

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

January 13, 2026

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

ABSENT: None.

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.

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.

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:

Carol Palumbo, 304 Lincoln Avenue: Said she was here because they put in a handicapped curb ramp on the corner of Chamberlain Avenue by her house and though the road is not paved yet, she is worried that when it rains the water will now run down

the street, up the ramp, down the sidewalk and into her house. She stated that her driveway from the sidewalk slopes down towards her house into the garage and she has a finished basement. She asked if the regular curb could be reinstalled. Mayor Coiro: Responded that he knows exactly where she lives, then explained that whenever a town paves a road we must install ADA compliant handicapped ramps at the intersections. He went on to tell her that we will contact our engineer and ask if there is something else that we can do, i.e. install a catch basin, or other solutions that he may have.

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 December 9, 2025. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman Bucher to approve the Minutes of the Mayor and Council for the Special Meeting of December 26, 2025. On roll call vote, all members of the Council present voted in the affirmative. Councilman D'Angelo abstained from the voting.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to approve the Minutes of the Mayor and Council for the Reorganization Meeting of January 1, 2026. 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. 2026-02 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 Tax Collector to process the cancellation of any property tax refund, delinquency or charge and fee imposed by the municipality of less than \$10.00 for the year 2025. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there are taxpayers who have a property tax refund, delinquency or charge and fee imposed by the municipality of less than \$10.00 on their accounts regarding property taxes for the year 2025; and

WHEREAS, the Governing Body of the Borough of Totowa may authorize a municipal employee to process the cancellation of any property tax refund, delinquency or charge and fee imposed by the municipality of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Totowa that the Tax Collector is hereby authorized to process the cancellation of any property tax refund, delinquency or charge and fee imposed by the municipality of less than \$10.00 for the year 2025.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Treasurer to issue a tax refund to William Snell, 14 Greene Avenue, Block 78, Lot 32 due to a 100% Exemption for a 100% permanent and total disability. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, William Snell, 14 Greene Avenue, Block 78, Lot 32 has applied for a 100% exemption for a 100% permanent and total disability; and

WHEREAS, he meets all the requirements for the exemption; and

WHEREAS, the 100% disability became effective on June 4, 2025, and he applied for exemption on November 23, 2025; and

WHEREAS, William Snell paid the taxes from January 1, 2025 to December 31, 2025 in the amount of \$9,725.60 and therefore William Snell is entitled to a refund of \$1,039.33.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Treasurer is authorized to refund \$1,039.33 to William Snell and upon paying the refund due to 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 the Treasurer to issue a tax refund to John Safran, 64 Harding Avenue, Block 101, Lot 19 due to a 100% Exemption for a 100% permanent and total disability. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, John Safran, 64 Harding Avenue, Block 101, Lot 19 has applied for a 100% exemption for a 100% permanent and total disability; and

WHEREAS, he meets all the requirements for the exemption; and

WHEREAS, the 100% disability became effective on September 24, 2025, and he applied for exemption on December 3, 2025; and

WHEREAS, John Safran paid the taxes from January 1, 2025 to December 31, 2025 in the amount of \$9,056.65 and therefore John Safran is entitled to a refund of \$719.48.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Treasurer is authorized to refund \$719.48 to John Safran and upon paying the refund due to 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 Reimbursement For 2024 Street Lighting And Garbage Removal Costs To Falls Bridge Meadows Condominium Association Pursuant To The Municipal Services Act. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 27-2026

RESOLUTION AUTHORIZING REIMBURSEMENT FOR 2024 STREET LIGHTING AND GARBAGE REMOVAL COSTS TO FALLS BRIDGE MEADOWS CONDOMINIUM ASSOCIATION PURSUANT TO THE MUNICIPAL SERVICES ACT

WHEREAS, in accordance with New Jersey's Municipal Services Act, the Borough of Totowa is required to either perform certain specified services for qualified private communities or to reimburse these communities in accordance with the statute; and

