

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, APRIL 28, 2022**

The Meeting was called to order at 7:02PM by Council President 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 that 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, April 28, 2022 at 7:00PM. Electronic Notice of this Meeting was provided through the Internet by posting the Agenda on the Township's Website on April 26, 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, Ferguson, Paz, May
Absent: Councilmembers Ervin, Wong

Also present were Mayor James Wysocki present at 8:00PM, Business Administrator Benjamin Kezmarsky, Township Attorney Fred Semrau present at 7:30PM, Township Attorney's Associate Gabrielle Canaie, Township Engineer's Associate Pete Ten-Kate, Municipal Clerk Katherine G. Coviello and Clerical Assistant Leslie Wen.

PRESENTATION

Eagle Scout Candidate, Mr. Chase LaBarre, is seeking approval from the Council to build and donate six Corn Hole Sets to the Township for his Eagle Scout Project. Mr. LaBarre is anticipating his cost will be approximately \$850.00 and will design the sets in Mahwah Colors.

PUBLIC HEARING

Bergen County Open Space Trust Fund Municipal Park Improvement Grant Application; Bocce Courts at Continental Soldiers Park

Business Administrator explained the Bocce Courts are flooded, overgrown and are in need of improvements. Total cost for this Project is approximately \$94,000. Business Administrator stated he is seeking half the cost to be paid for by the Bergen County Open Space Trust Fund Municipal Park Improvement Grant.

On a motion by Paz, seconded by Bolan, the Meeting was opened to the public at 7:10PM. All in favor. Motion carried.

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

RESOLUTION

Resolution #161-22 was voted on and is attached and made part of these Meeting Minutes.

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 Public Meeting.

ENIGNEERING

1a. Improvements to Winter Park; East Ramapo Avenue; Change Order #2 (MTB-21-06)
Township Engineer's Associate stated this Change Order is for power washing the walkway and replacing concrete walkway with brick pavers. Resolution will be voted on in the Public Meeting.

1b. HMH Carrier Clinic Inc. (The Retreat at Ramapo Valley – Phases II and III); 1071
Ramapo Valley Road; Block 23, Lot 45; Request to Execute Developer's Agreement
(Dkt. #1466-19)

Township Engineer's Associate stated the Agreement is being reviewed and recommends to Execute the Agreement when all outstanding items are satisfactory. Resolution shall be voted on in the Public Meeting.

1c. Verbal Status Report

Rehabilitation of Hearthstone/Janice Court Pump Station

Township Engineer's Associate stated Contractor is waiting on materials to complete the Pump Station.

2021 Road, Curb and Sidewalk Improvement Program

Township Engineer's Associate stated all work has been completed.

2022 Road, Curb and Sidewalk Improvement Program

Township Engineer's Associated stated Bids were received on April 26, 2022. The Contract will be awarded at the May 5, 2022 Council Meeting.

LEGAL

2a. Outdoor Dining; Update

Resolution was carried over to the May 5, 2022 Council Meeting.

- 2b. Resolution of the Township of Mahwah, County of Bergen and State of New Jersey, Designating Block 82, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 as an Area In Need of Non-Condemnation Redevelopment Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 Et. Seq.

Resolution shall be voted on in the Public Meeting.

ADMINISTRATION

- 3a. Professional Services Contract; Colliers Engineering and Design; Redevelopment Plan And Land Use Plan Amendment

Resolution shall be voted on in the Public Meeting.

- 3b. Cancellation of Taxes; 679 Plum Terrace; Block 139, Lot 679

Business Administrator stated this Resolution is for the Cancellation of Taxes on 679 Plum Terrace. Resolution shall be voted on in the Public Meeting.

- 3c. Authorization for Submission of 2022 Bergen County Open Space Trust Fund Municipal Park Improvement Grant Application; Bocce Courts at Continental Soldiers Park

Resolution was Removed from the Agenda.

- 3d. Request for Authorization to Award Bid to The Whistle Stop; RFP #22-06: License to Operate Beverage and Food Concessions at the Municipal Pool

Business Administrator stated this Resolution is to Award the Bid to Whistle Stop to operate the Concession Stand at the Municipal Pool. Resolution shall be voted on in the Public Meeting.

- 3e. PBA Contract; Authorization to Execute Memorandum of Agreement (MOA)

Business Administrator stated this Resolution is execution of the Memorandum of Agreement for the Patrolmen's Benevolent Association Contract. Resolution shall be voted on in the Public Meeting.

- 3f. 2019 Community Development Grant; Geiger Road Improvements; Change of Signatory

Resolution shall be voted on in the Public Meeting.

- 3g. Resolution; Authorizing the Municipal Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.O. 1994, C.72

Resolution shall be voted on in the Public Meeting.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

- 4a. Request for Permission to Place Signs in Township Right of Ways; Mary Therese Rose Fund

Resolution shall be voted on in the Public Meeting.

- 4b. Liquor License; Person-to-Person Transfer; Courtyard Management Corporation to HPT CY TRS Inc. (DBA: Sonesta Select Mahwah)

Resolution shall be voted on in the Public Meeting.

4c. Request for Permission to Place Signs in Township Right of Ways; Mahwah Pride Coalition

Resolution shall be voted on in the Public Meeting.

PUBLIC PORTION

On a motion by Paz, seconded by Bolan, the Meeting was opened to the public at 7:28PM. All in favor. Motion carried.

Mr. Richard DeAngelis, Esq., who specifically represents Cilento Holdings Property Lot #2, stated he respectfully disagrees with the representation of the Council concerning the Redevelopment of Block 82, Lots 1 through 30. He stated the Planning Board has yet to adopt their Findings by a Resolution and submit their Resolution to the Council to substantiate their Findings.

On a motion by Bolan, seconded by Paz, the Meeting was closed to the public at 7:32PM. All in favor. Motion carried.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by Paz, seconded by Ferguson, the Bills and Claims, previously signed, totaling \$770,316.02 were approved. Roll Call Vote: Ariemma, yes; Bolan, yes; Ervin, absent; Ferguson, yes; Paz, yes; Wong, absent; May, yes. A List of Bills and Claims is on file in the Municipal Clerk's Office.

APPROVAL OF MEETING MINUTES

On a motion by Ferguson, seconded by Paz, the Combined Work Session and Public Meeting Minutes for April 7, 2022, Budget Work Session Meeting Minutes for March 26, 2022 and March 31, 2022, and Closed Session Meeting Minutes for March 19, 2022 were approved. Roll Call Vote: Ariemma, yes; Bolan, yes; Ervin, absent; Ferguson, yes; Paz, yes; Wong, absent; May, yes.

REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK

TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF SUBCOMMITTEES

Ariemma:

- Attended the Environmental Commission Meeting on April 13, 2022 and April 27, 2022
- Attended the Agenda Meeting on April 22, 2022

Bolan:

- Attended the "Meet the Bunny" Event on April 9, 2022
- Attended the Lake Henry Clean-up for Earth Day on April 23, 2022
- Attended the Beautification Committee Meeting on April 26, 2022

- Virtually watched the Planning Board Meeting on April 25, 2022

Ferguson:

- Attended the “Meet the Bunny” Event on April 9, 2022
- Chaired the Ordinance Committee Meeting on April 12, 2022
- Attended the Youth Sports Booster’s Meeting on April 12, 2022
- Attended the Library Board of Trustees Meeting on April 19, 2022
- Attended the Board of Education Meeting on April 19, 2022

Paz:

- Attended the “Meet the Bunny” Event on April 9, 2022
- Virtually attended the Film, Arts & Music Committee Meeting on April 18, 2022
- Attended the Board of Education Meeting on April 20, 2022
- Met with Mr. Paul Aronsohn, New Jersey State Ombudsman, with Access for All Chairperson Johanna Baccan and Mayor James Wysocki on April 28, 2022

May:

- Attended the Board of Education Meeting on April 20, 2022
- Attended the Planning Board Meeting on April 25, 2022

REPORTS OF MAYOR and BUSINESS ADMINISTRATOR

Business Administrator:

- Business Administrator stated he was very pleased with the 2022 Road Program pricing.
- Business Administrator spoke about the work that was completed on MacArthur Boulevard by Planet Network. He stated Planet Network will be responsible for all repairs.

PUBLIC MEETING

On a motion by Paz, seconded by Ferguson, the Meeting was opened to the public at 7:49PM. All in favor. Motion carried.

Mr. Richard DeAngelis, Esq., who specifically represents the Cilento Holdings Property Lot#2, spoke strongly encouraging the Council not to approve the Non-Condensation Redevelopment Resolution.

On a motion by Paz, seconded by Bolan, the Meeting was closed to the public at 7:56PM. All in favor. Motion carried.

CONSENT AGENDA

On a motion by Ferguson, seconded by Paz, Resolutions #156-22 to #157-22 and #160-22, and #162-22 to #164-22, and #166-22 to #168-22 were voted on under the Consent Agenda. Resolutions are attached and made part of these Meeting Minutes.

RESOLUTION

Resolution #158-22 was removed from the Agenda and will be carried over until the next Council Meeting on May 5, 2022.

RESOLUTIONS

Resolution #159-22 and #169-22 was Removed to discuss in Closed Session.

RESOLUTION

Resolution #165-22 was voted on separately. Resolution is attached and made part of these Meeting Minutes.

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

May stated he would like to make a Resolution to go to a Referendum to merge the Planning Board and Zoning Board of Adjustment together.

Paz asked what would a merge of the two Boards look like. May stated it would need an outline.

Ariemma stated her concern with merging the two Boards together. She does not feel one Board will be able to handle the workload because of the size of the Township.

Township Attorney explained the Pros and Cons of merging the two Boards.

Ferguson would like to form a Sub-Committee to investigate other towns who are using a combined Planning and Zoning Board.

Bolan agrees to a Sub-Committee to investigate other towns who use a Combined Board.

May stated he would like to revisit this topic when all the Council Members are in attendance.

NEW BUSINESS

Bolan asked if the Council can look into replacing the Mahwah Museum's Sign.

Business Administration responded he will look into it. May mentioned it would be a good Eagle Scout Project.

May stated he was interested in giving Retired Municipal Employees temporary street signs within the Township for a limited time. He asked the Council for their opinions. May said he would have to check with the Department of Public Works to see if they can make the signs.

Ferguson stated in a couple of years the Library will be in need of a new roof. He asked Business Administrator for the Township Roof Schedule so the Library could possibly join with the Township. Business Administrator stated he will start looking into the Roof Schedules.

CLOSED SESSION

On a motion by Paz, seconded by Bolan, Council went into Closed Session at 8:18PM for the express purpose of discussing: Litigation; Sinclair vs Mahwah (Resolution #170-22), Legal Advice pertaining to Resolutions #159-22 and #169-22, and Attorney Client discussion on Affordable Housing Litigation. All in favor. Motion carried.

On a motion by Ferguson, seconded by Paz, Council came out of Closed Session at 10:14PM. All in favor. Motion carried.

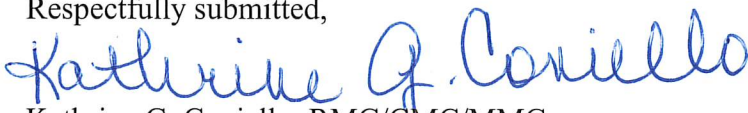
RESOLUTIONS

Resolution #159-22: Township Attorney advised the Council to Amend Resolution #159-22 to include the word Rezoning. Resolution is attached and made part of these Meeting Minutes.

Resolution #169-22: Township Attorney advised Council to Remove Resolution #169-22 from the Agenda and send it back to the Planning Board for further information or a Resolution.

On a motion by Paz, seconded by Bolan, the Meeting was adjourned at 10:16PM. All in favor. Motion carried.

Respectfully submitted,



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