

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

March 10, 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.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to dispense with the regular order of business in order to hold a public hearing on Ordinance No. 03-2026 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 03-2026 has been advertised for public hearing for Tuesday, March 10, 2026.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 03-2026.

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

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 03-2026.

CITIZENS HEARD:

There were no citizens who wished to be heard.

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

Municipal Clerk Wassel read Ordinance No. 03-2026 by title:

ORDINANCE NO. 03-2026

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA
CHAPTER 415 ENTITLED "ZONING AND LAND USE", TO CREATE NEW
ARTICLES TO BE KNOWN AS INCLUSIONARY HOUSING DISTRICT; 100
PERCENT HOUSING DISTRICT; AND ADULT HOUSING DISTRICT**

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt Ordinance No. 03-2026 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

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

Councilman Reynoso: 1) Thanked Fire Chief Vincent Marciano for the invite to the Fire Department Installation Dinner; 2) Announced the Easter Bunny Breakfast will be held on

March 21st; 3) Said the event held at Jersey Mike's for the Special Olympics was very nice.

Mayor Coiro: Concurred and said there will also be a Day of Giving at Jersey Mike's with the proceeds going to the Special Olympics.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to approve the Minutes of the Mayor and Council for the meeting of February 24, 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. 2026-06 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

A letter of resignation was received from Violations Clerk Keri Giacchi effective March 13, 2026. There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to accept her resignation and thank her for her years of service. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of the Committee, there was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to appoint Deborah Galante as Violations Clerk. On roll call vote, all members of the Council present voted in the affirmative.

MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Deborah Galante as Violations Clerk for a term of one year ending on December 31, 2026.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to confirm the appointment. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

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

Upon the recommendation of the Committee, there was a motion by Councilman D'Angelo, seconded by Councilman Bucher to appoint Mark Henry as Fire Official. On roll call vote, all members of the Council present voted in the affirmative.

MAYOR'S APPOINTMENT

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint Mark Henry as Fire Official for a term of one year ending on December 31, 2026.

There was a motion by Councilman D'Angelo, seconded by Councilman Bucher to confirm the appointment. 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 Approving Credit Balance Refund For Overpayment On Water Account ID #3405-3 Located At 400 Totowa Road. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 53-2026

RESOLUTION APPROVING CREDIT BALANCE REFUND FOR OVERPAYMENT ON WATER ACCOUNT ID #3405-3 LOCATED AT 400 TOTOWA ROAD

WHEREAS, the Borough of Totowa Water Department bills its customers based on three cycles, four times a year; and

WHEREAS, Holy Sepulchre Cemetery was billed for 758 thousand gallons of water on their November 1st, 2025 period 3 billing cycle in the amount of \$7,594.54; and

WHEREAS, in October 2025, the interim meter reader inadvertently entered a period 3 reading for a different meter at another location for Holy Sepulchre Cemetery; and

WHEREAS, the current meter reader noted that the period 4 reading was 565 thousand gallons lower than the period 3 reading, which should have been 142 thousand gallons; and

WHEREAS, the meter is located in a pit and was read and inputted manually, the Water Registrar needed to alter the third period's reading and enter this adjusted value; and

WHEREAS, the Water Registrar must recalculate the billing cycle resulting in a credit balance of \$6,058.33 for period 4 and is requesting permission to do a balance adjustment and issue a refund to Holy Sepulchre Cemetery.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby approve the request and authorize the Water Registrar to make the necessary adjustments to the account.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Totowa that the Borough Clerk send a copy of this resolution to the Water Registrar.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Fierro, seconded by Councilman Reynoso to adopt the following Resolution Authorizing Application To The Passaic County Community Development Block Grant Program For FY2026. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 54-2026

RESOLUTION AUTHORIZING APPLICATION TO THE PASSAIC COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FY2026

WHEREAS, the Mayor and Council of the Borough of Totowa wishes to apply for funding from the Passaic County Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa authorizes the application for and use of requested funds in the amount of \$381,750.00 from the Passaic County Community Development Block Grant (CDBG) Program for the rehabilitation of the Borough's Sanitary Sewer Main on Knollwood Road from Hillside Drive to Stewart Terrace.

BE IT FURTHER RESOLVED, that if awarded, the Mayor and Council of the Borough of Totowa shall implement the activities in a manner to ensure compliance with all applicable federal, state and local laws and regulations.

