

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

June 11, 2024

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

ABSENT: Councilman John Capo.

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 Municipal 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. 08-2024, 09-2024 & 10-2024 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance Nos. 08-2024, 09-2024 & 10-2024 have been advertised for public hearing for Tuesday, June 11, 2024.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 08-2024.

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. 08-2024.

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. 08-2024 by title:

ORDINANCE NO. 08-2024

**A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$1,103,000
FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS TO BE
UNDERTAKEN BY THE BOROUGH OF TOTOWA**

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt Ordinance No. 08-2024 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. 09-2024.

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. 09-2024.

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. 09-2024 by title:

ORDINANCE NO. 09-2024

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 398 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II, "PARKING", SECTION 7, "PARKING PROHIBITED DURING CERTAIN HOURS" AND ARTICLE XIII, "SCHEDULES", SECTION 46, "SCHEDULE II: NO PARKING CERTAIN HOURS

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt Ordinance No. 09-2024 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. 10-2024.

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. 10-2024.

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. 10-2024 by title:

ORDINANCE NO. 10-2024

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 398 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE VI,
"STOP AND YIELD INTERSECTIONS", SECTION 24, "STOP
INTERSECTIONS DESIGNATED" AND ARTICLE XIII, "SCHEDULES",
SECTION 53, "SCHEDULE IX: STOP INTERSECTIONS**

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt Ordinance No. 10-2024 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.

Councilman D'Angelo: Said it was a great job by the Board of Recreation, Department of Public Works, Police Department and Fire Department and everyone who helped for a successful Totowa Day held this past Saturday. Congratulated Mayor Coiro for winning the hot dog eating contest.

Councilman Reynoso: 1) Stated that he was beyond impressed with Totowa Day and there appeared to be a record crowd. 2) Announced that there will be in-person registration for the pool tomorrow night.

Mayor Coiro: Agreed about the success of Totowa Day and the number of people who attended. Thanked Board of Recreation Director Mark Monteyne, who he said he would thank in person if he was here tonight.

CITIZENS HEARD:

There were no citizens who wished to be heard.

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 May 28, 2024. 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. 2024-13 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 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 has been a State Tax Court Judgment to reduce the evaluation on the following.

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

<u>Block</u>	<u>Lot</u>	<u>Property/Owner</u>	<u>Payable To:</u>	<u>Year</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
173	38	Totowa plaza Assoc 783 N. Riverview Dr.	Ventura, Miesowitz et al Trust Acctount	2023	2,750,000	1,675,000	\$27,874.75

Mail to:
Ventura, Miesowitz & Keough
Attn: Daniel G. Keough
783 Springfield Ave
Summit, NJ 07901-2332

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Settlement Of The 2021, 2022, 2023 & 2024 Tax Appeals Entitled Amerco Real Estate Company V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 80-2024

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2021, 2022, 2023 & 2024
TAX APPEALS ENTITLED AMERCO REAL ESTATE COMPANY
V. BOROUGH OF TOTOWA

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

WHEREAS, each Block and Lot listed therein was assessed at the amount stated therein; 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 these matters on the attached list are in the best interest of the Borough of Totowa.

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

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute the Stipulation 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 Councilman D'Angelo to adopt the following Resolution Authorizing The Purchase And Installation Of Liberty DCR Software For The Court. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 81-2024

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF
LIBERTY DCR SOFTWARE FOR THE COURT

WHEREAS, the Borough of Totowa Municipal Court Administrator has requested the purchase and installation of updated multi-channel digital audio/video recording software for the Borough of Totowa Judicial Courtroom System; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this software for the Borough of Totowa Municipal Court; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase and installation of the updated multi-channel digital audio/video recording software for the Borough of Totowa Municipal Court; and

WHEREAS, BIS Digital, 1350 NE 56th Street, Suite 300, Fort Lauderdale, FL 33334 has submitted a proposal dated April 11, 2024 for the purchase and installation of Liberty DCR Software for the Borough of Totowa Municipal Court and all related labor and equipment in the amount of \$4,555.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this software program and related equipment may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase and installation of Liberty DCR Software for the Borough of Totowa Municipal Court and all related labor and equipment from BIS Digital in the amount of \$4,555.00.

