

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

August 28, 2018

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

Mayor John Coiro asked for a moment of silence in remembrance of Senator John McCain who passed away recently.

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.

The Municipal Clerk 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 have a swearing in ceremony to administer the Oath of Allegiance and Office to James Jurewicz appointed as a Patrol Officer of the Borough of Totowa Police Department. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro went to the front of the dais and asked Council President Lou D'Angelo, Chairman of the Public Safety Committee and Police Chief Robert Coyle to join him. Mayor John Coiro then asked James Jurewicz to approach the dais to take the Oath of Allegiance and Office for Patrol Officer.

Mayor Coiro stated that it is always nice when we can appoint a new, young officer and this is our second this year, so Nick (Macaluso) will no longer be the rookie. Said that when he met James and he told me that he graduated from Muhlenberg College as a Finance major and worked in Finance for a few years, but decided that it wasn't for him and he wanted to become a police officer, so he put himself through the academy, we felt that this is the type of dedicated officer that we wanted. We feel that James is qualified and will become a good officer.

Mayor John Coiro administered the Oath of Allegiance and Office to Patrol Officer James Jurewicz, with his girlfriend Courtney holding the Bible.

Councilman D'Angelo congratulated James and welcomed him aboard, said he is a fine gentleman and told him to lean on his brothers and sister and to be safe.

Police Chief Coyle thanked the Mayor and Council, Borough Clerk Wassel, Borough Attorney (Senator) Corrado and the administration for moving forward with this appointment, then acknowledged and thanked all the members of the Totowa Police Department for being here. Chief Coyle also acknowledged and recognized the many family and friends in attendance – from his Mom Martha, Dad Bob, his two older brothers Mike and Robert and his lady friend Courtney. Chief Coyle then proceeded to provide a little background information on James.

Patrol Officer Jurewicz said he appreciated everyone for being here tonight and that he wasn't expecting the turnout, then thanked his family and friends, the Mayor and Council for the opportunity, and said that he is looking forward to working with his brothers and sister.

A badge symbolic to the rank of Patrol Officer was presented to Patrol Officer James Jurewicz by Police Chief Robert Coyle.

Congratulations were extended to Patrol Officer Jurewicz by the rest of the Council, the Borough Clerk and Borough Attorney.

Mayor Coiro called for a recess, so all in attendance could also offer their congratulations to our new Patrol Officer.

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:

Mike Mahometa, 269 Lincoln Avenue: 1) Asked that we expand the drainage system at the PAL to include a regular storm sewer with a 24" concrete pipe. Mayor Coiro: Asked DPW Superintendent Jim Niland if he looked into this yet. DPW Superintendent Niland: Said that he hadn't, but if it is in reference to the last storm then nothing would have helped. He also said that this would be tough with all the rock up there. 2) Commented about the speeding on Lincoln Avenue during ball games and asked that the speed radar monitor be put up. Mayor Coiro: Told Police Chief Coyle to put the speed radar monitor up on Lincoln Avenue before the start of football.

There was a motion by Councilman Picarelli, seconded by Councilman Capo to approve the Minutes of the Mayor and Council for the meeting of August 14, 2018. On roll call vote, all members of the Council present voted in the affirmative. Councilwoman Andriani abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2018-18 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 Settlement Of The 2015 Tax Appeal Entitled Victor Amador V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 92-2018

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2015 TAX APPEAL
ENTITLED VICTOR AMADOR V. BOROUGH OF TOTOWA

WHEREAS, there have been appeals of the real property tax assessments for the stated tax years; and

WHEREAS, each Block and Lot listed therein was assessed at the amount stated therein; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

WHEREAS, the settlement of these matters on the attached list are in the best interest of the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa, New Jersey, as follows:

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute the Stipulation of Settlement on behalf of the Borough of Totowa with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey.
2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2017 And 2018 Tax Appeal Entitled Modi Ketang V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 93-2018

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2017 AND 2018 TAX
APPEAL ENTITLED MODI KETANG V. BOROUGH OF TOTOWA

WHEREAS, there have been appeals of the real property tax assessments for the stated tax years; and

WHEREAS, each Block and Lot listed therein was assessed at the amount stated therein; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

WHEREAS, the settlement of these matters on the attached list are in the best interest of the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa, New Jersey, as follows:

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute the Stipulation of Settlement on behalf of the Borough of Totowa with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey.
2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to adopt the following Resolution Authorizing The Intent To Purchase A New Ladder Truck From The Houston-Galveston Area Council Cooperative. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 94-2018

RESOLUTION AUTHORIZING THE INTENT OF THE BOROUGH OF TOTOWA
TO PURCHASE A NEW LADDER TRUCK FROM THE
HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE

WHEREAS, the Borough of Totowa Fire Chief has recommended the purchase of a new Aerial Ladder Fire Truck for the protection of life and property of the residents of the Borough of Totowa; and

WHEREAS, more specifically, the Fire Chief has recommended the purchase of one (1) new Cyclone II 110' Aerial Ladder from the Houston-Galveston Area Council Cooperative ("H-GAC"); and

