

## **BOROUGH OF TOTOWA**

### **MINUTES OF THE MAYOR AND COUNCIL**

**August 25, 2015**

**PRESENT:** Mayor John Coiro, presiding, Council President Phil Puglise, Councilman Lou D'Angelo, Councilwoman Carolyn Fontanella, Councilman Anthony Picarelli, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

**ABSENT:** Councilwoman Debra Andriani and Councilman William Bucher.

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 Puglise, seconded by Councilman D'Angelo to dispense with the regular order of business in order to hold a public hearing on Ordinance No. 16-2015 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 16-2015 has been advertised for public hearing for Tuesday, August 25, 2015.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 16-2015.

There was a motion by Councilman Puglise, 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. 16-2015.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Puglise, 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. 16-2015 by title:

**ORDINANCE NO. 16-2015**

**A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$52,000 FOR THE PURCHASE AND INSTALLATION OF A GENERATOR TO BE UNDERTAKEN BY THE BOROUGH OF TOTOWA AND TO APPROPRIATE \$40,000 FROM CAPITAL SURPLUS AND \$12,000 FROM THE RESERVE FOR CAPITAL IMPROVEMENTS**

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to adopt Ordinance No. 16-2015 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 Puglise, 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.

Councilman Puglise: Said that this past Saturday, Fire Rescue had their Wet Down for

the new fire rescue vehicle and that it was well attended and a good event.

Councilman Picarelli: Stated that on behalf of the Shade Tree Commission, Sprouting Totowa will have its Ribbon Cutting Ceremony for the Community Garden on Sunday, August 30<sup>th</sup> at 3:00 p.m.

Fire Official Allen Del Vecchio: Explained to the Mayor and Council that the Totowa Fire Department would like to implement a new Safety Program for the residents of the Borough of Totowa. He said that they would offer a free safety home inspection for fire and carbon monoxide issues, which would include electrical, furnace, hot water heaters, smoke and carbon monoxide detectors and other fire safety related items. Advised that it would be a voluntary program and that they would keep a listing of all the people in a home and keep it in their database. He said that the only way they can check for fire safety issues now is when someone is selling their home and they need a C.O. The Mayor and Council agreed that this is a good program to implement. There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to receive and file. On roll call vote, all members of the Council present voted in the affirmative.

#### CITIZENS HEARD:

Dan Jasinski, 43 Barnert Avenue: Said he has been living here for about five years now and loves Totowa, but we have issues with speeding at ridiculous speeds. Stated that he has a two year old son and their neighbors are always walking their dogs and just wanted to make you aware of this issue for everyone's safety. Mayor Coiro: Responded that we are aware of speeding issues on certain side streets and we will have the Police Chief step up the radar patrols and place the speed sign there as well. Also made him aware of the issues regarding the installation of speed humps and how the residents on Bogert Street wanted them, but now they are not happy with them because of the noise from cars going over them. Remarked that we will have to look into the feasibility of placing a speed hump there. A conversation ensued.

Mike Mahometa, 269 Lincoln Avenue: Said that he has three things: 1) The Wet Down was fantastic; 2) Glad to hear that we are making progress on getting Union Boulevard paved by the State by the end of October. Mayor Coiro: Answered, yes hopefully. 3) That you are probably aware, but the LED Sign on the side going up the hill has some sections that are out. Mayor Coiro: Told him we are aware and are working on it.