WHEREAS, Falls Bridge is a residential town house and condominium community located in the Borough of Totowa within which all of the roads located throughout the development are private; and

WHEREAS, Falls Bridge Meadows Condominium Association is a not-for-profit entity that operates and administers the general affairs of this qualified private community as defined by N.J.S.A. 40:67-23.2; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize payment to the Falls Bridge Meadows Condominium Association for costs incurred in 2024 for street lighting and garbage removal services in accordance with the provisions of the Municipal Services Act.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to the Falls Bridge Meadows Condominium Association for reimbursement of costs incurred in 2024 for street lighting and garbage removal services pursuant to the terms of the New Jersey Municipal Services Act.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Contract For Social Media Services And Media Consulting. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 28-2026

RESOLUTION AUTHORIZING CONTRACT FOR SOCIAL MEDIA SERVICES AND MEDIA CONSULTING

WHEREAS, the Borough of Totowa requires the services of a professional firm for the purpose of providing social media services and media consulting; and

WHEREAS, the professional services to be provided by the consulting firm include, but are not limited to, expanding the presence of social media platforms including Facebook, Instagram and X; creating relevant municipal content to share; structuring a schedule for posting vital information and community messaging and highlighting important Totowa projects and events; and

WHEREAS, GovEd Solutions NJ, LLC, 129 Winifred Drive, Totowa, New Jersey 07512 has submitted a proposal dated December 1, 2025 to provide the professional social media services and media consulting, a copy of which is on file in the office of the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, GovEd Solutions NJ, LLC shall be entitled to compensation in accordance with the fee scheduled set forth in their proposal; and

WHEREAS, the professional consulting contract shall be awarded for a one-year term effective January 1, 2026 through December 31, 2026; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize this contract to better communicate with and serve the residents of the community.

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 a contract with GovEd Solutions NJ, LLC to provide social media services and media consulting to the Borough of Totowa.

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 Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Appointing Labor Counsel for Borough of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 29-2026

RESOLUTION APPOINTING LABOR COUNSEL FOR THE BOROUGH OF TOTOWA

WHEREAS, the Borough of Totowa requires the services of an attorney to represent the Borough of Totowa as Labor Counsel for the purpose of providing legal counsel and advise with regard to certain employment matters; and

WHEREAS, the professional legal services shall be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Domenick Carmagnola, Esq., of the firm Carmagnola & Ritardi, LLC, Attorneys at Law, 60 Washington Street, Morristown, New Jersey 07960 is an attorney licensed to practice law in the State of New Jersey; and

WHEREAS, Domenick Carmagnola, Esq., has submitted a proposal dated January 12, 2026 to provide the professional legal services for the Borough of Totowa, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the term of this contract shall commence on the date of this Resolution and terminate on December 31, 2026; and

WHEREAS, Labor Counsel shall be entitled to compensation in accordance with the fee scheduled set forth in their proposal; and

WHEREAS, Domenick Carmagnola, Esq., shall be required to complete and submit a Business Entity Disclosure Certificate which certifies that Carmagnola & Ritardi, LLC have not made any reportable contributions to a political or candidate committee in the Borough of Totowa in the previous one year, and that the contract will prohibit Carmagnola & Ritardi, LLC from making any reportable contributions through the term of the contract.

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 a contract with Domenick Carmagnola, Esq., of the firm of Carmagnola & Ritardi, LLC to serve as the Borough of Totowa Labor Counsel and provide professional legal services.

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 Business Entity Disclosure Certification shall be placed on file with this Resolution.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilman Bucher to approve a grade increase for Patrol Officer Fina Matranga from Grade 3 to Grade 2. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilman Fierro to adopt the following Resolution To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For The 2026 Local Transportation Funds Grant Application For The Barnert Avenue Improvements Project. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 30-2026

RESOLUTION TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2026 LOCAL TRANSPORTATION FUNDS GRANT APPLICATION FOR THE BARNERT AVENUE IMPROVEMENTS PROJECT

WHEREAS, the Borough of Totowa continues to develop projects that will improve and beautify our public roads; and

WHEREAS, the Borough of Totowa's Engineer has provided plans specifically designed to address and improve the quality of life in Totowa; and

WHEREAS, the Borough of Totowa has identified Barnert Avenue to be in need of streetscape improvements.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as LTPF-2026-Barnert Avenue Improvements Project-00027 to the New Jersey Department of Transportation on behalf of the Borough of Totowa.

