

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

May 14, 2019

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.

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 2019 Municipal Budget as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that the 2019 Municipal Budget has been advertised for public hearing for Tuesday, May 14, 2019.

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 2019 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 62-2019

RESOLUTION TO WAIVE THE READING IN FULL OF THE
2019 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, 2019.

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 wish to be heard on the 2019 Municipal Budget.

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.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt the following Resolution Regarding Self-Examination Of The 2019 Municipal Budget. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 63-2019

RESOLUTION REGARDING SELF-EXAMINATION OF THE
2019 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Totowa has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2019 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, if applicable, the amounts have been calculated pursuant to law and appropriated as such in the budget.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated;
 - b. Items of appropriations are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to approve Resolution No. 64-2019 To Adopt The 2019 Municipal Budget. 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: Announced the following: 1) The new park equipment has been installed at Washington Park School and it looks good; 2) Tomorrow night and next Wednesday night the Board of Recreation will be having registrations for both the pool and summer camp program at the Library in the Community Room.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: 1) Said the plants that were planted in the concrete planters look great, but he has noticed that some are missing. DPW Superintendent Jim Niland: Informed the Council that some of the flowers – all purple ones – have been stolen.; 2) Stated that he called PSE&G about the missing old fashioned street light on Union Boulevard by the cemetery and they said that they put in a work order for the replacement; 3) Commented that he is curious about the flash boards that Paterson wants to reinstall at the Great Falls and is concerned that they will create flooding problems. Mayor Coiro: Told him that we are aware of it and the four Mayors' from Totowa, Woodland Park, Little Falls and Wayne have already sent a letter to Paterson Mayor Andre Sayegh and we have a meeting scheduled for next Monday night, May 20th to discuss our concerns.

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to approve the Minutes of the Mayor and Council for the meeting of April 23, 2019. On roll call vote, all members of the Council present voted in the affirmative. Councilman D'Angelo abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2019-11 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was no report.

COMMITTEE ON PUBLIC WORKS:

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

<u>Company</u>	<u>Total Bid</u>
Mike Fitzpatrick & Son Oakridge, NJ 07438	\$297,965.00
Cifelli & Son General Construction, Inc. Nutley, NJ 07110	\$314,878.50
D&L Paving Contractors, Inc. Nutley, NJ 07110	\$319,973.88
DLS Contracting Fairfield, NJ 07004	\$343,121.50

Upon the recommendation of the Committee, there was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following resolution to award the contract for the Jefferson Place and Raphael Road Improvements. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 65-2019

RESOLUTION AUTHORIZING CONTRACT FOR THE JEFFERSON PLACE AND RAPHAEL ROAD IMPROVEMENT PROJECT

WHEREAS, the Borough of Totowa has received a Municipal Aid Grant from the New Jersey Department of Transportation ("NJDOT") for various improvements for Jefferson Place and Raphael Road which includes the milling and resurfacing of the roadways, replacement of concrete curb, installation of ADA compliant curb ramps and other associated site improvements; and

WHEREAS, by Resolution 31-2018 dated January 23, 2018, the Mayor and Council of the Borough of Totowa authorized Richard A. Alaimo Engineering Associates to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the Jefferson Place and Raphael Road 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 NJDOT Municipal Aid Program, Jefferson Place and Raphael Road Improvements, Contract No. 2019-2"; and

WHEREAS, the Borough of Totowa did receive sealed bids at its Municipal Building on May 7, 2019; and

WHEREAS, the apparent low bid was submitted by Mike Fitzpatrick & Son, Inc., 18 Cozy Lake Road, Oak Ridge, New Jersey 07438 in the amount of \$297,965.00, 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 the bid submitted by Mike Fitzpatrick & Son, 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 Mike Fitzpatrick & Son, Inc. for the Jefferson Place and Raphael Road as the lowest responsible bid for the total sum of \$297,965.00.

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 ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to approve Change Order No. 1 for a net decrease of \$1,717.00 and Payment Estimate No. 3 (Final) in the amount of \$11,369.30 to North American Pipeline Services, LLC for the Sanitary Sewer Main Rehabilitation – Phases V & VI. On roll call vote, all members of the Council present voted in the affirmative.

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

<u>Company</u>	<u>Total Bid</u>
National Water Main Co. Kearny, NJ 07032	\$454,064.50
Standard Pipeline Service Bear, PA 19701	\$476,475.00

Upon the recommendation of the Committee, there was a motion by Councilman Capo, seconded by Councilwoman Andriani to adopt the following resolution to award the contract for the Sanitary Sewer Main Rehabilitation – Phases VII & VIII. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 66-2019

RESOLUTION AUTHORIZING CONTRACT FOR SANITARY SEWER MAIN
REHABILITATION – PHASES VII & VIII

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, six 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 Totowa Road from Mitchell Avenue to St. James Place, St. James Place from Lind Road to Totowa Road and William Place from Jefferson Place to Totowa Road; 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, 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 & 2018 Community Development Block Grant Sanitary Sewer Main Rehabilitation Phases VII & VIII, Contract No. 2019-1"; and

WHEREAS, the Borough of Totowa did receive sealed bids at its Municipal Building on May 7, 2019; and

WHEREAS, the apparent low bid was submitted by National Water Main Cleaning Company, 1806 Newark Turnpike, Kearny, New Jersey 07032 in the amount of \$454,064.50, 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 National Water Main Cleaning Company 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 National Water Main Cleaning Company for the Sanitary Sewer Main Rehabilitation – Phases VII & VIII as the lowest responsible bid for the total sum of \$454,064.50.