BE IT FURTHER RESOLVED, the Mayor and Council of the Borough of Totowa agrees that if CDBG funds are determined by the US Department of Housing and Urban Development to be expended on ineligible program costs or do not meet a national objective, the Borough of Totowa agrees to repay the proportion deemed ineligible from non-federal sources.

There was a motion by Councilman Fierro, seconded by Councilman Reynoso to adopt the following Resolution In Support Of The Federal Fair Housing Law And New Jersey Law Against Discrimination. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 55-2026

RESOLUTION IN SUPPORT OF THE FEDERAL FAIR HOUSING LAW AND NEW JERSEY LAW AGAINST DISCRIMINATION

WHEREAS, the Borough of Totowa supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination; and

WHEREAS, it is the policy of the Borough of Totowa to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8); and

WHEREAS, the Borough of Totowa further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby support Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination as follows:

1. Within available resources, the Borough of Totowa will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate.

2. The Borough of Totowa shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances.

3. The Borough of Totowa will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

There was a motion by Councilman Fierro, seconded by Councilman Reynoso to adopt the following Resolution Authorizing HVAC Duct Repair For The Police Department Detective Bureau At The Municipal Complex. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 56-2026
RESOLUTION AUTHORIZING HVAC DUCT REPAIR FOR THE POLICE
DEPARTMENT DETECTIVE BUREAU AT THE MUNICIPAL COMPLEX

WHEREAS, the HVAC system in the Borough of Totowa Police Department Detective Bureau in the Municipal Complex is no longer working satisfactorily and is in need of repair; and

WHEREAS, Totowa's heating and air conditioning contractor, 454 Mechanical, LLC, 14 Masklee Court, Totowa, New Jersey 07512, has submitted a proposal dated February 25, 2026 for HVAC duct repair in the amount of \$4,790.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the proposal includes removing start collars on the main trunk duct for disposal; furnishing and installing 10 start collars with dampers on the main trunk; replacing several flex duct runs to the Bureau office and sealing the trunk duct seams; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the HVAC duct repair for the general health, safety and well-being of the Detective Bureau employees of the Borough of Totowa Police Department; and

WHEREAS, the repair of the HVAC duct 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 from 454 Mechanical, LLC for the HVAC duct repair for the Borough of Totowa Police Department Detective Bureau in the Municipal Complex in the amount of \$4,790.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the 454 Mechanical, LLC to provide the labor and materials for the repair of the HVAC duct as set forth in their proposal.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Authorizing The Expenditure Of Affordable Housing Trust Fund Monies To Christian Health Senior Housing Development Corp. For The Development Of Affordable Housing On Block 12, Lot 2. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 57-2026

RESOLUTION AUTHORIZING THE EXPENDITURE OF AFFORDABLE HOUSING TRUST FUND MONIES TO CHRISTIAN HEALTH SENIOR HOUSING DEVELOPMENT CORP. FOR THE DEVELOPMENT OF AFFORDABLE HOUSING ON BLOCK 12, LOT 2

WHEREAS, pursuant to N.J.A.C. 5:93-8.16, the Borough of Totowa may use its Affordable Housing Trust Fund for the purpose of addressing the municipal fair share, including new construction; and

WHEREAS, Christian Health Senior Housing Development Corp, (“CHSHDC”) seeks to construct 141 affordable rental units for low-income seniors (the “Project”) on the property identified as Block 12, Lot 2 on the official Tax Map of the Borough of Totowa, County of Passaic, State of New Jersey and more commonly known as 140 Shepherds Lane, Totowa, New Jersey (the “Property”); and

WHEREAS, the Borough of Totowa proposes to contribute \$1,500,000.00 to CHSHDC to support the production of affordable housing; and

WHEREAS, the payments will be contingent upon CHSHDC meeting certain milestones throughout the development and completion of the Project; and

WHEREAS, the Borough of Totowa filed a declaratory judgment action to approve the Borough's Housing Element and Fair Share Plan and has entered into a court-approved settlement agreement with Fair Share Housing Center approving the Borough's proposed affordable housing strategy (the "Settlement Agreement"); and

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

WHEREAS, the Borough of Totowa’s proposed contribution to CHSHDC is reflected in the Spending Plan which will be adopted by the Borough of Totowa as part of its compliance with the Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the expenditure of \$1,500,000.00 from the municipal Affordable Housing Trust Fund subject to the adoption of the Borough's Spending Plan and Superior Court approval of the Borough of Totowa’s Fourth Round Housing Element and Fair Share Plan and implementing ordinances.

