

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

August 23, 2022

PRESENT: Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, Councilman Patrick Fierro, 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.

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.

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 Ordinance Nos. 09-2022 & 10-2022 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance Nos. 09-2022 & 10-2022 have been advertised for public hearing for Tuesday, August 23, 2022.

Municipal Clerk Wassel read the legal notice and title of Ordinance No. 09-2022.

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. 09-2022.

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. 09-2022 by title:

ORDINANCE NO. 09-2022

AN ORDINANCE TO AMEND THE ORDINANCE FIXING THE ANNUAL SALARIES AND WAGES OF THE OFFICIALS, EMPLOYEES AND THE APPOINTEES OF THE BOROUGH OF TOTOWA, COUNTY OF PASSAIC, STATE OF NEW JERSEY

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 09-2022 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 title of Ordinance No. 10-2022.

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. 10-2022.

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. 10-2022 by title:

ORDINANCE NO. 10-2022

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 75 ENTITLED "POLICE DEPARTMENT"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 10-2022 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.

There were no reports.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to approve the Minutes of the Mayor and Council for the meeting of August 9, 2022. On roll call vote, all members of the Council present voted in the affirmative. Councilman D'Angelo abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2022-18 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 authorizing the Treasurer to issue refunds to various property owners pursuant to State Tax Court judgments. On roll call vote, all members of the 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>
170	3	Totowa VF LLC C/O Vornado Realty Trust 545 Route 46	Heinze Law, PA Attorney Trust Account	2020	54,000,000	49,500,000	\$108,990.00
				2021	54,000,000	48,000,000	<u>142,740.00</u>
							\$251,730.00

Mail to:
Heinze Law, PA
Attn: Miriam DaSilva
383 Main St, Suite 101
Chatham, NJ 07928

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Certifying That The Governing Body Has Complied With N.J.A.C. 5:30-6.5 Pertaining To The Annual Audit. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 105-2022

RESOLUTION CERTIFYING THAT THE GOVERNING BODY HAS COMPLIED
WITH N.J.A.C. 5:30-6.5 PERTAINING TO THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations" as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local Officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

COMMITTEE ON PUBLIC SAFETY:

Upon the recommendation of the Committee, there was a motion by Councilman D’Angelo, seconded by Councilman Capo that Patrol Officer Park Balloutine, Patrol Officer Brian Britting and Patrol Officer Gary Bierach be promoted to the rank of Sergeant. On roll call vote, all members of the Council present voted in the affirmative.

MAYOR’S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby promote Patrol Officer Park Balloutine, Patrol Officer Brian Britting and Patrol Officer Gary Bierach to the rank of Sergeant in the Borough of Totowa Police Department, effective with their swearing in ceremony on September 13, 2022.

There was a motion by Councilman D’Angelo, seconded by Councilman Capo to confirm the promotions. 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 no report.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Of The Borough Of Totowa Authorizing The Payment Of Terminal Leave Benefits To Darlene A. Walsh. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 106-2022

RESOLUTION OF THE BOROUGH OF TOTOWA AUTHORIZING THE
PAYMENT OF TERMINAL LEAVE BENEFITS TO DARLENE A. WALSH

WHEREAS, Darlene A. Walsh began her employment with the Borough of Totowa as Public Health Nurse in the Health Department on September 10, 1990; and

WHEREAS, Darlene A. Walsh retired from the Borough of Totowa Health Department as Public Health Nurse effective July 1, 2022; and

WHEREAS, the policy of the Borough of Totowa is that employees with twenty-five (25) years of service are entitled to a maximum of fifty (50) days of Terminal Leave to be paid upon retirement; and

WHEREAS, the Terminal Leave amount is calculated at the amount of sick day benefits, not to exceed fifty (50) days, at the daily rate of pay of the last twelve (12) months of service upon retirement; and

WHEREAS, Darlene A. Walsh has accumulated fifty (50) unused sick days and has completed more than twenty-five (25) years of service as an employee of the Borough of Totowa; and

WHEREAS, Darlene A. Walsh does hereby waive any other claim and/or claims for any salary, benefits and/or other compensation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that Darlene A. Walsh is hereby granted fifty (50) days of accumulated sick leave (Terminal Leave) for a total amount of Ten Thousand Five Hundred Thirty-Two and 00/100 Dollars (\$10,532.00). Said monies are given in full and final consideration of any and all claims that Darlene A. Walsh may have against the Borough of Totowa.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Purchase And Installation Of Playground Equipment For The Riverview Park. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 107-2022

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT FOR THE RIVERVIEW PARK

WHEREAS, the Borough of Totowa Board of Recreation has recommended the purchase of new playground equipment for the Borough of Totowa Riverview Park; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to purchase the new playground equipment for the safety and welfare of the children that play in this park; and

WHEREAS, Educational Services Commission of New Jersey ("ESCNJ") Contract No. 20/21-06 has been awarded to MRC, P.O. Box 106, Spring Lake, New Jersey 07762 for the purchase of recreational equipment; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this 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 of new playground equipment for the Riverview Park from MRC in the amount of \$81,963.62.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Council of the Borough of Totowa do hereby authorize the Municipal Clerk to execute any and all instruments relating thereto.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Purchase And Installation Of Playground Safety Surface For The Riverview Park. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 108-2022

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF
PLAYGROUND SAFETY SURFACE FOR THE RIVERVIEW PARK

WHEREAS, the Borough of Totowa Board of Recreation has recommended the purchase of new playground safety surfacing for the Borough of Totowa Riverview Park; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to purchase and install the new surfacing for the safety and welfare of the children that play in this park; and

WHEREAS, State of New Jersey Contract No. 16-Fleet-00131 has been awarded to Rubber Recycle, 1985 Rutgers University Boulevard, Lakewood, New Jersey 08701 for the purchase and installation of playground safety surfacing; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase and installation of this safety surface material 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 new playground safety surfacing for the Riverview Park from Rubber Recycle in the amount of \$72,412.80.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Council of the Borough of Totowa do hereby authorize the Municipal Clerk to execute any and all instruments relating thereto.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to carry the Resolution Authorizing The Renewal Of Division Of Alcoholic Beverage Control Liquor Licenses For The 2022 – 2023 License Term. 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