

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

July 24, 2012

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

ABSENT: Council President Phil Puglise and Councilman John Waryas.

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 Niland, seconded by Councilman D'Angelo to dispense with the regular order of business in order to hold a public hearing on Ordinance Nos. 06-2012 & 07-2012 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance Nos. 06-2012 & 07-2012 have been advertised for public hearing for Tuesday, July 24, 2012.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 06-2012.

There was a motion by Councilman Niland, seconded by Councilman D'Angelo to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 06-2012.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Niland, seconded by Councilman D'Angelo 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. 06-2012 by title:

ORDINANCE NO. 06-2012

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 398 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II,
"PARKING ", SECTION 6, "NO PARKING AT ALL TIMES", SECTION 7,
"NO PARKING DURING CERTAIN HOURS" AND ARTICLE XIII, "SCHEDULES",
SECTION 45, "SCHEDULE I: NO PARKING", SECTION 46, "SCHEDULE II: NO
PARKING CERTAIN HOURS"**

There was a motion by Councilman Niland, seconded by Councilman D'Angelo to adopt Ordinance No. 06-2012 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. 07-2012.

There was a motion by Councilman Niland, seconded by Councilman D'Angelo 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. 07-2012.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Niland, seconded by Councilman D'Angelo 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. 07-2012 by title:

ORDINANCE NO. 07-2012

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 295 ENTITLED "PROPERTY MAINTENANCE"**

There was a motion by Councilman Niland, seconded by Councilman D'Angelo to adopt Ordinance No. 07-2012 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 Niland, seconded by Councilman D'Angelo to revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

There were no reports.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: Asked if there has been any progress on the drainage system at the PAL fields. Councilman D'Angelo: Responded that he met with the County representatives on Friday up at the field and said that he would call him before we finalize the plans. Mayor Coiro: Explained the Open Space grant process.

Police Chief Robert Coyle: Commented that as a citizen, the flower planters on Union Boulevard look beautiful.

There was a motion by Councilman Niland, seconded by Councilman D'Angelo to approve the Minutes of the Mayor and Council for the meeting of July 10, 2012. On roll call vote, all members of the Council present voted in the affirmative. Councilwoman Fontanella and Councilwoman Andriani abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to approve Resolution No. 2012-16 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 D'Angelo, seconded by Councilwoman Fontanella to adopt the following resolution authorizing the Treasurer to issue a check in the amount of \$14,842.63 to Robert Rothman to effectuate the redemption of Certificate of Sale #11-00007, Lillian Zimmerman, 2 Peterson Road, Block 149, Lot 21.04, plus a separate check for \$8,800.00 for premium paid. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

CERTIFICATE OF SALE #11-00007 BLOCK 149, LOT 21.04

PROPERTY: 2 PETERSON ROAD, TOTOWA, NJ 07512
OWNER: LILLIAN ZIMMERMAN

WHEREAS, at the Municipal Tax Sale held on October 27, 2011, a lien was sold on Block 149, Lot 21.04, also known as 2 Peterson Road in Totowa, for 2010 delinquent taxes and water; and

WHEREAS, this lien, known as Tax Sale #11-00007 was sold to Robert Rothman, Esq. for 0% redemption fee and a \$8,800.00 premium; and

WHEREAS, Chase Bank, the Mortgage Holder has effected redemption of certificate #11-00007 in the total amount of \$14,842.63 as of 7/24/12.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$14,842.63 payable to "Robert Rothman", 411 Grand Avenue, Englewood, NJ 07631 for the redemption of Tax Sale Certificate #11-00007.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$8,800.00 (Premium) to the aforementioned lien holder.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution To Extend The Due Date For Payment Of 3rd Quarter Taxes To August 20, 2012. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 81-2012

RE: EXTENSION OF DUE DATE FOR PAYMENT OF THE 3RD QUARTER
TAX PAYMENT 2012

WHEREAS, the third quarter tax payment is normally due on August 1, with a 10 day grace period; and

WHEREAS, the Borough of Totowa will not be able to print and mail out the 2012 final/preliminary 2013 tax bills on time because of the delay by the state; and

WHEREAS, the Borough of Totowa by law must allow the taxpayers a period of 25 days from the date of the mailing of the tax bill to make payment.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby extend the due date for the 3rd quarter taxes to August 20, 2012, which is inclusive of the 10 day grace period.

