

**BOROUGH OF TOTOWA**

**MINUTES OF THE MAYOR AND COUNCIL**

**YOUTH WEEK**

**May 23, 2023**

**PRESENT:** Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, Councilman Patrick Fierro, Municipal Clerk Joseph Wassel and Municipal Attorney Kristin Corrado.

**ABSENT:** Councilman Sanders Reynoso.

Mayor John Coiro called the meeting to order and asked Municipal Clerk Wassel to call the roll.

Mayor Coiro congratulated everyone on winning their respective elections and welcomed them all to the Youth Week Council Meeting.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt the following resolution authorizing the Youth Week Elected Officials to act in the place and stead of the Duly Elected Mayor and Council of the Borough of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

**RESOLUTION NO. 66-2023**

**YOUTH WEEK RESOLUTION**

WHEREAS, in the observance of Youth Week, students have been designated in the place and stead of the Mayor and Council of the Borough of Totowa; and

WHEREAS, the said students shall conduct the business of the said Governing Body of the Borough of Totowa under the guidance of the duly elected Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey, that any and all actions taken on behalf of said Governing Body are hereby and herewith ratified and confirmed as the official actions of the Mayor and Council as if the same were acting directly and in person.

Youth Week Mayor Francis Juliano called the meeting to order and asked Borough Clerk Scott Trajkoski to call the roll of the 2023 Youth Week Council.

**PRESENT:** Mayor Francis Juliano, presiding, Councilwoman Amelia DelGaudio, Councilwoman Emily Domingues, Councilwoman Juliana Mc Nerney, Councilwoman Jaylanie Guzman, Councilman Victor Juarez, Councilwoman Gianna Madrid, Municipal Clerk Scott Trajkoski and Municipal Attorney Saul Claudio.

**ABSENT:** None.

Mayor Juliano asks everyone to stand for the Prayer and Pledge of Allegiance to the Flag.

Borough Clerk Trajkoski recited the following Prayer of the Meeting: Dear Lord: the Mayor and Council pray, that courage and strength abundant be given that the actions of this Council be of benefit to all of the residents of the Borough of Totowa. Lord: we also pray, that you give courage and strength to the Youth Week Mayor, Council and Officials, so that we may fulfill our duties—under the guidance of this duly elected Mayor and Council—to the best of our abilities. And Lord: may you bless our families and friends, teachers and school officials, who have come out tonight, for all of their love and support.

Borough Clerk Trajkoski led everyone in the Pledge of Allegiance to the Flag with the public participating.

Mayor Juliano asked Borough Clerk Trajkoski to read the statement of the meeting.

Borough Clerk Trajkoski reads the following statement: This meeting of the Mayor and Council held on this day is being held in accordance with Chapter 231, Public Laws 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 Borough Clerk.

Mayor Juliano asked if any Members of the Council, the Borough Clerk or the Borough Attorney wished to address the Council.

Borough Attorney Saul Claudio: Gave the following report.

Honorable Mayor and Council:

Please be advised that the Borough of Totowa has been named as a defendant in several lawsuits over the past few months with each plaintiff alleging that they were injured as a result of dangerous conditions within the municipality. Two involve slip and fall accidents on sidewalks in front of local businesses while the third litigant fell off of his bike. Each lawsuit states that the individual fell due to a defective condition or lack of maintenance outside the property. And each lawsuit further alleges that the Borough failed to maintain the property and is therefore responsible for the injuries sustained.

New Jersey law requires a party who intends to sue a municipality to first serve a Notice of Tort Claim on the governing body within 90 days of the incident occurring. All 3 of these litigants previously complied with that requirement and filed Tort Claims with the Borough. The Tort Claims were forwarded to Totowa's insurance carrier who undertook an investigation of each incident. In each instance, the investigation found there was no prior notice of an alleged dangerous condition and there were no prior complaints received by the Borough regarding the section of sidewalk. Accordingly, all 3 Tort Claims were denied by the insurance company.

Even though the Tort Claims were denied, each party has proceeded with a lawsuit against the commercial property owner and the Borough of Totowa. The amount of damages being sought are not specified at this time.