There was a motion by Councilman Puglise, seconded by Councilman D'Angelo to approve the Minutes of the Mayor and Council for the meeting of August 11, 2015. 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. 2015-18 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 County Tax Board judgments. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

Re: NDK Realty LLC v. Totowa Borough  
Block: 177, Lot: 3, 75 Route 46

WHEREAS, there was a Passaic County Judgment, entered 5/8/15 on the abovementioned; and

WHEREAS, the total Original Assessment of \$287,200 was reduced to the Judgment total of \$73,000; and

WHEREAS, the Judgment resulted in an overpayment of \$1,379.87 for the year 2015.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the Borough of Totowa is authorized to refund the taxpayer "NDK Realty LLC", the amount of \$1,379.87.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Approving The Submission Of A New Jersey Department Of Environmental Protection – 2015 Bonus Grant For Food Waste, Abandoned Tires And Public Space Recycling Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 104-2015

RESOLUTION APPROVING THE SUBMISSION OF A NEW JERSEY DEPARTMENT  
OF ENVIRONMENTAL PROTECTION – 2015 BONUS GRANT FOR FOOD WASTE,  
ABANDONED TIRES AND PUBLIC SPACE RECYCLING PROGRAM

WHEREAS, the New Jersey Department of Environmental Protection is making funds available with a grant program that will provide targeted grants for recycling initiatives in three areas: food waste recycling, scrap tire removal and recycling in public spaces, available to local governments and to county institutions; and

WHEREAS, this program is funded through the Recycling Tax established in the "Recycling Enhancement Act"; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the Bonus Grant for Food Waste, Abandoned Tires and Public Space Recycling will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Totowa Governing Body to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby endorse the submission of the Bonus Grant for Food Waste, Abandoned Tires and Public Space Recycling Program application to the New Jersey Department of Environmental Protection.

BE IT FURTHER RESOLVED, that the monies received from the Bonus Grant for Food Waste, Abandoned Tires and Public Space Recycling be used solely for the purposes outlined in the Bonus Grant application.

#### COMMITTEE ON PUBLIC SAFETY:

A letter was received from Fire Chief Vincent Marciano requesting a day off with pay from the DPW on Friday, September 18, 2015 to attend the New Jersey State Firemen's Convention as delegate and to also take the Fire Chief's vehicle to the convention from September 16 – 20, 2015. There was a motion by Councilman Puglise, seconded by Councilwoman Fontanella to approve the request. On roll call vote, all members of the Council present voted in the affirmative.

A letter from the Totowa Fire Department Fund Drive Committee advising that their annual fund drive will be September 8 – October 14, 2015, with their door-to-door campaign being held on October 11 – 13, 2015 was received and filed.

A letter thanking the Police Department, especially Detective Nick Varcadipane during an incident at the Holiday Inn on July 26, 2015 was received and filed with a copy to be placed in his personnel file.

A letter thanking the Police Department, especially Patrolmen Gary Potenzzone, Thomas Bevacqua and Robert Errigo during a traffic accident on Route 46 West on August 14, 2015 was received and file, with copies to placed in their respective personnel jackets.

#### COMMITTEE ON PUBLIC WORKS:

A letter from Library Director Anne Krautheim thanking Superintendent Jim Niland and the DPW – specifically Laborers Steve Filan, Vince Marciano and Sean Yennie – for their assistance with the recent construction of a partition, walls, moving of electric, replacement of ceiling tiles and shelving was received and filed, with copies to be placed in their respective personnel jackets.

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to accept the following bids for the Municipal Complex Generator Project. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Amount Bid</u>
Envirocon, Inc. Hackettstown, NJ 07840	\$124,267.00
Manor II Electric, Inc. Homdel, NJ 07733	\$126,437.00
Arco Construction Group Elizabeth, NJ 07202	\$126,450.79

Innovative Electrical Contracting, Inc. Flanders, NJ 07836	\$128,731.00
Raymond Electrical Contractors, Inc. Hackensack, NJ 07606	\$131,300.00
Vanore Electric, Inc. Teterboro, NJ 07608	\$137,685.00
Falak Construction, Inc. North Brunswick, NJ 08902	\$140,000.00
Independence Constructors, Inc. Bridgewater, NJ 08807	\$229,857.45

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to adopt the following resolution to award the contract for the Municipal Complex Generator Project. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 105-2015

#### RESOLUTION AWARDDING CONTRACT FOR THE MUNICIPAL COMPLEX GENERATOR PROJECT

WHEREAS, the Borough of Totowa Municipal Building is in need of a new generator;  
and

