

## BOROUGH OF TOTOWA

### MINUTES OF THE MAYOR AND COUNCIL

**November 26, 2024**

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

Acting Mayor Lou D'Angelo 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.

Acting Mayor D'Angelo asked the Municipal 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.

Acting Mayor D'Angelo asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

Acting Mayor D'Angelo: 1) Wished everyone a Happy Thanksgiving; 2) Congratulated the Board of Recreation on a great job with the Turkey Trot.

Councilman Picarelli: 1) Wished everyone a Happy Thanksgiving; 2) Thanked the Mandolin players for their successful concert held in the Council Chambers on November 16<sup>th</sup>; 3) Echoed the fantastic job the Board of Recreation did with the Turkey Trot.

Councilman Reynoso: 1) Announced the Turkey Trot was a huge success, thanked the

Board of Recreation and said we had a turnout of over 1,000 participants; 2) Gave a shout out to his wife Nancy for organizing the frozen turkey donation at the Turkey Trot to support the Oasis Shelter; 3) Reminded everyone about the Fire Department Holiday Truck Parade on Saturday, November 30<sup>th</sup>; the Annual Tree Lighting on Friday, December 6<sup>th</sup> and the Christmas Caroling Trolley on Wednesday, December 18<sup>th</sup>.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Picarelli, seconded by Councilman Capo to approve the Minutes of the Mayor and Council for the meeting of November 12, 2024. On roll call vote, all members of the Council present voted in the affirmative. Councilman Bucher, Fierro and Reynoso abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman Capo to approve Resolution No. 2024-24 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 authorizing the Treasurer to issue refunds to various property owners due to overpayment of 4<sup>th</sup> Quarter 2024 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there has been an overpayment of 4th quarter 2024 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
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19	1	17 Lewis Pl Mark Aue Jr.	Corelogic Attn:Tax Dept 3001 Hackberry Road Irving, TX 75063	\$1,972.52
25	12	78 Scrivens St Maxwell Bellias	Maxwell Bellias 78 Scrivens St. Totowa, NJ 07512	\$1,654.96
50	14	187 Gordon Ave George & Florence Osborne	George & Florence Osborne 187 Gordon Ave. Totowa, NJ 07512	\$1,774.77
135	16	299 Grant Ave Sean Yennie	Sean Yennie 299 Grant Ave. Totowa, NJ 07512	\$2,798.59

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 Councilman Picarelli, seconded by Councilman Capo to acknowledge receipt of the following bids for Solid Waste Disposal Services. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>One Year</u>	<u>Amount Per Ton Three Years</u>	<u>Five Years</u>
Waste Management	\$ 88.35	\$ 92.84	\$100.71
Reworld Waste	\$101.35	\$100.35	\$ 97.35
Gaeta Recycling	\$120.00	\$118.00	\$104.50

Upon the recommendation of the Committee, there was a motion by Councilman Picarelli, seconded by Councilman Capo to adopt the following resolution to award the contract for Solid Waste Disposal Services. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 139-2024

RESOLUTION AWARDING CONTRACT FOR SOLID WASTE DISPOSAL SERVICES  
FOR THE BOROUGH OF TOTOWA

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for residential and municipal solid waste disposal services in accordance with its specifications entitled "Specifications and Proposal for Solid Waste Disposal Services in the Borough of Totowa, County of Passaic, New Jersey 2024"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on November 21, 2024; and

WHEREAS, the Mayor and Council of the Borough of Totowa on November 26, 2024 did examine all bids for the disposal services called for in the specifications; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the lowest responsible bid was submitted by Waste Management of New Jersey, Inc., 61 Broad Avenue, Fairview, New Jersey 07022 with a bid in the amount of \$92.84 per ton for the period of January 1, 2025 through December 31, 2027; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by Waste Management of New Jersey, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the bid of Waste Management of New Jersey, Inc. for solid waste disposal services for the sum of \$92.84 per ton for the period of January 1, 2025 through December 31, 2027.

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 PUBLIC SAFETY:

A letter was received from Patrol Officer Fina Matranga requesting permission to borrow from her sick bank. There was a motion by Councilman Capo, seconded by Councilman Bucher to grant permission. 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 payment of the Fire Department Clothing Allowance for 2024. 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:**

A letter from the Totowa Public Library thanking the Mayor and Council for allowing the Totowa Mandolin Orchestra to have a concert in the Council Chambers on November 16, 2024 was received and filed.

A letter was received from the Saint James Italian Society requesting permission to use the Municipal Parking Lot on Sunday, December 1, 2024 for a bus trip to Atlantic City. 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 Authorizing The Municipal Attorney To Prepare An Amendment To The Developer's Agreement Between The Borough Of Totowa And Fortress Holdings, LLC. On roll call vote, all members of the Council present voted in the affirmative.

**RESOLUTION NO. 140-2024**

**RESOLUTION AUTHORIZING THE MUNICIPAL ATTORNEY TO PREPARE  
AN AMENDMENT TO THE DEVELOPER'S AGREEMENT BETWEEN  
THE BOROUGH OF TOTOWA AND FORTRESS HOLDINGS, LLC**

WHEREAS, Fortress Holdings, LLC, P.O. Box 1162, Little Falls, New Jersey 07424 (hereinafter the “Developer”) is the owner of real property set forth and designated as Block 6, Lots 2, 4, 12 and the half-width of the undeveloped right of way identified as Sherwood Avenue on the official Tax and Assessment Map of the Borough of Totowa and commonly known as 555 Preakness Avenue and 561 Preakness Avenue, Totowa, New Jersey 07512 and 322-324 Berkshire Avenue (a portion of which is located within the Borough of Totowa and the City of Paterson); and

WHEREAS, the Totowa properties are located within the Residential Affordable Housing Zone (“R-AH”); and

WHEREAS, the Developer filed 4 applications with the Borough of Totowa Zoning Board of Adjustment (“Zoning Board”) between 2015 and 2021 for various land use approvals, preliminary site plan approval and final site plan approval for the property as follows:

1. The initial application was decided June 10, 2015 and memorialized July 8, 2015 by the Zoning Board granting Site Plan Approval, Use Variance approval, Height Variance, Ancillary “C” or Bulk Variance and Design Waiver to permit improvements to the building for a restaurant/catering facility use which in 2015 was a Restricted Industry Zone (“I-3 Zone”); and
2. The second application was decided on February 16, 2016 and memorialized March 9, 2016 by the Zoning Board granting approval amending Site Plan Approval, Ancillary “C” or Bulk variance relief and design waiver relief;
3. The third application was decided on February 13, 2019 and memorialized March 13, 2019 by the Zoning Board granting approval to amend Site Plan Approval, Ancillary “C” or Bulk variances and design waiver relief subject to the new zone for this project which is the R-AH Zone.
4. The fourth application was decided on May 26, 2021 and memorialized August 11, 2021 by the Zoning Board seeking Preliminary Major Site Plan Approval, Final Major Site Plan Approval, Major Subdivision Approval, Expansion of the Non-Conforming Use, Signage Waiver and Design Waiver relief.

WHEREAS, by Resolution No. 67-2022 dated May 10, 2022, the Mayor and Council of the Borough of Totowa authorized the Municipal Attorney to prepare a Developer’s Agreement between the Borough of Totowa and Fortress Holdings, LLC; and

WHEREAS, Fortress Holdings, LLC has applied to the Zoning Board of Adjustment for various modifications to the original approvals including Amended Preliminary Major Site Plan approval, Amended Final Major Site Plan approval, Use Variance Relief, expansion of a Non-Conforming Use and Bulk Variance relief; and

WHEREAS, the Zoning Board at its public meetings held on October 9, 2024 and November 13, 2024 granted Preliminary and Final Site Plan approvals along with the requested Variance and Use relief sought by Fortress Holding, LLC; and

WHEREAS, one of the conditions of the approval granted by the Borough of Totowa Zoning Board was the requirement that Fortress Holdings, LLC enter into an Addendum to the original Developer's Agreement with the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa Municipal Attorney to prepare a Developer's Agreement between the Borough of Totowa and Fortress Holdings, LLC.

#### COMMITTEE ON LEGISLATION & ORDINANCES:

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 Passaic Valley Elks BPOE #2111 to be held on December 8, 2024 from 12:00 p.m. – 11:59 p.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve the Application to Amend Raffle License Application No. 2402 for the Passaic Valley Elks BPOE #2111 to change from a Tricky Tray to an On-Premise 50/50 and the date from November 15, 2024 to January 5, 2025. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve the Application to Amend Raffle License Application No. 2403 for the Passaic Valley Elks BPOE #2111 to change the date from November 15, 2024 to January 26, 2025. 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