We will be filing motions to have the lawsuits against Totowa dismissed with prejudice based on the Tort Claim denials. In addition, Totowa's Code Book regulations provide that the property owners are responsible for the maintenance of the sidewalks abutting their property.

I will continue to keep you informed as these lawsuits proceed.

Saul Claudio  
Municipal Attorney

Mayor Juliano asked if any citizens wished to be heard.

## CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilwoman DelGaudio, seconded by Councilwoman Domingues to approve the Minutes of the Mayor and Council for the meeting of May 9, 2023. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

## COMMITTEE ON FINANCE:

Borough Clerk Trajkoski announced that we will now have a report from the Tax Assessor and then the Tax Collector.

Tax Assessor Chase Arrindell: Gave the following report.

Honorable Mayor and Council:

2023 began with an increase in total ratables from 2022 of approximately 18.6 million dollars. This increase was due to Added assessments, completion of the new residential units on Preakness Avenue and completion of the Data Center on Union Boulevard. The Assessment/Sales ratio decreased from 86.18% to 70.94%.

The 2023 Tax Appeal deadline was April 1<sup>st</sup>. The Passaic County Board of Taxation has received 1,344 appeals, of which 10 were filed by Totowa taxpayers. These appeals will be heard on June 22<sup>nd</sup>. 14 State Tax Court appeals were filed. 12 Tax Court cases have been settled or withdrawn over the past year, leaving a pending total of 73 at the State level. The Borough Tax Counsel, appraiser and I continue to negotiate settlements or prepare for trial.

257 deeds were processed in 2022 which is a slight decrease from the year prior. Of these 257, 176 involved an exchange of money. So far for 2023, 51 deed transactions have been recorded, but only 23 are considered valid for sales analysis.

As always, should you have any questions or comments, please stop by the office.

Chase Arrindell  
Tax Assessor

Tax Collector Carl Ricca: Gave the following report.

Honorable Mayor and Council:

In Totowa, there are 3,817 line items in total. Seventy-five (75) are for vacant land and 3,426 are for residential properties. There are 231 commercial properties, eighty industrial properties, three apartment buildings, and two farms. In addition, there are 143 exempt properties, nine railroad properties, two schools, eighty-five public properties, eight charitable properties, nine cemeteries and thirty-nine miscellaneous items.

Taxes collected in the year 2023 thus far equal \$28,784,876.35 and we have collected 2022 past due taxes in the amount of \$310,910.71. The amount distributed to the County/Open Space and Added Assessment taxes are \$9,216,603.08. Totowa Schools received \$7,011,974.60 and Passaic Valley High School received \$4,353,824.16. Our collection percentage rate for 2022 was reported at 97.62%.

Regarding tax deductions given in the Borough of Totowa for 2023, they are as follows: fifty-nine senior citizens, ten disabled person 141 veterans and thirty-seven widow of veterans.

Reporting on our tax liens, there is one outside lien and no municipal liens.

Carl Ricca  
Tax Collector

There was a motion by Councilwoman Domingues, seconded by Councilwoman DelGaudio to approve Resolution No. 2023-12 for the payment of bills. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

There was a motion by Councilwoman Domingues, seconded by Councilwoman DelGaudio to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners pursuant to State Tax Court judgments. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

### RESOLUTION

WHEREAS, there has been a State Tax Court Judgment to reduce the evaluation on the following.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the Borough of Totowa is authorized to refund this amount.

