

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

April 9, 2019

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 hold a public hearing on the 2019 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 Nos. 03-2019 & 04-2019 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that the 2019 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, April 9, 2019.

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 2019 Open Space grant application.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: Asked what this project entails. Mayor Coiro: Explained that we are applying for lights for the football field and the Lincoln 90 baseball field and this is the first step in the grant application process.

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. 52-2019

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 \$484,000; 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 will seek other sources of funding to complete the project or modify the scope of work for 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 Nos. 03-2019 & 04-2019 have been advertised for public hearing for Tuesday, April 9, 2019.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 03-2019.

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 wished to be heard on Ordinance No. 03-2019.

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. 03-2019 by title:

ORDINANCE NO. 03-2019

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 415 ENTITLED "ZONING AND LAND USE", ARTICLE IV, "FEES AND
ESCROW", SECTION 12, "APPLICATION FEES"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 03-2019 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 04-2019.

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 wished to be heard on Ordinance No. 04-2019.

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. 04-2019 by title:

ORDINANCE NO. 04-2019

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 153 ENTITLED "CONSTRUCTION CODES, UNIFORM",
ARTICLE II, "BUILDING CONSTRUCTION FEES"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 04-2019 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.

Councilman D'Angelo: 1) Warned everyone about complaints he received about long distance calls coming from out of the country and said do not answer these calls because it's a scam; 2) Said that he has had coyotes in his backyard and our Animal Control Officer doesn't respond to this type of call and was told to call New Jersey Wildlife who told him to place moth balls around the property and that if they cause damage to your property they can be killed.

Councilwoman Andriani: Announced the following: 1) St. James along with our Public Health Nurse Darlene Walsh will hold their annual Blood Drive on Good Friday, April 19th; 2) The Health Department will have their annual S.M.A.C. Blood Screening on May

1st and pre-registration is required; 3) The Annual Bunny Breakfast was held this past Saturday and the Board of Recreation did a great job. Recreation Director Mark Monteyne: Thanked the Mayor and Council for their support and said it was a good turnout.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: Said that on Union Boulevard down by the cemetery one of our old fashioned street lights is damaged and should be replaced. Mayor Coiro: Responded that they are PSE&G lights and we report any damage or outages to them and they make the repairs or replacement.

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 March 26, 2019. 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. 2019-09 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 #15-00004 for 45 Norwood Terrace, Block 122, Lot 13. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Certificate of Sale Number 15-00004
Block 122, Lot 13
Property: 45 Norwood Terrace Totowa, New Jersey
Owner: Osorio Vladimir & Melissa

WHEREAS, at the Municipal Tax Sale on 10/22/15, a lien was sold on Block 122, Lot 13; and

WHEREAS, this lien known as Tax Sale Certificate Number 15-00004, was struck off to the Borough of Totowa for a 18% redemption fee; and

WHEREAS, Attorney Michael Nelms representing the Mortgagee, Louise Piescienski of the property, has effected redemption of Certificate Number 15-00004 in the amount of \$9,876.09 as of April 9, 2019

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Totowa are hereby authorized to endorse Certificate No. 15-00004 for cancellation.

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

RESOLUTION NO. 53-2019

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2016, 2017 AND 2018 TAX APPEALS ENTITLED PSE&G 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.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Emergency Temporary Appropriation. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 54-2019

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergent condition has arisen with respect to current fund appropriations; and

WHEREAS, no adequate provision has been made in the 2019 temporary budget for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2019 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$1,130,000.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa (not less than two-thirds of all members affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20 that emergency temporary appropriations be made and that said emergency temporary appropriations shall be provided for in full in the 2019 municipal budget so adopted:

CAPITAL IMPROVEMENTS – EXCLUDED FROM “CAPS”

Acquisition of Property	<u>\$725,000</u>
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There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution To Introduce The 2019 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 55-2019

RESOLUTION TO INTRODUCE THE 2019 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Borough of Totowa, Passaic County, New Jersey for the year 2019.

