

## BOROUGH OF TOTOWA

### MINUTES OF THE MAYOR AND COUNCIL

**June 27, 2023**

**PRESENT:** Mayor John Coiro, presiding, 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:** Council President Lou D'Angelo.

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.

Mayor Coiro asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

There were no reports.

#### CITIZENS HEARD:

Christina Priore, 28 Elizabeth Place: Said that she is the landlord and was receiving text messages from her tenants about the flooding that happened on Sunday and asked if the catch basins are cleaned and, if so, when was the last time they were cleaned out. Mayor

Coiro: Asked DPW Superintendent Jim Niland to respond. DPW Superintendent Niland: Replied that the catch basins are cleaned out twice a year and the catch basin grates are cleaned before a storm. Mayor Coiro: Explained that that location is the low point on the road and that the system can handle a rainstorm if it's over a period of time, but this past Sunday we had a deluge of rain. Christina Priore: Asked for the dates when the catch basins were cleaned. DPW Superintendent Niland: Said he would check his records in his office and give her a call.

There was a motion by Councilman Picarelli, seconded by Councilman Bucher to approve the Minutes of the Mayor and Council for the meeting of June 13, 2023. 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 Capo to approve Resolution No. 2023-14 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 Capo to adopt the following Resolution To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Community Affairs For The Lead Grant Assistance Program. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 74-2023

#### RESOLUTION TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE LEAD GRANT ASSISTANCE PROGRAM

WHEREAS, effective July 22, 2022, the Legislature enacted P.L. 2021, c. 182, "An Act concerning certain lead-based paint hazard, and residential rental property, and establishing lead-based paint hazard programs, supplementing P.L. 2003, c. 311 (C. 52:27D-437.1 et al.) amending various parts of the statutory law, and making an appropriation;" and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(1), a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures, is required to inspect for lead-based paint hazards in certain specified single-family, two-family, and multiple rental dwellings, at the time periods set forth in the statute; and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(2) a municipality that does not maintain such a permanent local agency must hire a lead evaluation contractor, certified to provide lead paint inspection services by DCA, or enter a shared services agreement as permitted by law, for the purpose of conducting the inspections for lead-based paint hazards; and

WHEREAS, Pursuant to Section 9 of P.L. 2021, c. 182, the State of New Jersey has allocated the sum of \$3,900,000 to effectuate the purposes of P.L. 2021, c. 182 (C. 52:27D-437.16). Further, pursuant to the FY 2023 Appropriations Act (P.L. 2022, Chapter 49), DCA received a grant-in-aid amount of \$3,900,000 for P.L. 2021, c. 182, for a total of \$7,800,000 in appropriations to effectuate the purpose of the Act.

WHEREAS, DCA has allocated \$7,000,000 of this appropriation to the development of the Lead Grant Assistance Program (“LGAP”) for the issuance of grant funds to municipalities for the purpose of assisting in municipal compliance with P.L. 2021, c. 182.

WHEREAS, the Division of Local Government Services (DLGS), within DCA, administers the LGAP; and

WHEREAS, the LGAP exists to provide funding to help off-set the costs to municipalities to provide the required inspections at stipulated times of certain single-family, two-family, and multiple rental dwelling units for lead-based paint hazards, pursuant to P.L. 2021, c. 182; and

WHEREAS, an authorized municipal officer must execute the attached grant agreement in order to receive LGAP funding.

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Borough of Totowa does hereby authorize the Mayor John Coiro to sign the attached grant agreement, and thus bind the Borough of Totowa to the grant agreement’s terms in order to receive the \$20,600 grant from the DLGS;

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Capo, seconded by Councilman Bucher to approve a fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for James E. Marshall for Riverview Park Fire Company #3. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Capo, seconded by Councilman Bucher to approve a Junior Firefighter application for Michael Felix McGovern, Jr. for Riverview Park Fire Company #3. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was no report.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilman Reynoso to adopt the following Resolution Approving Treatment Works Approval Application And Authorizing The Mayor To Execute The Statements Of Consent—NJDEP Form WQM-003 On Behalf Of The Borough Of Totowa For Englewood Lab, 20 Campus Road, Block 10.01, Lot 6. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 75-2023