<u>Block</u>	<u>Lot</u>	<u>Property/Owner</u>	<u>Payable To:</u>	<u>Year</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
9.05	10	Rabboh Fakher 9 Huntington Terr	Spiotti & Assoc., PC	2022	1,080,300	1,050,000	\$738.71

Mail to:  
Spiotti & Associates  
Attn: Robert Spiotti  
612 Godwin Ave.  
Midland Park, NJ 07432

There was a motion by Councilwoman Domingues, seconded by Councilwoman DelGaudio to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners pursuant to overpayment of 2<sup>nd</sup> Quarter 2023 taxes. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

### RESOLUTION

WHEREAS, there has been an overpayment of 2nd quarter 2023 taxes on the property 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
59	1	320 Lincoln Avenue 320 Lincoln Holdings	Corelogic Attn:Refund Dept. PO Box 9202 Coppell, TX 75019-9760	\$2,554.26
111	18	267 Grant Avenue Jane & Lewis Kelly	Corelogic Attn:Refund Dept. PO Box 9202 Coppell, TX 75019-9760	\$1,481.69

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.

There was a motion by Councilwoman Domingues, seconded by Councilwoman DelGaudio to adopt the following Resolution To Amend The Cash Management Plan Of The Borough Of Totowa. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

RESOLUTION NO. 67-2023

RESOLUTION TO AMEND THE CASH MANAGEMENT PLAN  
OF THE BOROUGH OF TOTOWA

WHEREAS, P.L. 1983, Chapter 8, Local Fiscal Affairs Law, N.J.S.A. 40A:5-2, has been amended to require that each municipality designate a Cash Management Plan for the deposit of each local unit's monies.

NOW, THEREFORE, BE IT RESOLVED, that the following Cash Management Plan of the Borough of Totowa be and is hereby amended and adopted, as follows:

A. DESIGNATION OF OFFICIAL DEPOSITORIES:

The following financial institutions are designated official depositories:

1. LAKELAND BANK  
NORTH JERSEY FEDERAL CREDIT UNION  
VALLEY BANK  
WELLS FARGO BANK  
UNITY BANK
2. Designated official depositories are required to submit to the Chief Financial Officer of the Borough of Totowa a copy of the State of New Jersey, Department of Banking, Governmental Unit Deposit Protection Act Notification of eligibility, which must be filed semiannually in the Department of Banking as of June 30th and December 31st of each year. Said Notices must be available for annual audit.
3. Designated official depositories are required to submit to the Chief Financial Officer a copy of the institution's "Annual Report" on an annual basis.

All other provisions of Resolution No. 03-2023 shall remain unchanged and in full force and effect.

## COMMITTEE ON PUBLIC SAFETY:

Borough Clerk Trajkoski announced that we will have a report from the Police Chief and then the Fire Chief.

Police Chief Angelo Di Blasio: Gave the following report.

Honorable Mayor and Council:

Good evening. I would like to report that in the past two weeks our Police Department has responded to approximately one thousand calls for service. These calls include numerous alarms, thefts, frauds, arrests, and motor vehicle crashes to name a few.

We are currently preparing an operations plan to put in place for the upcoming Memorial Day Parade. The Parade will be taking place on Sunday, May 28<sup>th</sup> with a kickoff time of 1:00pm. Staging for the parade will be held in the new Municipal parking lot located behind our headquarters on Peterson Road. The Parade will be stepping off at the intersection of Union Boulevard and Crews Street. We will hopefully have great weather for our residents to enjoy the day. I am pleased to report that the American Legion will be holding their annual barbeque afterwards as well.

With the end of the school year coming up we are preparing to step up our speeding enforcement throughout the Borough since there will be more kids out and about due to the summer break. We will be participating in several Aggressive Driving Task Forces during the Summer Months, as well as several Drunk Driving Checkpoints. As some have noticed, we have recently installed speed/radar signs throughout the borough to remind people of the speed limits and to help encourage people to slow down. We have also been deploying our two speed sign trailers in areas with speeding complaints until we are able to obtain additional signs.

Towing applications for the upcoming year were due at the end of April. The following towing contractors submitted applications to Officially Tow for The Totowa Police Department:

1. Pohlman's Gulf
2. Frank Leah Towing Services
3. North Jersey Towing and Recovery
4. Totowa Tire Service
5. J & M Towing
6. Camp Auto and Trucking Parts Inc
7. Raven Towing and Recovery

As always, we look forward to the summer months and I would like to wish everyone a safe, happy, and healthy summer.

