

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

November 29, 2016

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

ABSENT: Council President Phil Puglise.

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 Fontanella to dispense with the regular order of business in order to hold a public hearing on Ordinance No. 17-2016 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 17-2016 has been advertised for public hearing for Tuesday, November 29, 2016.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 17-2016.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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. 17-2016.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella 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. 17-2016 by title:

ORDINANCE NO. 17-2016

**AN ORDINANCE PROVIDING FOR THE VACATION OF MAPLE STREET
IN THE BOROUGH OF TOTOWA, COUNTY OF PASSAIC, NEW JERSEY**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt Ordinance No. 17-2016 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 Fontanella 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 that this Friday, December 2nd will be our annual tree lighting ceremony beginning at 6:30 p.m. and said that the Washington Park School Choir will participate.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve the Minutes of the Mayor and Council for the meeting of November 15, 2016. On roll call vote, all members of the Council present voted in the affirmative. Councilman Bucher abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2016-24 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners pursuant to State Tax Court judgments. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there have been State Tax Court judgments to reduce the evaluation on the following.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the Borough of Totowa is authorized to refund these amounts.

<u>BLK</u>	<u>LOT</u>	<u>PROPERTY/OWNER</u>	<u>PAYABLE TO</u>	<u>YEAR</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
127	11	7 Crescent Avenue Jo-el Properties	Joseph Cobuzio Mail to: Tompkins, Mcguire, Wachenfeld & Barry, LLP	2014	144,800	75,000	\$ 1,481.16
127	11	(same as above)	3 Becker Farm Road 4 th Floor Roseland, N.J. 07068-1726	2015	144,800	75,000 Total check	\$ 1,594.23 \$ 3,075.39
158	3.01	40 Vreeland Avenue	The Irwin Law Firm Attorney Trust Account F.B.O. Gamma Realty Assoc.	2014	6,000,000	5,300,000	\$14,854.00
158	3.01	(same as above)	The Irwin Law Firm	2015	6,000,000	5,300,000	\$15,988.00

158	3.01	(same as above)	80 Main Street West Orange, N.J. 07052	2016	6,000,000	5,300,000	\$16,443.00
						Total check	\$47,285.00

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners due to overpayment of 4th Quarter 2016 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:

Year 2016, 4th Quarter

Block	Lot	Property/Owner	Payable to:	OVERPAYMENT
101	9	104 Bogert Street Sam & Gail Cicen	Lereta Tax and Flood Services	\$1,667.13
			Mail To: Lereta Tax & Flood Services 1123 Park View Drive Covina, CA 91724	
150	37	29 Meadow Drive Louis Pellegrini	Louis Pellegrini	\$1,856.36
173	7	677 N Riverview Drive Rahul Sharma	Rahul Sharma	\$2,312.59

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 Councilman D'Angelo to adopt the following resolution authorizing the Treasurer to issue a refund and the Tax Collector to adjust the taxes for Cornelius Van Ess, 310 Winifred Drive, Block 167, Lot 16 pursuant to a 100% Exemption for a 100% Permanent and Total Disability due to a wartime service connected disability. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Re: Cornelius Van Ess
310 Winifred Drive
Block 167, Lot 16

WHEREAS, Cornelius Van Ess has applied for a 100% exemption for a 100% permanent and total disability due to a wartime service connected disability; and

WHEREAS, he meets all the requirements for the exemption, and his 100% disability became effective on August 5, 2016 which means he is exempted from paying property taxes from that date; and

WHEREAS, the Taxpayer paid the entire year 2016 taxes in the amount of \$7,840.96. He was only required to pay 217 days which equals \$4,661.61. Therefore any taxes paid beyond August 5th should be refunded. The taxpayer is entitled to a refund of \$3,179.35.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer is authorized to refund \$3,179.35 to Cornelius Van Ess and upon paying the refund due the Taxpayer, this property will be exempted from future tax payments.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2010 Tax Appeal Entitled Millman, Janet V. Borough Of Totowa, Docket No.: 014252-2010 Of The Tax Assessment Of Block 9.15, Lot 90, Known As 76 Hickory Hill Boulevard In The Borough Of Totowa, Passaic County, New Jersey. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 143-2016

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2010 TAX APPEAL ENTITLED MILLMAN, JANET V. BOROUGH OF TOTOWA, DOCKET NO.: 014252-2010 OF THE TAX ASSESSMENT OF BLOCK 9.15, LOT 90, KNOWN AS 76 HICKORY HILL BOULEVARD IN THE BOROUGH OF TOTOWA, PASSAIC COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessments for tax year 2010 on Block 9.15, Lot 90 have been filed by the Taxpayer, Janet Millman; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is 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 said matter as more fully set forth below is in the best interest of the Borough of Totowa.