BE IT FURTHER RESOLVED, that the said Budget be published in The North Jersey Herald and News in the issue of May 3, 2019, and that a hearing on the Budget will be held at the Municipal Building on May 14, 2019 at 8:00 P.M. or as soon thereafter as the matter may be reached.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve payment of the 2nd Quarter 2019 Budget Allotment to the Borough of Totowa Public Library in the amount of \$177,366. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve a grade increase for Patrol Officer Meagan Akins from Grade 6 Patrol Officer to Grade 5 Patrol Officer. 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 a grade increase for Patrol Officer Nicholas Macaluso from Grade 8 Patrol Officer to Grade 7 Patrol Officer. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

A letter was received from the New Jersey Department of Transportation advising that the Borough has been selected to receive funding from their FY 2019 Municipal Aid Program for Peterson Road, Washington Place and Young Avenue in the amount of \$334,000. There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to accept the funds. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into A Real Estate Sales Contract For The Purchase Of 311 Totowa Road. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 56-2019

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO A REAL ESTATE SALES CONTRACT FOR THE PURCHASE OF 311 TOTOWA ROAD

WHEREAS, New Jersey Community Capital Nys Crf REO Subsidiary, LLC (“New Jersey Community Capital”), 108 Church Street, 3rd Floor, New Brunswick, New Jersey 08901 is the owner of property located at 311 Totowa Road in the Borough of Totowa and identified as Block 117, Lot 58 on the official tax map of the Borough of Totowa; and

WHEREAS, this property is located near the Borough of Totowa’s Memorial School and is currently listed for sale; and

WHEREAS, the Mayor and Council of the Borough desire to acquire this property in order to provide municipal parking for the residents of the Borough of Totowa; and

WHEREAS, the Borough of Totowa has made an offer in the amount of \$315,000.00 to purchase the property and this offer has been accepted by New Jersey Community Capital; and

WHEREAS, the Mayor and Council desire to memorialize the terms and conditions of the purchase of 311 Totowa Road in a Real Estate Sales Contract; and

WHEREAS, the Mayor and Council of the Borough of Totowa further desire to authorize the purchase of this property.

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 Real Estate Sales Contract with New Jersey Community Capital for the purchase of property located at 311 Totowa Road in the Borough of Totowa and identified as Block 117, Lot 58 on the official tax map of the Borough of Totowa; and

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.

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into A Real Estate Sales Contract For The Purchase Of 320 Totowa Road. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 57-2019

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO A REAL ESTATE SALES CONTRACT FOR THE PURCHASE OF 320 TOTOWA ROAD

WHEREAS, Carmen Gaeta, 154 Newark Pompton Turnpike, Little Falls, New Jersey 07424 is the owner of property located at 320 Totowa Road in the Borough of Totowa and identified as Block 30, Lot 1 on the official tax map of the Borough of Totowa; and

WHEREAS, this property is located near the Borough of Totowa's Memorial School and is currently listed for sale; and

WHEREAS, the Mayor and Council of the Borough desire to acquire this property in order to provide municipal parking for the residents of the Borough of Totowa; and

WHEREAS, the Borough of Totowa has made an offer in the amount of \$397,000.00 to purchase the property and this offer has been accepted by Carmen Gaeta; and

WHEREAS, the Mayor and Council desire to memorialize the terms and conditions of the purchase of 320 Totowa Road in a Real Estate Sales Contract; and

WHEREAS, the Mayor and Council of the Borough of Totowa further desire to authorize the purchase of this property.

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 Real Estate Sales Contract with Carmen Gaeta for the purchase of property located at 320 Totowa Road in the Borough of Totowa and identified as Block 30, Lot 1 on the official tax map of the Borough of Totowa; and

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.

A letter was received from the St. James Italian Society requesting permission to use the Municipal Parking Lot on the following dates: April 28, August 15, September 21 and December 1, 2019. 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:

A letter of resignation was received from Pool Secretary Pamela Steinhilber-Daub. There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to accept her resignation with regrets and send her a letter of thanks. 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 Councilwoman Andriani, seconded by Councilman Bucher to hire Lynn Tedeschi as the Pool Secretary. On roll call vote, all members of the Council present voted in the affirmative.

A letter from the Totowa PAL inviting the Mayor and Council to their Baseball and Softball Opening Day ceremony to be held on Saturday, April 13, 2019 at 10:00 a.m. was received and filed.

A letter from American Legion Memorial Post No. 227 inviting the Mayor and Council to participate in their Annual Memorial Day Parade on Sunday, May 26, 2019 at 1:00 p.m. was received and filed.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Palazzo, 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. 05-2019

**CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH
A CAP BANK (N.J.S.A. 40A:4-45.14)**

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Raffle License Application No. 2158 for the Borough of Totowa Public Library Foundation for an Off-Premise 50/50 to be held on June 8, 2019. 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.

Joseph Wassel, RMC
Municipal Clerk