

## **BOROUGH OF TOTOWA**

### **MINUTES OF THE MAYOR AND COUNCIL**

**April 25, 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.

There was a motion by Councilman Picarelli, seconded by Councilman Bucher to dispense with the regular order of business in order to hold a public hearing on Ordinance No. 05-2023 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 05-2023 has been advertised for public hearing for Tuesday, April 25, 2023.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 05-2023.

There was a motion by Councilman Picarelli, seconded by Councilman Bucher 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. 05-2023.

**CITIZENS HEARD:**

There were no citizens who wished to be heard.

There was a motion by Councilman Picarelli, seconded by Councilman Bucher 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. 05-2023 by title:

**ORDINANCE NO. 05-2023**

**CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE  
MUNICIPAL BUDGET APPROPRIATION LIMITS AND  
TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

There was a motion by Councilman Picarelli, seconded by Councilman Bucher to adopt Ordinance No. 05-2023 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 Picarelli, seconded by Councilman Bucher 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.

Councilman Picarelli: Announced the following: 1) The PAL held their Opening Day Ceremony for Baseball and Softball this past Saturday and it was a great day, thanked

the Board of Recreation and the DPW, that Councilman Reynoso's daughter sang the National Anthem and we all threw strikes; 2) This Saturday, April 29<sup>th</sup> we will have an Arbor Day Celebration at the Municipal Building at 10:00 a.m.

Mayor Coiro: Commented that for Earth Day, Caravan cleaned up Riverview Drive and it looks good and also said that they appreciated the help from the Police Department blocking off the road.

Projects Manager John Waryas: Said that the County will still have the SLAP program and that they will clean Riverview Drive from Lackawanna Avenue to the Hillery Street Bridge.

#### CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Picarelli, seconded by Councilman Bucher to approve the Minutes of the Mayor and Council for the meeting of April 11, 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. 2023-10 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 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>
9.05	17	Plaxico & Tiffany Burress 47 Huntington Terr	Spiotti & Assoc., PC	2022	1,246,900	1,050,000	\$4,800.42

Mail to:  
Spiotti & Associates  
Attn: Robert Spiotti  
612 Godwin Ave.  
Midland Park, NJ 07432

There was a motion by Councilman Picarelli, seconded by Councilman Capo to adopt the following Resolution Authorizing The Mayor To Sign The Certification To Comply With The Requirements Set Forth In N.J.A.C. 7:26A-11. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 53-2023

WHEREAS, the Clean Communities and Recycling Act of 1981 created the Municipal Tonnage Grant (MTG) program, whereby municipalities could receive a grant for the amount of materials documented as being recycled during the previous calendar year; and

WHEREAS, in 1987, the New Jersey Statewide Mandatory Source Separation and Recycling Act, specifically N.J.S.A. 13:1E-99.16, mandated the governing body of each municipality to submit an annual Recycling Tonnage Report summarizing the amount of material recycled during the previous calendar year; and

WHEREAS, in January 2008, the Recycling Enhancement Act (REA), N.J.S.A. 13:1E-96, specifically P.L. 2007, c. 311, reestablished funding for local recycling programs through a tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at solid waste facilities in New Jersey except those designed exclusively to transport waste by railroad (N.J.S.A. 13:1E-96.5); and

WHEREAS, the REA requires that a Certified Recycling Coordinator (CRC-sometimes referred to as a Certified Recycling Professional-CRP) certify recycling tonnage reports, specifies that grants received may only be expended on recycling (N.J.S.A. 13:1E-96(b)1) and that the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality (N.J.S.A. 13:1E-96(b)1); and

WHEREAS, pursuant to N.J.S.A. 13:1E-96a, the Department of Environmental Protection (DEP), Division of Solid and Hazardous Waste (DSHW) administers the MTG program; and

WHEREAS, the DEP implemented several changes to the program beginning with the 2017 MTG application, and whereby now a complete 2022 MTG application consists of: a 2022 Recycling Tonnage Report; an Expenditure Report for 2019 MTG funds; a statement that the municipality complied in calendar year 2022 with the Standards for Municipalities and intends to comply with same in calendar year 2023; a statement that the Municipal Recycling Coordinator (MRC) complied with the program requirements during calendar year 2022 and intends to comply with same during calendar year 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Totowa, County of Passaic, New Jersey does hereby authorize Mayor John Coiro to sign the Certification of Compliance (N.J.A.C. 7:26A-11 "Standards for Municipalities").

COMMITTEE ON PUBLIC SAFETY:

There was no report.

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 Authorizing Emergency Repairs To The Sanitary Sewer Main Along Totowa Road At 640 Totowa Road. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 54-2023

RESOLUTION AUTHORIZING EMERGENCY REPAIRS TO THE  
SANITARY SEWER LINE ALONG TOTOWA ROAD AT 640 TOTOWA ROAD

WHEREAS, the Superintendent of the Borough of Totowa Department of Public Works (“DPW”) has advised the Mayor and Council of the Borough of Totowa that the sanitary sewer line located along Totowa Road at 640 Totowa Road needed to be repaired and/or replaced as soon as possible; and

WHEREAS, the nearby home located at 640 Totowa Road is also serviced by this sanitary sewer line and was experiencing on-going sewer back-ups as a result of the damaged piping; and

WHEREAS, the necessary repairs to the sanitary sewer line included but were not limited to excavating to the existing sewer line, removing and disposing of the damaged piping; and installing 35 linear feet of new 8” sewer main piping; and

WHEREAS, the Borough of Totowa DPW Superintendent solicited quotes from companies experienced in sanitary sewer repairs; and

WHEREAS, Regal Utility Services, Inc., 731 Warwick Turnpike, Hewitt, New Jersey 07421 submitted a proposal for the removal and replacement of the sanitary sewer line in the amount of \$16,000.00, a copy of which is on file on the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize these necessary repairs along Totowa Road at 640 Totowa Road for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the repairs and replacement of this sewer line constitutes an emergency service that may be authorized by the Borough of Totowa without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by Regal Utility Services, Inc. for the removal and replacement of the sanitary sewer line along Totowa Road at 640 Totowa Road in the amount of \$16,000.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Regal Utility Services, Inc. to provide the labor and materials for the emergency repairs to the sanitary sewer line along Totowa Road at 640 Totowa Road as set forth in their proposal.