WHEREAS, by Resolution No. 49-2014 dated April 8, 2014, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa Municipal Engineer to prepare bid documents, assist in the bidding process and supervise construction of the Municipal Complex Generator Project; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Borough of Totowa, Municipal Generator Building Project, Passaic County, New Jersey Contract No. 2015-2"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on August 5, 2015; and

WHEREAS, the Mayor and Council of the Borough of Totowa on August 25, 2015 did examine all bids for materials and services called for; and

WHEREAS, Envirocon, Inc., 490 Schooley's Mtn. Road, Hackettstown, New Jersey 07840 has submitted a proposal to provide and install one (1) new 125kW Diesel Fired Generator and all related services with a bid in the amount of One Hundred Twenty-Four Thousand Two Hundred Sixty-Seven and 00/100 Dollars (\$124,267.00), a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Borough of Totowa Municipal Engineer has reviewed the proposal and recommended the Borough of Totowa authorize the award of a contract to Envirocon, Inc. for the purchase and installation of the new 125kW Diesel Fired Generator and all related services; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the lowest responsible bid submitted by Envirocon, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the bid of Envirocon, Inc. for the purchase and installation of one (1) new 125kW Diesel Fired Generator and all related services as the lowest responsible bid for the total sum of One Hundred Twenty-Four Thousand Two Hundred Sixty-Seven and 00/100 Dollars (\$124,267.00).

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

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to accept the following bids for the Municipal Complex Roof Project. On roll call vote, all members of the Council present voted in the affirmative.

<u>Company</u>	<u>Amount Bid</u>
Mak Group, LLC Clifton, NJ 07026	\$ 88,000.00
Galia Construction, Inc. Totowa, NJ 07512	\$ 91,444.00

Integrity Roofing, Inc.  
Rahway, NJ 07065

\$ 94,340.00

G.C. Dynatech Construction  
Marlboro, NJ 07746

\$145,000.00

There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to adopt the following resolution to award the contract for the Municipal Complex Roof Project. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 106-2015

#### RESOLUTION AWARDING CONTRACT FOR THE MUNICIPAL COMPLEX ROOF PROJECT

WHEREAS, the Superintendent for the Borough of Totowa Department of Public Works ("DPW") had recommended that the existing roof at the Borough of Totowa Municipal Complex be removed and replaced; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to install a new roofing system at the Borough of Totowa Municipal Complex; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids for the removal of the existing roof and installation of a new roofing system in accordance with the specifications entitled "Specifications and Proposal for the Removal of Existing Roof and Installation of New Roof at the Borough of Totowa Municipal Complex, Borough of Totowa, Passaic County, New Jersey"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on July 9, 2015; and

WHEREAS, five (5) bids were received with all bids exceeding the cost estimate for this Improvement Project; and

WHEREAS, by Resolution No. 89-2015 dated July 14, 2015, the Mayor and Council of the Borough of Totowa did reject all bids received for the Municipal Complex Roof Project and authorized the public rebidding of this Improvement Project for the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa did re-advertise for receipt of sealed bids for the Municipal Complex Roof Project in accordance with the specifications entitled "Specifications and Proposal for the Removal of Existing Roof and Installation of New Roof at the Borough of Totowa Municipal Complex, Borough of Totowa, Passaic County, New Jersey"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on August 19, 2015; and

WHEREAS, the Mayor and Council of the Borough of Totowa on August 25, 2015 did examine all bids for materials and services called for; and

WHEREAS, Mak Group LLC, 40 Summit Avenue, Clifton, New Jersey 07026 has submitted a proposal to remove and replace the Municipal Complex roofing system with a bid in the amount of Eighty-Eight Thousand and 00/100 Dollars (\$88,000.00), a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Superintendent for the Borough of Totowa DPW has reviewed the proposal and recommended the Borough of Totowa authorize the award of a contract to Mak Group LLC for the Municipal Complex Roof Project; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the lowest responsible bid submitted by Mak Group LLC be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the bid of Mak Group LLC for the removal of the existing roof and installation of a new roofing system at the Borough of Totowa Municipal Complex for the total sum of Eighty-Eight and 00/100 Dollars (\$88,000.00).

