

**TOWNSHIP OF MAHWAH
SPECIAL IN-PERSON COUNCIL MEETING
THURSDAY, SEPTEMBER 15, 2022**

The Meeting was called to order at 7:03PM by Council President May who read the Open Public Meetings Act Statement as prescribed by law. In accordance with the Open Public Meetings Act, adequate notice of this Meeting has been provided by sending notice to The Record and The Ridgewood News on August 30, 2022 and posting notice on the bulletin board of the Honorable Richard J. Martel Municipal Center located at 475 Corporate Drive, Mahwah. Electronic notice of the Meeting has also been provided by posting the agenda on the Township Website.

Formal action may be taken. The minutes of this Meeting shall be available in the Office of the Township Clerk.

This Meeting is being videotaped.

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 present at 7:15PM, Paz, and May
Absent: Councilmember Wong

Also present were Business Administrator Benjamin Kezmarsky, Township Attorney Fred Semrau, Township Attorney's Associate Gabrielle Canaie, Township Engineer's Associate Michael Kelly, Deputy Clerk Carolyn George and Clerical Assistant Leslie Wen.

LEGAL

1a. Ordinance No. 1968

Township Attorney spoke about Ordinance No. 1968 and recommends to Carry this until the October 27, 2022 Meeting.

PUBLIC PORTION

On a motion by Paz, seconded by Ervin, the Meeting was opened to the public at 7:07PM. All in favor. Motion carried.

Ms. Sharon Belinsky of 10 Romopock Court has concerns about the trucks entering and exiting into the Pilot Gas Station on Route 17 South.

On a motion by Ervin, seconded by Paz, the Meeting was closed to the public at 7:15PM. All in favor. Motion carried.

May stated he will have the Township Engineer look into this situation. He invited Mrs. Belinsky to attend the October 13, 2022 Meeting to hear his findings.

ORDINANCE-PUBLIC HEARING

Ordinance #1968: An Ordinance of the Township of Mahwah, Amending and Supplementing Chapter 24 "Zoning" of the Land Development Code to Establish a New MF-1 Multi Family-1 District and to Set Forth the Standards and Criteria Applicable Thereto has been Carried to the October 27, 2022 Council Meeting.

On a motion by Bolan, seconded by Paz, Ordinance #1968 has been Carried to the October 27, 2022 Council Meeting. All in favor. Motion carried.

CLOSED SESSION

C1. Litigation Update

RESOLUTION

Resolution #308-22 was voted on and is attached and made part of these Meeting Minutes.

On a motion by Ferguson, seconded by Ervin, the Meeting was closed to the public at 7:25PM. All in favor. Motion carried.

On a motion by Paz, seconded by Ervin, the Meeting came out of Closed Session at 7:59PM. All in favor. Motion carried.

On a motion by Bolan, seconded by Paz, the Meeting was adjourned at 8:00PM. All in favor. Motion carried.

Respectfully submitted,

Cawlyn George, Deputy Clerk

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

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #308-22

Date: September 15, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

RESOLUTION AUTHORIZING A CLOSED EXECUTIVE SESSION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MAHWAH

WHEREAS, meetings of the Mahwah Township Council are subject to the requirements of the Open Public Meeting Act N.J.S.A. 10:4-6 et seq. (“OPMA”); and

WHEREAS, the OPMA provides that a public body may exclude the public from a portion of a meeting during which the public body discusses items enumerated by N.J.S.A. 10:4-12b, which items are recognized by the OPMA as requiring confidentiality; and

WHEREAS, it is necessary and appropriate for the Township Council to discuss certain matters in a meeting not open to the public in accordance with N.J.S.A. 10:4-12b.

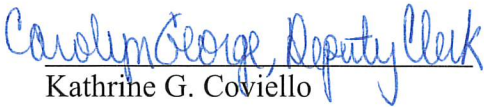
NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

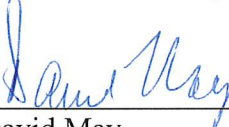
1. The Township Council shall hold a closed meeting from which the public shall be excluded on September 15, 2022.
2. The general nature of the subjects to be discussed at said closed meeting shall be as follows:
 - a. Pursuant to N.J.S.A. 10:4-12(b)(7), matters falling within the attorney-client privilege relating to:
 - i. In the Matter of the Application of the Township of Mahwah vs Council on Affordable Housing; Docket No. L-006281-15
 - ii. Rio Vista Mahwah vs Mahwah Planning Board; Docket L-002723-22
 - iii. Rio Vista Mahwah A vs Township of Mahwah; Docket L-004050-22
 - iv. Babbe Mark vs Mahwah Township Council; Docket L-002504-22
 - v. Mahwah BP, LLC vs Zoning Board of Adjustment; L-004119-21
 - vi. 9 King Sstreet Realty, LLC vs Township of Mahwah; Docket L-03407-22

- vii. Marriott International Inc., Plaintiff vs Township of Mahwah, The Council of the Township of Mahwah and Township of Mahwah Planning Board; Docket L-004238-22
- viii. Palisades Properties, LLC vs The Zoning Board of Adjustment of the Township of Mahwah and Township Council of the Township of Mahwah; 2:22-cv-04992-EP-CLW (US District Court District of NJ)

- 3. The minutes of said closed meeting shall be made available for disclosure to the public when the items that are subject of the closed session discussion are resolved and a reason for confidentiality no longer exists, in accordance with the OPMA.

I hereby certify that this resolution consisting of two pages, was adopted at a meeting of the Township Council of the Township of Mahwah, on the 15th day of September 2022.


Kathrine G. Coviello
Municipal Clerk



David May
Council President