

## **BOROUGH OF TOTOWA**

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

**July 12, 2022**

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

**ABSENT:** Councilwoman Debra Andriani and Councilman William Bucher.

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 Councilman Picarelli to dispense with the regular order of business in order to hold a public hearing on Ordinance Nos. 05-2022 & 06-2022 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance Nos. 05-2022 & 06-2022 have been advertised for public hearing for Tuesday, July 12, 2022.

Municipal Clerk Wassel read the legal notice and title of Ordinance No. 05-2022.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli 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. 05-2022.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli 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. 05-2022 by title:

**ORDINANCE NO. 05-2022**

**AN ORDINANCE TO AMEND THE ORDINANCE FIXING THE ANNUAL SALARIES AND WAGES OF THE OFFICIALS, EMPLOYEES AND THE APPOINTEES OF THE BOROUGH OF TOTOWA, COUNTY OF PASSAIC, STATE OF NEW JERSEY**

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt Ordinance No. 05-2022 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 title of Ordinance No. 06-2022.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli 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. 06-2022.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli 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. 06-2022 by title:

**ORDINANCE NO. 06-2022**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA  
CHAPTER 75 ENTITLED "POLICE DEPARTMENT", ARTICLE II,  
"PUBLIC SAFETY COMMITTEE", SECTION 3, "DUTIES"**

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt Ordinance No. 06-2022 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 Councilman Picarelli 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:

Chris Delorenze: Said that he is here tonight because he wants to become a member of the pool and his residency is being questioned. Stated that he was a former resident with his parents on Crestwood Court until 1957. Said that he had to contact the Motor Vehicle Commission (MVC) for a new license, but couldn't use his prior address in West Milford because his landlord forced him out and that now he is legally homeless. Stated that as

a Veteran, he has been working with Catholic Charities SSVF (Supportive Services for Veterans & Families) and they placed him in the Wyndham Hotel since March 14, 2022. Reported that the MVC said that he could use the hotel address as his legal address and also that the Tax Assessor told him his current situation qualifies him as a legal resident. Mayor Coiro: Thanked him for his service. Told him that we have had this situation before and just because a person is living in the hotel they are not considered a resident of Totowa. Responded that we understand your situation, but will turn it over to our Attorney for a legal interpretation. Municipal Attorney Corrado: Also, thanked him for his service and then informed him that under the housing codes he was not considered a resident of Totowa. Went on to explain that the Wyndham Hotel is a transient occupancy and not intended for long term occupancy and that they were never approved for extended stay and does not have the facilities for such. Mr. Delorenze: Replied then why did the Assessor say that I qualify as a resident and you should ask him. Both Mayor Coiro and Attorney Corrado responded that they would be contacting the Assessor. Mayor Coiro: Disclosed that we are bound by regulations and that we can't make exceptions for one and not another. Remarked that we would go back and talk to our Assessor and Construction Official to review the building and housing laws and would have an answer for him in a couple of days. Once, again, thanked him for his service to our Country.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to approve the Minutes of the Mayor and Council for the meeting of June 28, 2022. 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. 2022-15 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 approve payment of the 3<sup>rd</sup> Quarter 2022 Budget Allotment to the Borough of Totowa Public Library in the amount of \$235,144. 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 adopt the following Resolution Authorizing The Borough Of Totowa To Apply For And Obtain A Grant From The New Jersey Department Of Community Affairs American Rescue Plan Firefighter Grant. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 87-2022

WHEREAS, the Borough of Totowa desires to apply for and obtain a grant from the New Jersey Department of Community Affairs American Rescue Plan Firefighter Grant for approximately \$74,912.75 to carry out a project to purchase 23 sets of turnout gear for the Totowa Fire Department.

BE IT THEREFORE RESOLVED,

1) that the Borough of Totowa does hereby authorize the application for such a grant; and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Totowa and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

_____	_____
(signature)	(signature)
John Coiro_____	Joseph Wassel_____
(type or print name)	(type or print name)
Mayor_____	Municipal Clerk_____
(title)	(title)

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Professional Engineering Services For The 2022 New Jersey Department Of Transportation Roads And 2022 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 88-2022

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES  
FOR THE 2022 NEW JERSEY DEPARTMENT OF TRANSPORTATION ROADS  
AND 2022 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 2022 New Jersey Department of Transportation ("NJDOT") Municipal Aid Road Program; and

