

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

June 13, 2017

PRESENT: Council President Lou D'Angelo, presiding, Councilwoman Carolyn Fontanella, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

ABSENT: Mayor John Coiro and Councilman John Capo.

Council President Lou D'Angelo 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.

Council President D'Angelo 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 Councilwoman Fontanella, seconded by Councilwoman Andriani to dispense with the regular order of business in order to hold a public hearing on Ordinance Nos. 06-2017 & 07-2017 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance Nos. 06-2017 & 07-2017 have been advertised for public hearing for Tuesday, June 13, 2017.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 06-2017.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Council President D'Angelo asked if any citizens wished to be heard on Ordinance No. 06-2017.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilwoman Fontanella, 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. 06-2017 by title:

ORDINANCE NO. 06-2017

**CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$640,000 FOR
VARIOUS CAPITAL ACQUISITIONS AND IMPROVEMENTS TO BE
UNDERTAKEN BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE
\$640,000 FROM THE CAPITAL IMPROVEMENT FUND**

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt Ordinance No. 06-2017 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. 07-2017.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Council President D'Angelo asked if any citizens wished to be heard on Ordinance No. 07-2017.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilwoman Fontanella, 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. 07-2017 by title:

ORDINANCE NO. 07-2017

CAPITAL ORDINANCE AMENDING ORDINANCE NOS. 08-2012, 06-2013, 10-2013, 05-2014, 09-2015 AND 12-2016 APPROPRIATING AN ADDITIONAL \$100,000 FOR SEWER MAIN IMPROVEMENTS TO BE UNDERTAKEN BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE AN ADDITIONAL \$100,000 FROM A COMMUNITY DEVELOPMENT BLOCK GRANT

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt Ordinance No. 07-2017 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, 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.

Council President D'Angelo asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

Council President D'Angelo: Congratulated our own Kristin Corrado for winning the Primary for Senator along with her running mates.

Councilwoman Andriani: As Liaison to the Board of Recreation announced the following: Pool will open this Saturday, June 17th; The first movie night at the pool will be held on June 24th; Summer camp opens on June 26th; The Summer Concert Series will begin with a show on June 28th; Last Friday, June 9th we held a very successful trip to Yankee Stadium and we will now schedule a trip to a Mets game.

Councilman Picarelli: Acknowledged and thanked our first responders, specifically Sergeant Jim Eisele, Officer Jeff Pasquariello, Officer Meagan Akins and the First Aid Squad for assisting his grandmother who passed out at the end of the Memorial Day parade.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: Said that about four or five weeks ago before going on vacation he noticed a large developer's sign on the North Jersey Developmental Center property and now it is gone and wondered why. Council President D'Angelo: Responded that the developer jumped the gun a little because the State still owns the property.

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve the Minutes of the Mayor and Council for the Youth Week meeting of May 23, 2017. 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 Councilwoman Fontanella to approve Resolution No. 2017-13 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 Councilwoman Fontanella to approve the following resolution authorizing the Treasurer to issue refunds to various property owners due to overpayment of 2nd Quarter 2017 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there has been an overpayment of taxes on the properties listed below;
and

WHEREAS, the taxpayer is entitled to a refund; and

WHEREAS, the chart sets forth the refund as follows:

2nd Qtr 2017

Block	Lot	Property/Owner	Payable to:	Overpayment
9	42.01	10 Huizenga Lane George C. Shamey (prior owner)	Corelogic Attn: Refunds Dept. P.O.Box 9202 Coppell, Texas 75019	\$2,441.20
10.01	23	4 Knox Terrace Abraham & Terry Ann Mamary	Abraham & Terry Ann Mamary	\$3224.92
101	9	104 Bogert St. Sam & Gail Cicen (prior owners)	Lereta LLC 1123 Parkview Dr Covina, Ca. 91723 Attn: RETURNS	\$1620.56
105	17	31 Garfield Place Cara Huff	Genuine Title Agency,LLC 28 Northside Avenue South River, NJ 08882	\$1,681.30
166	6	11 Winifred Drive Michael & Linda Paese	Spring Valley Title Agency 266 Harristown Road Ste 303 Glen Rock, NJ 07452	\$2,862.84
173	6	669 North Riverview Drive Ahmed & Sami Khatib	Premium Title Services 1000 Abernathy Road NE Suite 200 Atlanta, Ga. 30328	\$1,962.59

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 owner or taxing authority.

