

## **BOROUGH OF TOTOWA**

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

**June 26, 2018**

**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 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.

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 enable the Mayor and Council to present Sports Award Certificates to the 2018 Totowa PAL 7<sup>th</sup> and 8<sup>th</sup> Grade Girls Basketball, Team Alesandrelli players and coaches as Champions of the Passaic Valley Basketball League. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro went to the front of the dais and announced that it is always one of our favorite times when we can honor and celebrate one of our Totowa teams when they defeat another town's team. Said that we would like to recognize and acknowledge our youth for representing Totowa so well. Then congratulated them, said you did a great job and we are proud of you.

Mayor Coiro started by calling up Head Coach Chad Alesandrelli and Assistant Coach Daniella Sole. Coach Alesandrelli: Gave a synopsis of the season, said they finished with a 9-1 record and that they played the championship game against Little Falls at Passaic Valley and it was a great season.

Mayor Coiro then continued by calling up each player and presenting them with a Sports Award Certificate. Mayor Coiro announced that we would take a short recess. Pictures were taken.

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 we are having our first concert tomorrow night at 7:00 p.m. featuring The Jersey Sound.

#### CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: 1) Commented that the road paving has turned out very nice; 2) Asked to have the berm extended at the PAL behind his house and add maybe 8 – 10 pines and a couple pin oaks.

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to approve the Minutes of the Mayor and Council for the meeting of June 12, 2018. On roll call vote, all members of the Council present voted in the affirmative. Councilman Bucher abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2018-14 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 to effectuate the redemption of Tax Sale Certificate #13-00003 for 8 Columbus Avenue, Block 75, Lot 27. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale Number #13-00003  
Block 75, Lot 27  
Property: 8 Columbus Ave, Totowa, New Jersey  
Owner: Marjan Kasapinov

WHEREAS, at the Municipal Tax Sale on October 24, 2013, a lien was sold on Block 75, Lot 27; and

WHEREAS, this lien known as Tax Sale Certificate Number #13-00003 was sold to MTAG as CST for Ebury Fund 2 NJ LLC for a 0 % redemption fee and a premium of \$7,100.00; and

WHEREAS, Marjan Kasapinov owner of the property has effected redemption of Certificate Number #13-00003 in the amount of \$ 45,223.66, as of 6/26/18.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize the Treasurer to issue a check in the amount of \$ 45,223.66 payable to MTAG as CST for Ebury Fund 2 NJ LLC for the redemption of Tax Sale Certificate Number #13-00003.

BE IT FURTHER RESOLVED, that the Mayor and Council authorize the Treasurer to issue a check in the amount of \$ \$7,100.00 (premium) to the aforementioned Lien Holder.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2015, 2016, 2017 And 2018 Tax Appeals Entitled IDP Totowa CC LLC V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 73-2018

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2015, 2016, 2017 AND 2018  
TAX APPEALS ENTITLED IDP TOTOWA CC LLC. V. BOROUGH OF TOTOWA

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

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

WHEREAS, the proposed Stipulation of Settlement, a copy of which is 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 Mayor and Council of the Borough of Totowa, New Jersey, as follows:

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute the Stipulation 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 Councilman Capo to adopt the following Resolution Authorizing The Borough Of Totowa Towing List For The 2018/2019 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 74-2018

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA  
TOWING LIST FOR 2018/2019 LICENSE TERM

WHEREAS, the Mayor and Council of the Borough of Totowa desire to establish a list of towing services to be used by the Borough of Totowa Police Department for the removal, towing and storing of motor vehicles and to set rates and charges for the same; and

WHEREAS, by Ordinance No. 5-2015 adopted February 24, 2015, the Mayor and Council of the Borough of Totowa established the minimum requirements for a towing contractor to provide services including the removal, impoundment and storage of vehicles; and

WHEREAS, a towing list shall be kept with the Borough of Totowa Police Chief; and

WHEREAS, all towing services placed on the towing list shall be available to respond to a call in accordance with a towing rotation schedule of on-call status established by the Borough of Totowa Police Chief; and

