

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

October 14, 2025

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. 15-2025 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 15-2025 has been advertised for public hearing for Tuesday, October 14, 2025.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 15-2025.

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. 15-2025.

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. 15-2025 by title:

ORDINANCE NO. 15-2025

**A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$385,000 FOR
ACQUISITION, DEMOLITION AND IMPROVEMENT OF REAL PROPERTY TO BE
UNDERTAKEN BY THE BOROUGH OF TOTOWA**

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt Ordinance No. 15-2025 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: Announced the following: 1) The new lightning detection system is up and running; 2) The Floyd Park playground is done and we are just waiting for the grass to grow before opening it to the public; and 3) The Turkey Trot will be held on November 23, 2025.

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 September 23, 2025. 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. 2025-20 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 due to overpayment of 3rd Quarter 2025 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there has been an overpayment of 3rd quarter 2025 taxes on the property listed below; and

WHEREAS, the taxpayer is entitled to a refund; and

WHEREAS, the chart sets forth the refund as follows:

Block	Lot	Property Owner	Payable To:	Overpayment
56	18	263 Boyle Ave 263 Boyle Ave Co.	263 Boyle Ave Co. 263 Boyle Ave. Totowa, NJ 07512	\$2,002.43

94	2	10 Rosengren Ave 237-239 McBride Av LLC	237-239 McBride Av LLC 23 Main St. Lincoln Park, NJ 07035	\$2,923.39
151	7	45 Hillside Dr. Christie & Nicholas Manla	Nicholas Manla 45 Hillside Dr. Totowa, NJ 07512	\$2,107.30
153	17	7 Carr Pl Jacqueline Emma	Corelogic Attn:Tax Dept 3001 Hackberry Road Irving, TX 75063	\$3,322.74

NOW, THEREFORE, BE IT RESOLVED, that the overpayment shall be refunded to the taxpayer, as stated above, and the Treasurer is authorized to issue separate checks for the refunds, which shall be paid to the stated property or taxing authority.

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 for Lauren Kuchar, 143 Bogert Street, Block 147, Lot 29 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, Lauren Kuchar, 143 Bogert Street, Block 147, Lot 29 has applied for a 100% exemption for a 100% permanent and total disability; and

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

WHEREAS, the 100% disability became effective on June 24, 2023, and she applied for exemption on August 25, 2025, and she took title to the house on September 2, 2025; and

WHEREAS, Carnegie Title, LLC paid the taxes from September 2, 2025 to December 31, 2025 in the amount of \$2,452.07 and therefore Lauren Kuchar is entitled to a refund of \$2,452.07.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Treasurer is authorized to refund \$2,452.07 to Lauren Kuchar 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 Tax Collector to issue a Land Assessment Value credit to Yousef and Abdulhadi Drwech, 7 Cherba Place, Block 97, Lot 2.01 for the 4th Quarter 2025 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, Yousef and Abdulhadi Drwech, 7 Cherba Place, Block 97, Lot 2.01, purchased the recently subdivided lot in December of 2024; and

WHEREAS, they did not receive the "Notice of Property Assessment" card for 2025; and

WHEREAS, the Land Assessment Value was based on the Lot size prior to the subdivision; and

WHEREAS, the correct Land Assessment Value would reduce the Land Assessment by \$7,000 and therefore Yousef and Abdulhadi Drwech are entitled to a credit for 2025 of \$ 205.38.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Tax Collector is authorized to credit \$205.38 to Yousef and Abdulhadi Drwech, Block 97 Lot 2.01, for the Fourth Quarter of 2025.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve payment of the 4th Quarter 2025 Budget Allotment to the Borough of Totowa Public Library in the amount of \$400,744. On roll call vote, all members of the Council present voted in the affirmative.

