BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

October 27, 2026

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

ABSENT: Councilman William Bucher.

Mayor John Coiro called the meeting to order and asked the Municipal Clerk to call the roll.

Municipal Clerk Wassel recited the Prayer of the Meeting followed with the Pledge of Allegiance to the Flag with the public participating.

Mayor Coiro asked the Clerk to read the statement of the meeting.

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 Nos. 17-2026 and 18-2026 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance Nos. 17-2026 and 18-2026 have been advertised for public hearing for Tuesday, October 27, 2026.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 17-2026.

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. 17-2026.

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. 17-2026 by title:

ORDINANCE NO. 17-2026

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF $42,000 FOR ACQUISITION AND INSTALLATION OF A PUMP CONTROL PANEL FOR THE WATER UTILITY TO BE UNDERTAKEN BY THE BOROUGH OF TOTOWA

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt Ordinance No. 17-2026 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 18-2026.

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. 18-2026.

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. 18-2026 by title:

ORDINANCE NO. 18-2026

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 186 ENTITLED "FIRE PREVENTION" TO CREATE A NEW ARTICLE V TO BE KNOWN AS "RAPID ENTRY SYSTEM"

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt Ordinance No. 18-2026 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 Picarelli: Thanked Mark Monteyne, the Board of Recreation, Anne Krautheim and the Library for the Halloween Boo Bash on October 21st.

Councilman Reynoso: 1) Reminded everyone about the upcoming Howl-O-Ween Dog Parade on October 29th on Peterson Road; 2) Said the Halloween Boo Bash was great and gave a shout out to the Police Chief, Board of Recreation, Library and Tracy Emma; 3) Announced that the Blood Drive in honor of Viviana on October 20th at the Barnyard & Carriage House was a huge success with 59 units collected and 177 lives saved.

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 October 13, 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. 2026-22 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 Settlement Of The 2019, 2020, 2021, 2022, 2023, 2024, 2025 & 2026 Tax Appeals Entitled MSM 930 N. Riverview Dr LLC V. Borough Of Totowa. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 136-2026

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2019, 2020, 2021, 2022, 2023, 2024, 2025 & 2026 TAX APPEALS ENTITLED MSM 930 N. RIVERVIEW DR LLC V. BOROUGH OF TOTOWA

WHEREAS, there have been appeals of the real property tax assessments for the stated tax years; and

WHEREAS, each Block and Lot listed therein was assessed at the amount stated therein; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

WHEREAS, the settlement of these matters on the attached list are in the best interest of the Borough of Totowa.

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

1. The Borough's Tax Appeal Attorney, Raymond B. Reddin, Esq. is authorized to execute the Stipulation of Settlement on behalf of the Borough of Totowa with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey.

2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve payment of the 4th Quarter 2026 Budget Allotment to the Borough of Totowa Public Library in the amount of $399,299.50. 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 Yolanda Felix as Deputy Court Administrator. 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 Yolanda Felix as Deputy Court Administrator
for a term of one year ending 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 Picarelli to adopt the following Resolution Authorizing The Submission Of A Strategic Plan For The Totowa Municipal Drug Alliance Fiscal Year 2027 Grant Cycle July 1, 2026 To June 30, 2027. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 137-2026

RESOLUTION AUTHORIZING THE SUBMISSION OF A STRATEGIC PLAN FOR THE TOTOWA MUNICIPAL DRUG ALLIANCE FISCAL YEAR 2027 GRANT CYCLE JULY 1, 2026 TO JUNE 30, 2027

WHEREAS, the Governor's Council on Substance Use Disorder (GCSUD) established the Municipal Alliances for the Prevention of Substance Use Disorder in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent substance use disorder in communities throughout New Jersey; and

WHEREAS, the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey recognizes that substance use disorder is a serious problem in our society amongst persons of all ages and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Mayor and Council of the Borough of Totowa further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent substance use disorder in our community; and

WHEREAS, the Mayor and Council of the Borough of Totowa has applied for funding to the Governor's Council on Substance Use Disorder through the County of Passaic.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey hereby recognizes the following:

1. The Mayor and Council of the Borough of Totowa do hereby authorize submission of a strategic plan for the Totowa Municipal Drug Alliance grant for the period of July 1, 2026 to June 30, 2027 (FY2027) in the amount of:

GCSUD GRANT	$8,871.00
Cash Match	$2,217.75
In-Kind	$6,653.25

2. The Mayor and Council of the Borough of Totowa acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Fierro, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing The Purchase And Delivery Of A New Street Sweeper From The Sourcewell Cooperative Purchasing Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 138-2026

RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF A NEW STREET SWEEPER FROM THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Borough of Totowa Department of Public Works ("DPW") Superintendent has recommended the purchase of a new Street Sweeper for the Borough of Totowa; and

WHEREAS, more specifically, the DPW Superintendent has recommended the purchase of one (1) new TYMCO Model #435 Street Sweeper with standard equipment from the Sourcewell Cooperative Purchasing Program; and

WHEREAS, the Borough of Totowa, pursuant to N.J.S.A. 52:34-6.2(b)(3), is permitted to join national cooperative purchasing agreements and is further permitted to purchase goods or services through that national cooperative purchasing agreement; and

WHEREAS, the Borough of Totowa is a member of the Sourcewell Cooperative Purchasing Program; and

WHEREAS, Sourcewell Cooperative Purchasing Contract No. 062425-TYM was competitively bid and awarded to TYMCO, Inc., 225 E. Industrial Boulevard, Waco, Texas 76705 for the purchase of Street and Specialty Sweepers with related equipment, accessories and supplies; and

WHEREAS, the contract was awarded on February 3, 2026 and extends through October 27, 2029; and

WHEREAS, TYMCO, Inc. has submitted a proposal dated August 19, 2026 for the purchase and delivery of one (1) new TYMCO Model #435 Street Sweeper with standard equipment in the amount of $304,785.00, a copy of which is one file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, by Resolution No. 134-2026 dated October 13, 2026, the Mayor and Council of the Borough of Totowa authorized their intent to purchase one (1) new TYMCO Model #435 Street Sweeper with standard equipment; and

WHEREAS, the Borough of Totowa published a Notice of Intent to Award a Contract under a National Cooperative Purchasing Agreement on the official website of the Borough of Totowa, initiating the required 10-day public comment period; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the purchase through the Sourcewell National Cooperative Purchasing Program will result in a cost savings to the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey, do hereby authorize the purchase and delivery of one (1) new TYMCO Model #435 Street Sweeper with standard equipment from TYMCO, Inc., through the Sourcewell National Cooperative Purchasing Program, Contract No. 062425-TYM, at a total purchase price of $304,785.00.

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.

BE IT FURTHER RESOLVED, that a copy of this Resolution and all supporting documentation for this purchase shall be kept on file in the office of the Borough of Totowa Municipal Clerk.

There was a motion by Councilman Fierro, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing The Purchase And Installation Of A New Pump Control Panel At The Shepherds Lane Pump Station. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 139-2026

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A NEW PUMP CONTROL PANEL AT THE SHEPHERDS LANE PUMP STATION

WHEREAS, the Borough of Totowa Department of Public Works ("DPW") Superintendent has advised the Mayor and Council of the Borough of Totowa that the Pump Control Panel at the Shepherds Lane Pump Station is no longer working satisfactorily and must be replaced as soon as possible; and

WHEREAS, the Pump Station is a critical infrastructure facility that services the residents of the Borough of Totowa by transporting potable water to homes, businesses and industrial users; ensuring adequate water pressure and pumping water directly to the Bullens Avenue Water Tank; and

WHEREAS, North Jersey Wastewater Cooperative Pricing System Contract No. B505-10 has been awarded to DMR Services LLC, 43 College Drive, Suite 4C, Jersey City, New Jersey 07305 for various manufacturer pumps and motors repair and replacement and installation for a one (1) year period; and

WHEREAS, DMR Services LLC has submitted a proposal dated September 14, 2026 for the purchase and installation of the Pump Control Panel in the amount of $39,245.19., a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase and installation of the Pump Control Panel at the Shepherds Lane Pump Station for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to Local Public Contracts Law, the purchase and installation of the Pump Control Panel at the Shepherds Lane Pump Station 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 DMR Services LLC for the purchase and installation of a new Pump Control Panel at the Shepherds Lane Pump Station in the amount of $39,245.19.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize DMR Services LLC to provide the labor and materials for the Pump Control Panel installation at the Shepherds Lane Pump Station as set forth in their proposal.