WHEREAS, when the need arises, the Borough of Totowa Police Department will call the towing service on the top of the list, which is on-call with the towing rotation schedule. The towing service called shall be placed on the bottom of the towing list and not called again until all other towing services have been called; and

WHEREAS, all towing services shall respond to a call in any part of the Borough within fifteen (15) minutes of a call. If a towing service does not respond within fifteen (15) minutes of a call, the towing service next on the list shall be called and entitled to provide services as needed; and

WHEREAS, all towing services shall be performed in a safe manner and shall be responsible for ensuring the proper and safe storage of all motor vehicles towed; and

WHEREAS, the Borough of Totowa Police Chief has recommended that the following towing services be placed on the towing list for the Borough of Totowa:

1. Frank Leah Towing Service, Inc.  
6 Wilson Avenue  
Totowa, New Jersey 07512
2. Kelkate Enterprises, Inc.  
210 21<sup>st</sup> Avenue  
Paterson, New Jersey 07501
3. Totowa Tire Service, Inc.  
589 Union Boulevard  
Totowa, New Jersey 07512
4. North Jersey Towing & Recovery, Inc.  
84 Union Boulevard  
Totowa, New Jersey 07512
5. J&M Towing  
116 Dorsa Avenue  
Wayne, New Jersey 07424
6. Pohlman's Gulf LLC  
160 Union Boulevard  
Totowa, New Jersey 07512
7. Camp's Auto and Truck Parts, Inc.  
9 Whitmore Avenue  
Wayne, New Jersey 07470

WHEREAS, these towing services have the appropriate vehicles, related equipment and storage facilities and maintain the required licenses and insurance to perform these necessary services for the Borough of Totowa; and

WHEREAS, the towing list shall be in use for a period of one (1) year effective July 1<sup>st</sup> of each year and expire on June 30<sup>th</sup> of the following year.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby establish a towing list of the above companies to be used by the Borough of Totowa Police Department for the towing and storage of vehicles.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve payment of the annual contribution for 2018 to the Borough Of Totowa First Aid Squad, Inc. in the amount of \$15,000.00. 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 approve Change Order No. 1 for a net increase of \$28,750.00 and Payment Estimate No. 1 in the amount of \$262,574.83 to Smith-Sondy Asphalt Construction Co., Inc. for the 2017 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following Resolution Authorizing The Paving Of Dunkerly Street And Wentick Street. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 75-2018

#### RESOLUTION AUTHORIZING THE PAVING OF DUNKERLY STREET AND WENTICK STREET

WHEREAS, the Department of Public Works Superintendent for the Borough of Totowa has recommended various improvements to streets throughout the municipality including Dunkerly Street and Wentick Street; and

WHEREAS, both of these streets were in need of repaving after the roadways were dug up by PSE&G as part of their recent gas-line upgrade project; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that it is necessary to pave Dunkerly Street and Wentick Street for the safety and well being of the residents traveling on these roads; and

WHEREAS, Morris County Cooperative Pricing Council Contract No. 6 has been awarded to Tilcon New York, Inc., 9 Entin Road, Parsippany, New Jersey 07054 for road resurfacing; and

WHEREAS, pursuant to the applicable New Jersey State laws, this paving project may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Tilcon New York, Inc. to pave Dunkerly Street and Wentick Street for the sum of \$37,046.05.

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.

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following Resolution Authorizing The Purchase And Delivery Of Water Meters For Various Public Buildings And Properties. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 76-2018

#### RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF WATER METERS FOR VARIOUS PUBLIC BUILDINGS AND PROPERTIES

WHEREAS, the Borough of Totowa Department of Public Works ("DPW") Superintendent has recommended that new water meters be purchased and installed at various public buildings and properties throughout the municipality; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this equipment which will provide for more accurate readings of water usage; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase of these new water meters; and

WHEREAS, Morris County Cooperative Pricing Council Contract No. 47 has been awarded to Rio Supply, Inc., 100 Allied Parkway, Sicklerville, New Jersey 08081 for the purchase and delivery of water meters; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of the new water meters 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 and delivery of new water meters from Rio Supply, Inc. in the amount of \$10,910.00.



