

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, JULY 23, 2015**

The meeting was called to order at 8:04PM by Council President Roth who read the Open Public Meetings Act Statement as prescribed by law. Notice was advertised in The Record on August 27, 2014 and The Ridgewood News on September 15, 2014 and January 2, 2015 stating this meeting would be held in the Council Chambers of the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, New Jersey on Thursday, July 23, 2015 at 8:00PM.

Notice of this meeting is posted on the Municipal Bulletin Board. The minutes of this meeting are available in the Municipal Clerk's Office once they have been approved by the Township Council.

SALUTE TO THE FLAG

MOMENT OF SILENCE FOR VETERANS AND THOSE SERVING IN THE MILITARY

Moment of Silence was observed for those who served in the military and those who are serving. It is because of their sacrifice that we meet in freedom tonight.

Present: Councilmembers Amoroso at 8:10PM, Ariemma, Hermansen at 8:20PM, Roth, Sbarra, Wong.

Absent: Councilmember DiGiulio

Also present were Mayor William C. Laforet at 8:23PM, Business Administrator Brian Campion, Township Attorney Brian Chewcaskie, Township Engineer's Associate Michael Kelly, Municipal Clerk Kathrine Coviello and Clerical Assistant Carolyn George.

Roth reminded everyone to speak into their microphones for the benefit of the audience.

Roth pointed out to the public that the Council Meetings are tape recorded. If any member of the public wishes to tape record or video record a Council Meeting, let the Council know in the beginning of the Meeting.

PUBLIC PORTION

On a motion by Sbarra, seconded by Wong, the meeting was opened to the public at 8:07PM. All in favor. Motion carried.

Mrs. Barbara Shanley of 314 Franklin Turnpike and Chair of the Historic Preservation Commission said she is here on the Winter Farmhouse matter. Mrs. Shanley asked the Township Attorney if he has heard from Mr. Alvarez. The Township Attorney said invoices have been received for work that has been done. He added that is all he can discuss at this time.

On a motion by Sbarra, seconded by Wong, the meeting was closed to the public at 8:08PM. All in favor. Motion carried.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

The Bills and Claims List is in the Drop Box. If anyone has questions on any of the Bills and Claims, please speak with Administration before the Public Meeting.

ENGINEERING (Boswell-McClave)

- 1a. Amendment to Professional Services Contract to Include Revised Rate Schedule for Additional Job Title and Rate (Environmental Scientist)

The Township Engineer's Associate explained this item is a request to have their Contract include the Title of Environmental Scientist added to the Rate Schedule. Resolution shall be voted on in the Public Meeting.

- 1b. Verbal Status Report

The Township Engineer's Associate said they received bids for the East Slope Booster Pump Station. The lowest bidder was CFM Construction in the amount of about \$260,000 which was below our Engineer's estimate of about \$300,000. This includes an emergency generator. He said they will recommend this item be placed on the next Meeting Agenda to award the bid to the contractor.

The Township Engineer's Associate said they just had a meeting with FEMA who is providing a grant for the generator.

The Township Engineer's Associate said he had a Pre-Construction Meeting for the Brookwood Drive Culvert lining. The contractor is expected to start on August 3, 2015.

The Township Engineer's Associate stated the 2015 Road, Curb and Sidewalk Program is ongoing. The majority of the concrete work is ongoing. Most of the scheduled roads have been milled and paved.

The Township Engineer's Associate mentioned they are still waiting on the permits from the Department of Environment Protection for the Ramapo and Mahwah Rivers Stream Cleaning and Flood Control. He said they are in the process of scheduling a meeting on site with the DEP. They have been in constant contact with Betsy Stagg, the Bergen County Coordinator and Mosquito Commission, and the Mosquito Commission is on board to assist the Township with the permits.

LEGAL

- 2a. Draft Ordinance; Towing

Item removed from this meeting and shall be on the August 6, 2015 Council Meeting.

ADMINISTRATION

- 3a. Salary Ordinance Amendment; 2015 Police Salaries

Item tabled to the August 6, 2015 Council Meeting.

- 3b. Resolution Approving PBA 2015 – 2017 Agreement

Item tabled to be August 6, 2015 Council Meeting.

3c. New York/New Jersey Trail Conference; Endorsement of Bergen County Grant
The Business Administrator said the New York/New Jersey Trail Conference applied to the County for funds. Because the Grant Recipient is in the Township, an acknowledgement from the Township is necessary. Resolution shall be voted on in the Public Meeting.

3d. Mayoral Planning Board Appointment; Notification
For information only.

3e. Bid #MTB-15-12: DPW Automotive Materials and Supplies; Rejection of Bids and Authorization to Utilize State Contract
The Business Administrator said annually the Township goes out for bid for auto materials and supplies. Administration is requesting the bids be rejected and the State Contract be utilized. Resolution shall be voted on in the Public Meeting.

3f. Pay to Play Compliance; Alternate Non Fair and Open Agreement; Cliffside Body Corporation
The Business Administrator said when quotes go over \$17,500 with one vendor the vendor must comply with Pay to Play Requirements. Resolution shall be voted on in the Public Meeting.

3g. Bergen County Grant Agreement; Access Agreement; 2015
This item is for the grant subsidy for the transportation provided by the Access Transportation van. Agreement is executed annually. Resolution authorizing the Mayor and Municipal Clerk to execute the Agreement shall be voted on in the Public Meeting.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

4a. Mahwah Chief of Police Report
Chief is away this week. No report.

4b. Liquor License Renewals for 2015/16 Term
1. Mahwah Wine and Liquors Inc.
2. Mahwah Bar and Grill Inc.
Resolution shall be voted on in the Public Meeting to approve the two above-mention liquor license establishments for the 2015/16 term.

4c. Firefighter Application (Day Time); John F. Zajac to Fire Company #2
Resolution shall be voted on in the Public Meeting.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by Sbarra, seconded by Hermansen, the Bills and Claims, previously signed, totaling \$1,810,920.89, were approved. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, absent; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes. A List of Bills and Claims is on file in the Municipal Clerk's Office.

APPROVAL OF MEETING MINUTES

On a motion by Amoroso, seconded by Wong, the Combined Work Session and Public Meeting Minutes of June 25, 2015 and the Closed Session Meeting Minutes of June 25, 2015 were

approved. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, absent; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK
TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF
SUBCOMMITTEES

Amoroso said at the Board of Education Meeting the Teacher Evaluations came out that the teachers were effective or highly effective.

Amoroso said the Board of Education established a Michele J. Swjed Scholarship with the \$150,000 Mrs. Swjed donated to the Board of Education.

Amoroso said she is sad to see A&P go as she shops their often.

Amoroso said the Welcome to Mahwah sign is in.

Ariemma said she attended the Planning Board Meeting last week. Apple Ridge was on the Agenda. The Engineers spoke about the removal of all of the trees. And digging down 4 feet to get rid of the arsenic by mixing it with the soil. She is concerned about the arsenic being mixed with the soil.

Hermansen asked everyone to remember Jason Leider and his family in your thoughts as they are going through a rough time.

Hermansen attended a Pool Committee Meeting. The pool revenue is up by 12%. Oakland does not have a municipal pool. The Pool Committee discussed having a Shared Services Agreement with Oakland for their residents to use our pool. A Meeting will be set up between the Mayor, Business Administrator, Council President, Oakland and himself to discuss this further.

Hermansen said a resident on Chapel Road complained to him about the poor condition of Chapel Road where Franklin Lakes recently worked on the road. The Business Administrator shall check with Franklin Lakes on this.

Sbarra said he attended a Housing Commission Meeting. He let the Commission know that the Affordable Housing Ordinance was tabled until the next Council Meeting. Sbarra added the Housing Commission determined to cancel all of their future Meetings until they know more of what the State is doing with affordable housing.

Roth attended to July 13th Cable Committee Meeting. He said Gail Reynolds resigned as the Chair of the Committee. She is still on the Committee. Peter Wendrychowicz is the new Chair and Patricia Patella is the new Secretary.

Roth said there was a problem with the Ipad and Emails. He met with the IT Consultant. The easy answer to the problem is to enter with your password. Anyone with problems with their Ipad, contact the IT Consultant.

Roth said he sat in on a meeting with Administration and the PBA Representatives.

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

No reports.

ORDINANCES – INTRODUCTIONS

#1769 An Ordinance Amending Chapter IV Entitled General Licensing Section 4-2 Entitled “Towing” of the Revised General Ordinances of the Township of Mahwah

Ordinance tabled to the August 6, 2015 Council Meeting.

#1770 Salary Ordinance Amendment; 2015 Police Salaries

Ordinance tabled to the August 6, 2015 Council Meeting.

ORDINANCES – PUBLIC HEARINGS

#1767 An Ordinance Amending Chapter 24 of the Code of the Township of Mahwah Entitled “Zoning” to Amend the Township’s Affordable Housing Plan to Restrict the Rental of Affordable Housing Units

Public Hearing tabled to the August 6, 2015 Council Meeting.

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The title of an Ordinance was read as follows:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IX ENTITLED “RECREATIONAL FACILITIES” OF THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF MAHWAH, SPECIFICALLY CHAPTER IX, SECTION 1.3 ENTITLED “USE OF FACILITIES” AND 1.4 ENTITLED “UNLAWFUL USE”.

On a motion by Wong, seconded by Hermansen, the meeting was opened to the public. All in favor. Motion carried.

Ms. Joey Bourgholtzer of 29 Hillside Avenue asked for clarity on the following sentence: “Dog waste must be picked up and carried out of the park area”. She asked what this means. The Township Attorney said she is reading it incorrectly as the idea is that the dog waste has to be removed from the ground and disposed of properly. Ms. Bourgholtzer said she feels this sentence must be clarified and written like the previous Ordinance. The Township Attorney said the sentence will be amended.

Ms. Bourgholtzer asked is the first sentence in this Ordinance is different from our first Ordinance. The Township Attorney answered yes as there was no provision to address dogs left unattended.