WHEREAS, H-GAC Contract No. FS12-17 has been awarded to Absolute Fire Protection Co., Inc., 280 Hamilton Boulevard, South Plainfield, New Jersey 07080 for the purchase of Ladder Trucks and all related equipment; and

WHEREAS, Absolute Fire Protection Co., Inc. has submitted a proposal dated April 19, 2018 for the purchase and delivery of one (1) new Cyclone II' Aerial Ladder in the amount of \$1,072,359.00, a copy of which is one file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Borough of Totowa's Chief Financial Officer has certified that the funds are available for this purpose; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this fire apparatus may be authorized without public bidding; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the intent to purchase one new (1) new Cyclone II 100' Aerial Ladder.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the intent of the Borough of Totowa to purchase one (1) new Cyclone II 110' Aerial Ladder from Fire Protection Co., Inc. for a total cost of \$1,072,359.00.

BE IT FURTHER RESOLVED, that this purchase will be authorized in accordance with the unit pricing Terms and conditions set forth in H-GAC Contract No. FS12-17.

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

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to accept the following bids for the Furler Street Improvements. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Amount Bid</u>
John Garcia Construction Clifton, NJ 07013	\$590,640.20

Upon the recommendation of the Engineer, there was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following resolution to award the contract to the lowest responsible bidder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 95-2018

RESOLUTION AUTHORIZING CONTRACT FOR
FURLER STREET IMPROVEMENTS

WHEREAS, the Borough of Totowa has received a Municipal Aid Grant from the New Jersey Department of Transportation ("NJDOT") in 2016 for various improvements for Furler Street which includes the milling and resurfacing of the roadway and other associated site improvements; and

WHEREAS, by Resolution No. 40-2017 dated February 14, 2018, the Mayor and Council of the Borough of Totowa authorized Richard A. Alaimo Engineering Associates to provide design services, preparing bid documents, assisting in the bidding process and supervising construction of the Furler Street Improvement Project; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Borough of Totowa, 2017 N.J.D.O.T. Municipal Aid Program Furler Street Improvements, Contract No. 2018-3"; and

WHEREAS, the Borough of Totowa did receive sealed bids at its Municipal Building on August 14, 2018; and

WHEREAS, the lone bid was submitted by John Garcia Construction Co. Inc., 183 Friar Lane, Clifton, New Jersey 07013 in the amount of \$590,640.20, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by John Garcia Construction Co. 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 by John Garcia Construction Co. Inc. for the Furler Street Improvements as the lowest responsible bid for the total sum of \$590,640.20

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 the award of this contract is subject to the approval of the New Jersey Department of Transportation.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to accept the following bids for the Sanitary Sewer Main Rehabilitation – Phases V & VI. On roll call vote, all members of the Council present voted in the affirmative.

Company
North American Pipeline Services, LLC
Freehold, NJ 07728

Amount Bid
\$168,088.20

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following resolution to award the contract to the lowest responsible bidder. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 96-2018

RESOLUTION AUTHORIZING CONTRACT FOR SANITARY SEWER MAIN
REHABILITATION – PHASES V & VI

WHEREAS, in August of 2011, the Borough of Totowa suffered the devastating effects of Hurricane Irene which resulted in unprecedented flooding throughout the community; and

WHEREAS, following the Hurricane, the Borough of Totowa Municipal Engineer recommended the rehabilitation of portions of the sanitary sewer mains located throughout the municipality; and

WHEREAS, to date, four Phases of the on-going Sanitary Sewer Main Rehabilitation Project have been completed; and

WHEREAS, the Borough of Totowa Municipal Engineer has now recommended the rehabilitation of existing sanitary sewer mains within Mitchell Avenue, from Union Boulevard to Lind Road, and Riverview Drive, between Rosalie Avenue and Margaret Street; and

WHEREAS, the work consists primarily of the installation of cured-in-place lining for approximately 1,190 linear feet of existing sanitary sewer main; and

WHEREAS, the Borough of Totowa received a Block Grant from Passaic County through the Community Development Block Grant Program for the additional rehabilitation work; and

WHEREAS, by Resolution No. 94-2017 dated July 11, 2017, the Mayor and Council of the Borough of Totowa authorized Richard A. Alaimo Engineering Associates to provide design services, preparing bid documents, assisting in the bidding process and supervising construction for the continuing Rehabilitation Project; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Borough of Totowa, 2015 Community Development Block Grant Sanitary Sewer Main Rehabilitation – Phases V & VI, Contract No. 2018-1"; and

WHEREAS, the Borough of Totowa did receive sealed bids at its Municipal Building on August 22, 2018; and

WHEREAS, the lone bid was submitted by North American Pipeline Services LLC, 210 Bennett Road, Freehold, New Jersey 07728 in the amount of \$168,088.20, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by North American Pipeline Services LLC 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 by North American Pipeline Services LLC for the Sanitary Sewer Main Rehabilitation – Phases V & VI as the lowest responsible bid for the total sum of \$168,088.20.

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 LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Awarding Contract For The Clean Up Of Property At 503 Preakness Avenue. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 97-2018

RESOLUTION AWARDING CONTRACT FOR THE CLEAN UP OF PROPERTY AT 503 PREAKNESS AVENUE

WHEREAS, John Gerhold is the owner of property identified as Block 7, Lot 1.02 on the official Tax Map of the Borough of Totowa and more commonly known as 503 Preakness Avenue, Totowa, New Jersey 07512; and

WHEREAS, the Borough of Totowa Zoning Office has issued numerous warning notices and summonses to the property owner for failing to maintain the property including but not limited to failing to maintain the lawn and shrubs and dumping of garbage on the premises; and

WHEREAS, the property maintenance violations exist in the front yard, side yard and rear yard of the site; and

WHEREAS, the property owner has been found guilty of these violations and ordered to immediately clean up the property; and

WHEREAS, the property owner has failed to remedy the violations and it now constitutes a hazard for the homeowner as well as the adjoining property owners; and

WHEREAS, the Superintendent of the Borough of Totowa Department of Public Works has solicited proposals from licensed companies to clean up the property; and

WHEREAS, a proposal was submitted by Boro Landscaping, 299 Grant Avenue, Suite 3, Totowa, New Jersey 07512 to completely clean the property and remove all brush, bamboo and debris 503 Preakness Avenue in the amount of \$6,500.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need to clean up the property located at 503 Preakness Avenue for the well-being and safety of the residents of the Borough of Totowa; and

WHEREAS, pursuant to the applicable New Jersey State laws, these cleaning services 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 Borough of Totowa to enter into a contract with Boro Landscaping for the cleaning up of property at 503 Preakness Avenue in the amount of \$6,500.00.

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.

BE IT FURTHER RESOLVED, that a lien shall be placed on the property located at 503 Preakness Avenue, Totowa, New Jersey 07512 for all costs incurred with the cleaning up of the property.

A letter from Construction Code Official Allan Burghardt advising that he will be on vacation from September 11 – 21, 2018 was received and filed.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Palazzo, 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. 14-2018

**CAPITAL ORDINANCE AMENDING ORDINANCE NO. 11-2018 OF THE
BOROUGH OF TOTOWA, IN THE COUNTY OF PASSAIC, NEW JERSEY**

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to adopt the following Resolution Re: Emergency Appropriation In Accordance With N.J.S.A. 40A:4-48 – Down Payment On Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 98-2018

Resolution Re: Emergency Appropriation In Accordance With N.J.S.A. 40A:4-48 – Down Payment On Improvements

WHEREAS, an emergency has arisen with respect to the funding of the down payment on improvements for the Acquisition of Property for Historic Preservation in the Borough of Totowa; and

WHEREAS, no adequate provision was made in the 2018 budget for the unforeseen aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$15,000 and, three percent (3%) of the total operating appropriations in the Budget for the year 2018 is \$551,298.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa, County of Passaic (not less than two-thirds of all members thereof affirmatively concurring) that the emergency appropriation made for Down Payment on Improvements in the amount of \$15,000 will be provided in full in the 2019 budget of the Borough and that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for:

Current Fund	
Capital Improvements	
Down Payment on Improvements	\$15,000

2. Said emergency appropriation shall be provided for in full in the 2019 budget of the Borough.
3. That funds for the appropriation shall be provided from surplus funds on hand.
4. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.
5. That the statement prepared by the Chief Financial Officer as required by the Local Finance Board has been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government Services.

There was a motion by Councilwoman Palazzo, 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. 15-2018

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY
IN AND BY THE BOROUGH OF TOTOWA, IN THE COUNTY OF PASSAIC,
NEW JERSEY, APPROPRIATING \$400,000 THEREFORE AND AUTHORIZING
THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE BOROUGH
TO FINANCE PART OF THE COST THEREOF**

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to adopt the Resolution For Capital Budget Amendment. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to introduce on first reading, refer to the Planning Board for their review and approval 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. 16-2018

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 415 ENTITLED “ZONING AND LAND USE”, PART 4, “ZONING”,
ARTICLE XXIV, “CONDITIONAL USES”, SUB-SECTION 190(A) ENTITLED
“SMOKE SHOPS” TO INCLUDE A NEW SUB PARAGRAPH 7**

There was a motion by Councilwoman Palazzo, 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 Totowa Borough Republican Club for Sunday, September 9, 2018 from 12:00 – 8:00 p.m. to be held at the recreational areas at The PAL. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Raffle License Application No. 2101 for Lincoln Fire Company for an Off-Premise 50/50 to be held on October 13, 2018 at The Elks Lodge. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Raffle License Application No. 2102 for DePaul Diocesan High School Parents Association for an On-Premise 50/50 to be held on September 20, 2018 at The Barnyard. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2103 & 2104 for Helpful Hands Northeast Regional Early Intervention Collaborative, Inc. for a Casino Night and Off-Premise 50/50 to be held on November 3, 2018 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2105 & 2106 for the Totowa PAL for a Tricky Tray and On-Premise 50/50 to be held on October 19, 2018. 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