

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, FEBRUARY 10, 2022**

The Meeting was called to order at 6:01PM 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, February 10, 2022 at 7:00PM. Electronic Notice of this Meeting was provided through the internet by posting the Agenda on the Township Website on February 8, 2022.

A Revised Notice of this Regular Remote Meeting Notice 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 stating the Meeting will be held via Zoom Audio/Video Conference.

A Revised Notice of this Regular Remote Meeting was sent electronically to The Record on February 3, 2022 for publication on February 7, 2022 and The Ridgewood News on February 3, 2022 for information only stating the Meeting will be held at 6:00PM via Zoom Conference.

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, May, Paz and Wong

Absent: Councilmembers Bolan and Ferguson

Also present were Mayor James J. 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 Michael Kelly, Municipal Clerk Kathrine G. Coviello and Deputy Clerk Carolyn George.

CLOSED SESSION

On a motion by Ervin, seconded by Ariemma, Council went into Closed Session at 6:08PM for the express purpose of discussion:

C1. Settlement Agreement

All in favor. Motion carried.

On a motion by Paz, seconded by Ervin, Council came out of Closed Session at 7:05PM.

All in favor. Motion carried.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

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

ENGINEERING

1a. Municipal Pool Improvements; Award of Bid (Bid #MTB-22-01)

Township Engineer's Associate stated this Item was removed from the Agenda. He indicated the low Bidder was deficient in the Bid. The project will need to be rescheduled for the end of the Pool Season.

1b. Well 19 PFOS Treatment; Authorization of Engineering Design Services

Township Engineer's Associate is submitting a proposal to implement a Design for the Treatment Method of Well 19 to include a Survey, Preliminary Design and Evaluation of Treatment Methods. All information will be compiled and provided to the Township within the next few weeks. Final design will follow along with Regulatory Permits from the NJDEP. Resolution shall be voted on in the Public Meeting.

1c. Written Status Report

MA-1988 Restoration of Water Course Behind Wanamaker Avenue

Township Engineer's Associate stated the Permit Application is to be submitted to the NJDEP by the week of February 28, 2022.

MA-2002 Improvements to Winters Park

Township Engineer's Associate stated the Contractor's Drainage and Parking Lot repair work required Winters Park to close. It will remain closed for the next six weeks until the Project is completed.

MA-2059 2022 Road, Curb and Sidewalk Improvement Program

Township Engineer's Associate stated the Design Plans for the 2022 Municipal Roads are underway. The Plans should be available for the Township's review within the next two weeks.

May asked the status of Chapel Road Sanitary Sewer Project. Township Engineer's Associate stated Suez is finishing their portion of the Project within the next week. The entire Project will be completed by April 2022.

LEGAL

2a. Authorization of Approval; Memorandum of Understanding; Extension of Affordability Control

1. 2271 Nash Court
2. 2260 Margaret Court
3. 2340 Oliver Court

Township Attorney's Associate Sharpe stated these Items are extending the Affordability Control on the three addresses for Affordable Housing. Individual Resolutions shall be voted on in the Public Meeting.

2b. Authorization; End Date of Affordable Housing Deed Restrictions; Franklin Heights Condominiums

Township Attorney's Associate Sharpe stated the Affordable Housing Deed Restrictions continue for an additional 25 years. Resolution shall be voted on in the Public Meeting.

2c. Ordinance Introduction; Clarify Membership Composition; Music, Film and Arts Committee

Township Attorney's Associate Sharpe stated this Ordinance amends and restates Ordinance No. 1949 and Ordinance No. 1955 regarding Membership. Ordinance shall be introduced in the Public Meeting.

2d. Authorization to Make Application to Local Finance Board; Bond Ordinance No. 1964
Township Attorney's Associate Sharpe stated this authorizes the Township to ask the Local Finance Board to not require a down payment for the purchase of 1201 Norfolk Road Property. Resolution shall be voted on in the Public Meeting.

ADMINISTRATION

3a. Temporary Appropriations

Business Administrator stated this Resolution is necessary until the 2022 Budget has been passed. Resolution shall be voted on in the Public Meeting.

3b. Emergency Management Performance Grant; State Homeland Security Program; Federal FY21

Business Administrator stated this annual Resolution is for the Office of Emergency Management Grant. Resolution shall be voted on in the Public Meeting.

3c. Tax Appeal Exposure Report; McNerney & Associates, Inc.

Business Administrator stated McNerney & Associates, Inc. will review the Township's current Tax Appeals to determine the Township's net exposure and report back to the Council. Resolution shall be voted on in the Public Meeting.