Angelo Di Blasio  
Chief of Police



Fire Chief Mason Condon: Gave the following report.

Honorable Mayor and Council:

This evening I am pleased to report, the Totowa Fire Department is ready, willing and able to serve the Borough, fully trained and equipped, when called upon to protect our residents and their property from fire or any other hazardous incidents. Our group of volunteers respond seven days a week, twenty-four hours a day, 365 days a year regardless of weather and time of day. Our members not only have the support of their families and loved ones they are also thankful to have the Borough's Administrative support by providing us with the finest equipment available.

To date, we have responded to 140 alarms, ranging from smoke alarm activations to unfortunately a house fire that resulted in severe damage to one of our resident's homes. Thankfully no one was injured but the family did suffer the loss of their pets.

This year we celebrate 115 years of service to our community and look forward to protecting our residents and businesses for years to come.

Mason Condon  
Fire Chief

There was a motion by Councilwoman DelGaudio, seconded by Councilwoman Guzman to table the Resolution Authorizing The Borough Of Totowa Towing List For 2023/2024 License Term for further review. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

#### COMMITTEE ON PUBLIC WORKS:

Borough Clerk Trajkoski announced that we will now have a report from the Superintendent of Public Works.

Superintendent of Public Works Anthony Paese: Gave the following report.

Honorable Mayor and Council:

This time of year, the Department of Public Works is very busy getting all the parks and fields in the Borough of Totowa cleaned up from the winter months. We are also aerating fields and parks with reseeded, in addition to mulching and planting 325 flowers along Union Boulevard, the PAL grounds and the Borough Hall.

We have started working on the Town Pool by replacing the two pumps for the filters. We are also sealing and replastering the cracks throughout the pool.

We recently upgraded 2 of our 7 sewer stations with new PLC computer systems so that we can monitor the sewers more accurately.

AJM Contractors just finished milling and paving all the streets in Arlington Estates. The next group of streets to be paved will be Winifred Drive, Liberty Ridge Trail and Centennial Court, all of which will be funded through a grant from the Department of Transportation.

Next month, we will begin our annual fire hydrant flushing program which consists of exercising and flushing approximately 515 fire hydrants throughout the borough.

Riverview Park's playground equipment was recently replaced with all new equipment and poured rubberized flooring which was all paid for through Open Space Grants.

Anthony Paese  
Superintendent of Public Works

There was a motion by Councilwoman McNerney, seconded by Councilman Juarez to refer the new Model Code Coordinated Flood Damage Prevention Ordinance to our Floodplain Administrator for review. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

Borough Clerk Trajkoski announced that we will now have a report from the Municipal Engineer.

Borough Engineer Sydney VanWinkle: Gave the following report.

Honorable Mayor and Council:

Each year the State of New Jersey Department of Transportation provides municipal aid funding to municipalities throughout the state so they can construct transportation improvements in their home venues. The procedure begins with an application process. In our case, the Borough of Totowa selected several roads which needed to be repaved with crosswalks repainted and corner access ramps installed in compliance with the ADA (American Disabilities Act) so individuals in wheelchairs can ramp into the crosswalk from the sidewalk without having to mount curbs.

The Borough selects the roads they want to repair and the engineer measures them to estimate the quantities needed to complete the work. Then the engineer assigns values to each of the necessary work items to develop a total cost estimate.

The application is then submitted to the New Jersey Department of Transportation with the cost estimate and a location map. The Department of Transportation has a complex formula to give points to the application based on criteria that best satisfy the DOT's goals of improving transportation infrastructure. The roads that carry the most traffic, for instance, receive more points than roads with few cars. Along with many other comparative criteria each application is rated in a hierarchy that determines the share of available funding a project will receive.

The last award covered Cumberland Avenue, Hamilton Trail and Sterling Terrace for which Totowa received a grant award of \$307,100.00. As the Borough Engineers, we prepared plans and specifications so eligible contractors could provide a price all based on the same work. None of the contractors can see the other's price until the designated day when everyone's bids are received and then all opened at the same time. The contractor with the lowest price wins the bid. If the price is acceptable the municipality awards the project to the low bidder and the engineer administers the project to ensure quality workmanship and fair payment.

