

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

September 8, 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 remote means on Zoom.

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.

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.

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.

Mayor Coiro asked if any citizens watching via Zoom wished to be heard on any matter.

CITIZENS HEARD:

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 August 25, 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. 2020-19 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 due to overpayment of 3rd Quarter 2020 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there has been an overpayment of 3rd quarter 2020 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
9.11	86	182 Hickory Hill Blvd. Kyung Sook Son	Kyung Sook Son 182 Hickory Hill Blvd. Totowa, NJ 07512	\$3,578.20
Qual				
C0206				

151	3	53 Hillside Ave. Kristy Madsen	Corelogic Attn:Refund Dept. PO Box 9202 Coppell, TX 75019-9760	\$1,736.32
160	10	311 Winifred Dr. Donna & Sean Bradley	Corelogic Attn:Refund Dept. PO Box 9202 Coppell, TX 75019-9760	\$3,386.32

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.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve a grade increase for Patrol Officer Matthew Cossari from Grade 7 to Grade 6. 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 Authorizing The Purchase And Delivery Of Three Vehicles For The Borough Of Totowa Police Department. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 99-2020

RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF THREE VEHICLES FOR THE BOROUGH OF TOTOWA POLICE DEPARTMENT

WHEREAS, the Borough of Totowa Police Chief has requested that three new police vehicles be purchased and added to the Borough of Totowa fleet; and

WHEREAS, more specifically, the Police Chief has requested the purchase of two Ford Police Interceptor Sports Utility Vehicles ("SUVs") and one Police Admin Interceptor SUV; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for three new police vehicles in order to maintain and keep the fleet updated; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase of these vehicles; and

WHEREAS, Morris County Cooperative Pricing Council Contract No. 15-A has been awarded to Beyer Ford, 170 Ridgedale Avenue, Morristown, New Jersey 07960 for the purchase and delivery of 2020 Ford Police Interceptor SUVs, 2021 Police Admin Interceptor SUVs and all related equipment; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of the police vehicles 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 two 2020 Ford Police Interceptor SUVs from Beyer Ford in the amount of \$32,664.15 per SUV and one Police Admin Interceptor SUV from Beyer Ford in the amount of \$34,108.15 for a total cost of \$99,436.45.

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

MAYOR'S APPOINTMENT

I, Mayor John Coiro, do hereby appoint Gary Bierach as
Emergency Management Coordinator for a term of three (3)
years ending September 7, 2023.

The above is a Mayor's appointment and does not require Council consent or confirmation.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve Agreement between the Borough of Totowa and Brian Fusco to participate in the Volunteer Tuition Credit Program pursuant to P.L. 1998, c. 145 and authorize the Mayor and Municipal Clerk to execute the same. On roll call vote, all members of the Council present voted in the affirmative.

A letter from the Totowa Fire Department Fund Drive Committee advising of their annual fund drive was received and filed.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following Resolution Authorizing A Refund To FIS – The Credit Card Servicing Company For Water Account No. 1245-0, 20 Battle Ridge Trail. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 100-2020

RESOLUTION AUTHORIZING A REFUND TO FIS – THE CREDIT CARD SERVICING COMPANY FOR WATER ACCOUNT NO. 1245-0, 20 BATTLE RIDGE TRAIL

WHEREAS, homeowners Mohammed & Rasheda Rahman, paid their May 1, 2020 water bill for Account No. 1245-0 online using their credit card; and

WHEREAS, the homeowners did not realize there is a 2.95% convenience fee for utilizing the online payment service; and

WHEREAS, when the homeowners disputed the charge with the credit card servicing company (FIS), FIS told the homeowners to pay the water bill again by check to the Borough of Totowa and that FIS would refund the homeowners; and

WHEREAS, the credit card servicing company, FIS, is now entitled to a refund.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Treasurer issues a refund in the amount of \$130.80 to FIS, Accounting Department, P.O. Box 4535, Carol Stream, IL 60197-4535.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing Emergency Electrical Repairs At The Borough Of Totowa Municipal Complex. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 101-2020

RESOLUTION AUTHORIZING EMERGENCY ELECTRICAL REPAIRS AT THE
BOROUGH OF TOTOWA MUNICIPAL COMPLEX

WHEREAS, on August 26, 2020, the electrical panel at the Borough of Totowa Municipal Complex was destroyed by a fire; and

WHEREAS, the Mayor and Council of the Borough of Totowa immediately closed the building to all non-essential personnel for the safety and welfare of the municipal employees; and