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

A letter was received from the Office Employees at the Municipal Complex requesting the summer hours work schedule. There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve the request. 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 Bucher to approve payment of the annual garage rent for 2024 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.

COMMITTEE ON PUBLIC WORKS:

Upon the recommendation of DPW Superintendent Jim Niland, there was a motion by Councilman Bucher, seconded by Councilman Fierro to approve a grade increase for DPW Laborer Michael Bastante from Grade 3 to Grade 2. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of DPW Superintendent Jim Niland, there was a motion by Councilman Bucher, seconded by Councilman Fierro to approve a grade increase for DPW Laborer Justin Miceli from Grade 5 to Grade 4. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Bucher, seconded by Councilman Fierro to carry the letter of resignation from Licensed Water Operator Michael Paese effective July 1, 2024. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Reynoso, seconded by Councilman Picarelli to approve Change Order No. 3 for a net increase of \$24,243.00 to Pact Two, LLC for the William Place Pump Station Improvements. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Reynoso, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Borough Of Totowa To Renew The Lease Agreement With FYC Recycling, LLC For A Portion Of Property Identified As Lot 2, Block 170.02, Parcel "A" On Maltese Drive. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 82-2024

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO
RENEW THE LEASE AGREEMENT WITH FYC RECYCLING, LLC
FOR A PORTION OF PROPERTY IDENTIFIED AS LOT 2,
BLOCK 170.02, PARCEL "A" ON MALTESE DRIVE

WHEREAS, the Borough of Totowa is the owner of real property located on Maltese Drive and identified as Lot 2, Block 170.02 on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough had previously determined that this property was not needed for public use; and

WHEREAS, by Resolution No. 86-2011 dated October 11, 2011, the Mayor and Council of the Borough of Totowa authorized the public leasing of a portion of the property located on Maltese Drive; and

WHEREAS, the Mayor and Council of the Borough of Totowa further determined that bids would be solicited for lease rights on two (2) parcels hereinafter referred to as Parcel "A" and Parcel "B"; and

WHEREAS, by Resolution No. 105-2011 dated December 13, 2011, the Mayor and Council of the Borough did authorize the Borough of Totowa to enter into a lease agreement with FYC Recycling, LLC, 63 Hudson Avenue, Totowa, New Jersey 07512 for a five (5) year lease for a portion of the property identified as Parcel "A"; and

WHEREAS, the terms of the lease agreement include an option to renew for three (3) periods of five (5) year terms subject to the same terms and conditions of the original lease; and

WHEREAS, the original lease term expired on February 14, 2017; and

WHEREAS, FYC Recycling, LLC submitted a letter dated September 17, 2018 requesting to exercise the option to renew the Parcel "A" lease agreement for a second five (5) year term, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, by Resolution No. 105–2018 dated September 25, 2018, the Mayor and Council of the Borough of Totowa authorized the renewal of the lease agreement with FYC Recycling, LLC for a five (5) year lease; and

WHEREAS, pursuant to the terms of the lease renewal, the term of the lease expired on February 14, 2022; and

WHEREAS, FYC Recycling, LLC has submitted a letter dated May 29, 2024 requesting to exercise the second option to renew the Parcel “A” lease agreement for the third five (5) year term, 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 desire to renew the term of the lease agreement with FYC Recycling, LLC for Parcel “A” for an additional five (5) year term subject to the same terms and conditions of the original lease.

WHEREAS, the term of this lease renewal will expire on February 14, 2027.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the second renewal of the lease agreement with FYC Recycling, LLC for a five (5) year lease for a portion of the property identified as Lot 2, Block 170.02, Parcel “A” on Maltese Drive.

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

There was a motion by Councilman Reynoso, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into An Encroachment Agreement For The Property Located At 361 Union Boulevard. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 83-2024

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR THE PROPERTY LOCATED AT 361 UNION BOULEVARD

WHEREAS, Vespi Law Firm is located at 361 Union Boulevard, Totowa, New Jersey 07512 which is also designated as Block 94, Lots 1 & 11 on the official Tax and Assessment Map of the Borough of Totowa; and

WHEREAS, the property is located in the B-2 Local Business Zone District; and

WHEREAS, Damon Vespi filed an application with the Borough of Totowa Planning Board for various land use approvals seeking preliminary and final site plan approval, signage and design waiver approval for the Union Boulevard property; and