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

A letter was received from the Dey Hill Neighbors requesting permission to have a Block Party on Battle Ridge Trail from Dey Hill Trail south to the cul-de-sac on Saturday, September 12, 2015 (rain date: September 13, 2015). There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo to approve their request. On roll call vote, all members of the Council present voted in the affirmative.

## STREET CLOSING AUTHORIZED BY THE MAYOR

Under the authority vested in me as Mayor of the Borough of Totowa, County of Passaic, State of New Jersey, by virtue of N.J.S.A. 40:67-16.9 and the Code of the Borough of Totowa Chapter No. 398-42, I, Mayor John Coiro, do hereby order and direct that Battle Ridge Trail from the intersection of Dey Hill Trail south to the cul-de-sac be closed to vehicular traffic from 12:00 p.m. to 5:00 p.m. on Saturday, September 12, 2015. I further direct that proper signs and barriers be erected at the intersection of Battle Ridge Trail and Dey Hill Trail and that the Totowa Police Department control and regulate, as well as enforce, this regulation.

A letter was received from the Italian American Club requesting permission to use the Municipal Parking Lot on Sunday, October 18, 2015 for a trip to Atlantic City. There was a motion by Councilwoman Fontanella, seconded by Councilman D'Angelo 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 Picarelli, seconded by Councilman Puglise to adopt the following Resolution Of The Borough Of Totowa, County Of Passaic, New Jersey Authorizing The Planning Board To Investigate Whether The Property Commonly Known As Block 154, Lot 19 On The Tax Map Of The Borough Of Totowa, State Of New Jersey, Should Be Designated As An Area In Need Of Redevelopment 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. 107-2015

RESOLUTION OF THE BOROUGH OF TOTOWA, COUNTY OF PASSAIC,  
NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE  
WHETHER THE PROPERTY COMMONLY KNOWN AS BLOCK 154, LOT 19 ON THE  
TAX MAP OF THE BOROUGH OF TOTOWA, STATE OF NEW JERSEY, SHOULD BE  
DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE  
LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, et seq.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended (the “Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute an area in need of redevelopment, under the Redevelopment Law the municipal council (the “Municipal Council”) of the Borough of Totowa (the “Borough”) must authorize the Planning Board to conduct a preliminary investigation of the area and make recommendations to the Municipal Council; and

WHEREAS, the Municipal Council hereby requests that an investigation occur with respect to the property commonly known as Block 154, Lot 19 on the tax map of the Borough of Totowa, State of New Jersey (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; and

WHEREAS, if the Planning Board determines to recommend that the Study Area should be designated as an area in need of redevelopment, pursuant to Section 7(f) of the Redevelopment Law, the Municipal Council requests that the Planning Board also prepare a redevelopment plan for the Study Area and submit same to the Municipal Council for its consideration; and

WHEREAS, if the Study Area is determined to meet the criteria for designation as an area in need of redevelopment, the Municipal Council further authorizes the Borough to use all of those powers provided under the Redevelopment Law for use in a redevelopment area, except for the power of eminent domain pursuant to *N.J.S.A. 40A:12A-8(c)* (as designated, a “Non-Condensation Redevelopment Area”); and

WHEREAS, the Municipal Council has determined that it is in the best interests of the Borough to direct the Planning Board to undertake a preliminary investigation of the Study Area pursuant to the procedures of the Redevelopment Law, provide its recommendations to the Municipal Council, and prepare a draft redevelopment plan for same, if redevelopment designation is recommended.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the following:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area

satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment, which designation would permit the Borough to utilize all of the redevelopment powers, except for eminent domain.