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing Settlement Of The 2012, 2013, 2014, 2015, 2016 And 2017 Tax Appeals Entitled 4 Taft Road V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 76-2017

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2012, 2013, 2014,
2015, 2016 AND 2017 TAX APPEALS ENTITLED 4 TAFT ROAD V.
BOROUGH OF TOTOWA

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

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

WHEREAS, the proposed Stipulations of Settlement, copies of which are 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 Borough of Totowa, New Jersey, as follows:

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute Stipulations 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 Councilwoman Fontanella to adopt the following Resolution Authorizing Settlement Of The 2013, 2014, 2015, 2016 And 2017 Tax Appeals Entitled L.B. Company V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 77-2017

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2013, 2014, 2015,
2016 AND 2017 TAX APPEALS ENTITLED L.B. COMPANY V.
BOROUGH OF TOTOWA

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

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

WHEREAS, the proposed Stipulations of Settlement, copies of which are 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 Borough of Totowa, New Jersey, as follows:

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute Stipulations 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 Councilwoman Fontanella to adopt the following Resolution Authorizing Settlement Of The 2015 Tax Appeal Entitled Hasar LLC V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 78-2017

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2015 TAX APPEAL ENTITLED HASAR LLC V. BOROUGH OF TOTOWA

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

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

WHEREAS, the proposed Stipulations of Settlement, copies of which are 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 Borough of Totowa, New Jersey, as follows:

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute Stipulations 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 Councilwoman Fontanella to adopt the following Resolution Authorizing Settlement Of The 2011, 2012, 2013, 2014, 2015, 2016 And 2017 Tax Appeals Entitled Marbil Realty V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 79-2017

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2011, 2012, 2013, 2014, 2015, 2016 AND 2017 TAX APPEALS ENTITLED MARBIL REALTY V. BOROUGH OF TOTOWA

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

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

WHEREAS, the proposed Stipulations of Settlement, copies of which are 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 Borough of Totowa, New Jersey, as follows:

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute Stipulations 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 Councilwoman Fontanella to adopt the following Resolution Certifying That The Governing Body Has Complied With N.J.A.C. 5:30-6.5 Pertaining To The Annual Audit. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 80-2017

RESOLUTION CERTIFYING THAT THE GOVERNING BODY HAS COMPLIED WITH N.J.A.C. 5:30-6.5 PERTAINING TO THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations" as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – "A local Officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Upon the recommendation of the Committee, there was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to appoint Colby Bierach as Prosecutor's Assistant. On roll call vote, all members of the Council present voted in the affirmative.

ACTING MAYOR'S APPOINTMENT

I, Acting Mayor, Lou D'Angelo, with the advice and consent of the Council do hereby appoint Colby Bierach as Prosecutor's Assistant for a term of one year ending on December 31, 2017.

There was a motion by Councilman Picarelli, seconded by Councilwoman Fontanella to confirm the appointment. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

Upon the recommendation of the Committee, there was a motion by Councilwoman Fontanella, seconded by Councilman Bucher to appoint Matthew Barbieri as First Aid Director. On roll call vote, all members of the Council present voted in the affirmative.

ACTING MAYOR'S APPOINTMENT

I, Acting Mayor, Lou D'Angelo, with the advice and consent of the Council do hereby appoint Matthew Barbieri as First Aid Director for an unexpired term of one year ending on December 31, 2017.

There was a motion by Councilwoman Fontanella, seconded by Councilman Bucher to confirm the appointment. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilman Bucher to approve payment of the annual garage rent for 2017 to Volunteer Fire Company No. 1 and to Riverview Park Fire Company, Inc. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Fontanella, seconded by Councilman Bucher to approve Agreement between the Borough of Totowa and Rizwan Sherazi 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.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to adopt the following Resolution Authorizing Settlement Agreement With The New Jersey Department Of Environmental Protection. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 81-2017

RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Borough of Totowa owns and operates a public community water system as defined by N.J.A.C. 7:10-1.3, commonly known as the Borough of Totowa Water Department (“Water Department”); and

WHEREAS, the Water Department is assigned Public Water System Identification Number NJ1612001 and serves approximately 10,804 people in the community with water purchased from the Passaic Valley Water Commission, a supplier of treated surface water; and