WHEREAS, the 2022 NJDOT Road Program calls for improvements to sections of Cumberland Avenue, Hamilton Trail and Stirling Terrace; and

WHEREAS, in addition to the roads covered under the NJDOT grant, the Borough of Totowa under its 2022 Road Program will also pave Fellner Place, Mountainwood Court and Huntington Terrace; and

WHEREAS, the project will consist of roadway subbase repair, the milling and resurfacing of the roadways, the installation of ADA compliant curb ramps, the installation of Stop Signs and Stop bars and replacing pavement markings; and

WHEREAS, Alaimo Group has submitted a proposal dated July 6, 2022 to provide the design, bid assistance and construction supervision services for the roads selected at a cost not to exceed \$126,750.00, 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 July 12, 2022 did examine the proposal submitted by Alaimo Group; 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 Alaimo Group for professional engineering services for the 2022 NJDOT Roads and 2022 Road Program in the amount of \$126,750.00.

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

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from the St. James Italian Society requesting permission to use the Municipal Parking Lot on Sunday, July 17, 2022 for a trip to the San Silverio Shrine, Dover, NY. There was a motion by Councilman Capo, seconded by Councilman D'Angelo to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from the Friends of the Totowa Public Library requesting permission to use the Municipal Parking Lot on Thursday, September 8, 2022 for a trip to the Bucks County Playhouse, Hope, PA. There was a motion by Councilman Capo, seconded by Councilman D'Angelo 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 Fierro, seconded by Councilman D'Angelo to adopt the following Resolution Of The Municipal Council Of The Borough Of Totowa, County Of Passaic, New Jersey Designating Minnisink Road Urban Renewal, LLC As Redeveloper Of A Portion Of Block 154, Lot 19.07 And Authorizing The Execution Of A Subsequent Redevelopment Agreement In Connection Therewith, And Terminating Livia Propco Totowa Urban Renewal, LLC's Designation As Redeveloper For Such Portion Of Block 154, Lot 19.07. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 89-2022

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF TOTOWA,  
COUNTY OF PASSAIC, NEW JERSEY DESIGNATING MINNISINK ROAD URBAN  
RENEWAL, LLC AS REDEVELOPER OF A PORTION OF BLOCK 154, LOT 19.07  
AND AUTHORIZING THE EXECUTION OF A SUBSEQUENT REDEVELOPMENT  
AGREEMENT IN CONNECTION THEREWITH, AND TERMINATING LIVIA PROPCO  
TOTOWA URBAN RENEWAL, LLC'S DESIGNATION AS REDEVELOPER  
FOR SUCH PORTION OF BLOCK 154, LOT 19.07

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation or redevelopment; and

WHEREAS, the municipal council of the Borough of Totowa (the "Borough Council") in the County of Passaic, State of New Jersey (the "Borough"), a public body corporate and politic of the State of New Jersey (the "State"), is authorized pursuant to the Redevelopment Law to determine whether certain parcels of land with the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, the Borough Council, by Resolution No. 126-2015 duly adopted on October 13, 2015, designated the properties now identified as Block 154, Lots 19.01, 19.02, 19.04, 19.05, 19.06, and 19.07, formerly known as Block 154, Lot 19 and Block 154.01, Lot 1 (and Lots 19.04, 19.05 and 19.06 formerly known as Block 154, Lot 19.03), as a non-condemnation "area in need of redevelopment" (the "Redevelopment Area"); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7(e)*, on February 23, 2016, after review and consideration of the recommendations transmitted by the Borough of Totowa Planning Board (the "Planning Board"), by Ordinance No. 03-2016 the Borough Council finally adopted the North Jersey Developmental Center Redevelopment Plan (as amended, the "Redevelopment Plan") for the Redevelopment Area, which Redevelopment Plan established permitted land uses and building requirements for the Redevelopment Area; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7(e)*, on April 25, 2017, after review and consideration of the recommendations transmitted by the Borough of Totowa Planning Board, by Ordinance No. 04-2017 the Borough Council finally adopted a First Amendment to the Redevelopment Plan entitled "North Jersey Developmental Center (NJDC) First Amendment to Redevelopment Plan Borough of Totowa, Passaic County, New Jersey" dated April 6, 2017; and



