

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

November 10, 2020

Due to the COVID-19 (coronavirus) pandemic and the Governor's Executive Order 107, in accordance with N.J.S.A. 10:4-8(b), this meeting was not open to the public, but was held by virtual means on Zoom.

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

ABSENT: Councilman William Bucher and Councilwoman Lisa Palazzo.

Mayor John Coiro called the meeting to order and asked the Municipal Clerk to call the roll.

Mayor Coiro asked for a moment of silence for Mike Panzella a longtime resident and fireman who recently passed away.

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.

Mayor Coiro: Congratulated Councilwoman Andriani and Councilman Bucher on their re-election to the Council and said that he looked forward to continue working together.

CITIZENS HEARD:

There were no citizens who wished to be heard and Mayor Coiro announced that we have not received any emailed questions pertaining to the public portion of the meeting through 7:30 p.m.

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 October 27, 2020. 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. 2020-23 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 acknowledge receipt and discussion of the 2020 Municipal Best Practices Inventory. Municipal Clerk Wassel announced that we scored a 20.50 and a score of 16 + results in no aid being withheld from the municipality. The Worksheet was certified by Chief Administrative Officer/Municipal Clerk Joseph Wassel (C-0791) and Chief Financial Officer Lisa Nash (N-931). 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 Attorney and Borough Clerk to prepare the specifications and advertise for the receipt of bids for Collection and Transportation of Recyclable Materials and Collection and Transportation of Vegetative Waste Recycling. 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 payment of the Fire Department Clothing Allowance for 2020. 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 the fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for John P. Bateman for Fire Rescue. 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 adopt the following Resolution Of The Mayor And Council Of The Borough Of Totowa Authorizing The Adoption Of The 2020 Passaic County, New Jersey Hazard Mitigation Plan Update. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 121-2020

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF TOTOWA
AUTHORIZING THE ADOPTION OF THE 2020 PASSAIC COUNTY, NEW JERSEY
HAZARD MITIGATION PLAN UPDATE

WHEREAS, all jurisdictions within Passaic County have exposure to hazards that increase the risk to life, property, environment and the County and local economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS, a coalition of Passaic County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Passaic County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize and adopt the following actions:

1. Adopts in its entirety, the 2020 Passaic County Hazard Mitigation Plan Update (the "Plan") as the jurisdiction's Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.

2. Will use the adopted and approved portions of the Plan to guide pre- and post- disaster mitigation of the hazards identified.

3. Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.

4. Will continue its support of the Mitigation Planning Committee as described within the Plan.

5. Will help to promote and support the mitigation successes of all participants in this Plan.

6. Will incorporate mitigation planning as an integral component of government and partner operations.

7. Will provide an update of the Plan in conjunction with the County no less than every five years.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Payment Estimate No. 1 in the amount of \$126,532.70 to AJM Contractors, Inc. for the 2018 Road Program. 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 Vacation Of Sherwood Avenue. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 122-2020

RESOLUTION AUTHORIZING THE VACATION OF SHERWOOD AVENUE

WHEREAS, Fortress Holdings, LLC, had filed an application with the Borough of Totowa Board of Adjustment for the development of property identified on the official Tax Map of the Borough of Totowa as Block 6, Lots 2, 4 and 12 and located at 555 Preakness Avenue, Totowa, New Jersey; and

WHEREAS, the applicant is proposing construction of a restaurant/catering facility in the I-3 Restricted Industry Zone ("I-3 Zone"); and

WHEREAS, on June 10, 2015, the Zoning Board of Adjustment of the Borough of Totowa granted Fortress Holdings, LLC site plan approval, use variance approval for a restaurant/catering facility, height variance, ancillary "c" or bulk variance relief and design waivers to permit improvements to the building; and

WHEREAS, on February 9, 2016, the Zoning Board of Adjustment of the Borough of Totowa granted Fortress Holdings, LLC amended site plan approval for a restaurant/catering facility, ancillary "c" or bulk variance relief and design waivers; and

WHEREAS, on February 13, 2019, the Zoning Board of Adjustment of the Borough of Totowa granted Fortress Holdings, LLC amended site plan approval for a restaurant/catering facility, ancillary "c" or bulk variance relief regarding the height for rooftop height, building height, number and sign area for freestanding/monument signs and sign area of building mounted sign and design waiver relief relative to retaining wall height, parking in gravel and driveway width; and

WHEREAS, by letter dated October 7, 2020, the attorney for Fortress Holdings, LLC has advised that the applicant anticipates filing applications with the Zoning Board of the Borough of Totowa and Passaic County Planning Board for a use variance and preliminary and final major site plan approval; and

WHEREAS, as part of these applications, Fortress Holdings, LLC is requesting that the Mayor and Council of the Borough of Totowa consider the vacation of an unimproved Sherwood Avenue right-of way which is adjacent to 555 Preakness Avenue up to its center point within the boundaries of Totowa; and

WHEREAS, the intended use of this property is to create a new parking lot for 555 Preakness Avenue; and

WHEREAS, the Mayor and Council of the Borough of Totowa have referred the vacation request to the Borough of Totowa Municipal Engineer for a preliminary review; and

WHEREAS, the Engineer has completed a preliminary review of the request to vacate Sherwood Avenue and has made the following comments and/or recommendations:

1. The Totowa portion of Sherwood Avenue is not improved. It is currently vegetated and slopes steeply downward from Preakness Avenue to the Totowa/Paterson border, approximately 100 feet away.
2. He has reviewed the request with Borough of Totowa Department of Public Works Superintendent who indicates there are no existing or planned utilities within this section of the right-of-way.