WHEREAS, one of the design waivers sought was to address the lack of on-site parking on the property since 19 parking spaces were required and Mr. Vespi was only proposing 12 parking spaces; and

WHEREAS, the Borough of Totowa retains a 10-foot-wide stormwater right-of way within the property's parking lot which would accommodate 3 additional parking spaces thereby increasing the total number of on-site parking spaces to 15; and

WHEREAS, the Borough of Totowa Planning Board at its public meetings held on August 10, 2023 granted the preliminary and final site plan approval and various land use relief for the application filed by Mr. Vespi for the Union Boulevard property, subject to certain conditions and restrictions; and

WHEREAS, the Borough of Totowa Planning Board approved the application on August 10, 2023 and memorialized its decision in a Resolution adopted by the Planning Board on September 14, 2023; and

WHEREAS, one of the conditions of the approval granted by the Borough of Totowa Planning Board was the requirement that the Mr. Vespi petition the Governing Body for the permission to permit the additional 3 parking spaces within Totowa's 10-foot-wide stormwater right-of way; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the request to permit 3 parking spaces within the 10-foot-wide stormwater right-of-way; and

WHEREAS, the Mayor and Council of the Borough of Totowa have consented to the request and will to permit 3 parking spaces to be constructed within the 10-foot-wide stormwater right-of-way with the conditions that access to the right-of way not be impeded and that the pavement shall be removed upon written notification from the Borough of Totowa in the event that it becomes necessary to utilize the right-of-way; and

WHEREAS, Mr. Vespi shall also indemnify and hold harmless the Borough of Totowa as long as the parking spaces remain within the Borough of Totowa's right-of-way.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into an agreement with Damon Vepsi to permit 3 parking spaces to be constructed and encroach and remain within the Borough of Totowa's stormwater right-of-way in accordance with the aforementioned terms and conditions.

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 the Totowa Public Library requesting permission to use the Municipal Parking Lot for a Reduce-Reuse-Repurpose-Recycle Event to consist of paper shredding, clothing drive, plastic bag collection, paper tube collection, Christmas lights collection, eyeglass & hearing aid collection through the Lions Club and a Food Drive sponsored by Senator Kristin Corrado on Saturday, September 28, 2024. There was a motion by Councilman Reynoso, seconded by Councilman Picarelli 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 Reynoso, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Purchase And Installation Of Liberty DCR Software For The Planning Board And Zoning Board Of Adjustment. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 84-2024

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF LIBERTY DCR SOFTWARE FOR THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

WHEREAS, the Borough of Totowa Municipal Construction Code Official has requested the purchase and installation of two channel digital audio/video recording software for the Borough of Totowa Planning Board and Zoning Board of Adjustment; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this software for the Borough of Totowa Planning Board and Zoning Board of Adjustment; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase and installation of the two channel digital audio/video recording software for the Borough of Totowa Planning Board and Zoning Board of Adjustment; and

WHEREAS, BIS Digital, 1350 NE 56th Street, Suite 300, Fort Lauderdale, FL 33334 has submitted a proposal dated April 11, 2024 for the purchase and installation of Liberty DCR Software for the Totowa Planning Board and Zoning Board of Adjustment and all related labor and equipment in the amount of \$3,865.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this software program and related equipment may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase and installation of Liberty DCR Software for the Totowa Planning Board and Zoning Board of Adjustment and all related labor and equipment from BIS Digital in the amount of \$3,865.00.

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

There was a motion by Councilman Reynoso, seconded by Councilman Bucher to adopt the following Resolution Authorizing A Contract To A-Plus Construction, Inc. For The Borough Of Totowa Home Improvement Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 85-2024

RESOLUTION AUTHORIZING A CONTRACT TO A-PLUS CONSTRUCTION, INC. FOR THE BOROUGH OF TOTOWA HOME IMPROVEMENT PROGRAM

WHEREAS, the Borough of Totowa Home Improvement Program (“HIP”) was created by the Borough of Totowa to provide funds to assist properties occupied by low and moderate income households to correct existing interior and exterior health, safety and code substandard conditions of major housing systems in conformity with the standards of the New Jersey State Housing Code, N.J.A.C. 5:28 and the Rehabilitation Subcode, N.J.A.C. 5:23-6; and

