

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, JANUARY 20, 2022**

The Meeting was called to order at 7:02PM by Council President May who read the Open Public Meetings Act Statement as prescribed by law. Notice was sent to The Record and The Ridgewood News on November 15, 2021 and was advertised in The Record and The Ridgewood News on November 19, 2021 stating this Meeting would be held in the Honorable Judge Anthony J. Gianni Jr. Chambers at the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah New Jersey on Thursday, January 20, 2022 at 7:00PM. A Revised Notice of this Regular Remote Meeting was sent electronically to The Record on January 13, 2022 for publication on January 17, 2022 and The Ridgewood News on January 13, 2022 for information only. Electronic Notice of this Meeting was provided through the Internet by posting the Agenda on the Township's Website on January 18, 2022.

Notice of this Meeting is posted on the Municipal Bulletin Board. The Minutes of this Meeting shall be available in the Municipal Clerk's Office once they are approved by the Township Council.

SALUTE TO THE FLAG

MOMENT OF SILENCE FOR VETERANS AND THOSE SERVING IN THE MILITARY

Moment of Silence was observed for those who served and those who are serving in the Military both here and abroad and for those affected by the Coronavirus.

Present: Councilmembers Ariemma, Ervin, Ferguson, Paz, Wong and May
Absent: Councilmember Bolan

Also present were Mayor James Wysocki, Business Administrator Benjamin Kezmarsky, Township Attorney Fred Semrau, Township Attorney's Associate Sue Sharpe, Township Attorney's Associate Gabrielle Canaie, Township Engineer's Associate Mike Kelly, Municipal Clerk Kathrine G. Coviello and Clerical Assistant Leslie Wen.

PRESENTATIONS

Mahwah Police Department

Police Chief Stephen Jaffe stated the Mahwah Police Department has responded to over 23,000 calls for service to include over 1,400 medical calls, investigated 720 motor vehicle crashes and conducted over 5,000 motor vehicle stops. Police Chief Jaffe is very proud of the professionalism the Mahwah Police Department has working within the Community. Resolution shall be voted on and made part of these Meeting Minutes.

Mahwah Emergency Medical Services (MEMS)

Chief Carissa Stricker stated for the year 2021 Mahwah Emergency Medical Services were dispatched to over 1,700 calls. This was an increase of 300 calls from the prior year 2020.

The Mahwah Emergency Medical Services is looking for more volunteers, especially overnight ambulance drivers. No experience is necessary, all training will be done through the department. For more information or interested in volunteering for the Mahwah Emergency Medical Services email membership@mahwahems.org. Resolution shall be voted on and made part of these Meeting Minutes.

Office of Emergency Management (OEM)

Office of Emergency Management Coordinator Raymond Roe stated during the year 2021 the Office of Emergency Management has responded to over 600 storm related emergencies and over 300 hours in assisting in special events throughout the Community. Coordinator Raymond Roe also stated the State Required Emergency Operation Plan has been updated. Resolution shall be voted on and made part of these Meeting Minutes.

Boy Scouts

Recreation Director Dennis Burns stated Boy Scout Aarnav Tendulkar from Troop #50 earned his Eagle Scout Award creating the Gaga Pit at Continental Soldiers Park. Resolution shall be voted on and made part of these Meeting Minutes.

President May extended a thank you to all the dedicated Township Employees and the Volunteers who give so much to the Community. President May also stated the Town Council recognizes their dedication and appreciates all that they do.

RESOLUTIONS OF RECOGNITION

Resolutions #074-22 to #077-22 were voted on, attached and made part of these Meeting Minutes.

WORK SESSION

SUBMISSION TO BILLS AND CLAIMS

The Bills and Claims were placed in the Dropbox. Any Councilmember with questions was asked to speak with Administration before Public Meeting.

ENGINEERING

1a. Verbal Status Report

Chapel Road Sanitary Sewer Project

Township Engineer's Associate stated a full shut down was scheduled for Monday, January 17, 2022 to replace a valve on Youngs Road, which has been recently paved. Northwest Bergen Utilities Authority will repave that part of Youngs Road by milling out the section and repaving from curb to curb. Repaving will be completed in the Spring.

Mahwah Municipal Pool Project

Township Engineer's Associate stated Bids for this Project are due by Tuesday, January 25, 2022.