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Adopting An Affordable Housing Spending Plan For The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 58-2026

RESOLUTION ADOPTING AN AFFORDABLE HOUSING SPENDING PLAN FOR THE BOROUGH OF TOTOWA

WHEREAS, in accordance with the Mount Laurel Doctrine every municipality has a constitutional obligation to create a realistic opportunity for producing a fair share of the regional present and prospective need for housing low and moderate income families; and

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 Administrative Office of the Courts (“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 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, on January 28, 2025, the Mayor and Council of the Borough of Totowa adopted Resolution No. 28-2025 which established the Borough of Totowa’s Fourth Round Present Need and Prospective Need pursuant to the Amended FHA; and

WHEREAS, on January 30, 2025, the Borough of Totowa submitted a Declaratory Judgment Action to the New Jersey Superior Court, Passaic Vicinage captioned In the Matter of the Borough of Totowa bearing Docket No. PAS-000396-25; and

WHEREAS, on February 27, 2025, the New Jersey Builder’s Association filed a Challenge to the Borough of Totowa’s Fourth Round Housing Cycle Calculations; and

WHEREAS, on February 28, 2025, the Fair Share Housing Center (“FSHC”) filed a challenge to the Borough of Totowa’s Fourth Round Housing Cycle calculations; 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 both parties; and

WHEREAS, the Borough of Totowa was involved in substantial negotiations with FSHC and entered into a Settlement Agreement fixing the present need and prospective need obligations of the Borough of Totowa that was deemed fair and equitable while also in the best interests of the protected class of low and moderate households within the municipality; and

WHEREAS, the New Jersey Builder's Association did not object to the terms of the Settlement Agreement; and

WHEREAS, on May 1, 2025, the designated Mt. Laurel Judge – Passaic Vicinage, the Honorable Darren Del Sardo, P.J. Cv., entered an Order fixing the Borough of Totowa's Present Need at 211 affordable units and the Borough of Totowa's Prospective Need at 390 affordable units for the Fourth Round Housing Cycle; and

WHEREAS, on June 19, 2025, the Borough of Totowa Planning Board adopted the Borough of Totowa's Housing Element and Fair Share Plan ("HEFSP"); and

WHEREAS, on September 2, 2025, FSHC submitted a challenge to the Borough of Totowa's HEFSP; and

WHEREAS, the Mayor and Council of the Borough of Totowa again decided to participate in mediation through the Program to resolve outstanding matters with FSHC; and

WHEREAS, the Borough of Totowa was involved in negotiations with FSHC in order to 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 a Settlement Agreement between the Borough of Totowa and FSHC that was reached on or about December 18, 2025; and

WHEREAS, as a result of the negotiations and Settlement agreement, the Borough of Totowa has amended its HEFSP; and

WHEREAS, on February 12, 2026, Judge Del Sardo entered an Order approving the Settlement Agreement and the Borough of Totowa's Amended HEFSP; and

WHEREAS, the Order also directed the Borough of Totowa to proceed with the adoption of the required implementing Ordinances and resolutions to ensure compliance with the Fourth Round Housing Cycle; and

WHEREAS, the amended HEFSP includes a Fourth Round Spending Component which projects anticipated revenue to the Borough of Totowa's Affordable Housing Trust Fund and sets forth estimated expenditures of funds to address the Borough of Totowa's fair share obligation as set forth in the Fair Share Plan; and

WHEREAS, the Borough of Totowa retained InSite Engineering, LLC to prepare a Fourth Round Housing Cycle Spending Plan; and

WHEREAS, the Borough of Totowa Planning Board will hold a public hearing and vote on adoption of the amended HEFSP addressing the Borough of Totowa's prior Third Round obligation, Fourth Round obligation, Fourth Round Present Need and Rehabilitation Share; and

WHEREAS, the Mayor and Council of the Borough of Totowa have reviewed the Spending Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa hereby adopt the Spending Plan as a component of its HEFSP and Fourth Round Housing Cycle obligation.

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Adopting An Affirmative Marketing Plan For The Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 59-2026

RESOLUTION ADOPTING AN AFFIRMATIVE MARKETING PLAN FOR THE BOROUGH OF TOTOWA

WHEREAS, in accordance with the revised New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, et seq., the Borough of Totowa is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created within the Borough of Totowa, are affirmatively marketed to low- and moderate-income households, particularly those living and/or working within Housing Region 1, the Housing Region encompassing the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Totowa are required to be affirmatively marketed in accordance with the provisions herein.
- B. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low- and moderate-income units, including those that are part of the Borough's Prior Round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.