There was a motion by Councilman Fierro, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Emergency Water Main Repairs At 180 Furler Street. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 140-2026

RESOLUTION AUTHORIZING EMERGENCY WATER MAIN REPAIRS
AT 180 FURLER STREET

WHEREAS, the Superintendent of the Borough of Totowa Department of Public Works ("DPW") had advised the Mayor and Council of the Borough of Totowa that the water main located at 180 Furler Street needed to be repaired as soon as possible; and

WHEREAS, the necessary repairs to the water main included but were not limited to clearing vegetative tree and brush along the sloped area of the water main location; installing trench box and road plate due to poor ground conditions and depth; excavating to expose water main break; removing and disposing of the unsuitable materials; installing two dresser couplings with a 3' and a 5' sections of 6" DIP provided by the Borough; backfilling the trench and compacting with RCA to grade; and

WHEREAS, Montana Construction, 80 Contant Avenue, Lodi, New Jersey 07644 submitted an invoice for the emergency water main repairs in the amount of $30,341.94, 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 emergency water main repairs at 180 Furler Street for the general health, safety and well-being of the residents and businesses of the Borough of Totowa; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the repair of this water main constituted 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 authorize the emergency water main repairs at 180 Furler Street by Montana Construction.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize payment to Montana Construction for the labor and materials provided for the emergency water main repairs at 180 Furler Street in the amount of $30,341.94 as set forth in their invoice.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Fierro, seconded by Councilman Reynoso to adopt the following Resolution Authorizing The Replacement Of The PLC And Pump Controls At Riverview Pump Station. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 141-2026

RESOLUTION AUTHORIZING THE REPLACEMENT OF THE PLC AND PUMP CONTROLS AT RIVERVIEW PUMP STATION

WHEREAS, the Borough of Totowa Department of Public Works ("DPW") Superintendent has advised the Mayor and Council of the Borough of Totowa that the PLC and Pump Controls at the Riverview Pump Station are no longer working satisfactorily and must be replaced as soon as possible; and

WHEREAS, the Pump Station services the residents of the Borough of Totowa by collecting sanitary sewerage waste from individual users throughout the municipality where it is processed and conveyed to the Passaic Valley Sewerage Commissioners located in Newark, New Jersey for proper treatment and disposal; and

WHEREAS, North Jersey Wastewater Cooperative Pricing System Contract No. B505-19 has been awarded to Precision Electric Motor Works, Inc., 18 Sebago Street, Clifton, New Jersey 07013 for various manufacturer pumps and motors repair and replacement and installation for a one (1) year period; and

WHEREAS, Precision Electric Motor Works, Inc. has submitted a proposal dated August 13, 2026 for the replacement of the PLC and Pump Control Panels in the amount of $82,917.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the replacement of the PLC and Pump Controls at the Riverview Pump Station for the general health, safety and well-being of the residents of the Borough of Totowa; and

WHEREAS, pursuant to Local Public Contracts Law, the replacement of the PLCs and Pump Controls at the Riverview Pump Station 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 Precision Electric Motor Works, Inc. for the replacement of the PLC and Pump Controls at the Riverview Pump Station in the amount of $82,917.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Precision Electric Motor Works, Inc. to provide the labor and materials for the replacement of the PLC and the Pump Controls at the Riverview Pump Station as set forth in their proposal.

There was a motion by Councilman Fierro, seconded by Councilman Reynoso to adopt the following Resolution Awarding A Lease For A Portion Of Property Identified As Block 175, Lot 2 In The Borough Of Totowa For The Construction Of A Wireless Communications Tower. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 142-2026

RESOLUTION AWARDING A LEASE FOR A PORTION OF PROPERTY IDENTIFIED AS BLOCK 175, LOT 2 IN THE BOROUGH OF TOTOWA FOR THE CONSTRUCTION OF A WIRELESS COMMUNICATIONS TOWER

WHEREAS, the Borough of Totowa owns property identified as Block 175, Lot 2 on the official Tax Map of the Borough of Totowa and located at 160 Furler Street (the “Property”); and

WHEREAS, the Property is located in the I-2 Restricted Industry Zone; and

WHEREAS, the Mayor and Council of the Borough have determined that this Property is not needed for public use; and

WHEREAS, by Resolution No. 44-2026 dated February 10, 2026, the Mayor and Council of the Borough of Totowa authorized the public leasing of a portion of the Property on Block 175, Lot 2 on the official tax map of the Borough of Totowa; and

WHEREAS, the lease rights included the right to install and maintain a new 140’ monopole and antennae for use in connection with radio transmitting and receiving equipment on the property; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled “Specifications and Proposal for the Leasing of Property for the Construction and Maintenance of a Cell Tower Facility in the Borough of Totowa, County of Passaic, State of New Jersey 2026”; and

WHEREAS, the bid opening was scheduled for June 30, 2026 but no bids were received at that time; and