Ms. Bourgholtzer said the previous Ordinance mentioned “Dogs at large” that the dog had to be on a leash or securely confined in a vehicle and under the direct and immediate supervision of the person capable of controlling such a dog. She asked if a dog can be left unattended in a car if you went to get a drink or something. She would like the language to be clear. The Township Attorney said it is impossible to address every item. The intention is that dogs are welcome but cannot become a nuisance. Roth agreed and said this ordinance is directed toward Recreational Facilities.

Hermansen said if a dog is in a car the windows have to open. This would be dealt with on the Animal Cruelty side.

On a motion by Sbarra, seconded by Hermansen, the meeting was closed to the public. All in favor. Motion carried.

On a motion by Sbarra, seconded by Amoroso, the following Resolution was passed and adopted with the minor modification:

RESOLUTION – ORDINANCE NO. 1768

RESOLVED that the Ordinance be passed and adopted on second reading and the Municipal Clerk is authorized to advertise by title only as having been finally adopted as required by law.

Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, absent; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

PUBLIC PORTION

On a motion by Hermansen, seconded by Wong, the meeting was opened to the public at 8:56PM. All in favor. Motion carried.

Mr. Mike DeLuca thanked the Council for speaking into their microphones.

Mr. DeLuca said once the Engineer gives his report there is no way to ask questions after he leaves. Mr. DeLuca asked about the Environmental Scientist. The Business Administrator said there is an Annual Contract with Boswell Engineering with about two dozen categories that have rates. When the Contract was prepared in January, one of the job categories was omitted.

Mr. DeLuca said the Township Engineer made reference to the Ramapo River and a Meeting. He questioned what that was? The Business Administrator explained they do dredging every year in the river which alleviates some of the flooding. And there is an Annual River Tree and Stump Removal Program. This year, due to the storms, it is more extensive. He said, we do receive some funding for this from the state. This project includes a portion of the Mahwah River which is a contributory to the Ramapo River. The Business Administrator said this work requires us to get a DEP permit.

Mr. DeLuca asked if the Township has a jurisdiction on the spraying of the gypsy moths. He said he was told sustained damage will kill a tree and wonders if we have any input on the spraying. The Business Administrator answered the State Department of Agriculture does the spraying and an Annual Survey. They contact the Municipality to see if we are interested in having the spraying done if the egg nests are large. Fungus and mold goes up and down due to the weather. They feel the Municipality does not need spraying this year.

Mrs. Barbara Shanley of 314 Franklin Turnpike mentioned, in reference to the dredging, there is a concealed site of the grist mill. The Business Administrator said he is aware of this. Mrs. Shanley said the sign identifying the grist mill was knocked down and the insurance from the Township was contacted too late to get a replacement sign. She said the signs are about \$2,000. She asked if the DPW can reconstruct the sign. Roth said if the sign cannot be repaired

then the Committee will have to bring a budget proposal before the Business Administrator and Mayor when they do their budget in the fall.

Mrs. Shanley asked if the spraying for the gypsy moths is toxic. The Business Administrator said it is a bacterial substance that kills them.

Mrs. Shanley asked for information again about the Winter Farmhouse. The Township Attorney said this matter will be discussed in Closed Session.

On a motion by Hermansen, seconded by Sbarra, the meeting was closed to the public at 9:10PM. All in favor. Motion carried.

CONSENT AGENDA

Resolutions #203-15 through #207-15 were voted on under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes.

Resolution #201-15 was removed from the Consent Agenda and voted on separately.

Resolution #202-15 was removed from the Agenda. And will be on the August 6, 2015 Council Agenda.

OLD BUSINESS

None.

NEW BUSINESS

Proposed Pilgrim Pipeline; Request to Sign Opposition Letter to Bergen County Board of Chosen Freeholders

Roth said he received an email from a group that want to send letters to the Bergen County Board of Chosen Freeholders opposing the Pilgrim Pipeline. The due date for the letter is before the next Council Meeting. Roth went on to say if the Council agrees, he will prepare a letter for the Township Attorney to review after which he shall sign. Council concurred.

Ariemma said there are people on Peterson Place who are hunting with bow and arrows shooting deer. She asked that the Township Ordinance be revisited to keep the residents safe from this type of situation.

CLOSED SESSION

On a motion by Sbarra, seconded by Wong, Council went into Closed Session at 9:34PM for the express purposes of discussing:

C1. Tax Appeal; Block 21.03, Lot 11; 10 Crocker Mansion Drive

C2. Possible Litigation; Winter Farmhouse; Update

All in favor. Motion carried.

On a motion by Hermansen, seconded by Sbarra, Council returned to open session at 9:42PM. All in favor. Motion carried.

RESOLUTIONS

Resolutions #208-15 and #209-15 were voted on together and are attached to and made part of these Meeting Minutes.

On a motion by Hermansen, seconded by Sbarra, the meeting was adjourned at 9:43PM. All in favor. Motion carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Kathrine G. Coviello". The signature is written in a cursive style with a large, prominent "K" and "C".

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