WHEREAS, the Mayor and Council also directed the Municipal Clerk to secure a contractor to undertake the necessary emergency repairs as quickly as possible; and

WHEREAS, Salomone Bros., Inc., 17 Demarest Drive, Wayne, New Jersey 07470 responded to the emergency and were able to make the necessary repairs to the electrical system and replaced the electrical panel at the Borough of Totowa Municipal Complex; and

WHEREAS, on August 28, 2020, all municipal employees were able to safely return to work at the Borough of Totowa Municipal Complex; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the emergency electrical repairs at the Borough of Totowa Municipal Complex that were performed by Salomone Bros., Inc.; and

WHEREAS, the Mayor and Council of the Borough of Totowa further desire to acknowledge Salomone Bros., Inc. for the work performed in a professional and expedited manner which allowed the Municipal Complex to safely reopen so quickly.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the emergency electrical repairs at the Borough of Totowa Municipal Complex performed by Salomone Bros., Inc.

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.

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Installation And Programming Of The Control Panel At The West End Pump Station. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 102-2020

RESOLUTION AUTHORIZING THE INSTALLATION AND PROGRAMMING
OF THE CONTROL PANEL AT THE WEST END PUMP STATION

WHEREAS, the Borough of Totowa Department of Public Works Superintendent has advised the Mayor and Council of the Borough of Totowa that the control panel at the West End Pump Station has failed and must be replaced as soon as possible; and

WHEREAS, the Pump Station services the residents of the Borough of Totowa by collecting sanitary sewerage waste from individual users throughout the municipality where it is processed and conveyed to the Passaic Valley Sewerage Commissioners located in Newark, New Jersey for proper treatment and disposal; and

WHEREAS, the Borough of Totowa Department of Public Works Superintendent has recommended that the Borough of Totowa replace the control panel with a Tulsar custom control panel which is designed to work with the existing Yaskawa VFDS; and

WHEREAS, Precision Electric Motor Works, Inc., 18 Sebago Street, Clifton, New Jersey 07013 has submitted a proposal for the installation and programming of one Tulsar custom control panel at the West End Pump Station in the amount of \$36,750.00, 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 the installation and programming of the control panel at the West End Pump Station.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by Precision Electric Motor Works, Inc., for the installation and programming of one Tulsar custom control panel at the West End Pump Station in the amount of \$36,750.00.

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

A letter was received from the Totowa Public Library requesting permission to extend the Farmer's Market to continue from September 11 – October 30, 2020 and changing the hours to 1:00 – 6:00 p.m. There was a motion by Councilman Capo, seconded by Councilwoman Andriani to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from the Passaic Valley Elks Lodge #2111 BPOE requesting permission to have Fellner Place – in front of their premises – closed for a fundraiser on Sunday, September 27, 2020. There was a motion by Councilman Capo, seconded by Councilwoman Andriani to approve their request. On roll call vote, all members of the Council present voted in the affirmative.

STREET CLOSING AUTHORIZED BY THE MAYOR

Under the authority vested in me as Mayor of the Borough of Totowa, County of Passaic, State of New Jersey, by virtue of N.J.S.A. 40A:60-3 and the Code of the Borough of Totowa Chapter No. 398-42, I, Mayor John Coiro, do hereby order and direct that Fellner Place in front of Passaic Valley Elks Lodge #2111 – from Cumberland Avenue to Shepherds Lane – be closed to vehicular traffic from 9:00 a.m. to 7:00 p.m. on Sunday, September 27, 2020. I further direct that proper signs and barriers be erected at both ends of the street and that the Totowa Police Department control and regulate, as well as enforce, this regulation.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing Execution Of Assignment And Assumption Agreements For Transfer Of The Medical Office Building And Senior Living Facility Components Of The Redevelopment Agreement With NJDC Urban Renewal, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 103-2020

RESOLUTION AUTHORIZING EXECUTION OF ASSIGNMENT AND ASSUMPTION AGREEMENTS FOR TRANSFER OF THE MEDICAL OFFICE BUILDING AND SENIOR LIVING FACILITY COMPONENTS OF THE REDEVELOPMENT AGREEMENT WITH NJDC URBAN RENEWAL, LLC

WHEREAS, the municipal council (the "Council") of the Borough of Totowa in the County of Passaic (the "Borough"), a public body corporate and politic of the State of New Jersey, is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law") to determine whether certain parcels of land with the Borough constitute an area in need of redevelopment and to adopt and implement redevelopment plans; and

WHEREAS, on October 13, 2015, in accordance with the criteria set forth in the Redevelopment Law, the Borough accepted the recommendation of the Borough of Totowa Planning Board (the "Planning Board") and adopted a resolution which designated the property commonly known on the Borough tax map as Block 154, Lots 19.03 and 19.04 (formerly Block 154, Lot 19 and Block 154.01, Lot 1) as an "area in need of redevelopment" (the "Redevelopment Area" or "Property"); and

WHEREAS, by Ordinance No. 03-2016 adopted on February 23, 2016, in accordance with the criteria set forth in the Redevelopment Law, the Borough accepted the recommendation of the Planning Board and adopted a redevelopment plan entitled the "North Jersey Developmental Center Redevelopment Plan" for the Redevelopment Area, as amended by the Borough in accordance with the criteria set forth in the Redevelopment Law pursuant to Ordinance No. 04-2017 dated April 25, 2017 (as amended and as may be amended from time to time, the "Redevelopment Plan"); and

WHEREAS, in accordance with the Redevelopment Law, NJDC Urban Renewal, LLC (the "Redeveloper") and the Borough entered into that certain Redevelopment Agreement dated June 15, 2017 (as subsequently amended, the "Redevelopment Agreement"), for the undertaking of a redevelopment project on the Property consisting of, among other things, a medical office building (the "Medical Office Component") and an assisted living facility (the "Senior Living Component"); and

WHEREAS, Section 12.2(f) of the Redevelopment Agreement permits the Redeveloper to transfer redevelopment rights and obligations to its Affiliates, as such term is defined in the Redevelopment Agreement, which transfer is defined as a "Permitted Transfer" in the Redevelopment Agreement; and

WHEREAS, Redeveloper has provided written notice to the Borough, in compliance with Section 12.3 of the Redevelopment Agreement, of the Permitted Transfers, of the nature of such Permitted Transfer, and the name(s) and address(es) of the assignees and any parties, individuals and/or entities comprising the assignees; and

WHEREAS, the Redeveloper seeks approval of the Borough to enter into an assignment and assumption agreement to transfer redevelopment rights and obligations for the Medical Office Component to Totowa Med Urban Renewal, LLC, an Affiliate of the Redeveloper as defined in the Redevelopment Agreement (the “Medical Office Assignment”); and

WHEREAS, the Redeveloper seeks approval of the Borough to enter into an assignment and assumption agreement to transfer redevelopment rights and obligations for the Senior Living Component to Sycamore Totowa Urban Renewal, LLC, an Affiliate of the Redeveloper as defined in the Redevelopment Agreement (the “Senior Living Assignment”); and

WHEREAS, the Borough has determined that the Medical Office Assignment and the Senior Living Assignment are necessary to effectuate the redevelopment of the Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF TOTOWA, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as though fully set forth at length.

Section 2. The Mayor is authorized to execute and deliver the Medical Office Assignment substantially in the form on file with the Borough, and the same is hereby approved retroactive to February 26, 2019, together with any changes, insertions and omissions thereto as the Mayor, after consultation with redevelopment counsel to the Borough, deems to be necessary or desirable for the execution thereof and/or as necessary to effectuate the intent and purpose of this Resolution.

Section 3. The Mayor is authorized to execute and deliver the Senior Living Assignment substantially in the form on file with the Borough, and the same is hereby approved retroactive to February 26, 2019, together with any changes, insertions and omissions thereto as the Mayor, after consultation with redevelopment counsel to the Borough, deems to be necessary or desirable for the execution thereof and/or as necessary to effectuate the intent and purpose of this Resolution.

Section 4. Upon the execution of the Medical Office Assignment and the Senior Living Assignment, the Mayor and Borough staff and professionals are hereby authorized and directed to (i) deliver the fully executed, attested and sealed documents to the other parties thereto, (ii) perform such other actions as the Mayor deems necessary or desirable in relation to the execution and delivery of the Medical Office Assignment and/or the Senior Living Assignment, and (iii) execute, deliver and accept the normal and customary documents in this regard and undertake all actions and/or refrain from taking actions as authorized thereby, and as reasonably necessary to effectuate the purpose and intent of the Medical Office Assignment, the Senior Living Assignment and this Resolution.