WHEREAS, pursuant to *N.J.S.A. 40A:12A-7(e)*, on June 28, 2022, after review and consideration of the recommendations transmitted by the Borough of Totowa Planning Board, by Ordinance No. 04-2022 the Borough Council finally adopted a Second Amendment to the Redevelopment Plan entitled “North Jersey Developmental Center (NJDC) First Amendment to Redevelopment Plan Borough of Totowa, Passaic County, New Jersey”; and

WHEREAS, by Resolution 82-2017 adopted on June 13, 2017, the Borough Council designated NJDC Urban Renewal, LLC (the “Original Redeveloper”) as redeveloper of certain property within the Redevelopment Area and authorized execution of that certain Redevelopment Agreement with Original Redeveloper dated June 15, 2017 (as subsequently amended and assigned, the “Redevelopment Agreement”); and

WHEREAS, the Original Redeveloper and the Borough entered into an Amended and Restated Assignment and Assumption Agreement (Senior Living Facility Component) on December 28, 2020, thereby assigning the Original Redeveloper’s rights, duties and obligations under the Redevelopment Agreement with respect to a portion of Block 154, Lot 19.07 (the “Project Site”) to LIVIA Propco Totowa Urban Renewal, LLC (formerly known as Sycamore Totowa Urban Renewal, LLC) (“LIVIA”); and

WHEREAS, the Borough now wishes to terminate LIVIA’s designation as redeveloper of the Project Site and any and all interest LIVIA may have as to the redevelopment of the Project Site; and

WHEREAS, the Borough desires to designate Minnisink Road Urban Renewal, LLC (the “Subsequent Redeveloper”) as “redeveloper” (as such term is defined in the Redevelopment Law) of the Project Site and to enter into a Subsequent Redevelopment Agreement with Subsequent Redeveloper setting forth the terms and conditions for the redevelopment of the Project Site.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Totowa, in the County of Passaic, New Jersey, as follows:

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

Section 2. The designation of LIVIA as redeveloper of the Project Site is hereby terminated, and any and all interest of LIVIA as to the redevelopment of the Project Site is hereby terminated.

Section 3. The Borough Council authorizes the Mayor to execute any and all documents necessary to discharge LIVIA's rights as to the redevelopment of the Project Site, consistent with this resolution and in consultation with counsel to the Borough.

Section 4. The Borough Council hereby authorizes the Mayor to enter into a Subsequent Redevelopment Agreement with Minnisink Road Urban Renewal, LLC, in substantially the form on file with the Borough Clerk, together with such additions, deletions and/or modifications as may be deemed necessary or desirable in consultation with counsel to the Borough.

Section 5. The Borough Council authorizes the Mayor to execute any and all documents and to take any and all actions necessary to effectuate this resolution.

Section 6. This resolution shall take effect immediately.

#### COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Massage Establishment License For JGN Massage, LLC Doing Business As Elements Therapeutic Massage. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 90-2022

#### RESOLUTION AUTHORIZING MASSAGE ESTABLISHMENT LICENSE FOR JGN MASSAGE, LLC DOING BUSINESS AS ELEMENTS THERAPEUTIC MASSAGE

WHEREAS, JGN Massage, LLC doing business as Elements Therapeutic Massage ("Elements Therapeutic Massage") has approval to operate a massage establishment in a portion of the premises located at 650 Union Boulevard, Totowa, New Jersey; and

WHEREAS, in accordance with the requirements set forth in Chapter 250 entitled "Massage Establishments" in the Borough of Totowa Code Book, Elements Therapeutic Massage has submitted an application to the Borough of Totowa for a Massage Establishment License; and

WHEREAS, the Borough of Totowa Police Department has conducted a thorough investigation of the applicant in accordance with Section 250-6 of the Borough of Totowa Code Book; and

WHEREAS, the Borough of Totowa Police Chief has cleared the license for approval; and

WHEREAS, after reviewing the application and report issued by the Borough of Totowa Police Department, the Mayor and Council of the Borough of Totowa have determined that the Elements Therapeutic Massage has complied with all the requirements for a Massage Establishment License in the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby approve the Massage Establishment License application for JGN Massage, LLC doing business as Elements Therapeutic Massage and authorize the Borough of Totowa Municipal Clerk to issue a Massage Establishment License effective July 12, 2022 through June 30, 2023.

BE IT FURTHER RESOLVED, that Elements Therapeutic Massage is required to continue to comply with all applicable laws, ordinances, rules and regulations and said license must be renewed annually on or before July 1<sup>st</sup> each year.