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

1. Settlement of the 2010 tax appeal is hereby authorized as follows: 76 Hickory Hill Boulevard, Block 9.15, Lot 90, Year: 2010

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$265,000	\$265,000	\$265,000
Imprvts:	<u>\$361,100</u>	<u>\$343,600</u>	<u>\$301,700</u>
Total:	<u>\$626,100</u>	<u>\$608,600</u>	<u>\$566,700</u>

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 Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2012 And 2013 Tax Appeals Entitled North Jersey Federal Credit Union V. Borough Of Totowa, Docket Nos.: 003658-2012; 007955-2013 Of The Tax Assessment Of Block 173, Lot 1.01, Known As 711 Union Boulevard In The Borough Of Totowa, Passaic County, New Jersey. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 144-2016

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2012 AND 2013 TAX APPEALS ENTITLED NORTH JERSEY FEDERAL CREDIT UNION V. BOROUGH OF TOTOWA, DOCKET NOS.: 003658-2012; 007955-2013 OF THE TAX ASSESSMENT OF BLOCK 173, LOT 1.01, KNOWN AS 711 UNION BOULEVARD IN THE BOROUGH OF TOTOWA, PASSAIC COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessments for tax years 2012 and 2013 on Block 173, Lot 1.01 have been filed by the Taxpayer, North Jersey Federal Credit Union; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is 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 said matter as more fully set forth below is in the best interest of the Borough of Totowa.

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

1. Settlement of the 2012 and 2013 tax appeals, with the provisions of the Freeze Act, N.J.S.A. 54:51A-8, to apply for tax year 2014, is hereby authorized as follows: 711 Union Boulevard, Block 173, Lot 1.01, Years: 2012, 2013, 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$2,018,500	N/A	\$2,018,500
Imprvts:	<u>\$2,778,500</u>	N/A	<u>\$2,581,500</u>
Total:	\$4,797,000	N/A	\$4,600,000

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 Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2014, 2015 And 2016 Tax Appeals Entitled Star Stainless Screw Co. V. Borough Of Totowa, Docket Nos.: 004590-2014; 001605-2015; 000362-2016 Of The Tax Assessment Of Block 145.01, Lot 3, Known As 655 Union Boulevard In The Borough Of Totowa, Passaic County, New Jersey. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 145-2016

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2014, 2015 AND 2016 TAX APPEALS ENTITLED STAR STAINLESS SCREW CO. V. BOROUGH OF TOTOWA, DOCKET NOS.: 004590-2014; 001605-2015; 000362-2016 OF THE TAX ASSESSMENT OF BLOCK 145.01, LOT 3, KNOWN AS 655 UNION BOULEVARD IN THE BOROUGH OF TOTOWA, PASSAIC COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessments for tax years 2014, 2015 and 2016 on Block 145.01, Lot 3 have been filed by the Taxpayer, Star Stainless Screw Co; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is 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 said matter as more fully set forth below is in the best interest of the Borough of Totowa.

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

1. Settlement of the 2014 tax appeal is hereby authorized as follows: 655 Union Boulevard, Block 145.01, Lot 3, Year: 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 975,000	N/A	\$ 975,000
Imprvts:	<u>\$1,375,000</u>	N/A	<u>\$1,022,100</u>
Total:	\$2,350,000	N/A	\$1,997,100

2. Settlement of the 2015 tax appeal is hereby authorized as follows: 655 Union Boulevard, Block 145.01, Lot 3, Year: 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 975,000	N/A	\$ 975,000
Imprvts:	<u>\$1,375,000</u>	N/A	<u>\$ 991,700</u>
Total:	\$2,350,000	N/A	\$1,966,700

3. Settlement of the 2016 tax appeal is hereby authorized as follows: 655 Union Boulevard, Block 145.01, Lot 3, Year: 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 975,000	N/A	\$ 975,000
Imprvts:	<u>\$1,375,000</u>	N/A	<u>\$ 961,300</u>
Total:	\$2,350,000	N/A	\$1,936,300

4. 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 Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2014, 2015 And 2016 Tax Appeals Entitled West End Prop LLC C/O Star Stainless V. Borough Of Totowa, Docket Nos.: 004586-2014; 001178-2015; 000363-2016 Of The Tax Assessment Of Block 170.03, Lot 3, Known As 30 West End Road In The Borough Of Totowa, Passaic County, New Jersey. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 146-2016

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2014, 2015 AND 2016 TAX APPEALS ENTITLED WEST END PROP LLC C/O STAR STAINLES V. BOROUGH OF TOTOWA, DOCKET NOS.: 004586-2014; 001178-2015; 000363-2016 OF THE TAX ASSESSMENT OF BLOCK 170.03, LOT 3, KNOWN AS 30 WEST END ROAD IN THE BOROUGH OF TOTOWA, PASSAIC COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessments for tax years 2014, 2015 and 2016 on Block 170.03, Lot 3 have been filed by the Taxpayer, West End Prop LLC c/o Star Stainless; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is 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 said matter as more fully set forth below is in the best interest of the Borough of Totowa.

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

1. Settlement of the 2014 tax appeal is hereby authorized as follows: 30 West End Road, Block 170.03, Lot 3 Year: 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$2,652,000	N/A	\$2,652,000
Imprvts:	<u>\$3,448,000</u>	N/A	<u>\$3,348,000</u>
Total:	\$6,100,000	N/A	\$6,000,000

2. Settlement of the 2015 tax appeal is hereby authorized as follows: 30 West End Road, Block 170.03, Lot 3 Year: 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$2,652,000	N/A	\$2,652,000
Imprvts:	<u>\$3,448,000</u>	N/A	<u>\$3,248,000</u>
Total:	\$6,100,000	N/A	\$5,900,000

3. Settlement of the 2016 tax appeal is hereby authorized as follows: 30 West End Road, Block 170.03, Lot 3 Year: 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$2,652,000	N/A	\$2,652,000
Imprvts:	<u>\$3,448,000</u>	N/A	<u>\$3,148,000</u>
Total:	\$6,100,000	N/A	\$5,800,000

4. 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.

COMMITTEE ON PUBLIC SAFETY:

There was no report.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to approve Payment Estimate No. 1 in the amount of \$96,187.00 to Dewcon, Inc. for the Water Main Repair project. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Payment Estimate No. 2 in the amount of \$35,155.54 to Aqua Infrastructure Rehabilitation Company, LLC for the Sanitary Sewer Main Rehabilitation – Phase IV. 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 adopt the following Resolution Authorizing Reimbursement To The Borough Of Woodland Park For The Replacement Of Various Sections Of 24" Sanitary Sewer Main. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 147-2016

RESOLUTION AUTHORIZING REIMBURSEMENT TO THE
BOROUGH OF WOODLAND PARK FOR THE REPLACEMENT OF A
SECTION OF 24" SANITARY SEWER MAIN

WHEREAS, in April of 2011, the Borough of Totowa was advised that the McBride Avenue 24" sanitary sewer force main utilized by the Township of Little Falls, Borough of Totowa and Borough of Woodland Park had collapsed in the area of Curtis Place in the City of Paterson; and

WHEREAS, as a result of the collapse, it was necessary to replace approximately 160 feet of pipe at a total cost of \$302,120.58 and the Borough of Woodland Park paid for the costs incurred to replace the sanitary sewer force main; and

WHEREAS, pursuant to an agreement previously entered into by the three (3) municipalities, the cost of this repair project shall be split between the municipalities on a pro rata basis with the allocation of costs set at 32.3% for Little Falls, 36.9% for Totowa and 30.8% for Woodland Park; and

WHEREAS, by Resolution No. 44-2012 dated March 12, 2012, the Mayor and Council of the Borough of Totowa authorized payment to Woodland Park in the amount of \$111,482.49 for Phase 1; and

WHEREAS, additional repairs were necessary as a result of the initial collapse including repairs to the Spruce Street Bridge identified as Phase 2 of the Repair Project, repairs to the Spruce Street Road bed identified as Phase 3 of the Repair Project, the replacement of approximately 3000' of sewer line identified as Phase 4 of the Repair Project and the reconstruction of the McBride Avenue and Spruce Street Intersection identified as Phase 5 of the Repair Project; and

WHEREAS, by Resolution No. 110-2012 dated November 27, 2012, the Mayor and Council of the Borough of Totowa authorized payment to Woodland Park in the amount of \$175,741.52 for Phase 3A; and

WHEREAS, by Resolution No. 83-2016 dated June 14, 2016, the Mayor and Council of the Borough of Totowa authorized payment to Woodland Park in the amount of \$85,578.94 for Phases 2 and 3B; and

WHEREAS, the Borough of Woodland Park has now invoiced the Borough of Totowa for their share of the costs for Phase 4 of the Project in the amount of \$797,487.21 and costs for Phase 5 of the Project in the amount of \$52,285.20; and

WHEREAS, the Borough of Woodland Park has also advised the Borough of Totowa that they are entitled to a credit in the amount of \$6,008.25 for Phase 2 costs resulting from a miscalculation of costs involved with the project; and

WHEREAS, pursuant to the above referenced agreement, the costs of this portion of the Project shall also be on a pro rata basis with the allocation of costs as set forth above; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize net payment in the amount of \$843,764.16 to the Borough of Woodland Park for the above repairs.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to reimburse the Borough of Woodland Park the sum of \$843,764.16 for their share of costs incurred in the replacement of the 24" sanitary sewer force main.