WHEREAS, the New Jersey Safe Drinking Water Act regulations, specifically N.J.A.C. 7:10-5.4(a) and the Federal Safe Drinking Water Act, 40 CFR 141.86, require that a supplier of water must monitor for lead and copper at a frequency specified in 40 CFR 141.86(d) and submit a compliance sampling report to the New Jersey Department of Environmental Protection (“DEP”) Northern Bureau of Water Compliance and Enforcement (“NBWCE”) within the first 10 days following the end of the month in which any test, measurement or analysis is made or the first 10 days following the end of the required monitoring period, whichever is shortest; and

WHEREAS, the Water Department was required to collect 30 lead and copper samples during the period of June 1, 2015 through September 30, 2015 but only submitted 25 lead and copper samples; and

WHEREAS, the DEP issued the Borough of Totowa a Notice of Non-Compliance citing it for failing to adequately monitor for lead and copper; and

WHEREAS, the DEP may compromise its claim for a maximum civil administrative penalty and settle this matter in accordance with N.J.S.A. 58:12A-1 and N.J.A.C. 7:10-3.4(d); and

WHEREAS, the DEP and the Borough of Totowa have agreed to a settlement wherein the Borough of Totowa shall pay a penalty in the amount of \$1,105.00 to the State of New Jersey; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize this settlement in the interest of amicably resolving this matter.

NOW, THEREFORE, BE IT RESOVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the aforementioned settlement agreement between the New Jersey Department of Environmental Protection and the Borough of Totowa.

BE IT FURTHER RESOVED, 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.

BE IT FURTHER RESOLVED, that the Borough of Totowa shall remit payment in the amount of \$1,105.00 to the State of New Jersey within 60 days of receipt of a fully executed settlement agreement.

A letter was received from the New Jersey Department of Transportation advising that the Borough has been selected to receive funding from their FY 2017 Municipal Aid Program for Jefferson Place and Raphael Road in the amount of \$200,000. There was a motion by Councilman Bucher, seconded by Councilman Picarelli to accept the grant funds. On roll call vote, all members of the Council present voted in the affirmative.

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 Of The Borough Of Totowa, In The County Of Passaic, New Jersey Authorizing The Redevelopment Agreement Between The Borough And The Redeveloper Pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 40A:12a-1, Et Seq. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 82-2017

RESOLUTION OF THE BOROUGH OF TOTOWA, IN THE
COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING
THE REDEVELOPMENT AGREEMENT BETWEEN THE
BOROUGH AND THE REDEVELOPER PURSUANT TO
THE LOCAL REDEVELOPMENT AND HOUSING LAW,
N.J.S.A. 40A:12A-1, et seq.

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 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 rehabilitation and/or an area in need of redevelopment; and

WHEREAS, on August 25, 2015, the Borough Council adopted a resolution authorizing and directing the planning board of the Borough (the "Planning Board") to conduct an investigation of the property commonly known on the Borough tax map as Block 154, Lot 19 (Block 154, Lot 19 and Block 154.01, Lot 1 on the tax assessment records) (hereinafter, the "Study Area"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment, which designation would authorize the Borough Council to use all those powers permitted by the Redevelopment Law, other than the power of eminent domain; and

WHEREAS, on October 8, 2015, the Planning Board held a public hearing in accordance with *N.J.S.A. 40A:12A-6* at which it reviewed the findings of a report prepared by the Alaimo Group (the "Planning Consultant") entitled "Preliminary Investigation, Potential Redevelopment Area, Former North Jersey Developmental Center Site (Block 154, Lot 19) Totowa Borough, Passaic County, New Jersey" dated September 16, 2015 (the "Redevelopment Study") which determined that the Study Area meets the criteria for designation as an "area in need of redevelopment" under the Redevelopment Law, and adopted a resolution which endorsed the findings of the Redevelopment Study and recommended to the Borough Council, pursuant to *N.J.S.A. 40A:12A-6*, that the Study Area be designated as an "area in need of redevelopment"; and

WHEREAS, on October 13, 2015, in accordance with the criteria set forth in the Redevelopment Law, the Borough accepted the recommendation of the Planning Board and adopted a resolution which designated the Study Area as an "area in need of redevelopment" (the "Redevelopment Area"); and

WHEREAS, by commission of the Borough Council, the Planning Consultant prepared a Redevelopment Plan for the Redevelopment Area (the "Redevelopment Plan") which was referred to the Planning Board pursuant to the Redevelopment Law, specifically *N.J.S.A. 40A:12A-7(e)*; and

