

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE SPECIAL MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
TUESDAY, APRIL 9, 2019**

Meeting Called To Order

Mayor Thomas J. Madigan called the special meeting of the Wyckoff Township Committee in the West Wing Conference Room to order at 7:00 pm.

Attendance

Township Committee Present: Mayor Thomas J. Madigan; Committee Present: Rudolf E. Boonstra, Melissa D. Rubenstein and Timothy E. Shanley

By Teleconference: Committeeman Brian D. Scanlan.

Staff Present: Township Administrator Robert J. Shannon, Township Attorney Robert Landel and Thomas Garlick, Esq.

Staff Absent: Joyce C. Santimauro, Municipal Clerk

Open Public Meeting Act Statement

Deputy Municipal Clerk Shannon read the "Open Public Meeting Act" Statement: "This special meeting of the Township Committee of the Township of Wyckoff is now in session. In accordance with the provisions of Section 8 of the Open Public Meetings Act I wish to advise that notice of this meeting and its agenda has been posted yesterday at 3 pm in the lower level of the Memorial Town Hall and on the Township's web site on the "Legal Notices from the Clerk" page where notices are customarily posted. The Notice and the agenda were mailed on April 8, 2019 to the Ridgewood News, the Record and the North Jersey Herald and News, all papers with general circulation throughout the Township of Wyckoff.

**TOWNSHIP OF WYCKOFF
SPECIAL MEETING NOTICE**

The purpose of this Notice is to comply with the Open Public Meeting Act and advise the public that the Township Committee of the Township of Wyckoff shall conduct a special public meeting on Tuesday, April 9, 2019 at 7 pm in the second floor West Wing conference room in Wyckoff Town Hall, 340 Franklin Avenue, Wyckoff, New Jersey 07481.

The purpose of the meeting is to enable the Township Committee to discuss the acquisition of 240 Demarest Avenue; Block 293, Lot 18 for public purposes. The Township Committee shall also adopt a resolution authorizing a closed session discussion in accordance with N.J.S.A. 10:4-12b (7) and (5) regarding negotiation and acquisition of said property with its attorney. The Township Committee shall re-enter the open work session portion of the special public meeting at the conclusion of the closed session discussion and may take formal action regarding the acquisition including condemnation of the property known as 240 Demarest Avenue. Discussion of any other matters shall not be considered.

Formal Action May Be Taken.

Joyce C. Santimauro
Municipal Clerk

In accordance with N.J.S.A. 10: 4-9; b. 3/4ths of the members present must vote in the affirmative to conduct this meeting.

The Township learned Monday that 240 Demarest Avenue is listed on the NJ Multiple Listing Service and the Township has been diligently pursuing the acquisition of this property for public purposes. An urgency exists for the

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Township to have its intention known should it determine to acquire the property through condemnation.

If private offers are made on this property and should they be more than the amount the Township is willing to pay, harm will result in that the Township may be required to pay a higher amount if its acquisition intention is not known.

This meeting is limited to discussion and action with respect to such matters of urgency and importance.

Notice of this meeting was provided the same day that the day of the meeting was determined to be required, Monday, April 8, 2019 at 3 pm by posting on the Township's website at "Legal Notices from the Municipal Clerk" and on its bulletin board where notices are customarily posted and by mailing to the Ridgewood News, the Record and the North Jersey Herald and News.

The Township was not aware and did not foresee that the sale listing for 240 Demarest would be listed in the NJ Multiple Listing Service and/or the consequences of such listing and how it may impact the price the Township would pay. Had such notice been foreseen, adequate notice would have been provided.

Vote to conduct Special Meeting in Accordance with N.J.S.A. 10: 4-9 b.

MOTION: SHANLEY SECOND RUBENSTEIN
BOONSTRA YES RUBENSTEIN YES SCANLAN YES SHANLEY YES
MADIGAN YES

Mayor Madigan stated: Please no cross comments and request one person at a time speak for clarity. Committeeman Scanlan is participating per phone and it will be more effective if one member speaks at a time.

Meeting open for public comment, two (2) minutes per speaker on any government issue that a member of the public feels may be a concern to residents of the municipality.

MOTION: RUBENSTEIN SECOND SHANLEY
BOONSTRA YES RUBENSTEIN YES SCANLAN YES SHANLEY YES
MADIGAN YES

No one came forward to speak.

Committeeman Shanley made a motion to close the public comment time of the regular business meeting; Seconded by Committeewoman Rubenstein with an affirmative voice vote of all members.

Mayor Madigan stated we are meeting to address an immediate issue that has arisen regarding the 3.9 acre track known as 240 Demarest Avenue. Committeeman Boonstra thanked Committeewoman Rubenstein for bringing the real estate for sale listing to the Township Committees attention.

