 Preakness Avenue, Totowa, NJ 07512, and does hereby direct the Municipal Clerk to endorse the license certificate to the new location as follows: "This license, subject to all its terms and conditions, is hereby transferred to premises located at 555 Preakness Avenue, Totowa, NJ 07512, effective September 12, 2023".

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve Raffle License Application No. 2330 for the PV Girls Lacrosse Parent Association for an Off-Premise 50/50 to be held on May 29, 2024 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. 2331 & 2332 for the Totowa Parent Teacher Organization for a Tricky Tray and On-Premise 50-50 to be held on November 16, 2023 at the Elks Lodge. 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. 2333, 2334 & 2335 for the Totowa Parent Teacher Organization for an Off-Premise Merchandise Raffle to be held on December 1, 2023, March 4, 2024 & June 11, 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.

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Joseph Wassel, RMC  
Municipal Clerk