

**MINUTES FOR THE SPECIAL BUSINESS MEETING
OF THE COUNCIL OF THE BOROUGH OF RINGWOOD,
HELD ON THURSDAY, MAY 2, 2024
AT 5:30 PM AT THE VIOLET E. BOGERT MUNICIPAL ANNEX,
60 MARGARET KING AVENUE, RINGWOOD, NEW JERSEY**

Mayor Noonan called the meeting to order at 5:33 pm and asked the Clerk to read the Statement of Compliance into the record.

Mayor Noonan asked for a roll call. Present on roll call Mayor Noonan, Deputy Mayor Matteo-Landis, Council Members Echols, Kerr, and Kiraly.

Also present: Borough Manager/Director of Public Works Scott Heck, Municipal Clerk Nicole Langenmayr and Borough Attorney Richard J. Clemack.

Mayor Noonan asked everyone to rise for the pledge of allegiance.

Mayor Noonan announced the National Association of Letter Carriers is doing their food drive on May 11. Please donate nonperishable food items.

Attorney Clemack spoke about a modification of the Settlement Agreement with Mr. Pagano. The original agreement was for \$1,050,000 which has been reduced to \$1,047,000. The Borough is purchasing 16 acres of property on Skyline Drive. This property has been the subject of litigation since 2015. Mr. Pagano has been trying to develop this property. He submitted various proposals, none of which the Borough considered suitable. The Borough had a window of settlement open up a few weeks ago which would stop the costs that were accruing.

A prior administration around 2005 – 2007, purchased a 7-acre site of land at the intersection of Skyline Drive and Field Drive, now called the Jerry Wyckoff Reserve, when a developer wanted to build a 100-unit nursing home site, and determining that the development was not suitable for the site, the Council at that time purchased it for about \$65,000.00 an acre.

We will conduct an environmental audit, get surveys and a general release from Mr. Pagano which will end the litigation.

Attorney Clemack read the following resolution:

Resolution Number
2024-100

RESOLUTION APPROVING A REVISED SETTLEMENT AGREEMENT BETWEEN THE BOROUGH OF RINGWOOD AND HAL, LLC; HLA, LLC; A.H.L., LLC; AND AHL SKYLINE LLC, LIMITED LIABILITY COMPANIES OF THE STATE OF NEW JERSEY.

WHEREAS, the Municipal Council by Resolution No. 2024-99 authorized the execution of a Settlement Agreement between the Borough of Ringwood, a Municipal Corporation of the State of New Jersey with offices at 60 Margaret King Avenue, Ringwood, New Jersey and HAL, LLC; HLA, LLC; A.H.L, LLC and AHL Skyline, LLC, limited liability companies with offices at P.O. Box 235, Rockaway, New Jersey, with respect to a certain lawsuit entitled "In the Matter of the Application of the Borough of Ringwood, a Municipal Corporation of the State of New Jersey" in

the Superior Court of New Jersey, Passaic County, Law Division, Docket Number PAS-L-2297-15; and

WHEREAS, the parties to the aforesaid Settlement Agreement desire to execute a Revised Settlement Agreement, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Revised Settlement Agreement modifies the purchase price of Block 801, Lot 4 from \$1,050,000.00 to \$1,047,000.00 and restates all of the other provisions as set forth in Settlement Agreement approved by Resolution No. 2024-99.

NOW THEREFORE IT IS RESOLVED BY THE Municipal Council of the Borough of Ringwood as follows:

1. The aforementioned recitals are incorporated herein by reference as if set forth at length.
2. The Municipal Council approves the Revised Settlement Agreement.
3. The Municipal Manager is herewith authorized to execute the Revised Settlement Agreement on behalf of the Borough of Ringwood, and the said Municipal Manager and other municipal officials where necessary are authorized to take such further acts and execute such documents so as to effectuate the terms and conditions of the Revised Settlement Agreement.

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Noonan			X			
Matteo-Landis			X			
Baumgartner						X
Echols			X			
Kerr		X	X			
Kiraly	X		X			
Rubacky						X

III. GENERAL PUBLIC COMMENT - 3 minutes per person

Mayor Noonan asked if anyone wished to address the Council.

Robin Canetti, Ringwood resident said it was wrong that the meeting was set up last minute during an early time not convenient for people.

She said the comparison to the purchase of the Jerry Wyckoff Reserve was flawed since that was purchased with grant money.

She asked the following questions:

1. Why we are paying Mr. Pagano \$1,047,000 to get him out of the lawsuit when his case is a loser? He can continue to interject as an intervener, but he cannot win.
2. She asked why 2024-99 was not posted?
3. Why is such an enormous expense open to a referendum?
4. Did you reach a development deal with Azarian since they paid all their back taxes?
5. What are you leaving out?

Lou Crescitelli, Ringwood resident, thanked the council and manager for making this day possible. We are controlling our own destiny on Skyline Drive in terms of high-density housing. This lawsuit needed to end. The fear of a judge ruling in the developer's favor should have brought everyone together.

MOTION by Councilwoman Echols seconded by Deputy Mayor Matteo-Landis and on roll call vote the General Public Comment of the meeting was closed.

Councilwoman Echols said Councilwoman Kerr and Deputy Mayor Matteo-Landis, on April 23, had a blog on their pages about the Council meeting. After the Executive Session on April 16th, it was also discussed in great length.

Councilwoman Kerr said Mr. Clemack did address the public at the end of the last meeting so it was all public.

Councilman Kiraly added that the meeting was available on the website.

Deputy Mayor Matteo-Landis said we have 9 years of litigation with a man who wants to develop more than 100 affordable housing units on Skyline Drive, which the community clearly does not want. We can continue with further litigation, or we can be creative and purchase the property and use it for passive recreation or a gateway from the shopping center to the Erskine area. All of which can be determined based upon input from the entire community, not to find out what the council wants, but to find out what the public wants. This is not a negative, like some who are creating smoke and mirrors want you to believe. It is an opportunity to enhance our community. An opportunity for Ringwood to control what happens on Skyline Drive, since we are presented with the opportunity to purchase and control the situation or take the chance that the courts decide what will happen to that property. Based upon what's going on in the courts today, I don't want them to decide our community's destiny. We are better off deciding on our own.

Manager Heck said this has been on the agenda for the last three months because we have been negotiating to find common ground for a resolution to the litigation, which has been going on since 2015. At the last meeting, they passed a resolution for a settlement agreement. That meeting was televised. This evening, we are here to amend the agreement publicly to lower the price from \$1,050,000 to \$1,047,000 to match the property valuation. All the actions were taken at the last meeting with a public hearing scheduled on May 21st.

Manager Heck asked Clerk Langenmayr if a resolution was posted.

She answered that she was waiting for Attorney Clemack on an attachment that needed to be added.

Manager Heck said there is no deal with Azarian.

There being no further business to come before the Municipal Council at its Business Meeting, on MOTION by Deputy Mayor Matteo-Landis and seconded by Councilman Kiraly and on roll call carried the meeting adjourned at 5:55 pm.

NICOLE LANGENMAYR, RMC
MUNICIPAL CLERK

Approved: June 18, 2024