BE IT FURTHER RESOLVED, that the tax payments received after the extended grace period of August 20, 2012 will be charged interest back to the original due date of August 1, 2012 as required by law.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Re: Governing Body Certification Of The Annual Audit. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 82-2012

GOVERNING BODY CERTIFICATION OF 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 2011 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.

There was a motion by Councilman D’Angelo, seconded by Councilwoman Fontanella to adopt the following Resolution Authorizing The Release Of Performance Bond For Marangi Waste Industries, Inc. For The Collection And Transportation Of Recyclable Materials. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 83-2012

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND FOR
MARANGI WASTE INDUSTRIES, INC. FOR THE COLLECTION AND
TRANSPORTATION OF RECYCLABLE MATERIALS

WHEREAS, by Resolution No. 101-2009 dated December 8, 2009, the Mayor and Council of the Borough of Totowa awarded a contract for collection and transportation services for residential and municipal recyclable materials to Marangi Waste Industries, Inc., 155 Michigan Avenue, Paterson, New Jersey 07503 for the total sum of Three Hundred Seventy-Three Thousand Six Hundred Twenty and 00/100 Dollars (\$373,620.00); and

WHEREAS, the term of the contract was for the period of January 1, 2010 through December 31, 2014; and

WHEREAS, pursuant to the terms set forth in the contract, Marangi Waste Industries, Inc. was required to post an annual Performance Bond; and

WHEREAS, Marangi Waste Industries, Inc. submitted Bond No. 105368465 issued by Travelers Casualty and Surety Company of America in the amount of \$74,724.00 effective January 1, 2012 through December 31, 2012; and

WHEREAS, in December of 2011, the Mayor and Council of the Borough of Totowa received notice that Gaeta Recycling Co., Inc. had entered into a contract dated December 19, 2011 to purchase the various assets of Marangi Waste Industries, Inc.; and

WHEREAS, pursuant to the terms of the contract between the Borough of Totowa and Marangi Waste Industries, Inc., the governing body of the Borough of Totowa must agree to and approve any assignment of this contract; and

WHEREAS, by Resolution No. 29-2012 dated January 24, 2012, the Mayor and Council of the Borough of Totowa authorized the assignment of the aforementioned contract from Marangi Waste Industries, Inc. to Gaeta Recycling Co., Inc. for the collection and transportation of recyclable materials subject to all terms and provisions set forth in the original contract; and

WHEREAS, Marangi Waste Industries, Inc. has advised the Borough of Totowa that their bonding company, Travelers Casualty and Surety Company of America, has requested that Borough of Totowa execute a Release in order to formally release both Marangi Waste Industries, Inc. and Travelers Casualty and Surety Company of America from any further obligation to the Borough of Totowa; and

WHEREAS, effective May 1, 2012 through May 1, 2013, Gaeta Recycling Co., Inc. has submitted Performance Bond No. SU1115417 issued by Arch Insurance Company in the amount of \$74,724.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the release of Performance Bond No. 105368465 issued on behalf of Marangi Waste Industries, Inc. by Travelers Casualty and Surety Company of America in the amount of \$74,724.00 as of May 1, 2012.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Niland, seconded by Councilman D'Angelo to approve a grade increase for Patrolman Jamie Titus from Grade 2 (\$98,679.) to Grade 1 (\$109,347.), effective July 30, 2012. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Niland, seconded by Councilwoman Andriani to adopt the following Resolution Of The Borough Of Totowa Authorizing The Payment Of Terminal Leave Benefits To Douglas Wright. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 84-2012

RESOLUTION OF THE BOROUGH OF TOTOWA AUTHORIZING THE
PAYMENT OF TERMINAL LEAVE BENEFITS TO DOUGLAS WRIGHT

WHEREAS, Douglas Wright began his employment with the Borough of Totowa as a Class D Laborer in the Department of Public Works on February 1, 1971; and

WHEREAS, Douglas Wright will retire from the Borough of Totowa Department of Public Works as Superintendent effective August 1, 2012; and

WHEREAS, the policy of the Borough of Totowa is that employees with twenty-five (25) years of service are entitled to a maximum of one hundred thirty (130) days of Terminal Leave to be paid upon retirement; and