2022 Road, Curb, and Sidewalk Improvement Project

Township Engineer's Associate stated he met with Administration and finalized the roads for the 2022 Road Program. He explained the Township received a Grant in the amount of \$226,000.

for Airmount Road and applied for a second Grant in the amount of \$300,000. called the Local Transportation Project Fund Grant. Township Engineer's Associate is waiting to hear the Status of the Grant before making a decision on the Design of Airmount Road.

Business Administrator stated he will have the Bond Ordinance ready by the next Council Meeting so it is ahead of the Budget so funds will be available before the Road Program starts.

LEGAL

Township Attorney's Associate Sharpe stated Sun vs. Mahwah Litigation is officially over.

2a. Authorization; Affordable Housing Extension; Declaration of Covenants; Franklin Heights Condominiums

Township Attorney's Associate stated this authorizes the extension of Affordable Housing Restrictions on 15 Franklin Heights Condominium Affordable Housing Units. Resolution shall be voted on in the Public Meeting.

2b. Authorization; Affordable Housing Deed Restriction; 2397 Quill Court
Township Attorney's Associate stated this is extending the Affordable Housing Control. Agreement extends to 2053. Resolution shall be voted on in the Public Meeting.

2c. Authorization of Approval; Memorandum of Understanding; Extension of Affordability Control; 2301 Oakam Court

Township Attorney's Associate stated this is extending the Affordable Housing Control. Agreement extends to 2053. Resolution shall be voted on in the Public Meeting.

2d. Ordinance Introduction; Licensing and Operation of One Retail Cannabis Business as a Conditional Use on the B-40 Zone at Block 59, Lot 20.01
Ordinance shall be introduced in the Public Meeting.

2e. Ordinance introduction; Amending Section 2-6.20, Division of Pools of the Township Code to Revise the Name and Membership of the Pool Advisory Board
Ordinance shall be introduced in the Public Meeting.

2f. Ordinance Introduction; Amending Chapter 24, Permit Instructional Uses In Certain Commercial Zones
Ordinance shall be introduced in the Public Meeting.

2g. Ordinance Introduction; Amending Section 2-22, Beautification Commission, Increase Membership
Ordinance shall be introduced in the Public Meeting.

ADMINISTRATION

3a. Temporary Appropriations
Resolution shall be voted on in the Public Meeting.

3b. Interlocal Service Agreement with Borough of Waldwick; Preventive Health Care for Children; 2022

Business Administrator stated this is an Interlocal Service Agreement for Preventative Health Care for Children. Resolution shall be voted on in the Public Meeting.

3c. Professional Service Appointments

1. Township Auditor

Business Administrator indicated Lerch, Vinci, and Higgins, LLP has been awarded Township Auditor for the period of January 1, 2022 through December 31, 2022. Resolution shall be voted on in the Public Meeting.

2. Township Planner

Business Administrator indicated Colliers Engineering and Design has been awarded Township Planner for the period of January 1, 2022 through December 31, 2022. Resolution shall be voted on in the Public Meeting.

3. Tax Appeal Attorney

Business Administrator indicated Brian Chewcaskie, Esq. and Cleary, Giacobbe, Alfieri, Jacobs, LLC has been awarded Township Tax Appeal Attorney for the period of January 1, 2022 through December 31, 2022. Resolution shall be voted on in the Public Meeting.

4. Financial Advisor

Business Administrator indicated Acacia Financial Group, Inc. has been awarded Township Financial Advisor for the period of January 1, 2022 through December 31, 2022. Resolution shall be voted on in the Public Meeting.

5. Bond Counsel

Business Administrator indicated McManimon, Scotland and Baumann, LLC has been awarded Township Bond Counsel for the period of January 1, 2022 through December 31, 2022. Resolution shall be voted on in the Public Meeting.

3d. Tax Collector's Annual Report, 2021

Resolution shall be voted on in the Public Meeting.

3e. Amendment to Resolution #044-22; Authorization to Participate in Defense Logistics Agency (DLA) Law Enforcement Support Offices (LESO) 1033 Program; Calendar Year 2022

Business Administrator stated wording needed to be Amended on Resolution #044-22. Resolution shall be voted on in the Public Meeting.

TOWNSHIP COUNCIL AND MUNICIPAL CLERK

4a. Authorization to Waive Pet License Late Fee to May 1, 2022

Resolution shall be voted on in the Public Meeting.