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 LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing A Performance Bond Reduction For 458 Riverview Drive, LLC, Block 128, Lots 4.03, 4.04 & 4.05. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 148-2016

RESOLUTION AUTHORIZING A PERFORMANCE BOND REDUCTION FOR 458 RIVERVIEW DRIVE, LLC, BLOCK 128, LOTS 4.03, 4.04 & 4.05

WHEREAS, Leal Properties, Inc. was the prior owner of and applicant for the development of real property consisting of one (1) existing lot that is known and identified as Block 128, Lot 4.03 on the Official Tax Map of the Borough of Totowa and located off Riverview Drive and Crescent Avenue (hereinafter identified as the "subject property"); and

WHEREAS, Leal Properties, Inc. had filed an application with the Borough of Totowa Planning Board to subdivide the subject property into three (3) lots and construct three (3) new single family dwellings on each lot; and

WHEREAS, Leal Properties, Inc. had obtained Borough of Totowa Planning Board approval for its project, subject to entering into a Developer's Agreement with the Borough of Totowa; and

WHEREAS, on August 11, 2009, a Developer's Agreement was entered into by and between the Borough of Totowa and Leal Properties, Inc. which is hereby incorporated hereby in reference as though set forth at length; and

WHEREAS, Leal Properties, Inc. lost its right, title and interest in and to the subject property pursuant to a Final Judgment of the Superior Court, Passaic County, Chancery Division, dated August 21, 2014 to Empire TF4 Jersey Holdings, LLC recorded September 3, 2015 in Deed Book 2516, page 69; and

WHEREAS, on May 27, 2015, 458 Riverview Dr. LLC, a limited liability company with principal offices located at 8 Lookout Point Trail, Totowa, New Jersey, acquired title to the subject property by Deed from Empire TF4 Jersey Holdings, LLC recorded on June 8, 2015, which is hereby incorporated herein by reference as though set forth at length; and

WHEREAS, by Resolution No. 56-2016 dated April 12, 2016, the Municipal Council of the Borough of Totowa authorized the Borough of Totowa to enter into an amendment to the Developer's Agreement dated August 11, 2009 with 458 Riverview Dr. LLC, the owner of record and Developer of property known and identified as Block 128, Lot 4.03 as shown on the Official Tax Map of the Borough of Totowa; and

WHEREAS, pursuant to the approvals granted and the terms of the amendment to Developer's Agreement, 458 Riverview Dr. LLC was required to post a performance bond for the purpose of insuring proper construction at all on-site and off-site improvements; and

WHEREAS, 458 Riverview Dr. LLC posted the required bond by submitting an Irrevocable Letter of Credit issued by Atlantic Stewardship Bank, 630 Godwin Avenue, Midland Park, New Jersey 07432 in the amount of \$100,000.00 naming the Borough of Totowa as the Beneficiary; and

WHEREAS, 458 Riverview Dr. LLC has completed certain work on the project and has requested a release of the Letter of Credit as a guarantee for the subdivision improvements; and

WHEREAS, the Municipal Engineer had inspected the work completed to date and has recommended the Letter of Credit be released subject to 458 Riverview Dr. LLC posting a new Performance Bond or cash bond in the amount of \$4,200.00 which represents 120% of the construction costs for the remaining work on the project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the release of the Performance Bond submitted by 458 Riverview Dr. LLC subject to the posting of a new Performance Bond or cash bond in the amount of \$4,200.00.

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

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to carry the Resolution Authorizing The Installation Of An Irrigation System For The Football Field At The PAL for further discussion. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to approve Raffle License Application No. 1979 for the St. Joseph's Home for the Elderly of the Little Sisters of the Poor for an Off-Premise 50/50 to be held on March 17, 2017. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to approve Raffle License Application No. 1980 for the Totowa Parent Teacher Organization for a Tricky Tray to be held on February 10, 2017 at the PAL. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Bucher, seconded by Councilman Picarelli to approve Raffle License Application Nos. 1981 & 1982 for the Home & School Association School 5 for a Tricky Tray and On-Premise 50/50 to be held on January 27, 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 Councilman D'Angelo, seconded by Councilwoman Fontanella that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk