

Roll call to ascertain everyone is here.

First order of business will be the Resolution awarding the bid contract on Cannici Drive. What number would that be Nicole. 2024-98.

RESOLUTION AUTHORIZING THE AWARD OF A COMPETITIVELY BID CONTRACT FOR A MANAGER OF THE CELLULAR TOWER SITE LOCATED AT 35 CANNICI DRIVE, RINGWOOD, NEW JERSEY.

WHEREAS, Resolution No. 2024-54, passed on January 23, 2024, authorized advertising for proposals for manager of the cellular tower site located at 35 Cannici Drive, Ringwood, New Jersey; and

WHEREAS, an advertisement was published in the Suburban Trends newspaper issue on February 14, 2024 and also posted on the Municipal website <http://www.ringwoodnj.net>; and

WHEREAS, Five (5) proposals were received; and

WHEREAS, the Municipal manager directed the preparation of a report with a recommendation of an award of contract; and

WHEREAS, the Municipal Council reviewed the said report.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Ringwood as follows:

1. It is hereby determined that based upon the aforementioned recommendation and pursuant to N.J.S.A.40A:11.1, et seq., a contract for the position of site manager of the cellular tower site located at 35 Cannici Drive, Ringwood, New Jersey be and is awarded to Steel in the Air, Inc., 8337 Oswego Road, Baldwinsville, New York; and
2. The term of the said contract shall be for a period of five (5) years, and
3. Notice of this award shall be published in the official newspaper of the Municipality.

The second matter concerns our fair share housing litigation.

Scott: Mr Clemack before you go on to the next one, just for the public's information, and we talked about once before. It was important to this Council that while were hiring a cell tower manager that's not something that we do, its been managed for a long time and that contract has expired. Its important that we, instead of selling the tower, giving away our rights to the tower we lose control over it, its important for the public to know that one of the reasons we decided to take less yield from it and go with a managed approach is that the cell tower manager will report directly to me and he'll negotiate contracts and he'll negotiate better agreements for us and maybe better fees. But he does not have authority to enter into a contract with anybody, he just reports back to us and we go from there. And he also, anytime somebody gets hold of a cell tower they want to make it higher. We are not interested in getting any additional height in that tower so one of the reasons we went this was is that we can

control our destiny. We can control our neighborhoods and that's why we went this route as opposed to leasing it out to another entity or selling it outright. So, I thought I should clarify that with all that is going on in the cell phone world in our area today.

Clemack: And to further that manager is basically an assistant to our municipal manager. That person while he will negotiate contracts and make suggestions, bring forth proposed contracts for revenue and or for repairs, the final decision will always be with our municipal manager and or the council as the case may be. That manager's income is a percentage of revenue that generates from the licenses. He gets no other payment. Some of the bidders asked for a portion of revenue from the licenses also they wanted a percentage of all contracts, leases etc. that they negotiated. This particular entity that we selected will just do it on a basis of revenue.

The next matter concerns our affordable housing litigation. As many people of the public know we've been engaged in this litigation since 2015, when the Supreme Court decided that COAH was not doing its job and arrogated to the judiciary the job of determining that all municipalities in NJ had fair share housing built and provided for their portion of required fair share housing. A court in central NJ had a hearing and determined that Ringwood was required to have 215 fair share units. We on the council always disputed that, never went along with it, never engaged in any discussions for any particular party to have 215 units. Ringwood entered the litigation; we filed suit for what is called immunity while we developed our fair share plan that we saw fit and appropriate for a town in the Highlands and given Ringwood's unique environmental circumstances. We asked for immunity, we asked the court to give us immunity in the sense that no one could sue us and put us a builders remedy. If you go through many towns in NJ chances are wherever you see multi family going up, it is probably the result of moral litigation. You can bet on it. Whether the wealthiest towns or the most modest towns. That's probably why that housing is going up. Over the years, there has been a party named Ron Pagano who through his various entities owns 16 acres of land on Skyline Drive. As you are going South to North on Skyline Drive, as you pass the Fieldstone shopping center, on your right you'll see a rocky wooded area of steep slopes, that's about 16 acres. Mr. Pagano for about the last 10 or 15 years has been trying to develop that property. He's submitted various plans to the Board of Adjustment, the Planning Board and to us. All have been rejected on the grounds that that property is some of the most sensitive environmental property in Ringwood and perhaps throughout the state of NJ. Mr. Pagano has submitted proposals for sometimes 8 apartments, sometimes 120 apartments, sometimes retail. Any proposal in addition to putting in the footprint and the building would require parking lots, turn arounds, roads being blasted in from Skyline Drive. A total repudiation of all environmental values we've had. Our dispute with Mr. Pagano has never been personal. It's always been on the grounds that that property is not fit for development under the Highlands and under our ordinances. However he has been determined, and he has persisted over these

years and we have been determined and we have persisted in our position over the years.