WHEREAS, the HIP is guided by N.J.A.C. 5:93-5.2 and in accordance with the New Jersey Department of Community Affairs (“DCA”) Council on Affordable Housing (“COAH”) regulations; and

WHEREAS, the Borough of Totowa has contracted with Community Grants, Planning and Housing LLC (“CGP&H”), a private consulting company specializing in the implementation of publicly funded housing rehabilitation programs, to administer the HIP; and

WHEREAS, by Resolution No. 78-2024 dated May 28, 2024, the Mayor and Council of the Borough of Totowa entered into a Home Improvement Program Agreement with Sheryn Carnazza for the property located at 112 Jefferson Place, Totowa, New Jersey 07512, also identified as Block 38, Lot 3 on the official tax map of the Borough of Totowa; and

WHEREAS, CGP&H advertised a Request for Rehabilitation Bid (Case No. TOTO-2408) inviting general contractors to bid on the repair and rehabilitation work for the property located at 112 Jefferson Place (the “Scope of Work”); and

WHEREAS, the homeowners and CGP&H have reviewed the bids and CGP&H has recommended the award of a contract to the lowest apparent bidder A-Plus Construction, Inc., 18 Station Road, Lincoln Park, New Jersey 07035 in an amount not to exceed \$15,000.00 for the Scope of Work; and

WHEREAS, the HIP is funded by the Borough of Totowa’s Affordable Housing Trust Fund and there is sufficient funding available for the award of this contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the award of a contract to A-Plus Construction, Inc. for the Borough of Totowa Home Improvement Program for repairs to the property located at 112 Jefferson Place, Totowa, New Jersey 07512 in an amount not to exceed \$15,000.00.

There was a motion by Councilman Reynoso, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Municipal Attorney To Prepare A Developer’s Agreement Between The Borough Of Totowa And G.O.M. Real Estate Investment, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 86-2024

RESOLUTION AUTHORIZING THE MUNICIPAL ATTORNEY TO PREPARE A
DEVELOPER’S AGREEMENT BETWEEN THE BOROUGH OF TOTOWA
AND G.O.M. REAL ESTATE INVESTMENT, LLC

WHEREAS, G.O.M. Real Estate Investment, LLC is the owner of real property set forth and designated as Block 11, Lot 9.01 on the official Tax and Assessment Map of the Borough of Totowa and commonly known as 95 Shepherds Lane, Totowa, New Jersey 07512; and

WHEREAS, the property is located in the R-AH-2 Affordable Housing-2 Zone District; and

WHEREAS, G.O.M. Real Estate Investment, LLC filed an application with the Borough of Totowa Planning Board for various land use approvals seeking preliminary and final major site plan approval with variance relief for the Shepherds Lane property for the construction of 2 buildings containing a total of 74 units for rent; and

WHEREAS, 59 of the units will be market rate and 15 of the units will be affordable housing; and

WHEREAS, the Borough of Totowa Planning Board at its public meeting held on July 9, 2020 granted preliminary and final site plan approval and various land use relief for the application filed by G.O.M. Real Estate Investment, LLC for the Shepherds Lane property, subject to certain conditions and restrictions; and

WHEREAS, the Borough of Totowa Planning Board approved the application on July 9, 2020 and memorialized its decision in a Resolution adopted by the Planning Board on August 13, 2020; and

WHEREAS, G.O.M. Real Estate Investment, LLC filed an amended application with the Borough of Totowa Planning Board seeking amended preliminary and final major site plan approval with variance "c" relief including track setback, building length, height and parking lot relief; and

WHEREAS, the Borough of Totowa Planning Board at its public meeting held on April 11, 2024 granted the preliminary and final site plan approval and various land use relief for the application filed by G.O.M. Real Estate Investment, LLC for the Shepherds Lane property, subject to certain conditions and restrictions; and

WHEREAS, the Borough of Totowa Planning Board approved the application on April 11, 2024 and memorialized its decision in a Resolution adopted by the Planning Board on April 25, 2024; and

WHEREAS, one of the conditions of the approval granted by the Borough of Totowa Planning Board was the requirement that the G.O.M. Real Estate Investment, LLC enter into a Developer's Agreement with the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire that the terms and conditions of the various approvals be memorialized in a Developer's Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa Municipal Attorney to prepare a Developer's Agreement between the Borough of Totowa and G.O.M. Real Estate Investment, LLC.