WHEREAS, the Borough of Totowa’s Telecom Consultant, Ace Telecom Consulting, recommended that the specifications be revised to encourage greater participation while continuing to protect the Borough’s interests; and

WHEREAS, by Resolution No. 115-2026 dated July 28, 2026, the Mayor and Council of the Borough of Totowa authorized the rebid of the public leasing of a portion of the Property on Block 175, Lot 2 on the official tax map of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa did again advertise for receipt of sealed bids in accordance with the specifications entitled “Specifications and Proposal for the Leasing of Property for the Construction and Maintenance of a Cell Tower Facility in the Borough of Totowa, County of Passaic, State of New Jersey 2026”; and

WHEREAS, bids were received and publicly opened on October 22, 2026; and

WHEREAS, the lone bid was submitted by SectorSite Tower Assets, LLC, 16 Beechwood Road, Morristown, New Jersey 07960 with a bid in the amount of $29,900.00 for the initial annual base rent, subject to a three percent (3%) annual escalation, for an initial term of ten (10) years with four (4) five (5) year renewal terms, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Borough of Totowa’s Telecom Consultant, Ace Telecom Consulting, has reviewed the bid and recommended that the Borough of Totowa award the lease to SectorSite Tower Assets, LLC in the amount of $29,900.00 for the initial annual base rent with a three percent (3%) annual escalation; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the bid submitted by SectorSite Tower Assets, LLC be accepted as the highest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the bid of SectorSite Tower Assets, LLC for the public leasing of a portion of the Property on Block 175, Lot 2 on the official tax map of the Borough of Totowa at an initial annual base rent of $29,900.00, with a three percent (3%) annual escalation rate, for an initial lease term of ten (10) years with four (4) subsequent five (5) year renewal options.

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.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilman Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Authorizing The Provision Of A Grant Pursuant To The Borough Of Totowa Affordability Assistance Program For The Tenant Of An Affordable Housing Unit Located At Shepherds Lane Commons, LLC, 95 Shepherds Lane, Apartment 202B. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 143-2026

RESOLUTION AUTHORIZING THE PROVISION OF A GRANT PURSUANT TO THE BOROUGH OF TOTOWA AFFORDABILITY ASSISTANCE PROGRAM FOR THE TENANT OF AN AFFORDABLE HOUSING UNIT LOCATED AT SHEPHERDS LANES COMMONS, LLC, 95 SHEPHERDS LANE, APARTMENT 202B

WHEREAS, Applicant, Amanda Rivera (“Tenant”) will be renting Apartment 202B, Shepherds Lane Commons LLC, 95 Shepherds Lane, Totowa, New Jersey 07512 (“Unit”), a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, the Tenant is eligible for an Affordability Assistance Grant through the Borough of Totowa’s Affordability Assistance Program to pay for four month’s rent for the Unit; and

WHEREAS, the Borough of Totowa’s Affordable Housing Administrative Agent, Community Grants, Planning & Housing, LLC, (“CGP&H”) has reviewed the Tenant’s application and qualified the Tenant for the requested assistance; and

WHEREAS, the amount of the requested grant for the four month’s rent will be paid directly to the Landlord, ($5,964.00) by the Borough of Totowa; and

WHEREAS, the Borough of Totowa is willing, pursuant to the Affordability Assistance Program, to extend a grant in the amount of $5,964.00; and

WHEREAS, the funding for the grant will be from the Borough of Totowa Affordable Housing Trust Fund.

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

1. The Borough of Totowa is hereby authorized, pursuant to the Borough of Totowa's Affordability Assistance Program, to provide the Tenant with a grant to be used to pay four month's rent for the Unit.

2. The Mayor, Municipal Clerk, Borough Attorney, CFO and such other staff and officials as may be appropriate are authorized to take such steps as may reasonably be required to implement this resolution, including issuance of the grant amount.

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 Reynoso, seconded by Councilwoman Coiro to adopt the following Resolution Of The Borough Of Totowa, County Of Passaic, State Of New Jersey For The Conveyance Of Block 154, Lot 19.07 (C0002) And The Redevelopment Project Thereon To Project Totowa Urban Renewal, LLC And Amendment To The Subsequent Redevelopment Agreement. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 144-2026

RESOLUTION OF THE BOROUGH OF TOTOWA, COUNTY OF PASSAIC, STATE OF NEW JERSEY FOR THE CONVEYANCE OF BLOCK 154, LOT 19.07 (C0002) AND THE REDEVELOPMENT PROJECT THEREON TO PROJECT TOTOWA URBAN RENEWAL, LLC AND AMENDMENT TO THE SUBSEQUENT REDEVELOPMENT AGREEMENT