PUBLIC PORTION

On a motion by Ervin, seconded by Paz, the Meeting was opened to the public at 8:00PM. All in favor. Motion carried.

Ms. Helene Yagoda of 12 Grist Mill Run asked who has the overall plan for the Cell Tower.

Ms. Martha Steinbach of 8 Wanamaker Avenue asked what is the Township planning to do on King Street.

Ms. Janet Weiss of 62 Fisher Road asked how much revenue has been received to date from the Cell Tower.

Mr. Frank Orlich of 89 McIntosh Drive would like further clarification on why the Cannabis Ordinance is being introduced tonight and why is it going back to the Planning Board.

Mr. John Fesen of 20 Falcon Court asked has the sale been executed on the purchase of Norfolk Village. Mr. Fesen also asked how much was the purchase and how is this money being funded.

Mr. Ken Cerullo of 9 Doremus Road stated he is still very opposed to the Cannabis Ordinance.

Ms. Lori Menella of 32 Wanamaker Avenue asked for an update on the Department of Public Works site on Micik Lane. Ms. Menella also asked will it go back to the Planning Board if changes are made to the site.

Ms. Christine Ridlon of 120 Sherwood Avenue stated she felt troubled that a Security Officer who had a vested interest in the Cannabis Ordinance spoke in favor of the Ordinance. She would like to hear more opinions from people who have a vested interest in our Township like Police Chief Jaffe.

On a motion by Ferguson, seconded by Paz, the Meeting was closed to the public at 8:14PM. All in favor. Motion carries.

Business Administrator explained the Cell Tower will go through the normal process and have to be submitted to the Planning Board. As per Legal advice, the Business Administrator stated he will not be updating the Residents at every Council Meeting or put any information on the Website. Business Administrator also stated the Council and Administration has continually proven to be dedicated to this Project and as the Project moves forward, he will update the residents accordingly.

May explained the work that is to be done on King Street is to fix a drainage problem and stop the waterflow from flooding.

May stated the Council has to follow the process for the Cannabis Ordinance.

Township Attorney's Associate explained the process of an Ordinance. She explained in order for an Ordinance to be considered, it must first be introduced to the Governing Body. If the Governing Body accepts the Ordinance, it will then be forwarded to the Planning Board.

May stated it allows the Council to debate the Ordinance and also get Public Comment on it.

Business Administrator explained Administration is having another architect firm look at the current Design Plan for the new Department of Public Works Facility to determine if a better facility can be built for less money that meets the Township's needs. Business Administrator also explained if there is a change to the Design, it will go back to the Planning Board.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by Ervin, seconded by Paz, the Bills and Claims, previously signed, totaling \$1,965,990.66, were approved. Roll Call Vote: Ariemma, yes; Bolan, absent; Ervin, yes; Ferguson, yes; Paz, yes; Wong, yes; May, yes. Motion carried. A List of Bills and Claims is on file in the Municipal Clerk's Office.

APPROVAL OF MEETING MINUTES

On a motion by Paz, seconded by Ervin, the Reorganization Council Meeting Minutes for January 6, 2022 and Combined Work Session Public Meeting Minutes for January 6, 2022 were approved. Roll Call Vote: Ariemma, yes; Bolan, absent; Ervin, yes; Ferguson, yes; Paz, yes; Wong, yes to Reorganization Council Meeting Minutes for January 6, 2022 and abstain from Combined Work Session Public Meeting Minutes for January 6, 2022; May, yes.

REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK

TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF SUBCOMMITTEE

Ariemma:

- Attended the Environmental Commission on January 12, 2022
- Attended the Agenda Meeting on January 14, 2022
- Attended the Board of Adjustment Meeting as a member of the public on January 19, 2022

Ervin:

- Attended the Agenda Meeting on January 14, 2022
- Attended the Board of Adjustment Meeting as a member of the public on January 19, 2022
- Attended the Senior Citizen Advisory Board Meeting on January 19, 2022

Ferguson:

- Attended the Reorganization Meeting for the Planning Board on January 10, 2022
- Chaired the Ordinance Committee Meeting on January 11, 2022
- Virtually attended the Library Board of Trustees Meeting on January 18, 2022
- Watched the Board of Adjustment Meeting on January 19, 2022

Paz:

- Attended the Access for All Meeting on January 10, 2022
- Watched the Board of Adjustment Meetings on January 12, 2022 and January 19, 2022
- Virtually attended the MCN Meeting on January 13, 2022

