

**BOROUGH OF MOUNT ARLINGTON
SPECIAL COUNCIL MEETING MINUTES
MARCH 28, 2017**

1. Call to Order

- 2. Adequate notice** of this meeting of the Mayor and Borough Council of the Borough of Mount Arlington was given as required by the Open Public Meetings Act as follows: Notice was published in the Roxbury Register on March 16, 2017 and posted on the bulletin board in the main hallway of the Municipal Building on March 8, 2017. Notice of this meeting is on file in the Office of the Borough Clerk and has been made available to the public.

In accordance with the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), the Borough Council opens every public meeting for comments of the public. However, in accordance with N.J.S.A. 10:4-12: "Nothing in this Act shall be construed to limit the discretion of a public body to permit, prohibit or regulate the active participation at any meeting,...."

Speakers at Borough meetings shall have five minutes to present their comments to the Borough Council so as not to consume time that would otherwise be allotted to other persons who wish to speak.

3. Flag Salute

The Mayor asked for a moment of silence for all our brave men and women serving around the world to protect our freedom.

4. Roll Call

Councilman Delaney, Councilman Loughridge, Council President Sorge, Councilman Sadow, Councilman Cangiano, Councilman Windish, Mayor Stanzilis. Matthew O'Donnell, Esq., Borough Attorney, and Carolyn Rinaldi, CFO/Municipal Administrator, were also present.

5. Executive Session

2017-55 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing An Executive Session of the Mayor and Borough Council and Excluding the Public from That Portion of the Meeting

Attorney Client Privilege:

- Landfill Redevelopment Project

Action May or May Not Be Taken.

Motion to Go Into Executive Session: Council President Sorge

Second: Councilman Sadow

Roll:

Aye: Delaney, Loughridge, Sadow, Cangiano, Windish, Council
President Sorge

None Opposed

Motion Approved

Motion to Return to Open Session: Councilman Sadow

Second: Council President Sorge

Roll:

All in Favor: Aye

None Opposed

Motion Approved

***Added**

Resolution:

2017-56 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, State of New Jersey, Authorizing A Ground Lease Agreement with HESP Solar, LLC

Motion to Approve: Council President Sorge

Second: Councilman Sadow

Borough Bond Counsel Matthew Jessup, Esq., stated this resolution authorizes execution of a ground lease in the redevelopment area known as the Mount Arlington Landfill Redevelopment area. This is a ground lease that provides access to the designated developer HESP Solar; this would grant HESP access to the site for a term of twenty-five years for a limited purpose to build a PV facility that would be grid connected. It will pay an upfront lease payment to the Borough in the amount of \$227,000. There is an option that can be exercised in the future for an increased rental payment of \$318,000 and a second option for an upfront rental payment of \$580,000. There is also an additional rent provision that provides for a negotiation of savings in connection with certain road and lighting improvements. Mount Arlington remains responsible to monitor the landfill cap and keep it up to date, as always; HESP is certainly fully responsible in the event that they cause a disruption to the cap. HESP will be required to provide standard insurance for the benefit of the Borough that will also indemnify the Borough in the event of any liability caused by them. The Borough does have an option to purchase the PV facility at the end of fifteen years through the twenty-fifth year of the term for fair market value; in the event that the Borough does not exercise that option, HESP removes the PV facility at the end of twenty-five years and restores the site to its normal condition, subject to normal wear and tear which is allowed. Upon adoption of this resolution tonight, this would allow HESP to make application to PJM no later than March 31, 2017 to get them in the next cue of projects within the PJM distribution system. The Mayor clarified that

the Borough spends \$25,000 per year on the landfill which is ongoing; this is not incorporated into the Agreement. Susan Brodie, a principle with HESP, was in attendance as well. The Mayor thanked Ms. Brodie and stated we are looking forward to a mutually beneficial partnership with HESP.

Roll:

Aye: Delaney, Loughridge, Sadow, Cangiano, Windish, Council

President Sorge

None Opposed

Motion Approved

6. Public Comment

None

7. Adjourn

Motion to Adjourn: Council President Sorge

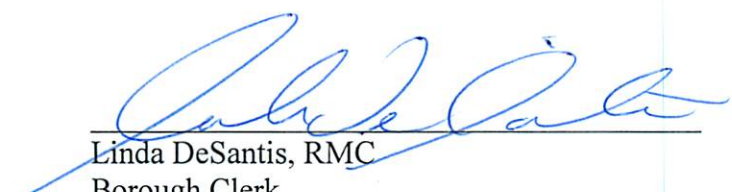
Second: Councilman Delaney

Roll:

All in Favor: Aye

None Opposed

Motion Approved



Linda DeSantis, RMC
Borough Clerk

Minutes Approved at Council Meeting of May 2, 2017.