

## **BOROUGH OF TOTOWA**

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

**January 28, 2025**

**PRESENT:** Mayor John Coiro, presiding, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, Councilman Patrick Fierro, Councilman Sanders Reynoso, Municipal Clerk Joseph Wassel and Municipal Attorney Kristin Corrado.

**ABSENT:** Council President Lou D'Angelo.

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 Picarelli, seconded by Councilman Bucher to dispense with the regular order of business in order to hold a public hearing on Ordinance No. 01-2025 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 01-2025 has been advertised for public hearing for Tuesday, January 28, 2025.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 01-2025.

There was a motion by Councilman Picarelli, seconded by Councilman Bucher 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. 01-2025.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Picarelli, seconded by Councilman Bucher 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. 01-2025 by title:

**ORDINANCE NO. 01-2025**

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

There was a motion by Councilman Picarelli, seconded by Councilman Bucher to adopt Ordinance No. 01-2025 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 Picarelli, seconded by Councilman Bucher 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.

There were no reports.

#### CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Picarelli, seconded by Councilman Bucher to approve the Minutes of the Mayor and Council for the meeting of January 14, 2025. On roll call vote, all members of the Council present voted in the affirmative. Councilman Fierro abstained from the voting.

#### COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman Capo to approve Resolution No. 2025-03 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 Capo to approve payment of the 1<sup>st</sup> Quarter 2025 Budget Allotment to the Borough of Totowa Public Library in the amount of \$400,745. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Capo, seconded by Councilman Bucher to approve a grade increase for Patrol Officer Michael DeLuccia from Grade 5 to Grade 4. 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 Capo, seconded by Councilman Bucher to appoint Crystal Thomas and Delia Aragon as School Crossing Guards. 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 Crystal Thomas and Delia Aragon as School Crossing Guards for a one year term ending on December 31, 2025.

There was a motion by Councilman Capo, seconded by Councilman Bucher to confirm the appointments. On roll call vote, all members of the Council present voted in the affirmative.

### COMMITTEE ON PUBLIC WORKS:

There was no report.

### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from Volunteer Fire Company No. 1 requesting permission to use the Municipal Parking Lot on Saturday, May 3, 2025 for their casino bus trip fundraiser. There was a motion by Councilman Capo, seconded by Councilman Reynoso to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

### COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilman Reynoso, seconded by Councilman Bucher to adopt the following Resolution Of The Borough Of Totowa Committing To DCA'S Fourth Round Affordable Housing Present Need And Prospective Need Numbers As Modified Under Protest. On roll call vote, all members of the Council present voted in the affirmative.

## RESOLUTION NO. 26-2025

### RESOLUTION OF THE BOROUGH OF TOTOWA COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS AS MODIFIED UNDER PROTEST

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

WHEREAS, pursuant to the Amended FHA at N.J.S.A. 52:27D-304.1(f)(1), a municipality is required to adopt a binding resolution containing a “determination of present and prospective fair share obligation” and submit to the jurisdiction of the Affordable Housing Dispute Resolution Program, in order to avoid the loss of immunity from exclusionary zoning litigation (formerly referred to as Builder’s Remedy lawsuits) immediately thereafter; and

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough of Totowa’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 211 units and a Prospective Need or New Construction Obligation of 528 units; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.3, a municipality’s average allocation factor is comprised of the equalized nonresidential factor, income capacity factor and land capacity factor and shall be averaged to yield the municipality’s average allocation factor, and

WHEREAS, the Amended FHA further provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, the DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2 containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, the Borough of Totowa has reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration and accessibility, and environmental constraints to ascertain whether these identified developable lands may accommodate development; and

WHEREAS, based on the foregoing, the Borough of Totowa relies on the DCA calculations of Totowa's fair share obligations as modified herein to account for Totowa's review of the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration and accessibility to ascertain whether these identified developable lands may accommodate development and the Borough of Totowa seeks to commit to provide its fair share of 211 units present need and 89 units prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

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

WHEREAS, the Borough of Totowa is a named plaintiff in that certain litigation captioned as Borough of Montvale v. State of New Jersey, Superior Court of New Jersey, Docket No. MER-L-1778-24 ("Litigation"), which among other things asserts constitutional and legal challenges to numerous provisions of the Amended FHA; and

WHEREAS, the actions contained in this Resolution are taken under protest and are intended to comply with the Amended FHA while the Borough of Totowa continues to dispute its validity, such that the Borough of Totowa does not waive any legal rights or claims that it possesses relating to the Amended FHA as set forth in the Lawsuit by virtue of the adoption of the instant Resolution and the Borough of Totowa further reserves the right to alter its position contained in this Resolution based upon any rulings in the Litigation or in any other similar proceedings by a court of competent jurisdiction; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Borough of Totowa reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Prospective Need Obligation should be lower than described herein; and

WHEREAS, in light of the above, the Mayor and Council of the Borough of Totowa finds that it is in the best interest of the Borough of Totowa to commit to the modified present need and prospective need Fourth Round affordable housing fair share numbers set forth herein, subject to the reservations set forth herein; and

WHEREAS, in accordance with AOC Directive #14-24 dated December 13, 2024, the Mayor and Council of the Borough of Totowa finds that, as a municipality seeking a certification of compliance with the FHA, it is in the best interests of Borough of Totowa to direct the submission and/or filing of the within Resolution with the Program or any other such entity as may be determined to be appropriate.

NOW, THEREFORE, BE IT RESOLVED on this 28<sup>th</sup> day of January, 2025, by the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this Resolution.
2. The Borough of Totowa hereby commits to the DCA's Round 4 Present Need Obligation of 211 units and the DCA's Round 4 Prospective Need Obligation of 89 units, as explained above and subject to all reservations of rights set forth above.
3. The Borough of Totowa authorizes its Municipal Attorney to submit and/or file the within Resolution with the Program or any other such entity as may be determined to be appropriate.
4. This Resolution shall take effect immediately, according to law.

There was a motion by Councilman Reynoso, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Borough Of Totowa To Apply For A New Jersey Department Of Community Affairs (DCA) – Local Recreation Improvement Grant (LRIG) Program FY2025.

#### RESOLUTION NO. 27-2025

WHEREAS, the Borough of Totowa desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$100,000.00 to carry out a project to upgrade recreational facilities at Floyd Park in Totowa, NJ.

BE IT THEREFORE RESOLVED, that the Borough of Totowa does hereby authorize the application for such a grant; and,

1) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between Borough of Totowa and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

John Coiro  
Mayor

Joseph Wassel  
Municipal Clerk

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Fierro, 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. 02-2025**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA  
CHAPTER 75 ENTITLED "POLICE DEPARTMENT", ARTICLE XII,  
"GENERAL RULES", SECTION 80, "OUTSIDE EMPLOYMENT REGULATED;  
EMPLOYMENT OF OFF-DUTY POLICE"**

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2419 & 2420 for the Totowa Parent Teacher Organization for a Tricky Tray and On-Premise 50-50 to be held on May 16, 2025 at Washington Park School. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve Raffle License Application No. 2421 for the Academy of St. James for an Off-Premise 50-50 to be held on February 27, 2025. On roll call vote, all members of the Council present voted in the affirmative.



There was a motion by Councilman Fierro, seconded by Councilman Picarelli to approve Raffle License Application No. 2422 for Rifle Camp Volunteer Fire Company 3 for an Off-Premise 50-50 to be held on March 29, 2025 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 Picarelli, seconded by Councilman Bucher that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

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Joseph Wassel, RMC  
Municipal Clerk