3d. Resolution Authorization to Purchase; One Ferrara Inferno Tanker Fire Apparatus for Fire Company #4; Houston Galveston Area Contract (HGAC); FF1 Apparatus, LLC.

Business Administrator stated this Engine replaces Engine No. 425. Resolution shall be voted on in the Public Meeting.

3e. Resolution Authorization to Solicit Bids; Lease of Property; Campgaw Water Tank; Wireless Cellular Communications Equipment

Business Administrator stated there is space on the Water Tank for a Wireless Subscriber. He also stated Mr. Declan O'Scanlon assisted with the writing of the Bid. Resolution shall be voted on in the Public Meeting.

3f. Police Department Improvements; Resolution Authorizing Change Order #4; Bid MTB #20-21, Billy Contracting

Business Administrator stated this small Change Order is necessary for the Fire Alarm System. Resolution shall be voted on in the Public Meeting.

3g. Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Fund; Renovation to Commodore Perry Field; Block 61, Lot 1

Business Administrator stated this Resolution is for the acceptance of the Open Space Grant for the Commodore Perry Field fencing. Resolution shall be voted on in the Public Meeting.

3h. Salary Ordinances

1. Blue Collar Employees

Business Administrator stated this Salary Ordinance is for the 5-year Blue Collar Contract Agreement. Ordinance shall be introduced in the Public Meeting.

2. White Collar, Management and Non-Union Employees
Business Administrator stated this Salary Ordinance is for the 5-year White Collar Contract Agreement. Ordinance shall be introduced in the Public Meeting.

3i. Bond Ordinance

1. 2022 Road Program

Business Administrator stated this is for the 2022 Road Program. This Bond Ordinance allows the Township to go out to Bid earlier than if the Project was included in the 2022 Budget. Ordinance shall be introduced in the Public Meeting.

2. 1201 Norfolk Road

Business Administrator stated this Ordinance is for the purchase of Norfolk Village. Ordinance shall be introduced in the Public Meeting.

3j. BCIA DPW Project; Resolution Approving the Disbursement of Funds

Business Administrator stated this is for payment of the architectural firm for the analysis of the DPW Project. 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 7:48PM. All in favor. Motion carried.

Ms. Martha Steinbach of 8 Wanamaker Avenue would like to know the status of the Train Station maintenance.

Mr. Stephen Wilson of 10 Judith Ann Court is against the proposed Cannabis Store in Mahwah. He is concerned the crime rate will increase due to the Cannabis business and customers. He is also concerned with the location near schools and students. Mr. Wilson would like the Council to vote No on the Cannabis Ordinance.

Mr. Stephen Cerullo of 87 Deerfield Terrace is against the Retail Cannabis Store within School Zones and within the Township. He stated there are many hazards associated with Cannabis entering Mahwah and is concerned about the safety of the residents.

Mr. Jim Cancelosi of 148 Island Road is opposed to the Retail Cannabis Store being built within a high traffic area, near Schools and Places of Worship. He is concerned about the safety and welfare of the Township residents and neighboring towns if the Mahwah continues with the Cannabis Ordinance.

Mr. Kenneth Cerullo of 9 Doremus Road stated the State made Cannabis legal and Municipalities have a right to opt out of the law. He would like the Township Council to vote No to the Cannabis Ordinance. Mr. Cerullo stated traffic, safety, crime and health are major concerns surrounding a Cannabis Store entering the Township.

Mr. Sal Sprofera of 29 Jahn Court is concerned about the proposed Group Home on Jahn Court. New Concepts for Living is the company planning on building a Group Home for mentally disabled people in the near future on Jahn Court. He is concerned about the increased traffic, lighting and cameras that are planned to be used at the facility. He believes it is a business, exempt from taxes, being built within a Residential area and could decrease the Property Value of surrounding homes on the street.

Ms. Christine Ridlon of 120 Sherwood Avenue asked if anyone from the Township has spoken to the Principals of the Schools to get their thoughts of how the Cannabis Store would affect the schools and students.

Ms. Ridlon mentioned surrounding municipalities are also concerned about a Cannabis Store being introduced in Mahwah.

Mr. Erik Friis of 4 Sparrowbush Road, Upper Saddle River is also concerned about the Cannabis Store in Mahwah. He stated Upper Saddle River, Montvale, Saddle River, Allendale and Ramsey have all opted out of Cannabis. He is concerned the actions of one town will have an effect on other surrounding towns. He would like to see the Council vote No on the Cannabis Ordinance.

