

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

The Meeting was called to order at 7:01PM 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, March 10, 2022 at 7:00PM. Electronic Notice of this Meeting was provided through the Internet by posting the Agenda on the Township Website on March 8, 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, Bolan, Ervin, Ferguson, May, Paz and Wong

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.

**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. Written Status Report

**MA-1667-A Chapel Road Sanitary Sewer Feasibility Study:**

Township Engineer's Associate stated additional detour signs will be placed in the area. He stated a Project Progress Meeting was held on February 25, 2022. Northwest Bergen County Utility Authority's work continues and should be completed around April 2022.

**MA-1965 2021 Road, Curb and Sidewalk Improvement Program:**

Township Engineer's Associate stated some Items remain from the 2021 Program and will be completed in the Spring of 2022.

Ariemma asked the status of the Permanent Cell Tower. Township Engineer's Associate stated the Wetland Delineation is completed. The Permit Application for the Utilities is being worked on now and will be completed by mid-April and then submitted to the NJ Department of Environmental Protection.

Paz asked the status of Improvements to Winters Park (Job: MA-2002). Township Engineer's Associate stated the Project should be completed by mid-April.

Ferguson asked the status of Well 19 PFC Treatment (Job: MA-2166). Township Engineer's Associate stated results have been received and Well 19 is below the State Regulation. Business Administrator stated a notification from the Water Department will be mailed out to residents soon.

### **ORDINANCE-PUBLIC HEARING**

The Title of an Ordinance was read as follows:

**AN ORDINANCE OF THE TOWNSHIP, 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 IN THE B-40 ZONE AT BLOCK 59, LOT 20.01, AND PROHIBITING CANNABIS CONSUMPTION AREAS IN ANY CANNABIS BUSINESS LOCATION**

On a motion by Ervin, seconded by Paz, the Meeting was opened to the public at 7:11PM. All in favor. Motion carried.

Mr. Jason Cordera of 81 Deerfield Terrace explained the improvement in his health as a result of medical Marijuana. He believes recreational Cannabis would be a benefit for the Township.

Ms. Lynda Rufo of 9 Birch Road stated her concern about a Retail Cannabis Store being in the Township. She does not like the location and feels it is very irresponsible for the Township.

Mr. Dave Federici of 315 Momar Drive, Ramsey does not believe Cannabis is a good idea for the Township. He believes the Police Departments in the area will have more vehicular accidents. He stated the children are experiencing enough problems now and should not have to have this added to their problems.

Mr. Joe Florio of 38 Robin Road is glad to see the Council is listening to the public concerns about having a Retail Cannabis Store in Mahwah. He would like the Council to review how other Municipalities govern a Retail Cannabis Store before allowing a Store in the Township.

Mr. Adam Notarfrancesco of 2 Mary Court does not believe the Township is suited for a Cannabis Store. He stated the Township has good ratables and wholesome characteristics.

Mr. Adam Nemensky of 4 Dorchester Drive, Airmont, New York is in favor of the Cannabis Store. He believes it is part of the Judeo-Christian Religious practices.

Ms. Arielle Sikora of 1 Chapel Road is concerned about the location of the Cannabis Store. She also believes the Township would be sending the wrong message to the children. She does not think the taxes raised with the Cannabis Store is worth it verses the other concerns it brings to the Township.

Mr. George Kayal of 10 Kayal Court believes bringing Cannabis into the Township is a bad idea. He has known family members and students who have passed away due to Cannabis. He said there could be numerous issues brought to the Township with the addition of a Cannabis Store.

Ms. Christine Rodriguez of 18 Cherry Lane, Upper Saddle River is against Cannabis and does not want the Township to endanger the citizens and children surrounding Mahwah. She believes the Township should find another suitable use for the property such as Special Needs Housing for Young Adults.

Mr. Kevin Collucci of 28 Devine Drive is against Cannabis and believes the location is bad. He is glad the Planning Board voted the Ordinance is Inconsistent with the Master Plan at their Meeting on Monday, February 28, 2022. He believes Chief Jaffe's concerns are important and should be considered.

Ms. Mariann Tralongo of 444 Santiago Court values the benefits of Medical Marijuana but does not believe recreation Cannabis belongs in Mahwah. She believes opening the Cannabis Store right after COVID would be a bad decision.

Mr. Steve Cerullo of 87 Deerfield Terrace is not in favor of Cannabis. He agrees with the Planning Board's vote of the Cannabis Ordinance being Inconsistent with the Master Plan. He does not believe the money collected would be a benefit to the Township.

Mr. Ken Cerullo of 9 Doremus Road is glad the Ordinance is being withdrawn and the Township is not considering the current location. He would like the Public to be involved if a new location would be considered.

Ms. Dolores Gianni of 29 Maple Avenue is concerned about the increased traffic if a Cannabis Store enters the Township. She is glad the previous location is not being considered.

Mr. John Fesen of 20 Falcon Court does not believe a Cannabis Store belongs in the Township. He would like Mahwah to take time and research how other towns, besides Colorado, integrated Cannabis.

Mr. Alex Kuperman of 23 North Bayard Lane moved to Mahwah because it was a safe place to live. He does not want the Council to add more drug use choices for the children in the Township.

On a motion Ervin, seconded by Paz, the Meeting was closed to the public at 8:03PM. All in favor. Motion carried.

On a motion by Ervin, seconded by Paz, the following Resolution was withdrawn:

**RESOLUTION – ORDINANCE NO. 1959**

**RESOLVED** that the Ordinance was withdrawn on Second Reading.

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

Ariemma asked if the Cannabis could be placed on a Referendum. May stated yes.

Township Attorney's Associate Sharpe stated the Township has currently prohibited all Cannabis Licenses within the Township. However, the Township cannot prohibit a Property Owner to ask if their property could be used for a Cannabis location.

### **LEGAL**

2a. Authorizing Temporary License Agreement; Ramapo College; Use of Township Right-of-Way for Fire Safety Purposes

Township Attorney's Associate Sharpe explained this Agreement with Ramapo College is to allow them access to run fiber optic cable within the Township's Right-of-Way. This will allow the College a reliable connection for monitoring systems. Resolution shall be voted on in the Public Meeting.

### **ADMINISTRATION**

3a. Resolution Approving Disbursement of Funds from BCIA DPW Project; Drawdown #3 Payment to MAST Construction Services Inc.

Business Administrator stated this is to pay for services rendered in 2021. Resolution shall be voted on in the Public Meeting.

3b. Award of 2022 Annual Professional Service Contract; Cleary, Giacobbe, Alfieri, Jacobs, LLC – Township Attorney for Ongoing Litigation

Business Administrator explained this is for the services of Township Continuing Litigation Attorney. Resolution shall be voted on in the Public Meeting.

3c. Amendment to 2021 Annual Professional Service Contract with Surenian – Township Attorney for Affordable Housing

Business Administrator indicated these are to pay for services from 2021. Resolution shall be voted on in the Public Meeting.

3d. Award of Bid #MTB #22-05: Recreation Materials and Supplies

Business Administrator stated this is a large Bid with many items for the Recreation Department. Resolution shall be voted on in the Public Meeting.

3e. Pay-to-Play Compliance; Computer Square Inc.; Police CAD System – Annual Software/Maintenance Program

Resolution shall be voted on in the Public Meeting.

3f. Authorization to Auction Police Vehicles; Trailers and Various Items; MunicBid

Business Administrator stated Items will be auctioned off through MunicBid. Councilman Wong asked if this Resolution could be carried to the March 24, 2022 Council Meeting. He

would like the Bullet Proof vests to be donated to the Ukrainian War Effort. Administration will check if allowed and advise.

- 3g. Mayoral Appointments; Beautification Committee and Pool Advisory Committee
1. Megan Jankowski; Beautification Committee
  2. Vicky Galow; Beautification Committee
  3. Jessica Stumpp; Beautification Committee
  4. Brett Coplin; Pool Advisory Committee
  5. Mark Sadowski; Pool Advisory Committee
  6. Mark Grainger; Pool Advisory Committee
  7. Rola Salloum; Pool Advisory Committee
  8. Donald Hoover; Pool Advisory Committee

Business Administrator stated Beth Macri shall be added to the Committee on the Resolution. Resolution shall be voted on in the Public Meeting.

- 3h. Resolution Approving Disbursement of Funds from BCIA DPW Project; Payment #4; DiGeronimo

Business Administrator stated this is for the new Architect to review the DPW Project. He stated the Preliminary Plans will be presented at the March 24, 2022 Council Meeting. Resolution shall be voted on in the Public Meeting.

- 3i. Transfer of 2021 Appropriation Reserves  
Resolution shall be voted on in the Public Meeting.

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

#### **TOWNSHIP COUNCIL and MUNICIPAL CLERK**

- 4a. Budget Meeting Dates; Discussion  
May asked Council if March 19, 2022, March 26, 2022 and March 31, 2022 are acceptable Budget Meeting dates. Council agreed. Department of Public Works and Fire Department will be discussed at the March 19, 2022 Budget Work Session Meeting. The Police Department and Mahwah Emergency Management Services will be discussed at the March 26, 2022 Budget Work Session Meeting. The Senior Center and Access For All will attend the regularly scheduled Council Meeting of March 24, 2022. The Pool, Capital Budget and Central Accounts will be discussed at the March 31, 2022 Budget Work Session Meeting. Business Administrator will advise date for Recreation Department.

#### **PUBLIC PORTION**

On a motion by Ervin, seconded by Paz, the Meeting was opened to the public at 8:35PM. All in favor. Motion carried.

Ms. Joey Bourgholtzer of 29 Hillside Avenue mentioned she saw the Council was speaking about Block 82, Lots 1, 3 through 30 in Closed Session at the March 10, 2022 Council Meeting. She asked why the Council is involved with the Block 82, Lots 1, 3 through 30 Application when it is front of another Board. She also asked if formal action is allowed to take place in Closed

Session. Ms. Bourgholtzer also asked if the public will be able to ask questions on this Application.

Ms. Pilar Cerullo of 87 Deerfield Terrace stated she is not in favor of the Cannabis Store. She believes children are our future and it will be a bad influence for them.

Ms. Denise Ryaby of 189 Overlook Place stated garbage is being dumped in the area of the cut through from East Slope to Rutherford Road. A large tree has come down and has landed across the pathway. She also stated there is graffiti on the rock at the end of the path. Ms. Ryaby asked if the Township will be cleaning up the area.

Ms. Martha Steinbach of 8 Wanamaker Avenue asked for an update on the Financial Tax Bill being discussed in Trenton.

Mr. Adam Notarfrancesco of 2 Mary Court asked for clarification from Councilmember Wong about the restrictions on a Class 6 License for Cannabis.

Mr. Ken Cerullo of 9 Doremus Road stated he would like the Councilmembers to vote with their conscience. He believes it was a wise decision for the Council to Opt-out of the Cannabis Ordinance. He would also like to have the question a Referendum and let the public vote if ever the Council decides to Opt-in for another Cannabis Ordinance.

May explained the purpose of Closed Session for Attorney Client Privilege on Block 82, Lots 1, 3 through 30. He stated formal action was not taken and cannot be executed in Closed Session. If action was taken on Block 82, Lots 1, 3 through 30, the public would be notified after Closed Session in public.

Mayor Wysocki stated he will look into the cut through from East Slope to Rutherford Road.

May stated the Council is keeping track of the Financial Tax Bill and is communicating with our Legislators because it is an important issue for the Township.

Township Attorney's Associate Sharpe stated the Township can only prohibit Cannabis Delivery Businesses based in the Township. The Township cannot prohibit delivery into the Township from any outside Cannabis Delivery Businesses.

May stated the Council will consider a Cannabis Referendum.

On a motion by Ervin, seconded by Paz, the Meeting was closed to the public at 8:45PM. All in favor. Motion carried.

## **PUBLIC MEETING**

### **APPROVAL OF BILLS AND CLAIMS**

On a motion by Ferguson, seconded by Paz, the Bills and Claims, previously signed, totaling \$8,801,515.45, were approved. Roll Call Vote: Ariemma, yes; Bolan, yes; 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 Ervin, seconded by Paz, the Combined Work Session and Public Meeting Minutes for February 24, 2022, Special Council Meeting for March 3, 2022, Closed Session for February 24, 2022 and Special Closed Council Meeting for March 3, 2022 were approved. Roll Call Vote: Ariemma, yes; Bolan, yes; Ervin, yes; Ferguson, yes; 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 Council Agenda Meeting on March 4, 2022
- Attended the Historic Preservation Committee Meeting on March 7, 2022
- Attended the Environmental Commission Meeting on March 9, 2022

Bolan:

- Attended the Special Council Meeting on March 3, 2022

Ervin:

- Attended the Planning Board Meeting on February 28, 2022
- Attended the Special Council Meeting on March 3, 2022
- Attended the Council Agenda Meeting on March 4, 2022
- Attended the Building Audit Review Meeting on March 7, 2022
- Attended the Board of Health Meeting on March 8, 2022

Ferguson:

- Chaired the Ordinance Committee Meeting on March 3, 2022
- Attended the Special Council Meeting on March 3, 2022
- Attended the Sub-Committee Meeting to review the maintenance status of all 5 Firehouses in the Township
- Virtually attended the Board of Education Meeting on March 9, 2022

Paz:

- Attended the Planning Board Meeting on February 28, 2022
- Attended the Special Council Meeting on March 3, 2022
- Attended the Access for All Meeting on March 7, 2022

Wong:

- Virtually attended the Planning Board Meeting on February 28, 2022
- Attended the Special Council Meeting on March 3, 2022

May:

- Attended the Planning Board Meeting on February 28, 2022
- Attended the Recreation Committee Meeting on March 1, 2022
- Attended the Special Council Meeting on March 3, 2022

## **REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR**

Mayor Wysocki:

- Extended a thank you to Police, Fire, Emergency Services, DPW and all the volunteer organizations that service Mahwah.
- Extended a thank you to all Councilmembers and Business Administrator for all the hard work they do.
- Mayor stated his thoughts and prayers go out to Ukraine.

Business Administrator:

- Maintenance Status Report on all 5 Firehouses will be given out at the next Council Meeting on March 24, 2022
- Business Administrator stated he will be talking about the Maintenance Status Report on all 5 Firehouses at the next Council Meeting on March 24, 2022
- Business Administrator stated Friday, March 11, 2022 the Township Employees celebrated Employee Appreciation Day. The employees were provided with a pizza lunch.

## **CLOSED SESSION**

On a motion by Ervin, seconded by Paz, Council went into Closed Session at 9:27PM for the express purpose of discussion:

C1. Attorney-Client Privilege; Block 82, Lots 1, 3 through 30

All in favor. Motion carried.

On a motion by Ervin, seconded by Paz, Council came out of Closed Session at 10:45PM.

All in favor. Motion carried.

Township Attorney stated the Council will have a Special Council Meeting before the Budget Work Session Meeting on March 19, 2022 to continue with further discussions about Block 82, Lots 1, 3 through 30.

## **ORDINANCES-PUBLIC HEARINGS**

The Title of an Ordinance was read as follows:

**AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN,  
STATE OF NEW JERSEY, READOPTING CHAPTER 24, ENTITLED ZONING,  
IN ITS ENTIRETY WITH THE EXCEPTION OF CHAPTER 24, SECTION 4.27  
MF-1, AND AS OTHERWISE REFLECTED IN THE CHAPTER 24**

On a motion by Ervin, seconded by Ferguson, the Meeting was opened to the public at 10:48PM.  
All in favor. Motion carried.

On a motion Ferguson, seconded by Ervin, the Meeting was closed to the public at 10:49 PM.  
All in favor. Motion carried.



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

**RESOLUTION – ORDINANCE NO. 1958**

**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, yes; Ervin, yes; Ferguson, yes; Paz, yes; Wong, yes; May, yes.

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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**

On a motion by Bolan, seconded by Ervin, the Meeting was opened to the public at 10:50PM. All in favor. Motion carried.

Ms. Martha Steinbach of 8 Wanamaker Avenue asked if the instructional uses can be used in resident's homes. May stated no.

On a motion by Ervin, seconded by Paz, the Meeting was closed to the public at 10:51PM. All in favor. Motion carried.

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

**RESOLUTION – ORDINANCE NO. 1961**

**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, yes; Ervin, yes; Ferguson, yes; Paz, yes; Wong, yes; May, yes.

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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**

On a motion by Paz, seconded by Bolan, the Meeting was opened to the public at 10:52PM. All in favor. Motion carried.

On a motion by Wong, seconded by Ferguson, the Meeting was closed to the public at 10:52PM. All in favor. Motion carried.

Business Administrator attended a Meeting with the Local Finance Board, Township's Bond Counsel and Township Chief Financial Officer on March 9, 2022. He explained 5% of the Township Budget would be needed for a Down Payment. The Local Finance Board was very impressed with the Project and agreed to waive the 5% Down Payment.

Township Attorney stated the Township will honor the existing leases in Norfolk Village. May stated 75 Affordable Housing Units will be earned.

On a motion by Ferguson, seconded by Wong, the following Resolution was passed and adopted:  
**RESOLUTION – ORDINANCE NO. 1964**

**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, yes; Ervin, yes; Ferguson, yes; Paz, yes; Wong, yes; May, yes.

### **PUBLIC PORTION**

On a motion by Ervin, seconded by Paz, the Meeting was opened to the public at 11:00PM. All in favor. Motion carried.

Ms. Audrey Gold of 214 Miller Road asked why the Monarch Development is before the Council when the Board of Adjustment has been reviewing the Monarch Development for one year. The Township Attorney stated the Council cannot speak to the Application that is at the Board of Adjustment but can see if all the concerns are being addressed in form of an Agreement. He stated if an Agreement is worked out with concessions, the Developer would go back to either the Planning Board or Board of Adjustment. Final approval is still required from both Boards.

Ms. Martha Steinbach of 8 Wanamaker Avenue asked who approached whom regarding the Monarch Development. Township Attorney stated there has been discussions with the Township's Redevelopment Attorney. He is not sure who came forward first.

Ms. Joey Bourgholtzer of 29 Hillside Avenue asked how many years are the extended controls for the Affordable Housing Units in Norfolk Village. Township Attorney stated the Affordable Housing Units are extended for 30 years.

On a motion by Ervin, seconded by Ferguson, the Meeting was closed to the public at 11:35PM. All in favor. Motion carried.

**CONSENT AGENDA** Resolutions #117-22 to #120-22, #122-22 and #124-22 to #125-22 were voted on under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes.

### **RESOLUTIONS**

Resolution #115-22, #116-22 and #123-22 were voted on and are attached to and made part of these Meeting Minutes.

Resolution #121-22, Authorization to Auction Police Vehicles; Trailers and Various Items; MunicibiBid was Tabled from this March 10, 2022 Council Meeting.

**OLD BUSINESS**

1. Merger; Planning Board and Zoning Board of Adjustment
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
11. Flyover; Route 287
12. Blue House
13. NJ Transit Access Link
14. Non-Emergency Support System for Volunteers

**NEW BUSINESS**

None

On a motion by Ervin, seconded by Paz, the Meeting was adjourned at 11:40PM. All in favor. Motion carried.

Respectfully submitted,

*Kathrine G. Coviello*

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