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.

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following Resolution Waiving Interest Charges On 4<sup>th</sup> Quarter 2017 Water Bill For The Holiday Inn. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 77-2018

#### RESOLUTION APPROVING PAYMENT PLAN AND WAIVING INTEREST CHARGES ON THE THREE FOURTH QUARTER 2017 WATER BILLS FOR THE HOLIDAY INN

WHEREAS, the Borough of Totowa Water Department bills its customers based on three cycles four times a year; and

WHEREAS, the fourth quarter billing period for Cycle 3 for 2017 is December 1, 2017 to February 28, 2018; and

WHEREAS, Holiday Inn, Block 177, Lot 2.01 is located in Cycle 3; and

WHEREAS, Holiday Inn has several water accounts; Account ID #3406-1 and Account ID #3406-3 is a compound meter which is billed separately; and Account ID #3406-2 is the restaurant (Cubanelle); and

WHEREAS, an incident occurred in January, 2018 at the Holiday Inn, where a two inch main line pipe froze and cracked causing the Holiday Inn to have above average consumption; and

WHEREAS, Account ID #3406-1 was billed \$12,540.50; Account ID #3406-3 was billed \$9,562.00; and Account ID #3406-2 was billed \$14,174.42 for a total amount of \$36,276.92; and

WHEREAS, the General Manager at the Holiday Inn has requested that the Borough of Totowa allow for a 12-month payment plan on all fourth quarter 2017 billing and to waive the interest charges during the 12-month period; and

WHEREAS, the Water Registrar has determined that the Holiday Inn shall pay monthly payment amounts of \$3,023.08 for the next 12-months beginning July 1, 2018 and ending on June 1, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby approve the 12-month payment plan and the waiving of interest charges during this time for the fourth quarter 2017 billing for the Holiday Inn.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Totowa that if the monthly payments are not made in a timely manner and/or the entire balance is not paid in full by June 1, 2019, then the interest will be charged back to the original due date on any unpaid balance.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Totowa that the Borough Clerk shall send a copy of the resolution to the Water Registrar.

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from the St. James Seniors requesting permission to use the Municipal Parking Lot on July 31, 2018 for a bus trip. 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 approve Payment Estimate No. 3 in the amount of \$165,904.20 to All State Technology, Inc. for the Municipal Pool Rehabilitation. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Approving The Menu And Price List For 2018 For The Totowa Swimming Pool. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 78-2018

#### RESOLUTION APPROVING THE MENU AND PRICE LIST FOR 2018 FOR THE TOTOWA SWIMMING POOL

WHEREAS, the Borough of Totowa Board of Recreation has requested permission to sell drinks and snacks from the Totowa Swimming Pool Concession stand for the 2018 Pool season; and

WHEREAS, the Mayor and Council of the Borough of Totowa after conferring with the Board of Recreation and for good cause shown has approved the following 2018 menu and Price List for the Totowa Swimming Pool: and

2018 Menu and Price List

Chips	\$ .50
Drinks	\$1.00
Ice Cream	\$2.50

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa has adopted the aforementioned Menu and Price List for the Totowa Swimming Pool.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Addendum To Developer's Agreement Dated May 4, 2018 By And Between The Borough Of Totowa, Hereinafter Referred To As The "Borough" And Sunset Ridge Development, Hereinafter Referred To As The "Developer". On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 79-2018

RESOLUTION AUTHORIZING THE ADDENDUM TO DEVELOPER'S AGREEMENT  
DATED MAY 4, 2018 BY AND BETWEEN THE BOROUGH OF TOTOWA,  
HEREINAFTER REFERRED TO AS THE "BOROUGH" AND SUNSET RIDGE  
DEVELOPMENT, LLC, HEREINAFTER REFERRED TO AS THE "DEVELOPER"