On a motion by Paz, seconded by Ervin, the Meeting was closed to the public at 8:20 PM. All in favor. Motion carried.

Mayor Wysocki stated he contacted a Representative at NJ Transit and will reach out to the Representative again. He indicated the Representative stated NJ Transit is aware of the situation.

May indicated the Council is considering all of the Residents' concerns regarding Cannabis.

Business Administrator will contact the Planning and Zoning Department on Friday, February 11 to review the information regarding the Group Home on Jahn Court.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by Paz, seconded by Ervin, the Bills and Claims, previously signed, totaling \$5,152,702.12, were approved. Roll Call Vote: Ariemma, yes; Bolan, absent; Ervin, yes; Ferguson, absent; 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 Combined Work Session and Public Meeting Minutes for January 20, 2022 and Closed Session for January 20, 2022 were approved. Roll Call Vote: Ariemma, yes; Bolan, absent; Ervin, yes; Ferguson, absent; Paz, yes; Wong, yes; May, yes. Motion carried.

REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK

TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF SUBCOMMITTEES

Ariemma

- Attended the Environmental Commission Meetings on January 26 and February 9
- Tree Sapling Give-Away will be held at Town Hall Parking Lot on April 23.
- Attended the Water Quality Town Hall Presentation on January 31
- Attended the Council Agenda Meeting on February 4
- Attended the Historic Preservation Commission Meeting on February 7

Ervin

- Attended the Ordinance Committee Meetings on January 25 and January 27
- Viewed the Board of Adjustment Meeting on February 9

Paz

- Attended the first Film, Music and Arts Committee Meeting on January 27
- Attended the January 28 Joyce Kilmer Day Celebration
- Viewed the Water Quality Town Hall Presentation on January 31
- Attended the Access For All Meeting on February 7

Wong

- Attended the Ordinance Committee Meetings on January 25 and January 27
- Viewed the Water Quality Town Hall Presentation on January 31

May

- Viewed the Water Quality Town Hall Presentation on January 31
- Attended the Recreation Committee Meeting on February 1
- Spoke with the Council President from Upper Saddle River regarding Cannabis and collaborating on different items in the future
- Spoke with Assemblyman Robert Auth regarding the Township's concern of the Trading Tax being reinstated

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

Mayor Wysocki

- Attended the Water Quality Town Hall Presentation on January 31 with the Business Administrator
- Sent a letter on February 4 to Congressman Gottenheimer regarding the Township's concern about the Route 287 Flyover accidents
- Extended thank you to Township Attorney's Legal Team and Business Administrator for their work regarding the conformance of the Helipad use at the Sheraton Crossroads.

Business Administrator

- Water Quality Town Hall Presentation was attended by over 350 residents on January 31
- Interested in expanding the Town Hall Presentations regarding other topics
- Blue Collar and White Collar Contract Negotiations were successful

PUBLIC PORTION

On a motion by Ervin, seconded by Paz, the Meeting was opened to the public at 8:48PM. All in favor. Motion carried.

Ms. Martha Steinbach of 8 Wanamaker Avenue is concerned how the Monarch Project at the old Post Office location fits into the Master Plan.

Ms. Martha Steinbach would like the Township to consider allowing Cannabis to be grown within the Municipality and not Retail.

On a motion by Ervin, seconded by Paz, the Meeting was closed to the public at 8:52PM. All in favor. Motion carried.

RESOLUTION

Resolution #091-22 was voted on and is attached to and made part of these Meeting Minutes.

ORDINANCES-INTRODUCTIONS

The Title of an Ordinance was read as follows:

BOND ORDINANCE PROVIDING FOR THE 2022 ROAD PROGRAM IN AND BY THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$2,350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,238,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

RESOLUTION – ORDINANCE NO. 1963

Introduced by Ervin, seconded by Paz

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

FURTHER RESOLVED that said Ordinance be considered for Final Passage at a Special Meeting to be held via Zoom/Audio Conference on Thursday, March 3, 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, absent; Paz, yes; Wong, yes; May, yes.

The Title of an Ordinance was read as follows:

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY KNOWN AS 1201 NORFOLK ROAD IN AND BY THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$14,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$14,400,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

RESOLUTION – ORDINANCE NO. 1964

Introduced by Ervin, seconded by Paz.

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

FURTHER RESOLVED that said Ordinance be considered for Final Passage at a Special Meeting to be held via Zoom/Audio Conference on Thursday, March 3, 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, absent; Paz, yes; Wong, yes; May, yes.

The Title of an Ordinance was read as follows:

AN ORDINANCE SETTING SALARIES FOR BLUE COLLAR EMPLOYEES

RESOLUTION – ORDINANCE NO. 1965

Introduced by Paz, seconded by Ervin

RESOLVED that the Ordinance be passed and adopted on 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, yes; Bolan, absent; Ervin, yes; Ferguson, absent; Paz, yes; Wong, yes; May, yes.

The Title of an Ordinance was read as follows:

AN ORDINANCE SETTING SALARIES FOR WHITE COLLAR, MANAGEMENT AND NON-UNION EMPLOYEES

RESOLUTION – ORDINANCE NO. 1966

Introduced by Ervin, seconded by Paz

RESOLVED that the Ordinance be passed and adopted on 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, yes; Bolan, absent; Ervin, yes; Ferguson, absent; 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 AND RESTATING IN FULL SECTION 2-32, MUSIC, FILM AND ARTS COMMITTEE OF THE TOWNSHIP CODE TO CLARIFY MEMBERSHIP COMPOSITION

RESOLUTION – ORDINANCE NO. 1967

Introduced by Paz, seconded by Wong

RESOLVED that the Ordinance be passed and adopted on 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, yes; Bolan, absent; Ervin, yes; Ferguson, absent; Paz, yes; Wong, yes; May, yes.

ORDINANCES-PUBLIC HEARINGS

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 COMMITTEE**

On a motion by Ervin, seconded by Paz, the Meeting was opened to the public at 8:58 PM. All in favor. Motion carried.

On a motion Ervin, seconded by Paz, the Meeting was closed to the public at 8:59PM. All in favor. Motion carried.

On a motion by Paz, seconded by Ervin, the following Resolution was passed and adopted:
RESOLUTION – ORDINANCE NO. 1960

RESOLVED that the Ordinance be passed and adopted on Second Reading and the Municipal Clerk is authorized to advertise by Title only as having been finally adopted, as required by law.

Roll Call Vote: Ariemma, yes; Bolan, absent; Ervin, yes; Ferguson, absent; 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**

On a motion by Ervin, seconded by Paz, the Meeting was opened to the public at 9:02PM. All in favor. Motion carried.

On a motion Ervin, seconded by Paz, the Meeting was closed to the public at 9:03PM. All in favor. Motion carried.

On a motion by Ervin, seconded by Paz, the following Resolution was passed and adopted:

RESOLUTION – ORDINANCE NO. 1962

RESOLVED that the Ordinance be passed and adopted on Second Reading and the Municipal Clerk is authorized to advertise by Title only as having been finally adopted, as required by law.

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

CONSENT AGENDA

Resolutions #079-22 to #087-22 and #089-22 to #090-22, #092-22 to #093-22 were voted on under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes.

RESOLUTION

Resolution #088-22 was voted on and is attached to and made part of these Meeting Minutes.

OLD BUSINESS

1. Merger; Planning Board and Zoning Board of Adjustment

May would like the Council to discuss this Item. May stated this Item must be a Referendum on the November Ballot. Ariemma said the Boards should be separate due to the set of knowledge needed for each Board. Wong would like more information from Municipalities that have moved to one Board to review their transition and reasons for the consolidation. Paz would like to have more information regarding how the Meetings be scheduled and organized.

2. Bergen County Gun Range
3. Security Cameras; Continental Soldiers and Commodore Perry Parks
4. Wildlife Management Forum
5. Repairs to Fire Trucks
6. Garbage Collection
7. Norfolk Village
8. Cell Phone Charging Stations
9. Irrigation Systems
10. Electric Charging Stations

May asked the status of the Charging Stations. Business Administrator stated he met with the Vendor and determined a location for two Electric Charging Stations at Continental Soldiers Park. The anticipated completion date is in six months.

11. Flyover; Route 287
12. Blue House

May asked the status of the demolition of the Blue House. Mayor Wysocki indicated as soon as there is a break in the weather, DPW will complete the demolition.

Paz would like to add Access Link to the Old Business List as Item #13. May agreed.

NEW BUSINESS

Paz asked if any Councilmembers attended the Les Paul Festival Concert Show on February 5 at Ramapo College. No Councilmembers attended.

On a motion by Paz, seconded by Ariemma, the Meeting was adjourned at 9:24PM. All in favor. Motion carried.

Respectfully submitted,



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