WHEREAS, the Terminal Leave amount is calculated at the amount of sick day benefits, not to exceed one hundred thirty (130) days or eighty-seven (87) days for those employees under the Pitman/12 Hour Shift Schedule, at the daily rate of pay of the last twelve (12) months of service upon retirement; and

WHEREAS, Douglas Wright has accumulated one hundred thirty (130) unused sick days and has completed more than twenty-five (25) years of service as an employee of the Borough of Totowa; and

WHEREAS, Douglas Wright does hereby waive any other claim and/or claims for any salary, benefits and/or other compensation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that Douglas Wright is granted one hundred thirty (130) days of accumulated sick leave (Terminal Leave) for a total amount of Seventy-Eight Thousand Five Hundred Fifty-Four and 00/100 Dollars (\$78,554.00). Said monies are given in full and final consideration of any and all claims that Douglas Wright may have against the Borough of Totowa.

There was a motion by Councilman Niland, seconded by Councilwoman Andriani to adopt the following Resolution Authorizing Leak Detection Services For The Borough Of Totowa Water Department. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 85-2012

RESOLUTION AUTHORIZING LEAK DETECTION SERVICES FOR
THE BOROUGH OF TOTOWA WATER DEPARTMENT

WHEREAS, the Borough of Totowa Department of Public Works Superintendent has advised the Mayor and Council of the Borough of Totowa that the Borough of Totowa has been experiencing an increasing number of leaks and water main breaks; and

WHEREAS, the Superintendent has further advised that as a result of aging infrastructure, leaking pipes and more frequent breaks, the Borough of Totowa is losing a significant amount of water on a daily basis; and

WHEREAS, the water-loss rate is exacerbated by the both the increase in water use demands during the summer months and recent drought conditions; and

WHEREAS, the Borough of Totowa Department of Public Works Superintendent has recommended that a leak detection survey be performed on all of the Borough of Totowa's water mains and that all water breaks be repaired immediately; and

WHEREAS, FSC Leak Detection, 333 Ratzler Road, Wayne, New Jersey 07470, NJ License No. 13VH00710900, has submitted a proposal to perform the leak detection survey and repair all breaks found under the supervision of the Borough of Totowa Water Department, a copy of which is on file in the office of Borough of Totowa Municipal Clerk; and

WHEREAS, the repair rates for all breaks and unit costs for extras will be based upon the following schedules as set forth in the proposal:

<u>Water Repair Rate</u>	<u>Units</u>	<u>Quantity</u>	<u>Price</u>
2" and under	LS	1	\$ 2,628.00
3" to 4"	LS	1	\$ 5,256.00
6"	LS	1	\$ 7,884.00
8"	LS	1	\$ 10,512.00
10"	LS	1	\$ 13,140.00
12"	LS	1	\$ 15,760.00

<u>Extra Costs</u>	<u>Units</u>	<u>Quantity</u>	<u>Price</u>
Concrete Removal	CY	1	\$ 185.00
Rock Removal	CY	1	\$ 295.00
Replace Concrete	CY	1	\$ 625.00
<u>Extra Costs</u>	<u>Units</u>	<u>Quantity</u>	<u>Price</u>
Add on for excavation (8' to 10' deep)	LS	1	\$ 2,500.00
Add on for excavation (12.01' to 16' deep)	LS	1	\$ 5,000.00
4" Dewatering Pump	Day	1	\$ 350.00
6" Dewatering Pump	Day	1	\$ 875.00

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the leak detection survey and repairs for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to the N.J.S.A. 40A:11-5(1)(i), this survey and the necessary repairs constitute an extraordinary, unspecifiable service that may be authorized by the Borough of Totowa without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by FSC Leak Detection for a leak detection survey to be performed on all of the Borough of Totowa's water mains and the immediate repair of all water breaks in accordance with the water repair rates and extra costs set forth above and in the proposal.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize FSC Leak Detection to provide the materials and perform the services set forth in their proposal.

Upon the recommendation of the Committee, there was a motion by Councilman Niland, seconded by Councilwoman Andriani to hire Steve Filan as a Grade 5 (\$41,224.) Department of Public Works Laborer, with an August 6, 2012 start date. 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 D'Angelo to adopt the following Resolution Authorizing An Agreement With Sterling Consultants, LLC For The Development Of A Community Forestry Management Plan. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 86-2012

RESOLUTION AUTHORIZING AN AGREEMENT WITH STERLING
CONSULTANTS, LLC FOR THE DEVELOPMENT OF A
COMMUNITY FORESTRY MANAGEMENT PLAN

WHEREAS, by Ordinance No. 05-2004 adopted March 9, 2004, the Mayor and Council of the Borough of Totowa established a Shade Tree Commission for the Borough of Totowa, to preserve and enhance the Borough's physical and aesthetic appearance and develop standards governing the planting of all trees, brush, vines, shrubs and ground cover upon Borough-owned land; and

WHEREAS, the Borough of Totowa Shade Tree Commission has recommended that the Mayor and Council of the Borough of Totowa retain the services of a licensed and certified arborist to assist the Borough of Totowa with the development of a Community Forestry Management Plan that will meet the Borough's needs and comply with the requirements of the New Jersey Shade Tree and Community Forestry Assistance Act; and

WHEREAS, the Borough of Totowa Shade Tree Commission solicited proposals from licensed and certified arborists to provide the necessary consulting services for the development of a Community Forestry Management Plan; and

WHEREAS, Sterling Consultants LLC, 35 Mickeljohn Avenue, Little Falls, New Jersey 07424, has submitted a proposal to provide the consulting services for the sum of One Thousand Nine Hundred Seventy-Five and 00/100 Dollars (\$1,975.00), 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 did on July 24, 2012 examine the proposal submitted by Sterling Consultants LLC; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional consulting services may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Sterling Consultants LLC to provide the consulting services and assist the Borough of Totowa with the development of a Community Forestry Management Plan.

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.

BE IT FURTHER RESOLVED, that the term of these consulting services will terminate upon acceptance and approval of the Community Forestry Management Plan by the New Jersey Community Forest Council.

There was a motion by Councilwoman Andriani, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing The Purchase Of A Slide For The Park By Washington Park School. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 87-2012

RESOLUTION AUTHORIZING THE PURCHASE OF A SLIDE FOR THE PARK BY WASHINGTON PARK SCHOOL

WHEREAS, the Borough of Totowa Board of Recreation has recommended the purchase of a new stainless steel slide to replace a damaged slide at the park located near Washington Park School; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to replace this slide for the safety and welfare of the children that play in this park; and

WHEREAS, State of New Jersey Contract #A81411 has been awarded to Game Time, P.O. Box 106, Spring Lake, New Jersey 07762 for the purchase of recreational equipment; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this 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 of one (1) stainless steel straight chuter slide from Game Time in the amount of Four Thousand Eight Hundred Ninety-Eight and 80/100 Dollars (\$4,898.80).

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.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Approving A Person-To-Person Transfer Of Plenary Retail Consumption License No. 1612-33-008-007 From Murphy, Anthony P. To Amber Group, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 88-2012

RESOLUTION APPROVING A PERSON-TO-PERSON TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE NO.1612-33-008-007
FROM MURPHY, ANTHONY P. TO AMBER GROUP, LLC

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License No. 1612-33-008-007, heretofore issued to Murphy, Anthony P. for an inactive license; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa does hereby approve, effective July 24, 2012, the transfer of the aforesaid Plenary Retail Consumption License to Amber Group, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Amber Group, LLC, effective July 24, 2012."

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to adopt the following Resolution Approving A Person-To-Person Transfer Of Plenary Retail Consumption License No. 1612-33-002-004 From Mediterraneo Restaurant, Inc. To The 46 Lounge, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 89-2012

RESOLUTION APPROVING A PERSON-TO-PERSON TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE NO.1612-33-002-004 FROM
MEDITERRANEO RESTAURANT, INC. TO THE 46 LOUNGE, LLC

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License No. 1612-33-002-004, heretofore issued to Mediterraneo Restaurant, Inc. for premises located at 300 Route 46 East, Totowa, NJ 07512; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa does hereby approve, effective July 24, 2012, the transfer of the aforesaid Plenary Retail Consumption License to The 46 Lounge, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to The 46 Lounge, LLC, effective July 24, 2012."

There was a motion by Councilwoman Fontanella, seconded by Councilwoman Andriani to approve Ice Cream Vendors License Applications for Julie Trauerts, for an owner's license and Patricia Chorman, for an operator's license, trading as Mainland Shave Ice. 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 Niland, seconded by Councilman D'Angelo that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk