

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

June 29, 2021

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

ABSENT: Councilwoman Lisa Palazzo.

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 the 2021 Municipal Budget and Ordinance Nos. 05-2021 & 06-2021 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that the 2021 Municipal Budget and Ordinance Nos. 05-2021 & 06-2021 have been advertised for public hearing for Tuesday, June 29, 2021.

Municipal Clerk Wassel read the Municipal Budget Notice.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt the following Resolution To Waive The Reading In Full Of The 2021 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 66-2021

RESOLUTION TO WAIVE THE READING IN FULL OF THE
2021 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing and at the hearing, a complete copy of the approved budget:

- a) shall be made available for public inspection; and
- b) shall be made available to each person upon request; and

WHEREAS, the Borough of Totowa has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the Borough of Totowa is hereby permitted to waive the reading in full, of the Municipal Budget for the year ending December 31, 2021.

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 the 2021 Municipal Budget.

CITIZENS HEARD:

Ralph Marana, 131 Greene Avenue: Asked about the County budget. Mayor Coiro: Advised that we were told by County Officials that we will see a decrease in County taxes this year.

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.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to approve Resolution No. 67-2021 To Adopt The 2021 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 05-2021.

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. 05-2021.

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. 05-2021 by title:

ORDINANCE NO. 05-2021

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 72 ENTITLED "PERSONNEL POLICIES", ARTICLE V,
"LEAVES OF ABSENCE", SECTION 24, "ABSENCES DUE
TO PERSONAL ILLNESS OR DISABILITY"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 05-2021 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 the title of Ordinance No. 06-2021.

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. 06-2021.

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. 06-2021 by title:

ORDINANCE NO. 06-2021

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 75 ENTITLED "POLICE DEPARTMENT", ARTICLE XII,
"GENERAL RULES", SECTION 80, "OUTSIDE EMPLOYMENT REGULATED;
EMPLOYMENT OF OFF-DUTY POLICE"**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 06-2021 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.

Councilwoman Andriani: 1) Said the summer concerts are going very well, but we are postponing tomorrow due to the weather and asked the Borough Clerk to put on the marquee; 2) Stated that the Farmer's Market will be discontinued immediately because the farmer pulled out and the interest has been waning.

Mayor Coiro asked if any citizens wished to be heard.

CITIZENS HEARD:

There were no citizens who wished to be heard.

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 June 15, 2021. 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. 2021-14 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 A Refund To DPR Construction For An Overpayment Of Fees For The Digital Realty Trust Project. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 68-2021

RESOLUTION AUTHORIZING A REFUND TO DPR CONSTRUCTION FOR AN OVERPAYMENT OF FEES FOR THE DIGITAL REALTY TRUST PROJECT

WHEREAS, the Borough of Totowa Building Department collected a State training fee payment of \$84,861.00 for the 2021 first quarter from DPR Construction, 1090 King Georges Post Road, Suite 904, Edison, New Jersey 08837 for the Digital Realty Trust Project, 701 Union Boulevard, Totowa, New Jersey 07512 and transmitted same to the State of New Jersey Department of Community Affairs (“DCA”); and

WHEREAS, the calculation was based on a training fee report with 254,075 cubic feet and \$44,160,083.00 in alterations; and

WHEREAS, the alteration figure was subsequently revised because it included \$37,750,000.00 from a permit update for a new warehouse authorized by the Borough of Totowa Board of Adjustment in 2020; and

WHEREAS, the update was reported as an alteration due to a mistake made in a software program that was recently acquired by the Building Department; and

WHEREAS, the Borough of Totowa Building Department notified the contractor of the error and revised the training fee report to reflect \$6,410,083.00 in alterations; and

WHEREAS, based on the revised calculations, DPR Construction is entitled to a refund from the DCA in the amount of \$71,725.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby request that the DCA Fiscal Office issue a refund to the Borough of Totowa Building Department in the amount of \$71,725.00 for DPR Construction, 1090 King Georges Post Road, Suite 904, Edison, New Jersey 08837 for the Digital Realty Trust Project, 701 Union Boulevard, Totowa, New Jersey 07512 for an over payment of fees as set forth above.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa Building Department to distribute the refund in the amount of \$71,725.00 to DPR Construction upon receipt of same.

COMMITTEE ON PUBLIC SAFETY:

There was no report.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to adopt the following Resolution To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For The 2022 Municipal Aid Application For The Cumberland Avenue, Hamilton Trail And Stirling Terrace Improvement Project. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 69-2021

RESOLUTION TO SUBMIT A GRANT APPLICATION AND EXECUTE
A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE 2022 MUNICIPAL AID APPLICATION FOR
THE CUMBERLAND AVENUE, HAMILTON TRAIL AND STIRLING TERRACE
IMPROVEMENT PROJECT

WHEREAS, the Borough of Totowa continues to develop projects that will improve access and maintenance on public roads; and

WHEREAS, the Borough of Totowa's Engineer has provided plans specifically designed to address and improve traffic flow/safety issues and maintenance on our roads; and

WHEREAS, the Borough of Totowa has submitted plans to the State of New Jersey, Department of Transportation for Municipal Aid in the past and will continue to do so in the future; and

WHEREAS, the Borough of Totowa has identified Cumberland Avenue, Hamilton Trail and Stirling Terrace to be in desperate need of repair.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, in the County of Passaic, State of New Jersey formally approves the grant application for the Cumberland Avenue, Hamilton Trail and Stirling Terrace Improvement Project.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as "MA-2022-Totowa Borough-Cumberland Avenue, Hamilton Trail and Stirling Terrace Improvement Project-00421" to the New Jersey Department of Transportation on behalf of the Borough of Totowa.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Totowa and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Professional Engineering Services For The 2021 New Jersey Department Of Transportation Municipal Aid Road Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 70-2021

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES FOR THE 2021 NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID ROAD PROGRAM

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional engineering firm to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the 2021 New Jersey Department of Transportation ("NJDOT") Municipal Aid Road Program; and

WHEREAS, the 2021 NJDOT Road Resurfacing Program calls for improvements to sections of Artillery Park Road, Knox Terrace, Colonial Court, Knollwood Road and Stewart Terrace; and

WHEREAS, Richard A. Alaimo Engineering Associates has submitted a proposal dated May 3, 2021 to provide the design, bid assistance and construction supervision services for the roads selected at a cost not to exceed \$110,440.00, 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 on June 29, 2021 did examine the proposal submitted by Richard A. Alaimo Engineering Associates; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be awarded 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 Richard A. Alaimo Engineering Associates for professional engineering services for the 2021 NJDOT Municipal Aid Road Program in the amount of \$110,440.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Richard A. Alaimo Engineering Associates to perform the professional services as set forth in their proposal.

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 Authorizing The Borough Of Totowa To Enter Into A Real Estate Sales Contract For The Purchase Of 78 Highview Avenue For Veteran's Housing. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 71-2021

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO
A REAL ESTATE SALES CONTRACT FOR THE PURCHASE OF
78 HIGHVIEW AVENUE FOR VETERAN'S HOUSING

WHEREAS, June Abene, 401 Abbe Road, Little Falls, New Jersey 07424 is the owner of property located at 78 Highview Avenue in the Borough of Totowa and identified as Block 78, Lot 70 on the official tax map of the Borough of Totowa; and

WHEREAS, this property is currently listed for sale; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to purchase homes within the community that are in good condition, at a reasonable price, and create safe, affordable homes for Veterans and their families within our community; and

WHEREAS, the Borough of Totowa has made an offer in the amount of \$410,000.00 to purchase the property located at 78 Highview Avenue and this offer has been accepted by Ms. Abene; and

WHEREAS, the Mayor and Council desire to memorialize the terms and conditions of the purchase of 78 Highview Avenue in a Real Estate Sales Contract; and

WHEREAS, the Mayor and Council of the Borough of Totowa further desire to authorize the purchase of this property for Veteran Family Housing as part of the Borough of Totowa Affordable Housing Trust Fund Spending Plan.

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 Real Estate Sales Contract with June Abene for the purchase of property located at 78 Highview Avenue in the Borough of Totowa and identified as Block 78, Lot 70 on the official tax map of the Borough of Totowa.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa further authorize the purchase of this property with funds that have been set aside for Veteran Family Housing as part of the Borough of Totowa Affordable Housing Trust Fund Spending Plan.

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 instruments relating thereto.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani 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. 07-2021

**A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$1,823,600
FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS TO BE
UNDERTAKEN BY THE BOROUGH OF TOTOWA**

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing The Renewal Of Division Of Alcoholic Beverage Control Liquor Licenses For The 2021 – 2022 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 72-2021

RESOLUTION AUTHORIZING THE RENEWAL OF
DIVISION OF ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSES
FOR THE 2021 – 2022 LICENSE TERM

WHEREAS, Division of Alcoholic Beverage Control (ABC) liquor licenses that have been issued by the Borough of Totowa during the 2020 – 2021 license term will expire on June 30th; and

WHEREAS, State and Municipal regulations require that ABC liquor licenses be renewed prior to July 1, 2021; 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 2021 – 2022 license term.

1612-33-002-005 The 46 Lounge, LLC
1612-33-007-005 Crestview Motel, Inc.
1612-33-008-009 Balcony Holdings, LLC

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