- C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Borough of Totowa. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Totowa, shall undertake, at the minimum, the publication of an advertisement or press release in compliance with P.L. 2025, c. 72. Additional advertising and/or publicity shall be on an “as needed” basis.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Totowa is located in Housing Region 1, consisting of Bergen, Hudson, Passaic and Sussex Counties.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All advertisements shall comply with P.L. 2025, c. 72.
 2. Broadcast of at least one advertisement by radio or television through the Housing Region.
 3. At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisements with major employers, or notification through community and regional organizations such as nonprofit, religious or civic organizations.
 4. The advertisement shall include a description of the following:
 - a. Address of the units.
 - b. Range of prices for the units.
 - c. Size, as measured in bedrooms, of unit.

- d. Maximum income permitted to qualify for the units.
- e. Where to obtain applications.
- f. Business hours when interested households may obtain an application.
- g. Application fees.

G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

- 1. Borough of Totowa Administrative Offices.
- 2. Borough of Totowa Website.
- 3. Developer's Sales/Rental Offices.
- 4. Bergen, Hudson, Passaic and Sussex Counties Administration Buildings.
- 5. Bergen, Hudson, Passaic and Sussex Counties Libraries (all branches).
- 6. Passaic County Administration Building.
- 7. Other public buildings as deemed appropriate by the Administrative Agent.

Applications shall be mailed/emailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Hudson, Passaic and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Section 3e of 's Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 1 (attached to and hereby made part of this Resolution) as well as the following entities

- 1. Quarterly informational flyers and applications shall be sent to the Bergen, Hudson, Passaic and Sussex Counties Board of Realtors for publication in their journals and for circulation among their members.
- 2. Quarterly informational flyers and applications shall be sent to the administrators of the following agencies within the municipalities of and counties of Bergen, Hudson, Passaic and Sussex Counties:
 - a. Welfare or Social Service Board.

- b. Rental Assistance Office (local office of DCA).
 - c. Office on Aging.
 - d. Housing Agency or Authority.
 - e. Municipal or County Library.
 - f. Area Community Action Agencies.
3. Also copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Sussex County, Community access Unlimited, Inc., Northwest New Jersey Community Action Program, Homeless Solutions of Morristown and the Supportive Housing Association for dissemination to their respective constituents.
4. The following is a listing of community contact person(s) and/or organizations in Bergen, Hudson, Passaic, and Sussex Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low-, low-and moderate-income units:
- a. NJHMFA: www.nj.gov.dca.hmfa; 609-278-7400.
 - b. Norwescap: www.norwescap.org; 908-454-7000.
 - c. New Jersey Housing Resource Center: www.nj.gov.njhrc; 1-877-428-8844.
 - d. Affordable Housing Alliance: www.housingall.org; 732-389-2958.
- I.* A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (I). The Affirmative Marketing Plan shall provide a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very-low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.
- J.* The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to:
- 1. Income qualify very-low-, low- and moderate-income households;

2. Place income eligible households in very-low-, low- and moderate-income units upon initial occupancy;
 3. Provide for the initial occupancy of very-low-, low- and moderate-income units with income qualified households;
 4. Continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls;
 5. Assist with outreach to very-low-, low- and moderate-income households; and
 6. Enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, et seq.
- K.* The Administrative Agent shall provide or direct qualified very-low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- L.* All developers/owners of very-low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- M.* The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very-low-, low- and moderate-income housing units are initially occupied and thereafter upon the re-sale or re-rental of an affordable unit for as long as an affordable unit remains deed restricted.
- N.* The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to the Borough's Adopted Affordable Housing Ordinance for re-rentals. An applicant pool will be maintained by the Administrative Agent for re-rentals.

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Expressing Opposition To 2024 FHA Requiring Re-Zonings Contrary To Sound Land Use Planning. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 60-2026

RESOLUTION EXPRESSING OPPOSITION TO 2024 FHA REQUIRING RE-ZONINGS CONTRARY TO SOUND LAND USE PLANNING

WHEREAS, in March 2024, the Legislature enacted amendments to the Fair Housing Act, P.L. 2024, c. 2 (the “2024 FHA”), which imposes affordable housing mandates upon our community for the Fourth Round period from 2026-2035 and every following decade into perpetuity; and

WHEREAS, the governing body joined the Local Leaders for Responsible Planning (“LLRP”), a coalition of New Jersey municipalities asserting legal challenges to the 2024 FHA in the state and federal courts; and