WHEREAS, the Borough of Totowa (the "Borough") and Minnisink Road Urban Renewal, LLC ("Assignor") entered into that certain Financial Agreement, dated October 17, 2022, and recorded in the Office of the County Clerk, County of Passaic, State of New Jersey on May 4, 2023, as Instrument No. 2023014731, in Book D4518, Page 123 (the "Financial Agreement"), with respect to a redevelopment project consisting of a data center of approximately one (1) to two (2) stories (the "Project") on property identified on the Borough's Tax Maps as Block 154, Lot 19.07, C0002, being the condominium unit known as Unit 2 in NJDC Condominium, together with an undivided fifty percent (50%) interest in the general common elements appurtenant thereto, as established by the Master Deed of NJDC Condominium recorded in the Office of the County Clerk, County of Passaic, in Deed Book 3768, Page 1 (as amended, the "Master Deed") (the "Project Site"); and

WHEREAS, the Financial Agreement and the long term tax exemption for the Project were approved by the Borough Council by Ordinance No. 08-2022, adopted on August 9, 2022, pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "LTTE Law"), and the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 et seq. (the "Bond Financing Law"); and

WHEREAS, by Resolution No. 82-2017, adopted on June 13, 2017, the Borough Council authorized the Borough to enter into a Redevelopment Agreement with NJDC Urban Renewal, LLC (the "Original Redeveloper") dated June 15, 2017, as amended by the First Amendment to Redevelopment Agreement dated January 24, 2018, the Second Amendment to Redevelopment Agreement dated February 27, 2019, and the Third Amendment to Redevelopment Agreement dated August 19, 2019 (as so amended, the "Original Redevelopment Agreement"), with respect to property within the North Jersey Developmental Center Redevelopment Area; and

WHEREAS, by Resolution No. 89-2022, adopted on July 12, 2022, the Borough Council designated the Assignor as redeveloper of the Project Site, and the Borough and the Assignor entered into that certain Subsequent Redevelopment Agreement dated July 15, 2022 (the "Subsequent Redevelopment Agreement"), pursuant to which the Assignor agreed to construct the Project; and

WHEREAS, as of the date hereof, the Project Site is owned of record by LIVIA Propco Totowa Urban Renewal, LLC, formerly known as Sycamore Totowa Urban Renewal, LLC (the "Owner"), an affiliate of the Assignor, and designated as Block 154, Lot 19.07, C0002 on the Borough's Tax Maps; although property within the Redevelopment Area has been subdivided, NJDC Condominium has not been terminated, and the Project Site remains Unit 2 in NJDC Condominium subject to the Master Deed, which Resolutions Nos. 131-2025, 132-2025 and 133-2025 describe as located on Block 154, Lot 19.10 (a portion of former Block 154, Lot 19.07), and the Borough has not issued a Certificate of Completion for the Project; and

WHEREAS, Section 9.1 of the Financial Agreement, as permitted by N.J.S.A. 40A:20-10(a), permits the Assignor, upon written notice to the Borough, to sell the Land (as defined in the Financial Agreement) or the Project, in its entirety or any portion thereof, to another urban renewal entity qualified and organized under the LTTE Law, provided that (a) if the Project has not been completed, the transferee demonstrates to the reasonable satisfaction of the Borough that it possesses the experience and capitalization to complete the Project, (b) the transferee owns no other project subject to the LTTE Law at the time of transfer, (c) the Assignor is not then in Default (as defined in the Financial Agreement) of the Financial Agreement or Applicable Law, and (d) the transferee assumes the Assignor's obligations under the Financial Agreement; and

WHEREAS, Section 12.1 of the Subsequent Redevelopment Agreement provides that, prior to the issuance of a Certificate of Completion, the Subsequent Redevelopment Agreement and the Assignor's interest in the Project Site and the Project may be assigned or transferred only with the prior written consent of the Borough; and

WHEREAS, the First Amendment and the Third Amendment to the Original Redevelopment Agreement added to Section 12.2 thereof, as Permitted Transfers, transfers to the designated end users of data centers on Parcels #7, #3 and #6, and the First Amendment requires the Original Redeveloper to pay the Borough $225,000.00 in lieu of certain park improvements no later than the transfer to the designated end user of the data center on Parcel #7; however, pursuant to Sections 13.9, 14.13 and 14.18 of the Subsequent Redevelopment Agreement, the redevelopment and transfer of the Project Site are governed by the Subsequent Redevelopment Agreement, which contains no such Permitted Transfer, and the transfer to the Assignee therefore requires the Borough's consent under Section 12.1 thereof; and

WHEREAS, the Project Schedule attached as Exhibit C to the Subsequent Redevelopment Agreement provided for the commencement of construction by December 2023 and the completion of construction by December 2025, and Section 2.3 of the Subsequent Redevelopment Agreement permits the outside Completion Date to be modified with the consent of the Borough and provides that a failure to meet the Completion Date without such consent constitutes an Event of Default (as defined therein), and by Resolution No. 131-2025 adopted on October 14, 2025, the Borough Council replaced such Project Schedule with a new Project Schedule providing for Governmental Approvals by June 2026, Commencement of construction by December 2026, completion of core and shell construction by December 2028 and completion of substation construction by June 2029 (the "2025 Project Schedule"), and superseded any prior timing-related defaults with respect to such milestones; and

WHEREAS, by Resolution No. 132-2025 adopted on October 14, 2025, the Borough Council consented to a transfer of all of the membership interests in the Assignor to Damac Digital Data Solutions LLC (formerly known as Compass Data Centre LLC) and provided that a new Exhibit G to the Subsequent Redevelopment Agreement would replace the existing Exhibit G upon such transfer (the "Prior Membership Transfer"); and

WHEREAS, the Assignor has certified to the Borough that the Prior Membership Transfer did not close, that the agreement providing for it has been terminated, that no membership interest in the Assignor was transferred pursuant to Resolution No. 132-2025, and that Exhibit G to the Subsequent Redevelopment Agreement therefore was not replaced, and has delivered to the Borough a copy of the Termination and Release Agreement dated as of March 26, 2026, executed by Damac Digital Data Solutions LLC, the Assignor, the Owner and LIVIA Health, LLC, confirming the termination of the agreement providing for the Prior Membership Transfer; and

WHEREAS, Project Totowa Urban Renewal, LLC has submitted a revised Project Schedule (the "Revised Project Schedule"), attached as Exhibit C to the Assignment Agreement (as defined below), which would replace the 2025 Project Schedule, and has requested that the Borough consent to the modified Completion Date set forth therein and waive any Event of Default arising solely from the failure to meet the dates in the original Project Schedule or the 2025 Project Schedule, effective only upon the transfer to it; and

WHEREAS, the Borough Council wishes to designate Project Totowa Urban Renewal, LLC as redeveloper of the Project Site pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), effective only upon the transfer to it; and

WHEREAS, the Owner, the Assignor and Project Totowa Urban Renewal, LLC ("Assignee"), an urban renewal entity formed and qualified under the LTTE Law, have entered into a contract of sale dated June 29, 2026 (the "Purchase Contract"), pursuant to which the Owner will convey, and the Assignee will acquire, the Project Site designated as Block 154, Lot 19.07, C0002 (Unit 2 in NJDC Condominium) on the Borough's Tax Maps; and

WHEREAS, the Assignor has never held title to the Project Site, and the Owner, as record owner, will convey the Project Site directly to the Assignee and will join in the Assignment Agreement (as defined below) to consent to the assignment and to confirm that the Financial Agreement and the Declaration of Covenants and Restrictions recorded under the Subsequent Redevelopment Agreement encumber and run with the Project Site; and

WHEREAS, the Assignor and the Assignee have notified the Borough that the Assignor now desires to assign, and the Assignee desires to assume, any and all right, title and interest of the Assignor to and under the Financial Agreement as it relates to the Project (the "Assignment"); and

WHEREAS, the Assignor further desires to transfer and assign its interest under the Subsequent Redevelopment Agreement, and the Assignee desires to acquire the Assignor's interest, rights, and respective obligations under the Subsequent Redevelopment Agreement as it relates to the Project Site and the Project; and

WHEREAS, the Assignee has represented to the Borough that (a) its Certificate of Formation contains the provisions required by N.J.S.A. 40A:20-5 and has been approved by the Commissioner of the Department of Community Affairs, (b) it owns no other project subject to the LTTE Law, and (c) it possesses the experience and capitalization to complete the Project, and has provided supporting information to the Borough; and

WHEREAS, the Assignor is current with all payments due to the Borough under the Financial Agreement, including Land Taxes, Annual Service Charges and the Administrative Fees, and all real property taxes assessed against the Project Site have been paid, and the Assignee has agreed to continue to make such payments as required by the Financial Agreement; and

WHEREAS, the Annual Service Charge under the Financial Agreement constitutes a municipal lien on the Project pursuant to N.J.S.A. 40A:12A-68 and is pledged to the payment of the Borough's redevelopment area bonds, and the Assignee has acknowledged that the Financial Agreement may not be terminated, and the Assignee may not relinquish its status as an urban renewal entity, prior to the maturity date of such bonds; and

WHEREAS, the terms and conditions of the assignment to and assumption by the Assignee and the amendment to the Subsequent Redevelopment Agreement are set forth in the Amendment, Assignment and Assumption Agreement (Financial Agreement and Subsequent Redevelopment Agreement) (the "Assignment Agreement"), a copy of which is attached hereto, which provides that the assignment and assumption shall become effective only upon the closing of the transfer of the Project Site to the Assignee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Totowa, in the County of Passaic, and State of New Jersey as follows:

1. The Borough Council hereby consents to the Assignment of the Financial Agreement to the Assignee pursuant to Section 9.1 of the Financial Agreement and N.J.S.A. 40A:20-10(a), and to the assignment of the Subsequent Redevelopment Agreement to the Assignee pursuant to Section 12.1 of the Subsequent Redevelopment Agreement, subject to the terms of this Resolution. Such consent is given solely under the Financial Agreement and the Subsequent Redevelopment Agreement; it is not a consent or a Permitted Transfer under the Original Redevelopment Agreement, and the Assignee does not assume any obligation of the Original Redeveloper thereunder.

2. Effective as of, and conditioned upon the occurrence of, the Closing Date (as defined in Paragraph 8 below), the Assignee is hereby designated as redeveloper of the Project Site pursuant to N.J.S.A. 40A:12A-4 and 40A:12A-8 of the Redevelopment Law, and the designation of the Assignor as redeveloper of the Project Site pursuant to Resolution No. 89-2022 shall terminate as of the Closing Date.

3. Effective as of, and conditioned upon the occurrence of, the Closing Date, the Borough Council hereby (a) consents, pursuant to Sections 2.3(b) and 2.3(d) of the Subsequent Redevelopment Agreement, to the Revised Project Schedule, which shall replace the 2025 Project Schedule, and the modified Completion Date set forth therein, which is further memorialized in the Assignment Agreement, and (b) waives any Event of Default under the Subsequent Redevelopment Agreement, and any Default under the Financial Agreement, arising solely from the failure to meet the commencement or completion dates in the original Project Schedule or the 2025 Project Schedule (including the deadline for Governmental Approvals) prior to the Closing Date. The Assignee's failure to meet the Completion Date in the Revised Project Schedule, as it may be further extended in accordance with the Subsequent Redevelopment Agreement, shall constitute an Event of Default as provided in Section 2.3(d) thereof. Nothing herein waives any other default or any of the Borough's rights against the Assignor if the Closing Date does not occur.

4. The Mayor and Municipal Clerk are hereby authorized to execute the Assignment Agreement as it relates to the Financial Agreement and the Subsequent Redevelopment Agreement for the Project, more specifically identified on the Borough's Tax Maps as Block 154, Lot 19.07, C0002 (Unit 2 in NJDC Condominium).

5. The Mayor and Municipal Clerk are further authorized to execute any other document relating to the assignment of the Subsequent Redevelopment Agreement, to the extent not included in the Assignment Agreement (the "RDA Assignment Documents"), with regard to the Project Site and the Project, including any acknowledgment that the Declaration of Covenants and Restrictions recorded pursuant to the Subsequent Redevelopment Agreement shall bind the Assignee.

6. The Mayor and Municipal Clerk are further authorized to execute an Estoppel Certificate (the "Estoppel Certificate") with regard to the Financial Agreement and the Subsequent Redevelopment Agreement.

7. The Municipal Clerk is hereby directed to forward three (3) fully executed copies of the Assignment Agreement, the RDA Assignment Documents, and the Estoppel Certificate, together with a certified copy of this Resolution, to Borough counsel, who shall hold the documents executed by the Borough in escrow in accordance with an escrow agreement in form reasonably acceptable to the Borough, Assignor, Assignee, and Borough counsel, and shall release fully executed copies to counsel for the Assignor and the Assignee only upon the closing of the transfer and satisfaction of the conditions set forth in this Resolution and the Assignment Agreement. The Municipal Clerk shall retain at least one (1) fully executed copy of the Assignment Agreement, the RDA Assignment Documents, and the Estoppel Certificate on file for the Borough's records. Following the closing, and not before, the Assignee shall cause the Assignment Agreement to be recorded in the Office of the County Clerk, County of Passaic, at its sole cost and expense, and shall provide a recorded copy to the Municipal Clerk and the Borough Tax Assessor.

8. Upon the closing of the transfer of the Project Site and the Project from the Owner to the Assignee and the release of the attached Assignment Agreement from escrow (the date of such closing, the "Closing Date"), the Assignee shall be subject to the terms and conditions of the Financial Agreement and the Subsequent Redevelopment Agreement as they relate to the Project. The Assignee will be obligated to adhere to the terms and conditions of the Financial Agreement and the Subsequent Redevelopment Agreement, and the Project shall remain subject to the Financial Agreement until termination or expiration pursuant to the terms thereof. In accordance with Section 9.2 of the Financial Agreement, within ninety (90) days after the transfer the Assignor shall pay to the Borough any Excess Net Profits payable under the Financial Agreement and the LTTE Law.

9. The consent granted herein is conditioned upon (a) the Closing Date occurring on or before the Outside Date (as defined in Paragraph 10 below), (b) confirmation of payment by the Assignor of the $225,000.00 payment in lieu of park improvements required by Section 1.03 of the First Amendment to the Original Redevelopment Agreement, and (c) the payment by the Assignor of all reasonable professional fees and costs incurred by the Borough in connection with the Assignment and the RDA Assignment Documents, including through the escrow established under Section 5.2 of the Subsequent Redevelopment Agreement.

10. If the Closing Date does not occur on or before July 31, 2027 (the "Outside Date"), unless the Outside Date is extended in writing by the Borough Council by further resolution, then automatically and without further action: (a) the consents granted in this Resolution shall be null and void and of no further force or effect; (b) the Assignment Agreement, the RDA Assignment Documents and the Estoppel Certificate shall be void and shall not be released from escrow, and any counterparts executed by the Borough shall be returned to the Municipal Clerk; (c) the Assignor shall remain the Entity under the Financial Agreement and the Subsequent Redeveloper under the Subsequent Redevelopment Agreement, with all of its obligations thereunder unaffected; (d) the Assignee shall acquire no right, title or interest under the Financial Agreement or the Subsequent Redevelopment Agreement; and (e) the designation, consent and waiver in Paragraphs 2 and 3 shall be void, and the 2025 Project Schedule and all of the Borough's rights with respect thereto shall continue to apply to the Assignor. If any such document has been recorded notwithstanding the foregoing, the Mayor and Municipal Clerk are authorized to execute and record a notice of termination confirming that such document is void.

11. Resolution No. 132-2025 is hereby rescinded and shall be of no further force or effect. The Borough Council confirms that the Prior Membership Transfer did not occur, that Exhibit G to the Subsequent Redevelopment Agreement was not replaced, and that any transfer of a direct or indirect controlling interest in the Assignor after the date hereof and prior to the Closing Date, or in the Assignee after the Closing Date and prior to the issuance of a Certificate of Completion, shall require the prior written consent of the Borough under Article 12 of the Subsequent Redevelopment Agreement. The 2025 Project Schedule approved by Resolution No. 131-2025 shall remain in effect until the Closing Date and, if the Closing Date does not occur, thereafter. The Borough acknowledges the disclosure, in the Assignor's certification, of the transfer of an indirect ownership interest in the Assignor upon the resignation of a member of Healthcare Limited Partners, LLC, and accepts such disclosure for purposes of Section 9.1 of the Financial Agreement and Section 12.3 of the Subsequent Redevelopment Agreement.

12. The Borough Council consents to the conveyance of the Project Site by the Owner directly to the Assignee on the Closing Date. Upon such conveyance, the Assignee, as a permitted Transferee and the Entity under the Financial Agreement, shall be deemed to have acquired the Land for purposes of the definition of "Effective Date" and Sections 2.5, 3.1(i) and 4.4 of the Financial Agreement, and the Financial Agreement and the Declaration of Covenants and Restrictions shall continue as a lien on and covenants running with the Project Site.

13. The Mayor and Municipal Clerk are also hereby authorized to execute any other instruments required in this transaction under law, statute, or contractual obligation.

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. 19-2026

AN ORDINANCE OPTING INTO THE GARDEN STATE C-PACE PROGRAM TO FACILITATE THE FINANCING OF C-PACE PROJECTS

There was a motion by Councilwoman Coiro, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2508 & 2509 for the Organization of Chinese Americans, New Jersey Chapter for a Tricky Tray and On-Premise 50-50 to be held on December 5, 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