A letter from the American Legion Memorial Post No. 227 inviting the Mayor and Council to their Veteran's Eve Ceremony on Monday, November 10, 2025 at 7:00 p.m. and their Veteran's Day Memorial Ceremony on Tuesday, November 11, 2025 at 11:00 a.m. was received and filed.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilman Bucher to adopt the following Resolution Authorizing Payment Of The 2025 Dash Cam Installment For The Police Department. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 127-2025

RESOLUTION AUTHORIZING PAYMENT OF THE 2025 DASH CAM INSTALLMENT FOR THE POLICE DEPARTMENT

WHEREAS, by Resolution No. 33-2024 dated February 13, 2024, the Mayor and Council of the Borough of Totowa authorized the purchase and installation of a dash cam system to be installed in each of the fleet patrol vehicles; and

WHEREAS, more specifically, pursuant to State of New Jersey Contract No. 17-Fleet-00738, the Mayor and Council of the Borough of Totowa authorized the purchase and installation of a Fleet 3 Advanced dash cam system from Axon Enterprises, Inc., 17800 North 85th Street, Scottsdale, Arizona 85255 in the amount of \$109,919.40; and

WHEREAS, the Resolution also required that Axon Enterprises, Inc. provide all integration and support services for a 5-year period effective January 1, 2024 through December 31, 2028 and that payments for the Fleet 3 Advanced dash cam system would be made in installments over the 5-year period; and

WHEREAS, Axon Enterprises, Inc. has submitted the invoice for the 2025 installment in the amount of \$21,105.87, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, Mayor and Council of the Borough of Totowa desire to authorize the 2025 installment payment for the dash cam system to Axon Enterprises, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the installment payment for the Fleet 3 Advanced dash cam system to Axon Enterprises, Inc. in the amount of \$21,105.87.

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

There was a motion by Councilman D'Angelo, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Purchase And Delivery Of Minitor VI Pagers And Accessories For The Fire Department. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 128-2025

RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF MINITOR VI PAGERS AND ACCESSORIES FOR THE FIRE DEPARTMENT

WHEREAS, the Borough of Totowa Fire Chief has requested the purchase and delivery of new Pagers and accessories for the members of the Fire Department; and

WHEREAS, the Pagers are an effective way for firefighters to receive instant alerts about emergencies; and .

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this equipment which ensures that firefighters are alerted to calls and can receive critical details like the incident location and nature of the emergency as they respond to emergency calls; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase and delivery of Pagers and accessories for the Fire Department; and

WHEREAS, Northeast Communications, 244 East Union Turnpike, Wharton, New Jersey 07885 has submitted a proposal dated October 7, 2025 for the purchase and delivery of 12 Minitor VI Pagers and accessories in the amount of \$7,131.00, a copy of which is on file in the office of the Municipal Clerk; 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 and delivery of 12 Minitor VI Pagers and accessories for the Fire Department from Northeast Communications in the amount of \$7,131.00.

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

There was a motion by Councilman D'Angelo, seconded by Councilman Bucher to approve the firefighter application, the purchase of firefighter equipment and authorize a firefighter physical for Tricia M. Gannelli for Fire Rescue. 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 Bucher to approve the Junior Firefighter application for Isabella Catherine Coppola for Fire Rescue. 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 Authorizing The Repair Of 8" Altitude Valve And Pilot Assembly At The Bullens Lane Water Tank. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 129-2025

RESOLUTION AUTHORIZING THE REPAIR OF 8" ALTITUDE VALVE AND PILOT ASSEMBLY AT THE BULLENS LANE WATER TANK

WHEREAS, the Borough of Totowa is the owner of a Water Tank located at 54 Mountainwood Court and more commonly identified as the Bullens Lane Water Tank; and

WHEREAS, the Water Tank stores water to provide consistent pressure, meet peak demand, and serve as an emergency backup supply during power outages or other disruptions; and

WHEREAS, the Borough of Totowa Department of Public Works ("DPW") Superintendent has advised that the Altitude Valve and Pilot Assembly for the Water Tank need to be repaired; and

WHEREAS, more specifically, the DPW Superintendent has recommended that the 8" Altitude Valve and Pilot Assembly both be rebuilt; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the rebuilding of this equipment at the Bullens Lane Water Tank; and

WHEREAS, Mike's Mobil Maintenance, 95B Stickles Pond Road, Newton, New Jersey 07860 has submitted a proposal dated September 17, 2025 for the rebuild of 8" Altitude Valve and Pilot Assembly at the Bullens Lane Water Tank in the amount of \$8,306.17, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, pursuant to the applicable New Jersey State laws, the rebuild of 8" Altitude Valve and Pilot Assembly at the Bullens Lane Water Tank 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 rebuild of 8" Altitude Valve and Pilot Assembly at the Bullens Lane Water Tank by Mike's Mobil Maintenance in the amount of \$8,306.17.