Sydney VanWinkle  
Borough Engineer

There was a motion by Councilwoman Guzman, seconded by Councilwoman Madrid to adopt the following Resolution Authorizing Veteran Affordable Housing Services For The Borough Of Totowa. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

#### RESOLUTION NO. 68-2023

#### RESOLUTION AUTHORIZING VETERAN AFFORDABLE HOUSING SERVICES FOR THE BOROUGH OF TOTOWA

WHEREAS, the Borough of Totowa has previously adopted a Housing Element and Fair Share Plan which is compliant with its constitutional obligation to provide its fair share of the regional need for very-low-, low-, and moderate-income housing; and

WHEREAS, the Borough of Totowa's adopted Housing Element and Fair Share Plan will result in the creation of housing units affordable to and intended for occupancy solely by qualified very-low-, low-, and moderate-income households; and

WHEREAS, the Mayor and Council of the Borough of Totowa have also purchased several properties dedicated for Veteran Family Housing as part of the Borough of Totowa Affordable Housing Trust Fund Spending Plan; and

WHEREAS, the Administrative Agent for Veteran Affordable Housing shall assist the Borough of Totowa with complying with the State of New Jersey's affordable housing regulations in the areas of income qualifications, affordable rents and sale prices and affirmative marketing plans; and

WHEREAS, the Borough of Totowa solicited proposals from firms qualified to serve as the Veteran Affordable Housing Agent for the Borough of Totowa; and

WHEREAS, the Borough of Totowa did receive proposals at its Municipal Building on May 23, 2023; and

WHEREAS, New Jersey SOS Veteran Stakeholder Group, 8-22 Chester Street, Fair Lawn, New Jersey 07410 has submitted a proposal to provide the required professional services, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, New Jersey SOS Veteran Stakeholder Group possesses the necessary experience and expertise to provide the professional administrative services; and

WHEREAS, for providing the required services, the Borough of Totowa will compensate Community Grants, Planning & Housing in accordance with the Fee Schedule set forth in their proposal; and

WHEREAS, the term of this contract shall be for a period effective as of May 23, 2023 and terminating on December 31, 2023; and

WHEREAS, the professional affordable housing administrative agent services shall be awarded as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.

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 contract with New Jersey SOS Veteran Stakeholder Group as the Veteran Affordable Housing Administrative Agent to the Borough of Totowa and provide professional services.

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 LIAISON & INSPECTION:

A letter of resignation was received from Zoning Board of Adjustment Commissioner Joseph Masi. There was a motion by Councilwoman Madrid, seconded by Councilwoman McNerney to accept his resignation and send him a letter of thanks. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

There was a motion by Councilwoman Madrid, seconded by Councilwoman McNerney to approve the painting of a pickleball court on the tennis court at the PAL. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Juarez, seconded by Councilwoman Domingues to introduce on first reading and advertise for public hearing the following entitled ordinance. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

**ORDINANCE NO. 07-2023**

**A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$1,095,000  
FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS TO BE  
UNDERTAKEN BY THE BOROUGH OF TOTOWA**

There was a motion by Councilman Juarez, seconded by Councilwoman Domingues to approve Raffle License Application No. 2317 for St. James of the Marches Church for a Calendar Raffle for the months of August, September, October, November & December 2023. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

There was a motion by Councilman Juarez, seconded by Councilwoman Domingues to approve Raffle License Application No. 2318 for the Borough of Totowa First Aid Squad, Inc. for an Off-Premise 50/50 to be held on August 12, 2023. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

There was a motion by Councilman Juarez, seconded by Councilwoman Domingues to motion to approve Raffle License Application No. 2319 for the BPOE #2111 Passaic Valley Elks for an On-Premise 50/50 to be held on June 23, 2023. On roll call vote, all members of the Youth Week Council present voted in the affirmative.

There being no further business to come before the Council, there was a motion by Councilwoman DelGaudio, seconded by Councilwoman Domingues 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