Section 5. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

Section 6. This Resolution shall take effect immediately.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Renewal Of Division Of Alcoholic Beverage Control Liquor Licenses For The 2020 – 2021 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 104-2020

RESOLUTION AUTHORIZING THE RENEWAL OF DIVISION OF ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSES FOR THE 2020 – 2021 LICENSE TERM

WHEREAS, Division of Alcoholic Beverage Control (ABC) liquor licenses that have been issued by the Borough of Totowa during the 2019 – 2020 license term were to expire on June 30th; and

WHEREAS, as a result of the unprecedented health hazard posed by the novel coronavirus disease (COVID-19), Governor Phil Murphy declared a Public Health Emergency; and

WHEREAS, in light of that declaration, ABC Director James Graziano has issued an order to extend the 2019 – 2020 licenses through September 30, 2020; and

WHEREAS, State and Municipal regulations now require that ABC liquor licenses be renewed prior to October 1, 2020; and

WHEREAS, the Division of Alcoholic Beverage Control (ABC) has introduced POSSE ABC, an electronic web based licensing system; and

WHEREAS, licensees have filed their renewal applications online through POSSE ABC, have received their Alcoholic Beverage Retail Licensee Clearance Certificate and have paid their State and Municipal fees.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Municipal Clerk be authorized to issue an ABC License to the following licensed premises for the 2020 – 2021 license term.

- | | |
|-----------------|--------------------------------------|
| 1612-33-001-010 | Apple Food Service of Totowa, Inc. |
| 1612-33-002-005 | The 46 Lounge, LLC |
| 1612-33-003-004 | Anthony Murphy, Inc. |
| 1612-33-004-007 | Murphy's Steakhouse, LLC |
| 1612-33-005-003 | Bethwood Catering, LLC |
| 1612-44-006-005 | DTJ, Ltd. |
| 1612-33-007-005 | Crestview Motel, Inc. |
| 1612-33-008-009 | Balcony Holdings, LLC |
| 1612-44-009-007 | Daystar Trading Company |
| 1612-33-010-009 | New Sushi, LLC |
| 1612-33-011-005 | Totowa Barnyard, Inc. |
| 1612-31-012-001 | Totowa Boro Memorial Post #227 |
| 1612-31-013-001 | Italian American Ind Club of Totowa |
| 1612-31-014-001 | Passaic Valley Elks Lodge BPOE #2111 |

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to memorialize the Proclamation In Honor Of Cheryl Christine Johnson. On roll call vote, all members of the Council present voted in the affirmative.

PROCLAMATION IN HONOR OF CHERYL CHRISTINE JOHNSON

WHEREAS, Cheryl Christine Johnson graduated from Southern Connecticut State College in New Haven on June 13, 1970 with a Master of Science Degree in Education and she holds an Elementary School Teacher Certificate; and

WHEREAS, Cheryl Christine Johnson began her career with the Borough of Totowa school system in September of 1970; and

WHEREAS, Cheryl Christine Johnson taught Grade 7 from 1970 to 1976, Grade 8 from 1976 to 2000 and Grade 8 reading from 2000 to 2020; and

WHEREAS, during her tenure, Cheryl Christine Johnson demonstrated her commitment to her profession and her students by participating in and attending the Washington D.C. trips, Great Adventure trips, 8th Grade Graduation dances, Student Council Breast Cancer Walk and Youth Week; and

WHEREAS, Cheryl Christine Johnson chaperoned many events such as the Annual Spring Musical, Science Fairs, Art Shows and Concerts; and

WHEREAS, Cheryl Christine Johnson attended the 8th Grade graduation ceremonies and worked diligently with the students on their graduation speeches and presentation of those speeches; and

WHEREAS, upon her retirement, Cheryl Christine Johnson will be greatly missed by the Totowa students, staff and administration; and

WHEREAS, the Mayor and Council of the Borough of Totowa wish to publicly honor Cheryl Christine Johnson for her outstanding teaching career in the Borough of Totowa School system.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey, that special recognition be given to Cheryl Christine Johnson for her 50 years as a teacher within our community.

BE IT FURTHER PROCLAIMED by the Mayor and Council of the Borough of Totowa that Cheryl Christine Johnson be honored by her students and residents of the Borough of Totowa for her devoted services rendered to them as a teacher and a role model.

BE IT FURTHER PROCLAIMED that this Proclamation be made a part of the permanent records of the Borough of Totowa and that a copy of said Proclamation be presented to Cheryl Christine Johnson.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Raffle License Application No. 2208 for St. James of the Marches Church for an Off-Premise 50/50 to be held on December 13, 2020. 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. 2209 for The Diane D'Apolito-May "Beyond The Rainbow" Charitable Foundation for a Calendar Raffle to be held during the months of December 2020, January and February 2021. 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