WHEREAS, Sunset Ridge Development, LLC, (hereinafter "Sunset Ridge") is the owner of real property commonly known and designated as Block 2, Lots 1, 2, 3 & 4 and Block 3, Lots 1, 1.01, 3, 6, 7 & 8 on the official Tax and Assessment Map of the Borough of Totowa and is located at 617 Preakness Avenue in the I-3 Restricted Industry District; and

WHEREAS, Sunset Ridge filed an application for to development with the Borough of Totowa Zoning Board of Adjustment for preliminary and final site plan approval for the 617 Preakness Avenue property; and

WHEREAS, the Borough of Totowa Zoning Board of Adjustment at its public meetings held on June 8, 2016 and July 13, 2016 granted the preliminary and final site plan approval for the application filed by Sunset Ridge for the 617 Preakness Avenue property, subject to certain conditions and restrictions; and

WHEREAS, one of the conditions of the approval granted by the Borough of Totowa Zoning Board of Adjustment was the requirement that Sunset Ridge enter into a Developer's Agreement with the Borough of Totowa; and

WHEREAS, by Resolution No. 128-2017 dated December 12, 2017, the Mayor and Council of the Borough of Totowa authorized the Municipal Attorney of the Borough of Totowa to prepare the Developer's Agreement with Sunset Ridge Development, LLC; and

WHEREAS, by Resolution No. 49-2018 dated March 27, 2018, the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into a Developer's Agreement with Sunset Ridge Development, LLC; and

WHEREAS, an additional condition of the approval granted by the Borough of Totowa Zoning Board of Adjustment was the requirement that Sunset Ridge was to obtain an "Interlocal Service Agreement" between the Borough of Totowa and Township of Wayne for sanitary sewer and water; and

WHEREAS, on January 18, 2018, the Borough of Totowa and Township of Wayne entered into said Interlocal Service agreement; and

WHEREAS, it was necessary to issue an Addendum to the Developer's Agreement to incorporate the terms of the Interlocal Service Agreement; and

WHEREAS, pursuant to the Addendum, Sunset Ridge has also agreed to include specific language in all Deeds transferring property referencing the terms of the Interlocal Service Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Addendum to the Developer's Agreement between the Borough of Totowa to enter into a with Sunset Ridge Development, LLC.

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 LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Renewal Of Division Of Alcoholic Beverage Control Liquor Licenses For The 2018 – 2019 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 80-2018

RESOLUTION AUTHORIZING THE RENEWAL OF  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSES  
FOR THE 2018 – 2019 LICENSE TERM

WHEREAS, Division of Alcoholic Beverage Control (ABC) liquor licenses that have been issued by the Borough of Totowa during the 2017 – 2018 license term will expire on June 30<sup>th</sup>; and

WHEREAS, State and Municipal regulations require that ABC liquor licenses be renewed prior to July 1, 2018; and

WHEREAS, the Division of Alcoholic Beverage Control (ABC) has introduced POSSE ABC, an electronic web based licensing system; and

WHEREAS, licensees have filed their renewal applications online through POSSE ABC, have received their Alcoholic Beverage Retail Licensee Clearance Certificate and have paid their State and Municipal fees.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Municipal Clerk be authorized to issue an ABC License to the following licensed premises for the 2018 – 2019 license term.

1612-33-001-010	Apple Food Service of Totowa, Inc.
1612-33-003-004	Anthony Murphy, Inc.
1612-33-004-007	Murphy's Steakhouse, LLC
1612-33-005-003	The Bethwood Corporation
1612-44-006-005	DTJ, Ltd.
1612-33-007-005	Crestview Motel, Inc.
1612-33-008-009	Balcony Holdings, LLC
1612-44-009-007	Daystar Trading Company
1612-33-010-009	New Sushi, LLC

1612-33-011-005 Totowa Barnyard, Inc.  
1612-31-012-001 Totowa Boro Memorial Post #227  
1612-31-013-001 Italian American Ind Club of Totowa  
1612-31-014-001 Passaic Valley Elks Lodge BPOE #2111

There being no further business to come before the Council, there was a motion by Councilman D'Angelo, seconded Councilwoman Andriani by 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