Wong:

- Attended the Ordinance Committee Meeting on January 11, 2022
- Watched the Board of Adjustment Meeting on January 19, 2022

May:

- Watched the Board of Adjustment Meetings on January 12, 2022 and January 19, 2022

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

Mayor Wysocki:

- Wished Councilmember Bolan a speedy recovery
- Extended a thank you to Police, Fire, Emergency Services, DPW and all the volunteer organizations that service Mahwah
- Extended a thank you to Councilmembers and Business Administrator for all the hard work they do for the Township
- Mayor stated Administration has prepared a letter with Legal regarding the Helicopter situation with the Sheraton Crossroads. Mayor is looking for full cooperation from the Sheraton Crossroads to take care of this issue.
- Attended the Senior Citizen Advisory Board Meeting on January 19, 2022
- Mayor stated he is working with Councilmembers and Administration to come up with a solution to the noise problem coming from the Gun Range.
- Mayor stated he is in contact with people who are willing to renovate the Caboose at a lower cost to the Township.
- Mayor stated he met with Assemblywoman Holly Schepisi, Assemblyman Robert Auth and Congressman Josh Gottheimer in length to discuss the issue with the Route 287 Overpass. Mayor is looking for a resolution to this issue.

Business Administrator:

- Extended a thank you to DPW, Water Department and Emergency Services for all the hard work they have been doing because of the storms.
- Business Administrator stated the new Financial System is up and running.

Paz asked if Residents can still sign up with complaints regarding the Flyover Route 287. Business Administrator stated yes.

PUBLIC PORTION

On a motion by Ervin, seconded by Paz, the Meeting was opened to the public at 8:42PM. All in favor. Motion carried.

Ms. Olivia Lamanna of 129 Oweno Road stated she feels the Council has presented only professionals who are in favor of the Ordinance. Ms. Lamanna would like to hear from professionals who are opposed to the Ordinance too.

Mr. Ken Cerullo of 9 Doremus Road stated all Residents who are opposed to the Cannabis Ordinance should email all Councilmembers and the Town Clerk to document their feelings about this Ordinance.

Ms. Janet Weiss of 62 Fisher Road explained how to file a complaint against low flying planes. Ms. Weiss stated Residents can email www.mahwahtwp.org/aircraft or call 1-800-225-1071.

Mr. Anthony Lamanna of 129 Oweno Road stated he would like to hear from professionals who are opposed to the Cannabis Ordinance and the consequences the Township might have if the ordinance passes. Mr. Lamanna also asked how much revenue will the Township receive.

Ms. Martha Steinbach of 8 Wanamaker Avenue stated to Business Administrator to please do not put the Salt Shed behind the end of Wanamaker Avenue. Ms. Steinbach encouraged all Residents to attend the Council Meetings and share their feelings.

On a motion by Ferguson, seconded by Paz, the Meeting was closed to the public at 8:54PM. All in favor. Motion carried.

ORDINANCES- INTRODUCTIONS

The Title of an Ordinance was read as follows:

AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 4, GENERAL LICENSING, AND CHAPTER 24, ZONING, OF THE TOWNSHIP CODE, TO PERMIT THE LICENSING AND OPERATION OF ONE RETAIL CANNABIS BUSINESS AS A CONDITIONAL USE ON THE B-40 ZONE AT BLOCK 59, LOT 20.01, AND PROHIBITING CANNABIS CONSUMPTION AREAS IN ANY CANNABIS LOCATION

RESOLUTION – ORDINANCE NO. 1959

Introduced by Wong, seconded by Ervin

RESOLVED that the Ordinance be passed and adopted on the First Reading.

FURTHER RESOLVED that said Ordinance be considered for Final Passage at a Meeting to be held in the Honorable Judge Anthony J. Gianni, Jr. Chambers at the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, New Jersey on Thursday, February 24, 2022 at 7:00PM.

FURTHER RESOLVED that the Clerk publish said Ordinance with Notice of Introduction, Passage and Time and Place where said Ordinance will be considered for Final Passage.

Roll Call Vote: Ariemma, No; Bolan, absent; Ervin, yes; Ferguson, yes; Paz, yes; Wong, yes; May, yes.