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

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Fierro, seconded by Councilman Reynoso to adopt the following Resolution Authorizing Emergency Sewer Main Repairs On Riverview Drive. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 130-2025

RESOLUTION AUTHORIZING EMERGENCY SEWER MAIN REPAIRS ON RIVERVIEW DRIVE

WHEREAS, the Superintendent of the Borough of Totowa Department of Public Works ("DPW") has advised the Mayor and Council of the Borough of Totowa that the sewer main located on Riverview Drive was disintegrating and needed to be repaired and/or replaced as soon as possible; and

WHEREAS, more specifically, a Passaic County contractor working on Riverview Drive was completing a storm drain installation when they hit the top of the sewer main; and

WHEREAS, the condition of the sewer main was too deteriorated to complete a spot repair; and

WHEREAS, the deteriorating sewer main was negatively impacting the nearby homes and businesses located along Riverview Drive; and

WHEREAS, the necessary repair and replacement of the sewer main included but was not limited to removing and disposing of the damaged sewer main; installing a new section of the sewer main; backfilling and repaving the area; and

WHEREAS, the Borough of Totowa DPW Superintendent solicited quotes from companies experienced in sewer main repairs; and

WHEREAS, Sparwick Contracting, Inc./Colonnelli Brothers, Inc. (a partnership), 21 Sunset Inn Road, Lafayette, New Jersey 07848, submitted a proposal for the repair and replacement of the sewer main in the amount of \$182,064.27, a copy of which is on file on the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the necessary repair and replacement of the sewer main on Riverview Drive for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the repair and replacement of this sewer main constitutes an emergency service that may be authorized by the Borough of Totowa without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by Sparwick Contracting, Inc./Colonnelli Brothers Inc. for the repair of the sewer main on Riverview Drive in the amount of \$182,064.27.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Sparwick Contracting, Inc./Colonnelli Brothers, Inc. to provide the labor and materials for the emergency repair and replacement of the sewer main on Riverview Drive as set forth in their proposal.

A letter was received from Volunteer Fire Company No. 1 requesting permission to use the Municipal Parking Lot on Saturday, November 8, 2025 for a casino bus trip. There was a motion by Councilman Fierro, seconded by Councilman Reynoso to approve the request. 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 approve Payment Estimate No. 2 in the amount of \$263,071.20 to Quality Electrical Construction for the PAL Fields Lighting Project. 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 adopt the following Resolution Approving A New Project Schedule Applicable To Subsequent Redevelopment Agreement By And Between The Borough Of Totowa And Minnisink Road Urban Renewal, LLC For The Project Site Known As Block 154, Lot 19.10 (A Portion Of Former Block 154, Lot 19.07). On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 131-2025

RESOLUTION APPROVING A NEW PROJECT SCHEDULE APPLICABLE TO SUBSEQUENT REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF TOTOWA AND MINNISINK ROAD URBAN RENEWAL, LLC FOR THE PROJECT SITE KNOWN AS BLOCK 154, LOTS 19.10 (A PORTION OF FORMER BLOCK 154, LOT 19.07)

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 Project and then identified as Block 154, Lot 19 and Block 154.01, Lot 1 (now known as Block 154, Lots 19.01, 19.02, 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, on June 28, 2022, and September 23, 2025 (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 (“Original Redeveloper”); and

WHEREAS, Original Redeveloper, the Borough, and LIVIA Propco Totowa Urban Renewal, LLC, formerly known as Sycamore Totowa Urban Renewal LLC, an Affiliate of Original Redeveloper (“LIVIA”), entered into that certain Amended and Restated Assignment and Assumption Agreement (Senior Living Component) dated as of July 28, 2021 (the “Assignment”), pursuant to which Original Redeveloper assigned, and LIVIA assumed, with the Borough’s consent, all of the rights and obligations under the Original Redevelopment Agreement relating to the undertaking and completion of an approximately 307,000 square foot senior living facility on Block 154, Lot 19.10 (formerly a portion of former Block 154, Lot 19.07) (the “Project Site”) (the “Senior Living Facility Component”); and

WHEREAS, the owners of LIVIA and the Borough subsequently determined that, instead of the Senior Living Facility Component, a different use and redevelopment of the Project Site would be mutually more beneficial for all parties and for the residents, workforce, and visitors of the Borough, and as such LIVIA and the Borough mutually agreed to terminate the Assignment; and

WHEREAS, Minnisink Road Urban Renewal, LLC (the “Subsequent Redeveloper”) is an Affiliate of LIVIA, and as such was a Permitted Transferee under the Original Redevelopment Agreement; and

WHEREAS, Subsequent Redeveloper intends to construct, operate, and maintain a data center consisting of up to a 2-story, approximately 300,000 sq. ft. facility, and an electrical substation on the Project Site (collectively, the “Project”); and

WHEREAS, in order to effectuate the Redevelopment Plan as to the Project Site, and to permit the redevelopment by Subsequent Redeveloper of the Project Site with the Project, the Borough and Subsequent Redeveloper entered into a Subsequent Redevelopment Agreement dated July 15, 2022, which designated the Subsequent Redeveloper as the “redeveloper” (as that term is defined in the Redevelopment Law) of the Project and which specifies the respective rights and responsibilities of the Parties with respect to the Project (the “Subsequent Redevelopment Agreement”); and

WHEREAS, Section 2.3 of the Subsequent Redevelopment Agreement provides that the Project Schedule, attached as “EXHIBIT C” thereto, shall control the Commencement, progress and Completion of the Project; and

WHEREAS, due to unforeseen circumstances the Project has been delayed and the Parties desire to modify the date to Commence construction of the Project to December 2026, extend the deadline to obtain Governmental Approvals to June 2026, and extend the date to Complete core and shell construction of the Project to December 2028, all as reflected on new “EXHIBIT C” attached hereto as “Exhibit A” and intended to supplement and replace former “EXHIBIT C” in its entirety; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Parties, the Parties hereby agree as follows.

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF TOTOWA, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as though fully set forth at length;

Section 2. Capitalized terms set forth in this Resolution not defined herein shall have the meanings ascribed to them in the Subsequent Redevelopment Agreement;

Section 3. New “EXHIBIT C” attached hereto as “Exhibit A” shall replace former “EXHIBIT C” in its entirety and shall control the timing for obtaining Governmental Approvals and for the Commencement and Completion of the Project. The Parties acknowledge that adoption of this Resolution and the replacement Exhibit C supersede any prior timing-related defaults, if any, solely with respect to the milestones set forth therein;

Section 4. To the extent the Financial Agreement references the Project Schedule or any milestone defined in Exhibit C to the Subsequent Redevelopment Agreement, such references are deemed amended to conform to the replacement Exhibit C approved herein, and all other terms of the Financial Agreement remain unchanged;

Section 5. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk; and

Section 6. This Resolution shall take effect immediately.

“Exhibit A”

EXHIBIT C

PROJECT SCHEDULE

Execution of Subsequent Redevelopment Agreement: July 2022

Execution of Financial Agreement, if approved: October 2022

Governmental Approvals: June 2026

Commence Construction: December 2026

Complete Core & Shell Construction: December 2028

Complete Substation Construction: June 2029

*It is agreed and understood that there could be future interior build-out phase(s) that will follow Core & Shell construction based on tenant requirements and needs. Completion of Core & Shell construction and obtaining a Certificate of Occupancy will not prohibit Subsequent Redeveloper from continuing the interior build-out if proper governmental protocols are followed for permitting

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Authorizing Transfer Of The Controlling Interest Of Minnisink Road Urban Renewal, LLC For The Redevelopment Project Site Known As Block 154, Lot 19.10 (A Portion Of Former Block 154, Lot 19.07). On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 132-2025

RESOLUTION AUTHORIZING TRANSFER OF THE CONTROLLING
INTEREST OF MINNISINK ROAD URBAN RENEWAL, LLC FOR THE
REDEVELOPMENT PROJECT SITE KNOWN AS BLOCK 154, LOT 19.10
(A PORTION OF FORMER BLOCK 154, LOT 19.07)

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 Project 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 (“Original Redeveloper”); and

WHEREAS, Original Redeveloper, the Borough, and LIVIA Propco Totowa Urban Renewal, LLC, formerly known as Sycamore Totowa Urban Renewal LLC, an Affiliate of Original Redeveloper (“LIVIA”), entered into that certain Amended and Restated Assignment and Assumption Agreement (Senior Living Component) dated as of July 28, 2021 (the “Assignment”), pursuant to which Original Redeveloper assigned, and LIVIA assumed, with the Borough’s consent, all of the rights and obligations under the Original Redevelopment Agreement relating to the undertaking and completion of an approximately 307,000 square foot senior living facility on Block 154, Lot 19.10 (formerly a portion of former Block 154, Lot 19.07) (the “Project Site”) (the “Senior Living Facility Component”); and