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 Authorizing NJDC Urban Renewal, LLC To Make An Application For Habitat Enhancement. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 67-2019

RESOLUTION AUTHORIZING NJDC URBAN RENEWAL, LLC TO MAKE AN APPLICATION FOR HABITAT ENHANCEMENT

WHEREAS, NJDC Urban Renewal, LLC is the designated redeveloper and owner of property identified as Block 154, Lot 19.03 on the official Tax Map of the Borough of Totowa and more commonly referred to as the redevelopment project at the North Jersey Development Center (“NJDC”) site within the Borough of Totowa (the “Property”); and

WHEREAS, on December 14, 2017, the Borough of Totowa Planning Board granted preliminary and final major subdivision and site plan approval for the development of the Property; and

WHEREAS, the Borough of Totowa conditioned its approvals on the grant of a conservation easement to the Borough of Totowa in connection with a certain buffer area as set forth in the Borough of Totowa’s redevelopment plan for the Property; and

WHEREAS, on June 29, 2019, NJDC Urban Renewal, LLC and the Borough of Totowa entered into a Grant of Conservation Easement in connection with the buffer area, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, NJDC Urban Renewal, LLC is seeking approval to remove and clear live vegetation within the prescribed buffer area in a portion of the Property for habitat enhancement in accordance with Section 2(i) of the Easement; and

WHEREAS, NJDC Urban Renewal, LLC currently has an application for minor site approval pending before the Borough of Totowa Planning Board which describes the parameters of the habitat enhancement including grading, landscape clearing and landscape planting within the buffer areas; and

WHEREAS, the Mayor and Council desire to authorize NJDC Urban Renewal, LLC to make an application for this habitat enhancement since it will benefit the residents of Totowa by reinvigorating and beautifying the prescribed buffer area.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize NJDC Urban Renewal, LLC to make an application to the Borough of Totowa Planning Board for minor site approval for habitat enhancement including the grading, landscape removal and landscape plantings within the prescribed buffer area.

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.

A letter was received from Volunteer Fire Company No. 1 advising that they will be appearing before the Board of Adjustment for a variance to construct a parking lot next to the firehouse and requesting that the fees be waived. There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to waive the fees. On roll call vote, all members of the Council present voted in the affirmative.

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. 06-2019

ORDINANCE OF THE BOROUGH OF TOTOWA AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH RESPECT TO A PORTION OF CERTAIN PROPERTY IDENTIFIED ON THE BOROUGH'S TAX MAPS AS BLOCK 154, LOT 19.03 LOCATED WITHIN THE NORTH JERSEY DEVELOPMENTAL CENTER REDEVELOPMENT AREA

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to table the Ordinance Authorizing The Issuance Of Non-Recourse Redevelopment Area Bonds Of The Borough Of Totowa, In The County Of Passaic, New Jersey In An Aggregate Principal Amount Not To Exceed \$300,000 (Medical Office Building Project). 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 adopt the following Resolution Of The Borough Of Totowa, In The County Of Passaic, State Of New Jersey, Making Application To The Local Finance Board Seeking Authorization For Not To Exceed \$300,000 Non-Recourse Redevelopment Area Bonds In Connection With The Redevelopment Of The North Jersey Developmental Center Redevelopment Area Pursuant To N.J.S.A. 40A:12A-29(a)(3) And N.J.S.A. 40A:12A-67(g). On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 68-2019

RESOLUTION OF THE BOROUGH OF TOTOWA, IN THE COUNTY OF
PASSAIC, STATE OF NEW JERSEY, MAKING APPLICATION TO THE
LOCAL FINANCE BOARD SEEKING AUTHORIZATION FOR NOT TO EXCEED
\$300,000 NON-RECOURSE REDEVELOPMENT AREA BONDS IN CONNECTION
WITH THE REDEVELOPMENT OF THE NORTH JERSEY DEVELOPMENTAL
CENTER REDEVELOPMENT AREA PURSUANT TO
N.J.S.A. 40A:12A-29(A)(3) AND N.J.S.A. 40A:12A-67(G)

WHEREAS, the Borough of Totowa (the "Borough") desires to make application to the Local Finance Board with respect to a proposed bond ordinance authorizing the issuance of not to exceed \$300,000 non-recourse redevelopment area bonds (the "Bonds"), and the pledge of certain payments in lieu of taxes with respect to the repayment thereof, all in connection with the construction of a medical office building within the North Jersey Developmental Center Redevelopment Area pursuant to N.J.S.A. 40A:12A-29(a)(3) and N.J.S.A. 40A:12A-67(g) of the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 et seq. (the "RAB Law"); and

WHEREAS, any financial instrument, such as the Bonds proposed herein, which are secured in whole or in part by payments in lieu of taxes shall be subject to the review and approval of the Local Finance Board within the New Jersey Department of Community Affairs (the "Board") pursuant to the RAB Law; and

WHEREAS, the Borough believes that:

- (a) it is in the public interest to accomplish such purpose; and

- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit; and
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit and will not create an undue financial burden to be placed upon the local unit,

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

I. GENERAL

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

II. APPLICATION TO LOCAL FINANCE BOARD APPROVED

- (a) The application to the Local Finance Board is hereby approved, and the Borough's counsel, McManimon, Scotland & Baumann, LLC, Roseland, New Jersey, along with other representatives of the Borough, are hereby authorized to prepare and submit the above-referenced application.
- (b) The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as the same may be required by law.

III. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

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

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

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 Borough of Totowa Board of Recreation to be held on June 8, 2019 from 3:00 p.m. – 10:00 p.m. (rain date: June 9, 2019). 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