Well, I can finally announce, the parties have come to an agreement, a settlement of that dispute. In general, the Borough will acquire Mr. Pagano's 16 acres. Mr. Pagano will drop his suit against the Borough. He has agreed to a general release, releasing the Borough from any liability, any damages, anything he has suffered as a result of us not approving his plan. The Borough will pay for the property, the 16 acres. We will pay \$1,050,000. That's approximately 65,000-68,000 an acre. I say approximately because we have to have his land surveyed. It is somewhere between 15.2 and 16 acres. A survey will determine that. We will pay that amount. He will drop the suit and that will basically end the contentious part of the Mt Laurel litigation. There are still some parts of the Mt. Laurel litigation process that will continue. They are processes where we will control our destiny. Where we will select the sites that we determine are fit for Mt Laurel housing. Remember this municipality is not against Mt Laurel housing, it's where it goes and the amount and the circumstances of it. You ask where do we get the value of \$1,050,000? It was a negotiated value and were having that reinforced and determined by appraisals to see whether were in the ballpark on that number. There is an analogous situation. A prior administration about 2005-2007, purchased a tract called the Jerry Wyckoff Tract. Now let me explain using my hands where that is. As you are coming down Skyline Drive, South generally to North, as you get to the intersection of Skyline Drive and Fieldstone Drive, you'll see a rocky hill, a rocky area, steep slopes, etc. That is a seven-acre site of land. Around 2005-2007, the owner of that property or contractor of the property wanted to put in a 100-unit nursing home development which defied all environmental criteria. That developer was persistent. What the council did at the time was they purchased it for \$600,000. They purchased it at \$85,000 an acre. The purchase we're talking about is nearly \$65,000-68,000 an acre. Given what inflation has been, the amount were paying is substantially lower than the amount that was paid at the time, although no one is questioning whether or not that amount was reasonable or not at the time because you have to take in a lot of factors other than price under the circumstances. What the Borough has done is we will purchase that property. The Council and or the public will make determinations over the years how that property will be used, mainly for recreation. There'd be no intense development, housing, offices, industrial facilities on it. It'll stay basically in its pristine state. It will be mainly dedicated to recreation and recreation activities, either passive or active. But you'll decide that over the years. To effectuate this agreement, it has already been signed by Mr. Pagano; on behalf of his various entities. We have a resolution authorizing Mr. Heck to sign on your behalf. We will also be introducing an ordinance to purchase the land. What the agreement provides among other things is, we will be doing an environmental audit as a condition of purchase. It'll have to pass our audit. Well, be retaining a firm to make sure there's no pollution, no toxic substances, there there's no violation of any environmental laws on that property. We'll also have a survey conducted; we have to ascertain as part of the deal that one of those lots is at least 13 acres. According to our tax maps it is but we just want to have that confirmed. Naturally we'll do a title search as you do in any transaction to make

sure the person has title to the property. It was a long fight because the property owner was determined. The council and its representative were determined also to save that property. We have finally concluded, in my opinion and the opinion of special counsel and the opinion of Mr. Heck and the special master assigned to the case, this is a fair resolution. That's what you look for, a fair resolution. No one is taking advantage of the other. It's where both sides come out winners in a sense. Mr. Pagano will get some money and we will get the property and that will take the stress of this Mt Laurel suit and we will be able to better control our destiny and what we want to do.

Scott reads resolution 2024-99

The next item would be an Ordinance authorizing the acquisition. The acquisition is as follows; I'll explain first. Technically we will be paying \$1,050,000 for lot 4, which is the major lot. For Mr. Pagano's tax reasons he wants to gift us the other two lots; so we get those as gifts. Were okay with that. If that satisfies some tax obligation or he gets some tax deduction, that's none of our business, as long as we get the property free and clear. So, when we say we're paying \$1,050,000, in effect were paying for the whole thing, but we are going to allocate it to lot 4 and he will gift us the other two lots; but we get all his property located there. Any questions on that?

Dick reads Ordinance in full for the record.

Sean thanks Mr. Clemack and Mr. Heck

Motion to adjourn.