There was a motion by Councilman Reynoso, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Municipal Attorney To Prepare A Developer's Agreement Between The Borough Of Totowa And Montar Group, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 87-2024

RESOLUTION AUTHORIZING THE MUNICIPAL ATTORNEY TO PREPARE A
DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF TOTOWA
AND MONTAR GROUP, LLC

WHEREAS, Totowa Plaza Associates is the owner of the real property set forth and designated as Block 173, Lot 38 on the official Tax and Assessment Map of the Borough of Totowa and commonly known as 783 North Riverview Drive, Totowa, New Jersey 07512; and

WHEREAS, Montar Group, LLC with offices at 6100 Lake Forest Drive, Suite 104, Atlanta, Georgia is the tenant for previously identified real property; and

WHEREAS, the property is located in the both the B-3 Zone and I-3 Zone Districts; and

WHEREAS, Montar Group, LLC filed an application with the Borough of Totowa Zoning Board of Adjustment for various land use approvals seeking preliminary and final major site plan approval with use variance, floor area ratio variance and bulk variances as well as design waiver relief for the construction of a 3-story self-storage facility for the Riverview Drive property; and

WHEREAS, the Borough of Totowa Zoning Board of Adjustment at its public meeting held on November 8, 2023 granted the preliminary and final site plan approval and various land use relief for the application filed by Montar Group, LLC for the Riverview Drive property, subject to certain conditions and restrictions; and

WHEREAS, the Borough of Totowa Zoning Board of Adjustment approved the application on November 8, 2023 and memorialized its decision in a Resolution adopted by the Zoning Board on December 13, 2023; and

WHEREAS, one of the conditions of the approval granted by the Borough of Totowa Zoning Board of Adjustment was the requirement that the Montar Group, LLC enter into a Developer's Agreement with the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire that the terms and conditions of the various approvals be memorialized in a Developer's Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa Municipal Attorney to prepare a Developer's Agreement between the Borough of Totowa and Montar Group, LLC.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Renewal Of Division Of Alcoholic Beverage Control Liquor Licenses For The 2024 – 2025 License Term. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 88-2024

RESOLUTION AUTHORIZING THE RENEWAL OF
DIVISION OF ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSES
FOR THE 2024 – 2025 LICENSE TERM

WHEREAS, Division of Alcoholic Beverage Control (ABC) liquor licenses that have been issued by the Borough of Totowa during the 2023 – 2024 license term will expire on June 30th; and

WHEREAS, State and Municipal regulations require that ABC liquor licenses be renewed prior to July 1, 2024; and

WHEREAS, the Division of Alcoholic Beverage Control (ABC) has introduced POSSE ABC, an electronic web based licensing system; and

WHEREAS, licensees have filed their renewal applications online through POSSE ABC, have received their Alcoholic Beverage Retail Licensee Clearance Certificate and have paid their State and Municipal fees.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Municipal Clerk be authorized to issue an ABC License to the following licensed premises for the 2024 – 2025 license term.

1612-33-001-010 Apple Food Service of Totowa, Inc.

1612-33-004-007 Murphy's Steakhouse, LLC
1612-33-005-003 Bethwood Catering, LLC

1612-33-007-006 Crestview Motel, Inc.
1612-33-008-010 Balcony Holdings, LLC
1612-44-009-008 Totowa Fine Wine & Spirits, LLC
1612-33-010-009 New Sushi, LLC
1612-33-011-005 Totowa Barnyard, Inc.

1612-31-013-001 Italian American Ind Club of Totowa Borough
1612-31-014-001 Passaic Valley Elks Lodge 2111 BPOE

There was a motion by Councilman Fierro, 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 Passaic Valley Elks BPOE #2111 to be held on June 21, 2024 from 5:00 p.m. – 11:59 p.m. 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. 2385 for the Passaic Valley Elks BPOE #2111 for an On-Premise 50/50 to be held on July 6, 2024. 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 add the following item to the agenda. 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 the Application Petition To Extend Licensed Premises from the State of New Jersey Division of Alcoholic Beverage Control for Apple Food Service of Totowa, Inc. D/B/A Applebee's for June 14 – 25, 2024. 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.

Joseph Wassel, RMC
Municipal Clerk