WHEREAS, the LLRP’s ongoing legal efforts demonstrate the 2024 FHA’s unfair and unreasonable impact upon our community, including as follows:

- The Legislature exempted New Jersey’s fastest growing cities – including Jersey City, Lakewood, and Newark – from having any new unit affordable housing obligations whatsoever.
- It blindly adopted a 40-year-old formula designed by the courts when urban municipalities suffered population losses and could not generate new units, while today, they generate 50% of New Jersey’s population growth and account for nearly half of the state’s subsidized affordable housing production.
- This results in a complete redistribution of the affordable housing obligations generated by the urban municipalities’ population growth upon the suburban municipalities including ours.
- This means a statistical over imposition of affordable housing obligations upon each non-urban aid community including ours. In the most drastic case, Region 1 non-urban aid municipalities must provide for *quadruple* their pro rata share of affordable housing.

- Contrary to claims, the Legislature was not required to enact this court-based formula, because the courts already decided it is no longer required under the *Mount Laurel* Doctrine constitutional holding. *In re Adoption of N.J.A.C. 5:96 and 5:97*, 215 N.J. 578 (2013).
- This same flawed formula will continue to apply every decade into perpetuity (i.e. 2035, 2045, 2055); and

WHEREAS, because the courts declined to grant the LLRP's request for an injunction against the March 15, 2026 Fourth Round implementation deadline, this governing body is compelled to enact re-zonings to comply with the 2024 FHA, as otherwise the law allows developers to file builder's remedy lawsuits that would invalidate our community's zoning and result in an even worse outcome; and

WHEREAS, the governing body opposes the required re-zonings for good faith reasons, including that they require high-density housing, contrary to sound land use principles it is supposed to protect; and

WHEREAS, while the LLRP seeks relief from the courts, the 2024 FHA is a law – not a judicial creation – that may be amended at any time by the Legislature and Governor, which the governing body urges them to do.

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

1. The foregoing recitals are hereby incorporated as if set forth at length.
2. The governing body hereby expresses its opposition to the foregoing provisions of the 2024 FHA, which today require our community to re-zone for affordable housing beyond its pro-rata share, while urban municipalities generating robust population growth and corresponding affordable housing need are exempt from such requirements.
3. The governing body urges the Governor and Legislature to enact amendments to the 2024 FHA that provide more fairness to suburban municipalities, allowing them to equitably support affordable housing without violating sound land use principles, which is entirely permissible under the *Mount Laurel* Doctrine case law.
4. The Municipal Clerk is hereby directed to transmit a true copy of this Resolution to Governor Mikie Sherrill, Senate President Nick Scutari, Assembly Speaker Craig Coughlin, and the members of the legislative delegation representing the Borough of Totowa.

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Authorizing The Purchase And Installation Of Playground Equipment For Kennedy Park. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 61-2026

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF
PLAYGROUND EQUIPMENT FOR KENNEDY PARK

WHEREAS, the Borough of Totowa Board of Recreation has recommended the purchase of new playground equipment for Kennedy Park; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to purchase the new playground equipment for the safety and welfare of the children that play in this park; and

WHEREAS, Educational Services Commission of New Jersey ("ESCNJ") Contract No. 24/25-01 has been awarded to MRC, 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 new playground equipment for Kennedy Park from MRC in the amount of \$127,412.82.

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

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Authorizing The Purchase And Installation Of Playground Safety Surface For Kennedy Park. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 62-2026

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF
PLAYGROUND SAFETY SURFACE FOR KENNEDY PARK

WHEREAS, the Borough of Totowa Board of Recreation has recommended the purchase of new playground safety surfacing for Kennedy Park; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to purchase and install the new surfacing for the safety and welfare of the children that play in this park; and

WHEREAS, State of New Jersey Contract No. 16-Fleet-00131 has been awarded to Rubber Recycle, 1985 Rutgers University Boulevard, Lakewood, New Jersey 08701 for the purchase and installation of playground safety surfacing; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase and installation of this safety surface material may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase and installation of new playground safety surfacing for Kennedy Park from Rubber Recycle in the amount of \$116,046.00.

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

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. 04-2026

**A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$200,000
FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS TO BE
UNDERTAKEN BY THE BOROUGH OF TOTOWA**

There was a motion by Councilwoman Coiro, seconded by Councilman Picarelli to approve the Temporary Capital Budget. 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