WHEREAS, the owners of LIVIA and the Borough subsequently determined that, instead of the Senior Living Facility Component, a different use and redevelopment of the Project Site would be mutually more beneficial for all parties and for the residents, workforce, and visitors of the Borough, and as such LIVIA and the Borough mutually agreed to terminate the Assignment; and

WHEREAS, Minnisink Road Urban Renewal, LLC (the “Subsequent Redeveloper”) was an Affiliate of LIVIA, and as such was a Permitted Transfer under the Original Redevelopment Agreement; and

WHEREAS, Subsequent Redeveloper intends to construct, operate, and maintain thereon a data center consisting of up to a 2-story, approximately 300,000 sq. ft. facility, and an electrical substation on the Project Site (collectively, the “Project”); and

WHEREAS, in order to effectuate the Redevelopment Plan as to the Project Site and to permit the redevelopment by Subsequent Redeveloper of the Project Site with the Project, the Borough and Subsequent Redeveloper entered into a Subsequent Redevelopment Agreement dated July 15, 2022, which designated the Subsequent Redeveloper as the “redeveloper” (as that term is defined in the Redevelopment Law) of the Project and which specified the respective rights and responsibilities of the Parties with respect to the Project (the “Subsequent Redevelopment Agreement”); and

WHEREAS, pursuant to Article 12 of the Subsequent Redevelopment Agreement, any assignment of the Subsequent Redevelopment Agreement and/or a total or partial sale or conveyance of the whole or any part of Subsequent Redeveloper’s interest in the Project Site or the Project requires prior written consent of the Borough; and

WHEREAS, the Subsequent Redeveloper has notified the Borough of a pending transfer of the membership interest in Subsequent Redeveloper as listed on Exhibit A attached hereto; and

WHEREAS, the Borough has reviewed the Subsequent Redeveloper's request and the information provided in support of the Subsequent Redeveloper's request and desires to consent to the transfer; and

WHEREAS, the ownership interest set forth on Exhibit G in the Subsequent Redevelopment Agreement shall be modified all as reflected on new "EXHIBIT G" attached hereto and intended to supplement and replace former "EXHIBIT G" in its entirety upon the transfer of membership interest contemplated herein; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Parties, the Parties hereby agree as follows.

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF TOTOWA, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as though fully set forth at length.

Section 2. Capitalized terms set forth in this Resolution not defined herein shall have the meanings ascribed to them in the Subsequent Redevelopment Agreement; and

Section 3. The Borough consents to and approves the transfer of the membership interest in Subsequent Redeveloper in accordance with the new ownership structure listed on Exhibit A attached hereto. New "EXHIBIT G" attached hereto as "Exhibit A" shall replace former "EXHIBIT G" in its entirety and shall control the ownership interest of Subsequent Redeveloper upon the transfer of the membership interest contemplated herein.

Section 5. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

Section 6. This Resolution shall take effect immediately.

Exhibit A"

EXHIBIT G

OWNERSHIP INTEREST

Disclosure information of all entities and individuals having a 10% or greater interest in Subsequent Redeveloper Minnisink Road Urban Renewal, LLC

<u>MINNISINK ROAD URBAN RENEWAL, LLC</u>		
ENTITY/INDIVIDUAL	INTEREST	BUSINESS ADDRESS
Damac Digital Data Solutions LLC	100%	16192 Coastal Highway, Lewes, DE 19958
<u>DAMAC DIGITAL DATA SOLUTIONS, LLC</u>		
ENTITY/INDIVIDUAL	INTEREST	BUSINESS ADDRESS
Cyberlink Invest Company Limited	100%	16192 Coastal Highway, Lewes, DE 19958

<u>CYBERLINK INVEST COMPANY LIMITED</u>		
ENTITY/INDIVIDUAL	INTEREST	BUSINESS ADDRESS
Damac Digital Company Limited	100%	16192 Coastal Highway, Lewes, DE 19958

<u>DAMAC DIGITAL COMPANY LIMITED</u>		
ENTITY/INDIVIDUAL	INTEREST	BUSINESS ADDRESS
Hussain Ali Habib Sajwani	100%	16192 Coastal Highway, Lewes, DE 19958

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro 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 Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Authorizing A Transfer Of Ownership From NJDC Urban Renewal, LLC To Minnisink Road Urban Renewal, LLC For The Redevelopment Area Site Known As Block 154, Lot 19.12 (A Portion Of Former Block 154, Lot 19.07) And/Or The Issuance Of A Certificate Of Completion For Block 154, Lot 19.12. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 133-2025

RESOLUTION AUTHORIZING A TRANSFER OF OWNERSHIP FROM NJDC URBAN RENEWAL, LLC TO MINNISINK ROAD URBAN RENEWAL, LLC FOR THE REDEVELOPMENT AREA SITE KNOWN AS BLOCK 154, LOT 19.12 (A PORTION OF FORMER BLOCK 154, LOT 19.07) AND/OR THE ISSUANCE OF A CERTIFICATE OF COMPLETION FOR BLOCK 154, LOT 19.12

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 Project 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 ("Original Redeveloper"); and

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

WHEREAS, pursuant to Resolution 98-2019 adopted by the Borough Council on August 13, 2019, and the Third Amendment to Redevelopment Agreement, dated August 19, 2019, a portion of the Redevelopment Area identified as Block 154, Lots 19.05 and 19.06 (the "JPMorgan Lots") were transferred from the Original Redeveloper to JPMorgan Chase, National Association ("JPMorgan") along with all redevelopment rights associated therewith under the Original Redevelopment Agreement, and JPMorgan and the Borough entered into a separate Subsequent Redevelopment Agreement for the redevelopment thereof; and

WHEREAS, pursuant to a Subsequent Redevelopment Agreement entered into between the Minnisink Road Urban Renewal, LLC ("MRUR") and the Borough, dated July 15, 2022, the Borough Council approved the conveyance of a portion of the Redevelopment Area identified as Block 154, Lot 19.10 along with all redevelopment rights associated therewith under the Original Redevelopment Agreement to MRUR, and MRUR and the Borough entered into a Subsequent Redevelopment Agreement for the redevelopment thereof; and

WHEREAS, Original Redeveloper has notified the Borough of a pending conveyance of Block 154, Lot 19.12 ("Lot 19.12") to MRUR; and

WHEREAS, pursuant to Article 12 of the Original Redevelopment Agreement, Original Redeveloper shall not, among other things, assign or attempt to assign the Original Redevelopment Agreement or any rights in the Redevelopment Area; or sell, transfer or otherwise convey its interest in the Redevelopment Area to another Party without the Borough's written consent prior to the issuance of a Certificate of Completion with respect to the applicable Phase of the Project; and

WHEREAS, although Lot 19.12 remains a part of the Redevelopment Area governed by the Original Redevelopment Agreement until a Certificate of Completion is issued for Lot 19.12, no Project Improvements were required on that portion of the Redevelopment Area now identified as Lot 19.12 in the Original Redevelopment Agreement; and

WHEREAS, because no Project Improvements were required on Lot 19.12, the Borough Council authorizes the issuance of a Certificate of Completion for Lot 19.12; and

WHEREAS, to the extent a Certificate of Completion is not issued in a timely manner for Lot 19.12, the Borough consents to the conveyance and transfer of Lot 19.12 from Original Redeveloper to MRUR; and

WHEREAS, for the avoidance of doubt, the Borough Council approves the conveyance and transfer of Lot 19.12 to MRUR whether under its current membership interest or the modified membership interest as approved by Council Resolution No. 132-2025 adopted on October 14, 2025; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Parties, the Parties hereby agree as follows.

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF TOTOWA, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as though fully set forth at length.

Section 2. Capitalized terms set forth in this Resolution not defined herein shall have the meanings ascribed to them in the Original Redevelopment Agreement; and

Section 3. The Mayor and Council of the Borough authorize the Borough of Totowa to execute a Certificate of Completion for Block 154, Lot 19.12.

Section 4. The Borough consents to and approves the transfer and conveyance of Block 154, Lot 19.12 from NJDC Urban Renewal, LLC to Minnisink Road Urban Renewal, LLC prior to the issuance of a Certificate of Completion.

Section 5. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

Section 6. This Resolution shall take effect immediately

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Coiro, seconded by Councilman Picarelli to approve the Application For Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the Passaic Valley Elks BPOE 2111 to be held on October 25, 2025 from 12:00 p.m. – 11:30 p.m. 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