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Massage Therapist Licenses for JGN Massage, LLC Doing Business As Elements Therapeutic Massage. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 91-2022

##### RESOLUTION AUTHORIZING MASSAGE THERAPIST LICENSES FOR JGN MASSAGE, LLC DOING BUSINESS AS ELEMENTS THERAPEUTIC MASSAGE

WHEREAS, JGN Massage, LLC doing business as Elements Therapeutic Massage (“Elements Therapeutic Massage”) has approval to operate a massage establishment in a portion of the premises located at 650 Union Boulevard, Totowa, New Jersey; and

WHEREAS, the requirements set forth in Chapter 250 entitled “Massage Establishments” in the Borough of Totowa Code Book include obtaining a Massage Establishment License for the business and Massage Therapist Licenses for employees to be issued by the Borough of Totowa Municipal Clerk; and

WHEREAS, by Resolution No. 90-2022 dated July 12, 2022, the Mayor and Council of the Borough of Totowa authorized the issuance of a Massage Establishment License application for Elements Therapeutic Massage effective July 12, 2022 through June 30, 2023; and

WHEREAS, the following individuals have submitted applications for a Massage Therapist License as employees of Elements Therapeutic Massage, 650 Union Boulevard, Totowa, New Jersey:

1. Ashley Cupolo, 63 Augustus Street, Bloomfield, New Jersey 07003
2. Donna Garrity, 3 Ridge Road, Wharton, New Jersey 07885
3. Ingrid DeJesus, 1010 E. 25<sup>th</sup> Street, Paterson, New Jersey 07513
4. Robert Simmons, 326 Park Avenue, Newark, New Jersey 07107
5. Souzan Rammaha, 7016 Columbia Avenue, North Bergen, New Jersey 07047
6. Francis Oloughlin, 89 Parkway, Little Falls, New Jersey 07424
7. Karen Gutierrez, 350 Baldwin Avenue, Apt 5G, Parsippany, New Jersey 07054
8. Michelle Russell, 12 John Street, Lincoln Park, New Jersey 07035
9. Ashley Acevedo, 114 Davenport Avenue, Newark, New Jersey 07107
10. Grisel Crespo, 32 Essex Street, Paterson, New Jersey 07003
11. Veronica Figueroa, 542 E. 24<sup>th</sup> Street, Paterson, New Jersey 07514
12. Raquelina Espinal, 430 Roe Street, Haledon, New Jersey 07508

WHEREAS, the above named employees of Elements Therapeutic Massage have each submitted proof of their respective clinical training in compliance with Section 250-7 of the Borough of Totowa Code Book; and

WHEREAS, the Borough of Totowa Police Department has conducted a thorough investigation of the applicants in accordance with Section 250-6 of the Borough of Totowa Code Book; and

WHEREAS, the Borough of Totowa Police Chief has cleared the licenses; and

WHEREAS, after reviewing the application and report issued by the Borough of Totowa Police Department, the Mayor and Council of the Borough of Totowa have determined that the aforementioned applicants have complied with all the requirements for a Massage Therapist License in the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby approve the Massage Therapist License applications for Ashley Cupolo, Donna Garrity, Ingrid DeJesus, Robert Simmons, Souzan Rammaha, Francis Oloughlin, Karen Gutierrez, Michelle Russell, Ashley Acevedo, Grisel Crespo, Veronica Figueroa and Raquelina Espinal as employees of JGN Massage, LLC doing business as Elements Therapeutic Massage and authorize the Borough of Totowa Municipal Clerk to issue Massage Therapist Licenses to each applicant effective July 12, 2022 through June 30, 2023.

BE IT FURTHER RESOLVED, that the above Massage Therapist License holders are required to comply with all applicable laws, ordinances, rules and regulations and said license must be renewed annually on or before July 1<sup>st</sup> each year.

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve Ice Cream Vendors License Application for Michael Panepinto as Owner/Operator and Marissa Romaniello as Operator, trading as Mainland Shave Ice. 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 carry the Resolution Authorizing The Renewal Of Division Of Alcoholic Beverage Control Liquor Licenses For The 2022 – 2023 License Term. 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. 2271 & 2272 for St. James of the Marches Church for a Tricky Tray and On-Premise 50/50 to be held on December 4, 2022. 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. 2273 for St. James of the Marches Church for a Calendar Raffle to be held during the months of August, September, October, November & December 2022. 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 Councilman Picarelli 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