WHEREAS, the Mayor and Council of the Borough of Totowa have made an initial determination that the existing unimproved right-of-way does not appear to provide a benefit to the Borough of Totowa from a planning or engineering perspective.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby consent to and authorize the vacation of the unimproved Sherwood Avenue right-of-way subject to the following conditions:

1. The Mayor and Council of the Borough of Totowa shall refer the vacation request to the Borough of Totowa Municipal Engineer for a more thorough and final review.
2. The consent by the Mayor and Council of the Borough of Totowa to vacate the unimproved Sherwood Avenue right-of-way will not obligate the Borough of Totowa Board of Adjustment to approve the requested preliminary and final major site plan approval and requested variances for the proposed use of the consolidated property by Fortress Holdings, LLC.
3. The vacation of the unimproved Sherwood Avenue right-of-way is contingent upon preliminary and final major site plan approval being granted to Fortress Holdings, LLC by the Borough of Totowa Board of Adjustment for the proposed use of the consolidated property.
4. All recommendations made by the Borough of Totowa Municipal Engineer as referenced above must be complied with as well as any future recommendations made by the Engineer as part of the preliminary and final major site plan review and approval process.

5. All costs incurred to vacate the right-of-way and consolidate the remaining parcels must be borne by the applicant, Fortress Holdings, LLC including the posting of adequate escrow funds to cover the Borough of Totowa's costs related to the review of the various required documents by the Borough of Totowa Municipal Engineer and Municipal Attorney.

6. The Municipal Clerk is authorized to forward a Letter of Consent to the Borough of Totowa Board of Adjustment advising that the Mayor and Council of the Borough of Totowa authorize the vacation of the unimproved Sherwood Avenue right-of-way.

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.

BE IT FURTHER RESOLVED, that a copy of the duly adopted Ordinance Vacating Sherwood Avenue and all documents related to the consolidation of the individual parcels of land shall be recorded in the office of the Passaic County Clerk.

COMMITTEE ON LIAISON & INSPECTION:

There was no report.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing Special ABC Petition To Extend Licensed Premises Permits During The COVID-19 Crisis. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 123-2020

RESOLUTION AUTHORIZING SPECIAL ABC PETITION TO EXTEND LICENSED PREMISES PERMITS DURING THE COVID-19 CRISIS

WHEREAS, SARS-CoV-2 is the virus that causes Coronavirus Disease 19 ("Covid-19"), a contagious and at times fatal, respiratory disease; and

WHEREAS, by Executive Order No. 103 dated March 9, 2020, Governor Phil Murphy declared a Public Health Emergency and State of Emergency in the State of New Jersey in response to the Covid-19 outbreak; and

WHEREAS, by Executive Order No. 107 dated March 21, 2020, Governor Murphy further ordered that all residents of the State of New Jersey were to remain at home and closed all non-essential businesses; and

WHEREAS, the Covid-19 Pandemic and the shutting of businesses has had a significant negative impact on the food and beverage establishments in the Borough of Totowa; and

WHEREAS, by Executive Order No. 150 dated June 10, 2020, Governor Murphy authorized restaurants, bars and other food and beverage establishments to provide in-person outdoor service in accordance with CDC and State of New Jersey Department of Health (“DOH”) guidelines; and

WHEREAS, on June 3, 2020, the Director of the Division of Alcoholic Beverage Control (“ABC”) issued Special Ruling 2020-10 (“SR 2020-10) establishing the temporary permit known as the Covid-19 Expansion of Premises Permit to enable licensees and permittees to expand their licensed premises into outdoor areas, either contiguous or non-contiguous to their permanently licensed premises; and

WHEREAS, the Covid-19 Expansion of Premises Permit was available to the licensees and permittees effective June 15, 2020 through November 30, 2020; and

WHEREAS, the ABC recognizes that licensees continue to face indoor capacity limits and social distancing requirements due to the Covid-19 pandemic and has determined that it is appropriate and reasonable to allow licensees to apply to renew their Covid-19 Expansion of Premises Permits should they wish to continue selling and serving alcoholic beverages in outdoor areas; and

WHEREAS, pursuant to Special Ruling 2020-21 (“SR 2020-21”), the ABC has created a renewal process for those licensees wishing to extend the term of the Covid-19 Expansion of Premises Permit; and

WHEREAS, by way of SR 2020-21, the Covid-19 Permit may be extended to March 31, 2021; and

WHEREAS, the ABC is requiring licensees to use a renewal application process with a nominal fee through the POSSE ABC Online Licensing System; and

WHEREAS, upon submission of a complete Covid-19 Expansion Permit application in POSSE and payment of the \$10.00 renewal fee, the application will be transmitted to the Municipal Clerk and Police Chief of the municipality.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Clerk and Police Chief to endorse all complete Covid-19 Expansion Permit applications filed in POSSE ABC website.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application No. 2211 for the BPOE #2111 Passaic Valley Elks for an Off-Premise 50/50 to be held on January 8, 2021. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve the Applications to Amend Raffle License Application Nos. 2196 & 2197 for FOWA Rescue, Inc. cancelling the raffles scheduled for April 23, 2020 due to Covid-19. 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