A letter was received from the Friends of the Totowa Public Library requesting permission to use the Municipal Parking Lot for a trip to the Hunterdon Hills Playhouse on Tuesday, August 1, 2023. 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.

A letter was received from a resident requesting permission to use the Municipal Parking Lot for a trip to Ashford Estates in Allentown, NJ on Saturday, May 6, 2023. 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.

A letter was received from a resident requesting permission to use the Municipal Parking Lot for a trip to Atlantic City on Sunday, June 4, 2023. 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 Fixing The Fee Schedule For The Totowa Municipal Swimming Pool For 2023. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 55-2023

#### RESOLUTION FIXING THE FEE SCHEDULE FOR THE TOTOWA MUNICIPAL SWIMMING POOL FOR 2023

WHEREAS, the Mayor and Council of the Borough of Totowa pursuant to the Code of the Borough of Totowa, Chapter 367 entitled "Swimming Pools", Article I, "Municipal Pool" and any amendments thereto, is authorized to annually establish the "fees" for the Totowa Municipal Swimming Pool; 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 Fee schedule for the Totowa Swimming Pool, to wit:

2023 Fee Schedule

	<u>ENTIRE SEASON</u>	<u>WEEKNIGHTS (FROM 5 PM)/ WEEKENDS/HOLIDAYS</u>
FAMILY	\$520.00	\$385.00
SENIOR CITIZEN (Age 62* or older)	\$100.00	\$ 75.00
SINGLE (Age 18* or older)	\$310.00	\$235.00
CHILDREN (Ages 4-17**)	\$110.00	\$ 85.00

\* Age at time of registration. \*\* Must be purchased with any other package.

Family is defined as an adult couple or 1 or 2 legal guardians plus unmarried children under 21 as of 6/1/2023 or under 26 as of 6/1/2023 and a full-time student who resides in the same residence.

A \$100.00 discount will be applied to the entire season rate for families who register for the pool and also register their children for Summer Camp with the Borough of Totowa Board of Recreation Camp. (Camp receipt must be shown when registering for the 2023 Pool Season in order for the discount to be applied.)

WHEREAS, the Mayor and Council of the Borough of Totowa after conferring with the Board of Recreation and for good cause has also approved the following half-price rates for volunteers of the Borough of Totowa Fire Department and First Aid Squad; to wit:

2023 Fee Schedule For Volunteers

	<u>ENTIRE SEASON</u>	<u>WEEKNIGHTS (FROM 5 PM)/ WEEKENDS/HOLIDAYS</u>
FAMILY	\$265.00	\$200.00
SENIOR CITIZEN (Age 62* or Older)	\$ 50.00	\$ 40.00



SINGLE (Age 18* or Older)	\$160.00	\$120.00
CHILDREN (Ages 4-17**)	\$ 60.00	\$ 50 .00

\* Age at time of registration. \*\* Must be purchased with any other package.

\*\*Refunds will not be given once the pool has opened for the season.

Guest Fees-

Under 4 Years of Age as of June 1st	Free
Age 4 and up – Per Person	\$15.00

In addition to the fees established above, the following fees shall be put into effect for 2023 for special events:

Totowa Members (Plus \$5.00 for each non-member)	\$100.00
Totowa Non-Members (Plus \$5.00 for every non-member)	\$150.00
Special Events	\$ 5.00 per person

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa has adopted the aforementioned Fee Schedule for the Totowa Swimming Pool for 2023.

There was a motion by Councilman Reynoso, seconded by Councilman Bucher to adopt the following Resolution Fixing The Fee Schedule For The Totowa Board Of Recreation Summer Camp For 2023. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 56-2023

RESOLUTION FIXING THE FEE SCHEDULE FOR THE TOTOWA  
BOARD OF RECREATION SUMMER CAMP FOR 2023

WHEREAS, the Borough of Totowa Board of Recreation hosts an annual summer camp for the youth of the community; and

WHEREAS, the camp season for 2023 will run for six (6) weeks Monday through Friday from 9:00 a.m. to 12:00 p.m.; 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 Fee schedule for the Board of Recreation Summer Camp, to wit:

2023 Fee Schedule\*

One Child	\$250.00
Two Children	\$455.00
Three or More Children	\$565.00

\*Refunds will not be given once summer camp has started.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa has adopted the aforementioned Fee Schedule for the Board of Recreation Summer Camp for 2023.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to introduce on first reading and advertise for public hearing the following entitled ordinance. On roll call vote, all members of the Council present voted in the affirmative.

**ORDINANCE NO. 06-2023**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA TO  
CREATE A NEW CHAPTER TO BE KNOWN AS “COMMERCIAL FILM MAKING”**

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve Raffle License Application No. 2313 for the PV Girls Lacrosse Parent Association for an Off-Premise 50-50 to be held on June 12, 2023 at The Barnyard & Carriage House. 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 Raffle License Application No. 2314 for the St. James Knights of Columbus – Council 6574 for an Off-Premise 50-50 to be held on December 17, 2023. 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 Raffle License Application Nos. 2315 & 2316 for the Passaic Valley Elks – BPOE #2111 for a Tricky Tray and On-Premise 50-50 to be held on May 10, 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 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