RESOLUTION APPROVING TREATMENT WORKS APPROVAL APPLICATION  
AND AUTHORIZING THE MAYOR TO EXECUTE THE STATEMENTS OF  
CONSENT—NJDEP FORM WQM-003 ON BEHALF OF THE BOROUGH OF TOTOWA  
FOR ENGLEWOOD LAB, 20 CAMPUS ROAD, BLOCK 10.01, LOT 6

WHEREAS, Englewood Lab, 20 Campus Road, Totowa, New Jersey, 07512, Block 10.01, Lot 6 has made application to modify an existing TWA; and

WHEREAS, Englewood Lab, is required to apply to the New Jersey Department of Environmental Protection (NJDEP) for a Treatment Works Approval (TWA) due to the existing contribution flow being increased to a projected discharge of 14,228 gallons per day; and

WHEREAS, the Treatment Works Approval (TWA) permit application has been reviewed and approved by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Totowa, County of Passaic, State of New Jersey that the Mayor of the Borough of Totowa be and is hereby authorized to execute the Statements of Consent – NJDEP Form WQM-003 on behalf of the Borough of Totowa.

There was a motion by Councilman Capo, seconded by Councilman Reynoso to adopt the following Resolution Authorizing An Amendment To The Contract Between The Borough Of Totowa And Pact Two, LLC For The William Place Pump Station. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 76-2023

#### RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOROUGH OF TOTOWA AND PACT TWO, LLC FOR THE WILLIAM PLACE PUMP STATION UPGRADE

WHEREAS, the Borough of Totowa owns and operates the William Place Pump Station which receives sewage flow from various areas located throughout the Borough; and

WHEREAS, in 2021, the Mayor and Council of the Borough of Totowa authorized the Municipal Engineer to review the potential impact of several new developments connecting to the Borough's sanitary sewer systems to determine if the resulting flows may exceed the permitted allowable capacity of the William Place Pump Station; and

WHEREAS, the proposed scope of work includes but is not limited to developing base plans; determining baseline inflow conditions, the permitted pumping capacity and actual pumping capacity; reviewing the existing conditions, the permitted flows, the anticipated flows and operational issues of the sewer operator; preparing a report addressing the critical and recommended upgrades to the William Place Pump Station; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Borough of Totowa, William Place Pump Station Upgrade, Contract No. 2020-3"; and

WHEREAS, by Resolution No. 38-2021 dated February 23, 2021, the Mayor and Council of the Borough of Totowa authorized the award of a contract for the William Place Pump Station to PACT TWO, LLC, 554 Route 31 North, Ringoes, New Jersey 08851 in the amount of \$1,765,000.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, work on the William Place Pump Station upgrades was inadvertently delayed due in part to the global Covid pandemic which resulted in supply chain issues as well as an escalation in costs for the project; and

WHEREAS, the Mayor and Council of the Borough of Totowa wish to proceed with and complete the William Place Pump Station upgrades; and

WHEREAS, the Borough of Totowa and PACT TWO, LLC have agreed to amend the contract to include the additional costs for completion of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize an amendment to the contract between the Borough of Totowa and PACT TWO, LLC for the William Place Pump Station upgrades.

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.

There was a motion by Councilman Capo, seconded by Councilman Reynoso to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into An Encroachment Agreement For The Property Located At 1 Dey Hill Trail. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 77-2023

#### RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR THE PROPERTY LOCATED AT 1 DEY HILL TRAIL

WHEREAS, John and Matilda Sabatino are the owners of real property commonly known as 1 Dey Hill Trail and further identified as Block 9, Lot 50.01 on the official tax map of the Borough of Totowa, County of Passaic, State of New Jersey; and

WHEREAS, the Borough of Totowa retains a utility access easement on the aforementioned property; and

WHEREAS, Mr. and Mrs. Sabatino have requested permission from the Borough of Totowa to construct a two (2) foot wide, (6) foot high retaining wall on their property which will encroach on the Borough of Totowa's easement; and

WHEREAS, the Mayor and Council of the Borough of Totowa have consented to the request and will allow the retaining wall to be constructed on a portion of the utility access easement with the conditions that access to the easement not be impeded and that the wall be removed upon written notification from the Borough of Totowa in the event that it becomes necessary to utilize the easement; and

WHEREAS, Mr. and Mrs. Sabatino shall also indemnify and hold harmless the Borough of Totowa as long as the retaining wall remains on the Borough of Totowa's easement.

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 an agreement with John and Matilda Sabatino to allow a retaining wall to be constructed and encroach and remain on the Borough of Totowa's utility access easement in accordance with the aforementioned terms and conditions.

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.

A letter was received from the Totowa Seniors requesting permission to use the Municipal Parking Lot on Monday, October 2, 2023 for a trip to Wind Creek Casino in Bethlehem, PA. There was a motion by Councilman Capo, seconded by Councilman Reynoso 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 Councilman Reynoso, seconded by Councilman Bucher to adopt the following Resolution Approving The Menu And Price List For 2023 For The Totowa Swimming Pool. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 78-2023

RESOLUTION APPROVING THE MENU AND PRICE LIST FOR 2023  
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 2023 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 2023 menu and Price List for the Totowa Swimming Pool:

2023 Menu and Price List

Chips/Snacks	\$1.25
Water/Sparkling Water	\$1.50
Soda	\$2.00
Ice Cream	\$3.00

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 Councilman Reynoso, seconded by Councilman Bucher to adopt the following Resolution Authorizing Contract For Professional Planning Services For 2023. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 79-2023

RESOLUTION AUTHORIZING CONTRACT FOR  
PROFESSIONAL PLANNING SERVICES FOR 2023

WHEREAS, the Borough of Totowa requires the services of a professional planner to provide general consulting services on an as-needed basis to assist the Borough of Totowa, Planning Board and Board of Adjustment; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed proposals for the professional planning services in accordance with its specifications entitled "Request for Proposals for the Position of Municipal Planner for the Borough of Totowa"; and



WHEREAS, the Borough of Totowa did receive proposals at its Municipal Building on December 14, 2022; and

WHEREAS, the Liaison and Inspection Committee did examine all proposals for professional planning services; and

WHEREAS, Colliers Engineering & Design, having its principal place of business at 53 Frontage Road, Suite 110, Hampton, New Jersey 08827, has submitted a proposal to provide the required planning services, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the firm of Colliers Engineering & Design possesses the necessary experience and expertise to perform the professional planning services; and

WHEREAS, for providing the required services, the Borough of Totowa will compensate, Colliers Engineering & Design. in accordance with their proposal; and

WHEREAS, the term of this contract shall be effective as of the date of this Resolution and shall terminate on December 31, 2023; and

WHEREAS, the professional planning 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 Colliers Engineering & Design to serve as the Borough of Totowa Municipal Planner and provide professional planning 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 LEGISLATION & ORDINANCES:

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Renewal Of Division Of Alcoholic Beverage Control Liquor Licenses For The 2023 – 2024 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 80-2023

RESOLUTION AUTHORIZING THE RENEWAL OF  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSES  
FOR THE 2023 – 2024 LICENSE TERM

WHEREAS, Division of Alcoholic Beverage Control (ABC) liquor licenses that have been issued by the Borough of Totowa during the 2022 – 2023 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, 2023; 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 2023 – 2024 license term.

1612-33-002-005	The 46 Lounge, LLC
1612-33-003-004	Anthony Murphy, Inc.
1612-44-009-008	Totowa Fine Wine & Spirits, LLC
1612-33-010-009	New Sushi, LLC

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve the Application For Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the Totowa Fire Department to be held on July 8, 2023 from 7:00 p.m. – 12:00 a.m. 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 Picarelli, seconded by Councilman Bucher 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