

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

October 10, 2023

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

ABSENT: Councilman Patrick Fierro and Councilman Sanders Reynoso.

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:

Frank Grosso, 131 Shepherds Lane: Asked what the plan is for the Little Sisters of the Poor property. Mayor Coiro: Replied that is a good question and said we met with the Diocese of Paterson and Little Sisters, and we told them that we prefer to keep it as an assisted living facility, but, we're also sure that they will get other offers. Mr. Grosso:

Stated that he doesn't want any more traffic and said the speeding is bad. Mayor Coiro: Told him that Detective Sergeant Gary Bierach was sitting behind him and taking notes to send out the radar units.

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 September 26, 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 D'Angelo to approve Resolution No. 2023-21 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 Requesting Permission For The Dedication By Rider For Municipal Public Defender Fees Required By P.L. 1997, C. 256; N.J.S.A. 2B:24-17b. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 100-2023

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR MUNICIPAL PUBLIC DEFENDER FEES REQUIRED BY P.L. 1997, C. 256; N.J.S.A. 2B:24-17b

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, P.L. 1997, C. 256; N.J.S.A. 2B:24-17b provides for receipt of Municipal Public Defender fees by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Municipal Public Defender fees are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa, County of Passaic, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services that Municipal Public Defender fees be dedicated and made available for expenditures for said purpose in accordance with P.L. 1997, C. 256; N.J.S.A. 2B:24-17b.
2. The Municipal Clerk of the Borough of Totowa, County of Passaic is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Reimbursement For 2022 Street Lighting And Garbage Removal Costs To Falls Bridge Meadows Condominium Association Pursuant To The Municipal Services Act. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 101-2023

RESOLUTION AUTHORIZING REIMBURSEMENT FOR 2022 STREET LIGHTING AND GARBAGE REMOVAL COSTS TO FALLS BRIDGE MEADOWS CONDOMINIUM ASSOCIATION PURSUANT TO THE MUNICIPAL SERVICES ACT

WHEREAS, in accordance with New Jersey's Municipal Services Act, the Borough of Totowa is required to either perform certain specified services for qualified private communities or to reimburse these communities in accordance with the statute; and

WHEREAS, Falls Bridge is a residential town house and condominium community located in the Borough of Totowa within which all of the roads located throughout the development are private; and

WHEREAS, Falls Bridge Meadows Condominium Association is a not-for-profit entity that operates and administers the general affairs of this qualified private community as defined by N.J.S.A. 40:67-23.2; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment to the Falls Bridge Meadows Condominium Association for costs incurred in 2022 for street lighting and garbage removal services in accordance with the provisions of the Municipal Services Act.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to the Falls Bridge Meadows Condominium Association for reimbursement of costs incurred in 2022 for street lighting and garbage removal services pursuant to the terms of the New Jersey Municipal Services Act.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to acknowledge receipt of the Report of Audit for the year ended December 31, 2022 and that the recommendations will be reviewed by the Governing Body. 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 approve payment of the 4th Quarter 2023 Budget Allotment to the Borough of Totowa Public Library in the amount of \$290,095. 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 authorize the Borough Clerk and Borough Attorney to prepare and advertise for the RFP's for 2024 Professional Services. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was no report.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing The Purchase And Installation Of A Neptune 360 SaaS Platform System. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 102-2023

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A NEPTUNE 360 SaaS PLATFORM SYSTEM

WHEREAS, the Borough of Totowa Department of Public Works (“DPW”) Superintendent has requested the purchase and installation of an updated cloud-based water meter reading and data collection system for the Borough of Totowa Water Department; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this water utility Software as a Service (“SaaS”) for the Borough of Totowa Water Department; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase and installation of the updated cloud-based water data management system for the Borough of Totowa Water Department; 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 installation of Water Meters/Data Recorders & Radio Frequency Meter Interface Units; and

WHEREAS, RIO Supply, Inc. has submitted a proposal for the purchase and installation of one Neptune 360 SaaS Management Platform System and all related labor and equipment in the amount of \$19,165.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this software program and related equipment 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 installation of one Neptune 360 SaaS Management Platform System and all related labor and equipment from RIO Supply, Inc. in the amount of \$19,165.00.

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.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A request was received from iTV America to film on Artillery Park Road on Thursday, October 12, 2023 from 12:00 – 10:00 p.m. There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve the request. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Updating The Borough Of Totowa Personnel Policies And Procedures Manual. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 103-2023

RESOLUTION UPDATING THE BOROUGH OF TOTOWA
PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, it is the policy of the Borough of Totowa to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council of the Borough of Totowa had determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations; and

WHEREAS, by Resolution No. 111-2017 dated October 10, 2017, the Mayor and Council of the Borough of Totowa adopted the Personnel Policies and Procedures Manual for the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa periodically review the Personnel Policies and Procedures Manual for the Borough of Totowa to ensure that the policies are up to date and in compliance with all applicable Federal and State laws; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to update the Personnel Policies and Procedures Manual as necessary.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the updating of the Personnel Policies and Procedures Manual for the Borough of Totowa.

BE IT FURTHER RESOLVED, that these personnel policies and procedures shall apply to all municipal officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED, that this manual is intended to provide guidelines covering public service by municipal employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Totowa Mayor and Council.

BE IT FURTHER RESOLVED, that to the maximum extent permitted by law, employment practices for the municipality shall operate under the legal doctrine, known as “employment at will.”

BE IT FURTHER RESOLVED, that the Municipal Clerk and all managerial/supervisory personnel are responsible for these employment practices. The Deputy Clerk and the Municipal Attorney shall assist the Municipal Clerk in the implementation of the policies and procedures in this manual.

There was a motion by Councilman Picarelli, seconded by Councilman D’Angelo to approve Ice Cream Vendors License Application for Michael Panepinto as Owner/Operator and Marissa Romaniello as Operator, trading as Mainland Shave Ice. 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 approve the Application For Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the Passaic Valley Elks #2111 BPOE for October 18, 2023 from 4:00 – 11:59 p.m. 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 approve Raffle License Application No. 2337 for the Passaic Valley Elks #2111 BPOE for a Casino Night to be held on November 3, 2023. 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 approve Raffle License Application No. 2338 for the Passaic Valley Elks #2111 BPOE for an On-Premise 50/50 to be held on November 3, 2023. 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.

Joseph Wassel, RMC
Municipal Clerk