BE IT FURTHER RESOLVED, that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Totowa and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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 Domenick Coiro from Grade 1-B to Grade 1-A. On roll call vote, all members of the Council present voted in the affirmative. Councilwoman Coiro abstained from the voting.

A letter was received from DPW Superintendent Jim Niland requesting permission to switch the following holiday: Presidents Day, Monday, February 16, 2026 for Monday, July 6, 2026. There was a motion by Councilman Bucher, seconded by Councilman Fierro to approve the request. On roll call vote, all members of the Council present voted in the affirmative.

A letter from the Passaic Valley Water Commission advising that they are increasing wholesale water rates by 4.3% for 2026 was received and filed.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Fierro, seconded by Councilman Reynoso to adopt the following Resolution Authorizing Boiler Repairs At Lincoln Fire House. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 31-2026

RESOLUTION AUTHORIZING BOILER REPAIRS AT LINCOLN FIRE HOUSE

WHEREAS, the boiler at the Borough of Totowa Lincoln Fire House is not working properly and is in need of various repairs; and

WHEREAS, 454 Mechanical, LLC, 14 Masklee Court, Totowa, New Jersey 07512 has submitted a proposal dated January 8, 2026 to remove and replace four (4) Honeywell zone head power packs and remove and replace one (1) TACO model 007 circulator pump for the sum of \$4,795.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the proposal also includes starting, testing and bleeding the system and includes all necessary labor and materials needed to complete the boiler repairs; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to have the boiler repairs undertaken and completed as soon as possible for the well-being and safety of the Borough of Totowa Lincoln Fire Company Volunteer Firefighters; and

WHEREAS, pursuant to the applicable New Jersey State laws, the repair services may be authorized 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 454 Mechanical, LLC for the boiler repairs at the Borough of Totowa Lincoln Fire House.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize 454 Mechanical, LLC to perform all services for the boiler repairs at the Borough of Totowa Lincoln Fire House in accordance with their proposal.

A letter was received from the Totowa Seniors requesting permission to use the Municipal Parking Lot on Thursday, March 5, 2026 for a bus trip to Wind Creek Casino in Bethlehem, PA. There was a motion by Councilman Fierro, seconded by Councilman Reynoso to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Fierro, seconded by Councilman Reynoso 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 Reynoso to approve Change Order No. 1 for a net decrease of \$63,259.08 and Payment Estimate No. 1 (Final) in the amount of \$314,579.92 to SWERP, Inc. for the FY2022 & FY2023 CDBG – Phases XII & XIII Sanitary Sewer Main Rehabilitation. 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 Councilwoman Coiro to adopt the following Resolution Authorizing An Agreement In Lieu Of Taxes For Everstead At Totowa Affordable Senior Housing Development, 140 Shepherds Lane, Totowa, New Jersey. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 32-2026

RESOLUTION AUTHORIZING AN AGREEMENT IN LIEU OF TAXES FOR
EVERSTEAD AT TOTOWA AFFORDABLE SENIOR HOUSING DEVELOPMENT,
140 SHEPHERDS LANE, TOTOWA, NEW JERSEY

WHEREAS, Christian Health Senior Health Housing Development, 100 Runnymede Drive, Wayne, New Jersey 07470 (hereinafter referred to as the "Sponsor") seeks to construct 141 affordable rental units for low-income seniors (the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1, et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Borough of Totowa (hereinafter referred to as the "Municipality") on a site described as Lot 2, Block 12, as shown on the official Assessment Map of the Borough of Totowa, Passaic County and commonly known as 140 Shepherds Lane, Totowa, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality has determined there is a need for this housing project and the additional units in the Municipality; and

WHEREAS, the units developed by Christian Health on the Property are an essential component of the Borough's Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, the Sponsor has presented to the Governing Body of the Borough of Totowa with a Financial Estimate, which is attached hereto and made a part hereof as Exhibit "A" covering the cost of the land, improvements and the operation of the Project as estimated by the Sponsor and HMFA which reasonably assures completion of the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that it hereby finds and certifies as follows:

- A. The proposed Project will meet or exceed an existing housing need;
- B. The proposed Project conforms or will conform to the requirements of all applicable ordinances of the Municipality;
- C. The Project is hereby approved.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Totowa as follows:

1. The Mayor and Council of the Borough of Totowa does hereby adopt the within Resolution and makes the determination and findings therein contained by virtue of, pursuant to and in conformity with the provisions of the HMFA law with the intent and purpose that the HMFA shall rely thereon in making a mortgage loan to the Sponsor, who shall construct, own and operate the Project.
2. The Mayor and Council of the Borough of Totowa does hereby adopt the within Resolution with the further intent and purpose from the date of execution of the HMFA mortgage the proposed Project, including the land and all improvements to be constructed thereon, will be exempt from real property taxation as provided in N.J.S.A 55:14K-1 et seq., and that in lieu of taxes said Sponsor shall make to the Municipality payments of an annual service charge for municipal services supplied to the Project in such amounts as set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B".
3. The Mayor and Council of the Borough of Totowa hereby direct the Mayor of the Borough of Totowa to execute on behalf of the Municipality the Agreement for Payments In Lieu of Taxes in the form annexed hereto as Exhibit "B".
4. The Mayor and Council of the Borough of Totowa understand and hereby agree that the amounts set forth in Exhibit "A" are estimates only and agrees that the Sponsor may upon HMFA approval, makes reasonable changes, in the construction, maintenance and operation of the Project to ensure compliance with the financial and statutory requirements of HMFA which will necessitate reasonable changes in the amounts set forth in Exhibit "A".

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Totowa that the Municipal Clerk is hereby authorized and directed to file a certified copy of this Resolution with the Secretary of HMFA.

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Authorizing The Execution Of An Estoppel Certificate To Totowa Med Urban Renewal, LLC Pursuant To A Redevelopment Agreement For The Redevelopment Area Site Known As Block 154, Lot 19.03 And Identified As The Medical Office Building Component. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 33-2026

RESOLUTION AUTHORIZING THE EXECUTION OF AN ESTOPPEL CERTIFICATE TO TOTOWA MED URBAN RENEWAL, LLC PURSUANT TO A REDEVELOPMENT AGREEMENT FOR THE FOR THE REDEVELOPMENT AREA SITE KNOWN AS BLOCK 154, LOT 19.07 (FORMERLY KNOWN AS BLOCK 154, LOT 19.03) AND IDENTIFIED AS THE MEDICAL OFFICE BUILDING COMPONENT

WHEREAS, Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, the Municipal Council of the Borough (the "Borough Council"), in accordance with the criteria set forth in the Redevelopment Law, designated property located in the Borough of Totowa (the "Borough"), then commonly known as the former North Jersey Developmental Center and then identified as Block 154, Lot 19 and Block 154.01, Lot 1 (now known as Block 154, Lots 19.04, 19.05, 19.06, 19.08, 19.09, 19.10, 19.11 and 19.12) on the tax map of the Borough, as an "area in need of redevelopment" (the "Redevelopment Area"); and

WHEREAS, the Borough subsequently adopted a redevelopment plan for the Redevelopment Area entitled the "North Jersey Developmental Center Redevelopment Plan", which plan was amended on April 25, 2017 and on June 28, 2022 (as amended and as may be amended from time to time, the "Redevelopment Plan"); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4, the Borough determined to act as the "redevelopment entity" (as such term is defined at N.J.S.A. 40A:12A-3 of the Redevelopment Law) for the Redevelopment Area; and

WHEREAS, the Redevelopment Law authorizes the Redevelopment Entity to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an "area in need of redevelopment" pursuant to N.J.S.A. 40A:12A-8; and

WHEREAS, the Borough undertook a competitive process to identify and select a redeveloper for the Redevelopment Area and following such process entered into a Redevelopment Agreement dated as of June 15, 2017, as amended by that certain First Amendment to Redevelopment Agreement dated as of January 24, 2018, that certain Second Amendment to Redevelopment Agreement dated February 26, 2019, and that certain Third Amendment to Redevelopment Agreement, dated August 19, 2019 (collectively, the "Original Redevelopment Agreement") with NJDC Urban Renewal, LLC ("NJDC"), an affiliate of Totowa Med Urban Renewal, LLC; and

WHEREAS, pursuant to certain Amended and Restated Assignment and Assumption Agreement dated December 20, 2022, by and between the Borough of Totowa, NJDC and Totowa Med and together with the Redevelopment Agreements, Totowa Med has assumed all of NJDC's rights and obligations under the Redevelopment Agreement relating to the redevelopment of certain real property identified as a portion of Block 154, Lot 19.07 (a/k/a Unit 1) of that certain condominium created pursuant to a Master Deed recorded at Book D3768, Page 1 of the Passaic County Clerk's Office (the "Master Deed") f/k/a as a portion of Block 154, Lot 19.03 on the official tax map of the Borough, to build and operate therein a medical office building (the "Medical Office Building Component"); and

WHEREAS, as authorized by Borough of Totowa Ordinance No. 06-2019 duly adopted on June 11, 2019, the Borough and Totowa Med entered into a certain Financial Agreement dated August 20, 2019, (the "Financial Agreement") providing for payments in lieu of real property taxes upon substantial completion of the Medical Office Building Component: and

WHEREAS, the majority of the Redevelopment Area has either been redeveloped by Original Redeveloper or conveyed to Subsequent Redevelopers for redevelopment; and

WHEREAS, Totowa Med has requested an Estoppel Certificate to confirm that the Redeveloper is not in violation, breach or default of any of the terms or conditions of the various Agreements including the Redevelopment Agreement and Financial Agreement.

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

1. The Borough of Totowa is authorized to issue the Estoppel Certificate to Totowa Med.
2. The Mayor of the Borough of Totowa is authorized to execute the Estoppel Certificate.
3. The Borough of Totowa acknowledges that that Totowa Med is not in violation, breach or default of any of the terms of the various Agreements which remain in full force and effect.
4. This Resolution shall take effect immediately.

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Of The Borough Of Totowa Authorizing The Execution Of A Mediation Settlement Agreement In Connection With Its Fourth Round Affordable Housing Plan. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 34-2026

RESOLUTION OF THE BOROUGH OF TOTOWA AUTHORIZING THE EXECUTION OF A MEDIATION SETTLEMENT AGREEMENT IN CONNECTION WITH ITS FOURTH ROUND AFFORDABLE HOUSING PLAN

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A 52:27D-301, et seq.) (hereinafter the “Amended FHA”); and

WHEREAS, the Amended FHA and AOC Directive 14-24 dated December 13, 2024 placed enormous demands on municipalities to meet new statutory deadlines including the adoption of their Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, the deadline for compliance was set for December 31, 2025; and

WHEREAS, the Mayor and Council of the Borough of Totowa, along with their professionals, have been working diligently throughout the process to meet each milestone and ensure compliance with the new law; and

WHEREAS, the Mayor and Council of the Borough of Totowa determined that it was in the best interest of the Borough of Totowa to participate in mediation through the Affordable Housing Dispute Resolution Program to resolve outstanding matters with the Fair Share Housing Center; and

WHEREAS, the Borough of Totowa was involved in substantial negotiations with Fair Share Housing Center in order ensure compliance with the new Fourth Round statutory requirements and still provide for realistic development of affordable housing units within the Borough of Totowa borders; and

WHEREAS, the negotiations resulted in an Agreement between the Borough of Totowa and Fair Share Housing Center that was reached on or about December 18, 2025; and

WHEREAS, the Mayor and Council of the Borough of Totowa have reviewed the Agreement and believe it is in the best interests of the Borough of Totowa to execute the Agreement; and

WHEREAS, the Borough of Totowa reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Borough of Totowa is a named Plaintiff in certain litigation captioned as Borough of Montvale v. State of New Jersey, Superior Court of New Jersey, Docket No. MER-L01778- 24 and Borough of Montvale v. Platkin, United States District Court for the District of New Jersey, Vicinage of Trenton, Docket No. 3:25-cv-03220; and

WHEREAS, the actions contained in this Resolution are intended to comply with the Amended FHA while the Borough of Totowa continues to dispute its validity such that the Borough of Totowa does not waive any legal rights or claims that it possesses relating to the Amended FHA as set forth in the lawsuits by virtue of adoption of the instant Resolution and the Borough of Totowa further reserved the right to alter its position contained in the Resolution based upon any ruling in the litigation or any other similar proceeding by a court of competent jurisdiction.

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 a Mediation Agreement with Fair Share Housing Center in order to protect the interests of the Borough of Totowa and ensure compliance with the Fourth Round Affordable Housing rules and regulations.

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.

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Authorizing Bond Release For The Sunset Ridge Development, Bond Nos. CT025056, CT025057 & CT025058. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 35-2026

RESOLUTION AUTHORIZING BOND RELEASE FOR THE SUNSET RIDGE DEVELOPMENT, BONDS NOS. CT025056, CT025057 & CT025058

WHEREAS, Sunset Ridge Development, LLC, (hereinafter "Sunset Ridge") is the owner of real property commonly known and designated as Block 2, Lots 1, 2, 3 & 4 and Block 3, Lots 1, 1.01, 3, 6, 7 & 8 on the official Tax and Assessment Map of the Borough of Totowa and is located at 617 Preakness Avenue in the I-3 Restricted Industry District; and

WHEREAS, pursuant to a Developer's Agreement entered into on May 4, 2018 between the Borough of Totowa and Sunset Ridge, the developer was required to post performance bonds for the purpose of insuring proper construction of all on-site and off-site improvements; and

WHEREAS, in accordance with the Developer's Agreement, Sunset Ridge posted performance bonds for the development of the project now known as Sunset Ridge at Totowa as follows:

First Indemnity of America Insurance Company Bonds

Bond CT025056 in the amount of \$45,243.00

Bond CT025057 in the amount of \$ 8, 964.00

Bond CT025058 in the amount of \$23,186.25

WHEREAS, Sunset Ridge has requested the release of the performance bonds; and

WHEREAS, the Municipal Engineer had advised that all outstanding work has been completed and the development is now occupied; and

WHEREAS, the Municipal Engineer has further recommended the release of the performance bonds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize that the performance bond numbers CT025056, CT025057 and CT025058 be released as requested by Sunset Ridge.

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

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to approve Change Order No. 1 in the amount of \$4,200.00 to Severe Structures, LLC For The Borough Of Totowa Home Improvement Program for 142 Stewart Terrace. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to approve Payment Estimate No. 1 (Final) in the amount of \$18,600.00 to Severe Structures, LLC For The Borough Of Totowa Home Improvement Program for 156 Greene Avenue. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LEGISLATION & ORDINANCES:

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

ORDINANCE NO. 01-2026

**AN ORDINANCE FIXING THE ANNUAL SALARIES AND WAGES OF THE
OFFICIALS, EMPLOYEES AND THE APPOINTEES OF THE BOROUGH OF
TOTOWA, COUNTY OF PASSAIC, STATE OF NEW JERSEY**

There was a motion by Councilwoman Coiro, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2458 & 2459 for the Totowa Public Library Foundation for a Tricky Tray and On-Premise 50-50 to be held on February 12, 2026 at The Grand. 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