Township Attorney Landel indicated his office at the direction of the Township Committee monitored the sheriff's sale where no offers to buy the property were offered. A bank then became the owner. We have been trying to locate a representative to negotiate the sale. Yesterday we learned the identity of the realtor who has been assigned this property so we have a representative to contact. Township Attorney Landel advised that he told the realtor the property is

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approximately 90% wetlands and their listing of one-third wetlands is incorrect. He has scheduled an on-site meeting with the realtor for Wednesday morning.

Township Attorney Landel indicated the Township Committee should enter a closed session discussion to discuss negotiations and possible land acquisition through condemnation statute.

7:08pm

#19-C6 Closed Session – Litigation N.J.S.A. 10:4-12b(7) & (5)

MOTION: SHANLEY SECOND SCANLAN
BOONSTRA YES RUBENSTEIN YES SCANLAN YES SHANLEY YES
MADIGAN YES

WHEREAS, the Township Committee of the Township of Wyckoff is subject to certain requirements of the “Open Public Meetings Act”, N.J.S.A 10:4-12, et seq.; and,

WHEREAS, the “Open Public Meetings Act”, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it was necessary for the Township Committee of the Township of Wyckoff to discuss in a session not open to the Public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b (7) and designated below:

a. N.J.S.A. 10:4-12b (5) and (7)

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey assembled in public session on April 9, 2019, hereby authorize, that an Executive Session closed to the public shall be conducted on April 9, 2019, in the Town Hall, 340 Franklin Avenue, Wyckoff, New Jersey 07481, for the discussion of matters relating to the specific items designated above.

BE IT FURTHER RESOLVED, that the minutes of the said closed session will be made public when the Township Committee of the Township of Wyckoff determines the reason for the minutes to remain closed no longer exists and the Municipal Clerk shall attach to this resolution when completed the Closed Session Meeting Minutes related to the specific items designated above.

8:04pm

Vote to re-enter open portion of special meeting

MOTION: SHANLEY SECOND BOONSTRA
BOONSTRA YES RUBENSTEIN YES SCANLAN YES SHANLEY YES
MADIGAN YES

Mayor Madigan stated the Township Committee has returned to the open portion of the special meeting and the Township Committee will adopt the following resolution:

#19-177 Authority to begin process to acquire Block 293 Lot 18

WHEREAS, Block 293, Lot 18 is a parcel of land within the Township of Wyckoff situated at 240 Demarest Avenue (hereinafter referred to as the “Property”); and,

WHEREAS, such Property is almost completely contained within the 100-Year Flood Plan; and,

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WHEREAS, such Property is approximately eighty (80%) percent covered by wetlands; and,

WHEREAS, such Property contains a dilapidated, uninhabitable single-family home which has been vacant for many years; and,

WHEREAS, the Township of Wyckoff has consistently, over the past several years, shown interest in acquiring the Property to utilize as open space and to utilize in connection with controlling drainage, water flow, and storage of rainfall and runoff within the Township of Wyckoff; and,

WHEREAS, the Township Committee recognizes the fact that such Property is directly adjacent to other municipally owned property which currently contains wetlands, a floodway, and open waters, which is utilized to help control stormwater runoff and drainage within the Township; and,

WHEREAS, the Township of Wyckoff has determined that it is in the best interest of the town to acquire the subject Property to ensure the continued management and control of environmentally sensitive properties and their effect on stormwater management throughout the Township in addition to any other lawful public use determined by the Township to be in the best interests of the residents of the Township of Wyckoff; and,

WHEREAS, the Township has followed the recent ownership changes of the subject Property which included a Sheriff's sale and, most recently, a listing on New Jersey Multiple Listing Service; and,

WHEREAS, the Township Committee continues with its desire to acquire such Property for the benefit of the residents of the Township of Wyckoff.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing, the Township Committee of the Township of Wyckoff authorizes the following:

1. The Township Attorney is hereby authorized to send to the owner and representatives of the Property a letter from the Township of Wyckoff expressing the Township's desire to purchase the Property through sincere and good faith negotiations.
2. The Township Attorney is hereby further authorized to send a letter to the owner of the Property placing the owner on notice that the Township intends to enter the Property to make studies and perform such tests and appraisals as necessary, pursuant to N.J.S.A. 20:3-16, so that the Township may make a preliminary assessment of the Property. The Township Attorney is authorized to commence the condemnation process pursuant to N.J.S.A. 20:3-1, *et seq.* by way of the letter providing notice for preliminary entry to the Property in order to complete such preliminary assessments in addition to the commencement of good faith negotiations in an attempt to acquire such Property without an action for condemnation.
3. Mayor Thomas Madigan and Committeewoman Melissa Rubenstein are authorized to make an offer for the purchase of the Property and negotiate a price with the real estate agent and representatives of the owner of the Property, up to such amount authorized by the Township Committee, subject to a confirming certified appraisal.

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Motion to adjourn by Committeeman Shanley, Seconded by Committeeman Boonstra

Adjourned 8:07pm

Mayor Thomas J. Madigan

Joyce C. Santimauro, Municipal Clerk