WHEREAS, the Planning Board reviewed the Redevelopment Plan at a public hearing on February 11, 2016 at the conclusion of which, the Planning Board determined that Ordinance No. 03-2016 and the Redevelopment Plan which it adopts are determined to be substantially consistent with or designed to effectuate the Borough of Totowa Master Plan as amended in accordance with the 2014 Master Plan Re-examination Report and the Planning Board further recommended that the Borough Council adopt the Redevelopment Plan and Ordinance No. 03-2016; and

WHEREAS, the Borough Council adopted the Redevelopment Plan by Ordinance No. 03-2016 on February 23, 2016; and

WHEREAS, the Planning Consultant prepared a First Amendment to the aforementioned Redevelopment Plan entitled "North Jersey Developmental Center (NJDC) First Amendment to Redevelopment Plan Borough of Totowa, Passaic County, New Jersey" which is dated April 6, 2017; and

WHEREAS, pursuant to the Redevelopment Law, specifically *N.J.S.A. 40A:12A-7(e)*, the Planning Board reviewed the First Amendment to the Redevelopment Plan and transmitted its recommendations relating to the First Amendment to the Redevelopment Plan to the Borough Council prior to adoption; and

WHEREAS, on April 13, 2017, the Planning Board, at a duly noticed public meeting, presented the First Amendment to the Redevelopment Plan and allowed all those present who wished to comment to be heard and recommended the adoption of the First Amendment to the Redevelopment Plan to the Borough Council; and

WHEREAS, on April 25, 2017, the Borough Council adopted by Ordinance 04-2017, entitled "An Ordinance of the Borough of Totowa, County of Passaic, New Jersey Amending Ordinance No. 03-2016 and Amending the Redevelopment Plan for the Property Commonly Known as Block 154, Lot 19 on the Tax Map of the Borough of Totowa (Block 154, Lot 19, Block 154.01, Lot 1) on the Tax Assessment Records of the Borough of Totowa"; and

WHEREAS, NJDC Urban Renewal DE, LLC (the “Redeveloper”) submitted a responsive proposal to the Borough’s Request for Proposals, issued August 10, 2016, which proposal has been selected by the Borough and as such the Borough designated the Redeveloper, by Resolution 36-2017, dated January 24, 2017, as conditional redeveloper (as defined in the Redevelopment Law) of the Redevelopment Area, so as to redevelop the Redevelopment Area in accordance with the terms of the Redevelopment Plan and the Redevelopment Law; and

WHEREAS, the Borough Council recognizes the credentials, experience and financial capability of the Redeveloper to design and construct the Project; and

WHEREAS, the Borough Council desires to approve the execution of the Redevelopment Agreement with the Redeveloper; and

WHEREAS, the Redevelopment Agreement provides, among other things, that the Redeveloper assumes and is subject to certain obligations set forth in the Redevelopment Agreement; and

WHEREAS, the Borough Council desires to approve the execution of the Redevelopment Agreement with the Redeveloper.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF TOTOWA, as follows:

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

Section 2. The Borough Council hereby authorizes the Mayor to execute, and the Borough Clerk to attest, the Redevelopment Agreement, in substantially the same form as that on file with the Borough Clerk and which, by this reference is incorporated herein, with such additions, deletions and modifications as may be necessary after consultation with the Borough’s professional consultants and the Redeveloper.

Section 3. Copies of the executed Redevelopment Agreement shall be placed on file with the Office of the Clerk and be available for public inspection in accordance with the law.

Section 4. 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.

Section 5. This Resolution shall take effect immediately.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve the Application For Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the BPOE #2111 Passaic Valley Elks to be held on June 16, 2017 from 6:00 p.m. – 1:00 a.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve the Application For Social Affair Permit from the State of New Jersey Division Of Alcoholic Beverage Control for the Macedonian Orthodox Church “St. Nikola” for September 8, (Rain Date September 15th), 2017 from 6:00—10:00 p.m., September 9, (Rain Date September 16th), 2017 from 12:00—10:00 p.m. and September 10, (Rain Date September 17th), 2017 from 12:00—8:00 p.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 2031 & 2032 for the Preakness Hospital Auxiliary for a Tricky Tray and Off-Premise 50/50 to be held on October 5, 2017 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application No. 2033 for the Knights of Columbus Council #240 for an Off-Premise 50/50 to be held on October 13, 2017 at The Bethwood. 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 Councilwoman Fontanella, 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