Section 3. As part of its investigation, the Planning Board shall prepare maps showing the boundaries of the Study Area and the location of the parcels contained therein and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundary of the Study Area, the date of the hearing and the municipal option to exercise the power of eminent domain to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination would not authorize the Borough or Municipal Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-Condensation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designations are received and considered, the Planning Board shall make recommendations to the Municipal Council as to whether the Municipal Council should designate all or some of the Study Area as an area in need of redevelopment pursuant to the Redevelopment Law.

Section 7. If the Planning Board recommends the Study Area be designated as a Non-Condensation Redevelopment Area, the Planning Board is further directed to prepare a redevelopment plan for the Study Area pursuant to Section 7(f) of the Redevelopment Law. Upon completion of the redevelopment plan, the Planning Board shall transmit the plan to the Municipal Council for its consideration.

Section 8. This Resolution shall take effect immediately.

A letter was received from Administrative Clerk Norma Fitzgerald requesting to change her retirement from September 1, 2015 to January 1, 2016. There was a motion by Councilman Picarelli, seconded by Councilman Puglise to approve the request. On roll call vote, all members of the Council present voted in the affirmative.

**COMMITTEE ON LEGISLATION & ORDINANCES:**

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to introduce on first reading and advertise for public hearing the following entitled ordinance and refer to the Planning Board for their review and approval. On roll call vote, all members of the Council present voted in the affirmative.

**ORDINANCE NO. 17-2015**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA  
CHAPTER 415 ENTITLED "ZONING AND LAND USE"**

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to adopt the following Resolution Authorizing The Renewal Application For ABC Liquor License No. 1612-33-008-008 For The 2015 – 2016 License Term. On roll call vote, all members of the Council present voted in the affirmative.

**RESOLUTION NO. 108-2015**

**RESOLUTION AUTHORIZING THE RENEWAL APPLICATION FOR ABC LIQUOR  
LICENSE NO. 1612-33-008-008 FOR THE 2015-2016 LICENSE TERM**

WHEREAS, Amber Group LLC has filed a verified petition to the New Jersey Division of Alcoholic Beverage Control ("ABC") requesting authorization for the local issuing authority to consider a renewal application for License No. 1612-33-008-008 for the 2015-2016 and 2016-2017 license terms pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS, ABC Acting Director J. Wesley Geiselman has reviewed the petition and considered all the facts and circumstances related to the inactive status of the license; and

WHEREAS, the ABC Acting Director has found that the licensee Amber Group LLC has established good cause in accordance with the statutory requirements to warrant an application for renewal of the license for the 2015-2016 and 2016-2017 license terms; and

WHEREAS, on August 3, 2015 the ABC issued a Special Ruling dated August 3, 2015 directing the Borough of Totowa to consider the application for renewal of the subject license for the 2015-2016 and 2016-2017 license terms in accordance with the above findings of the ABC Acting Director; and

WHEREAS, the Special Ruling contains a Special Condition stating that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2017, except if good cause for consideration is shown; and

WHEREAS, the Mayor and Council of the Borough of Totowa adopted Resolution No. 72-2014 on June 24, 2014, which authorized the renewal of Plenary Retail Consumption License No. 1612-33-008-008 for the 2014-2015 license term; and

WHEREAS, Amber Group LLC has filed its renewal application online through POSSE ABC, has received its Alcoholic Beverage Retail License Clearance Certificate and has paid its State and Municipal fees; and

WHEREAS, the Mayor and Council of the Borough of Totowa after due and diligent consideration has determined that the request for renewal should also be granted for the 2015-2016 license term subject to the above condition.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the renewal of Plenary Retail Consumption License No. 1612-33-008-008 for the 2015-2016 license term for the reasons set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Clerk to renew ABC License No. 1612-33-008-008 for the 2015-2016 license term.

BE IT FURTHER RESOLVED, that the renewal shall contain a Special Condition requiring activation of the liquor license by June 30, 2017.

There being no further business to come before the Council, there was a motion by Councilman Puglise, seconded by Councilman D'Angelo that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

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Joseph Wassel, RMC  
Municipal Clerk