The Title of an Ordinance was read as follows:

ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING SECTION 2-6.20, DIVISION OF POOLS, OF THE TOWNSHIP CODE TO REVISE THE NAME AND MEMBERSHIP OF THE POOL ADVISORY BOARD

RESOLUTION – NO. 1960

Introduced by Ervin, seconded by Paz

RESOLVED that the Ordinance be passed and adopted on the First Reading.

FURTHER RESOLVED that said Ordinance be considered for Final Passage at a Meeting to be held in the Honorable Judge Anthony J. Gianni, Jr. Chambers at the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, New Jersey on Thursday, February 10, 2022 at 7:00PM.

FURTHER RESOLVED that the Clerk publish said Ordinance with Notice of Introduction, Passage and Time and Place where said Ordinance will be considered for Final Passage.

Roll Call Vote: Ariemma, yes; Bolan, absent; Ervin, yes; Ferguson, yes; Paz, yes; Wong, yes; May, yes.

The Title of an Ordinance was read as follows:

ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 24, ENTITLED ZONING, OF THE TOWNSHIP CODE TO PERMIT INSTRUCTIONAL USES IN CERTAIN COMMERCIAL ZONES

RESOLUTION – NO. 1961

Introduced by Ervin, seconded by Ferguson

RESOLVED that the Ordinance be passed and adopted on the First Reading.

FURTHER RESOLVED that said Ordinance be considered for Final Passage at a Meeting to be held in the Honorable Judge Anthony J. Gianni, Jr. Chambers at the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, New Jersey on Thursday, February 10, 2022 at 7:00PM.

FURTHER RESOLVED that the Clerk publish said Ordinance with Notice of Introduction, Passage and Time and Place where said Ordinance will be considered for Final Passage.

Roll Call Vote: Ariemma, yes; Bolan, absent; Ervin, yes; Ferguson, yes; Paz, yes; Wong, yes; May, yes.

The Title of an Ordinance was read as follows:

**AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN,
STATE OF NEW JERSEY, AMENDING SECTION 2-22, BEAUTIFICATION
COMMISSION, OF THE TOWNSHIP CODE TO INCREASE MEMBERSHIP**

RESOLUTION – NO. 1962

Introduced by Paz, seconded by Ferguson

RESOLVED that the Ordinance be passed and adopted on the First Reading.

FURTHER RESOLVED that said Ordinance be considered for Final Passage at a Meeting to be held in the Honorable Judge Anthony J. Gianni, Jr. Chambers at the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, New Jersey on Thursday, February 20, 2022 at 7:00PM.

FURTHER RESOLVED that the Clerk publish said Ordinance with Notice of Introduction, Passage and Time and Place where said Ordinance will be considered for Final Passage.

Roll Call Vote: Ariemma, yes; Bolan, absent; Ervin, yes; Ferguson, yes; Paz, yes; Wong, yes; May, yes,

CONSENT AGENDA

Resolutions #062-22 through #073-22 were voted on under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes.

OLD BUSINESS

1. Bergen County Gun Range
2. Security Cameras; Continental Soldiers and Commodore Perry Parks
Business Administrator stated weather permitting, cameras should be installed around the field next week and the system should be up and running.
3. Wildlife Management Forum
4. Repairs to Fire Trucks
5. Garbage Collection
6. Norfolk Village
7. Removed
8. ~~Boards and Commission Meeting Dates~~
9. Merger; Planning Board and Zoning Board of Adjustment
10. ~~Parking at Ramapo Reservation~~
11. Cell Phone Charging Stations
12. Irrigation Systems
13. Electric Charging Stations

Ferguson asked for an update on this item. Business Administrator stated a Meeting was held with Volta regarding future Charging Stations. Volta will work with Administration and Township Engineer to locate the best location for the Charging Stations in Continental Soldiers Park. Ariemma asked if the Charging Stations will be installed where cameras can see them. Business Administrator stated yes.

14. Flyover; Route 287
15. Blue House

NEW BUSINESS

Paz stated she would like to continue the conversation of bringing the Access Link Transportation to Mahwah for more accessibility within the Township.

CLOSED SESSION

On a motion by Paz, seconded by Ferguson, Council went into Closed Session at 9:11PM for the express purpose of discussing: C1. Contract Negotiation
All in favor. Motion carried.

On a motion by Paz, seconded by Ariemma, Council came out of Closed Session at 10:08PM.
All in favor. Motion carried.

On a motion by Paz, seconded by Wong, the Meeting was adjourned at 10:09PM. All in favor.
Motion carried.

Respectfully submitted,



Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk