

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, FEBRUARY 11, 2016**

The meeting was called to order at 8:00PM by Council President Roth who read the Open Public Meeting Act Statement as prescribed by law. Notice was advertised in the Record and The Ridgewood News on October 9, 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, February 11, 2016.

Notice of this meeting is posted on the Municipal Bulletin Board. The Minutes of this Meeting shall be available in the Municipal Clerk's Office once they are approved by the Township Council.

Salute to Flag.

**MOMENT OF SILENCE FOR VETERANS AND THOSE SERVING IN THE
MILITARY**

Moment of Silence was observed for those who are serving and those who served in the military both here in the United States and abroad. It is because of their valor and bravery that we can hold meetings such as these.

Present: Councilmembers Amoroso, Ariemma, DiGiulio, Hermansen, Roth, Sbarra and Wong.

Also present were Mayor William C. Laforet, Business Administrator Brian T. Campion, Township Attorney Brian Chewcaskie, Township Engineer Kevin Boswell, and Deputy Municipal Clerk Jan Fox.

**SPECIAL PRESENTATION; EMPLOYEES AND VOLUNTEERS RECOGNITION AND
APPRECIATION CEREMONY--- CARRIED TO FEBRUARY 25, 2016**

PUBLIC PORTION

On a motion Hermansen, seconded by Wong, the meeting was opened to the public at 8:05PM. All in favor. Motion carried.

Mr. Ribaldo of 1050 Ramapo Valley Road said he knew the Council would be discussing the Chai Lifeline Proposed Litigation Settlement Agreement and would be granted a Certificate of Occupancy. He said all of the property owners in this quiet, private road area are concerned that the settlement might weaken the Township's ability to enforce the zoning code. Mr. Ribaldo also said he had concerns that Chai Lifeline or a place similar in the Township could have this happen again.

Roth stated that the zoning laws will be enforced and if someone sees something that looks wrong they should call the Property Maintenance Manager. The Township Attorney agreed and said if anyone notices activity going on it should be reported.

Mr. Ribaldo was hoping the Council would not approve any settlement which would impede the municipality from enforcement of a single family zone restriction on the Chai Lifeline property. He said he hoped the Township will protect their zoning ordinances like they have done in the past.

The Township Attorney explained the long standing litigation from the beginning. The litigation was based on a claim that Chai Lifeline was not using the property for single family purposes as they were required to do by the Zoning Code. There is nothing in the proposed settlement that will modify what Judge Carver has ruled which was the zoning issue. That was resolved in the Township's favor. There was subsequent litigation about the Certificate of Occupancy which the Township did not issue to Chai Life. A judge, a few months ago, issued a temporary Certificate of Occupancy. The Zoning has not changed or altered. The Zoning is in the R-5 Use group that has to be complied with which is for a single housing development.

The other issue was a Tax Litigation. There was a court decision the property owner was entitled to an exemption. The Township appealed this from the Tax Court and the property is fully assessed for 2015.

Roth said if the agreement is violated the Township will take action and will file for injunction relief. The Township Attorney agreed with Roth.

Hermansen said when he has visitors they do not walk all over his neighborhood, so there is a difference between this and Chai Lifeline.

Mrs. Adrienne Vas of 1056 Ramapo Valley Road stated that when she was shoveling snow last week a truck with New York plates came in this private residential area and she had no idea what they were doing there. She said the neighbors have done everything right and asked who will monitor this area. She also had concern of what rights she has to file a complaint. She said she does not know how the previous owners were ever able to turn this residence into a halfway house. Mrs. Vas asked how this area can be monitored. Roth said if they see something wrong they should report it as the Township will enforce the zoning laws.

Mrs. Ribaldo of 1050 Ramapo Valley Road mentioned that nothing stops Chai Lifeline from having guests and visitors who stay for three or four days and asked if anything can be done. The Township Attorney said that is very difficult to answer as they can have visitors. Everyone has to be vigilant he said.

Mrs. Manaster of 1048 Ramapo Valley Road said the laws should be enforced and someone should keep track of who rents a home in this area.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

Roth said the Bills and Claims List was sent to everyone's Drop Box. If anyone has any questions on the Bills and Claims they were asked to see the Business Administrator before the Public Meeting.

ENGINEERING (Boswell-McClave)

- 1a. ADPP Enterprises Inc.; 193 Route 17 Northbound; Block 55, Lots 1 through 4;
Authorization to Release Performance Guarantees (Dkt. #1192-06)

The Township Engineer stated that the Township Engineer's Associate has inspected this Site and everything has been done. The Township Engineer's Associate is recommending that the Maintenance Guarantee be released.

Resolution shall be voted on in the Public Meeting.

- 1b. Written Status Report – February 2016

MA-1340 - East Slope Booster Pumping Station: The Township Engineer said the pumps were installed and everything will be completed by tomorrow. The generator is on back order but should be installed by March 31, 2016.

MA-1518 - Demolition of Structures at 70 Island Road: The Township Engineer stated the project was awarded at the last Council Meeting and the project is expected to be complete by the end of February. The Business Administrator said the buildings have been knocked down. The fill has been brought in but has to be tested and approved first.

The Township Engineer mentioned they are following up on the Well Protection Ordinance and are getting some appropriate language from the Township Attorney and the Business Administrator.

LEGAL

- 2a. Chai Lifeline Inc.; Proposed Litigation Settlement Agreement

This issue was discussed in the Public Portion and a Resolution shall be voted on in the Public Meeting.

ADMINISTRATION

- 3a. Authorization to Utilize Union County Cooperative Pricing System

The Business Administrator mentioned that our Township is able to join the system and we want to utilize their services. The contract will be from January 1, 2016 through July 31, 2016.

Resolution shall be voted on in the Public Meeting.

- 3b. Authorization to Auction Computers, Printers and Office Furniture on GovDeals

The Business Administrator said approval is needed to auction off old items.

Resolution shall be voted on in the Public Meeting.

- 3c. Award of Bid MTB #16-02: License to Operate Concession Stands at Continental Soldiers Park and Commodore Perry Field

The Business Administrator said they received one bid and it was satisfactory. Wong asked why this is a two year lease. The Business Administrator answered that the vendor or the Township has the ability to terminate it after one year if they want to. He said this is a service provided and

there is no revenue to be made.

Resolution shall be voted on in the Public Meeting.

3d. Mayoral Appointments; Senior Citizens Advisory Board

Resolution shall be voted on in the Public Meeting.

3e. Amend Resolution #014(3)-16; Correction of Term for Library Board of Trustees
Member Richard Wolf

Resolution shall be voted on in the Public Meeting.

3f. Amend Resolution #315-15: Award of Bid MTB #15-19 – Police and Dispatcher
Uniforms

Resolution shall be voted on in the Public Meeting.

3g. Amend Resolution #316-15: Award of MTB #15-22 – Recreation Mahwah and Supplies
Resolution shall be voted on in the Public Meeting.

3h. Award of Lease; MTB #16-03: Leasing of Space of Existing Campgaw Water Tank for
Communication Antenna Use

The Business Administrator said this space would be for bidders to lease a portion of this. It would be an initial five-year term lease for New Cingular Wireless PCS, LLC and three to twelve months with no renewal options to Scientel Wireless, LLC.

Resolution shall be voted on in the Public Meeting.

3i. Change Order #1; RFP #15-01: Management and Full Service Maintenance Program for
Water Storage Vessels

The Business Administrator explained that the Stag Hill Tank's roof has to be repaired as the metal roof is in danger of collapse. The \$210,000. for the new metal roof is coming from the 2016 Operating Budget.

Amoroso asked how long a tank will last. The Business Administrator answered for 50 years and the roof will last as long as the tank. Roth said it is prudent to pass this Resolution.

Resolution shall be voted on in the Public Meeting.

3j. Authorization to Accept Federal Emergency Management Funding Grant

The Business Administrator explained that the Office of Emergency Management has been awarded a grant from the New Jersey State Police Office of Emergency Management Agency. This Subgrant will satisfy with the Office of Emergency Management's existing salaries and wages.

Resolution shall be voted on in the Public Meeting.

3k. Proprietary Software/Hardware Contract with Mitchell Humphrey for Inspections, Zoning, Planning Permit Maintenance Agreement
The Business Administrator said this is for the renewal of the Annual Maintenance Contract.

Resolution shall be voted on in the Public Meeting.

3l. Pay to Play Compliance; Gentech Ltd.
The Business Administrator said the DPW solicited quotes and Gentech Ltd. submitted the lowest bid. Resolution shall be voted on in the Public Meeting.

3m. Authorization for Environmental Commission to Submit NJ Tree Recovery Campaign Tree Community Application 2016

Roth said this is for approval of a seedlings program and the Chairman of the Environmental Commission Richard Wolf is here to give an explanation of this program. Mr. Wolf stated that funding came after Hurricane Sandy and the loss of trees. These seedlings will be 1" to 2" in height for residents to get and plant on their property. April 22nd is Earth Day and they would like to give the seedlings out on Saturday, April 23rd. He said they would like to have three locations for pick up; Commodore Perry Field, the DPW at the Recycling Center and the Town Hall. They will be allocating native trees that are appropriate to our area. Roth said the Municipal Building would make the most sense for the distribution of the trees.

Roth asked Mr. Wolf if he had an organization to put this program together. Mr. Wolf answered that the Environmental Commission will take care of the distribution of these trees. Mr. Wolf is suggesting to get 500 trees. Ariemma interjected and said she felt there should be 1,000 trees.

DiGiulio suggested Mr. Wolf speak with Eric Fuchs Stengel of MEVO for volunteers.

Amoroso asked if there will be directions for planting. Mr. Wolf said they come with instructions.

Wong asked how high the seedlings will grow to. Mr. Wolf said 30 or 40 feet high and could last 80 to 100 years.

Resolution shall be voted on in the Public Meeting.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

4a. Firefighter Application (Day-Time); Danielle G. Seymour to Fire Company #2
Resolution shall be voted on in the Public Meeting.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by Amoroso, seconded by Wong, the Bills and Claims previously signed, totaling \$10,217,161.33 were voted on. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, yes; 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

The Reorganization Meeting Minutes of January 7, 2016 and the Combined Work Session and Public Meeting of January 7, 2016 were approved. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, yes; 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 on January 30, 2016 she took her dog to the Rabies Clinic. The staff did a great job organizing it.

Amoroso attended the Joyce Kilmer Society Commemoration of Kilmer's birthday event on January 31st. Joyce Kilmer's grandchildren attended this event and read poems. She said Eric Fuchs Stenger of MEVO got up and spoke about the Kilmer Tree Plant initiative.

Amoroso attended the Board of Education Meeting and met the little girl that jumped off the balcony during the fire and her three officer saviors were there. They gave little Sophia the "Bravest Girl in the World Award".

Amoroso attended the Beautification Meeting. Eric Fuchs Stenger of MEVO said he would put together a list of acceptable trees. They would like MacArthur Boulevard to be the first planting site.

Amoroso attended the Mahwah Schools Foundation, "Denims and Diamonds" Dinner.

Ariemma attended the Joyce Kilmer Day Ceremony on Sunday, January 31, 2016 and they announced The Plant A Tree Program with MEVO.

Ariemma said she was impressed with what MEVO does for the community as they are an asset to the Township. She said she would like to present them with a plaque.

DiGiulio attended the Joyce Kilmer Day Ceremony. She said Alex Michelini is amazing and has brought Joyce Kilmer to life and he should be honored. There was a fantastic turnout for this event.

DiGiulio attended the Mahwah Schools Foundation Dinner. It was fabulous and probably the best turnout they ever had.

Hermansen saw the fire at Society Hill and saw how it was put out and what a tremendous job the volunteer firemen, police OEM, and EMS did. He thanked them all.

Hermansen said he brought his dog to the Rabies Clinic. He said the Board of Health Department did a great job organizing this event.

Hermansen said he heard that the Mayor was at the Library Board Meeting and gave out information that he told the Council not to give out and which had only been discussed in Closed Session. Mayor Laforet said he sits on the Library Board and went there to share information

relative to their budget. Nothing, he said, was shared there that was not public information. Hermansen said heard the Mayor shared what was on the budget and about Sharp moving. The Mayor said no one has said to anyone that Sharp is moving. The Mayor said Hermansen's claims are unfair.

Sbarra attended the Mahwah Schools Foundation Dinner and mentioned that they had a great turnout and great prizes.

Sbarra attended two Planning Board Meetings. One meeting, he said, they discussed an addition to a retail building next to Mahwah Bagels. The Applications have been approved. He said Christie Street had some concerns about parking especially where tractor trailers are parking in the area. Sbarra said the parking should be enforced.

Sbarra stated the second Planning Board Meeting he attended was just for a memorization of the Bagel Building and the Health and Wellness Building.

Wong attended an Ordinance Subcommittee Meeting.

Wong mentioned the great job the firefighters and the 1st responders did in regard to the fire.

Roth stated he agrees with everything the Council has just commented on.

Roth said on February 2, 2016 he had a follow up meeting with Jim Thebery, Director of Disabilities from Bergen County, Freeholder Maura DeNicola, Mayor Laforet and Business Administrator. The meeting was to discuss and address Access for All which is a program we want to start for people with disabilities to give them an opportunity in the Township which they have been previously excluded from. Roth said he has asked Director Thebery to do a presentation so that the Council can move forward on this program. Roth stated this is a very worthy cause.

Roth attended the Mahwah Schools Foundation Dinner.

Roth said on February 5, 2016 he met with the Business Administrator and the Township Attorney to discuss Affordable Housing. He stated he is aware numbers are spreading around the Township which is sensitive information. Roth said there will be a formal presentation. He said he did present a confidential Affordable Housing briefing to Superintendent of School Dr. Schoen.

Roth mentioned that on Saturday they are having another Pipeline Meeting with the 15 Municipalities and will make a presentation about retaining legal services, and if all parties agree they will bring it before Council.

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

Mayor Laforet explained that decisions will have to be made on Affordable Housing. He said this is a Legislature issue and has to be non-political. He said our Township has done more than many towns around but will have challenges.

Mayor Laforet said he attended the Rabies Clinic and it was a great success.

Mayor Laforet attended the Joyce Kilmer Program held at the Trail Conference on January 31, 2016.

Mayor Laforet gave his condolences to Ed Garza and his family, whose brother passed away.

Mayor Laforet gave his condolences to Tom Mulvey and his family on his brother's passing.

The Mayor agreed that Access for All is a good thing.

The Mayor said the fire, with the little girl jumping into the Officers' hands, was heroic and shows a lot for our Police Officers as the little girl trusted them. We can't do enough for the Police Department in this case.

Mayor Laforet mentioned April 17, 2016 there is a Mayor's Wellness Day Clinic Event at Brandywine Senior Living for Alzheimer's and Dementia.

The Business Administrator said the Mayor's 2016 Budget has been delivered. There will be a discussion of when the meetings will be scheduled.

Mayor Laforet said he will be attending the Pipeline Meeting with Council President Roth and Council Vice President Sbarra.

PUBLIC PORTION

On a motion by Wong, seconded by Hermansen, the meeting was opened to the public at 10:05PM. All in favor. Motion carried.

On a motion by Wong, seconded by Amoroso, the meeting was closed to the public at 10:06PM. All in favor. Motion carried.

CONSENT AGENDA

Resolutions #069-16 through #076-16, #78-16, #079-16, #080-16, #81-16, #084-16, #085-16, #088-16, #089-16, and #090-16 were voted on under the Consent Agenda. Resolutions are attached and are made part of these Meeting Minutes.

Resolution #077-16 was voted on separately. Resolution is attached to and made part of these Meeting Minutes.

Resolution #81-16 was voted on separately. Resolution is attached to and made part of these Meeting Minutes.

OLD BUSINESS

Ariemma said she called Coach and spoke to Operations Administrator Supervisor Joan Jaekel and was informed, by her, that in front of Veterans Park at the intersection there is a bus stop and a sign that says "bus stop".

Wong asked why Ariemma would call Coach and not New Jersey Transit. Sbarra said in the state the bus can stop any place to pick up a passenger.

Ariemma said she is asking the Council to put a bus shelter in front of Veterans Park.

DiGiulio said it is not a legal bus stop.

Roth asked the Council to put up their hands if they want a bus shelter there. No hands were raised. Roth suggested Ariemma put a plan together and then it could go on a future Agenda.

Wong said we should listen to our officials for guidance on this.

NEW BUSINESS

Roth said he sent everyone a list of dates for the Budget Meeting Schedule. Roth asked that the Council contact him if they see a department that they have issues, questions or comments on after they go through the budget.

Ariemma said she feel the Township should recognize MEVO for their contribution to the community.

Ariemma suggested for Seniors and people who do not have the internet they should be able to drive by the Municipal Building and see a bulletin board out front listing meetings etc.

Roth said she would have to discuss this with Administration.

Ariemma asked about the Township calendar that the Township used to distribute. She said the Calendars could be available in this building available for pick up. The Business Administrator said it cost about \$10,000 to print them. Ariemma feels this would be a benefit to the people in the Township. Amoroso said Ariemma should research this and see if it could go in the budget this year for next year.

DiGiulio said we stopped the calendars because we did not have the staff to put the calendars together.

DiGiulio suggested getting a plaque for Alex Michelini honoring him for his contribution to the Township with all the work he has done on the Joyce Kilmer Programs.

Wong said he has done research on initiating a program for shoveling snow for Seniors and people with disabilities.

Roth suggested Wong bringing his outline plan before the Council and then it could be placed on an Agenda.

Hermansen said it would be a good idea to partner with the Board of Education on this.

Hermansen asked Amoroso to bring this up at a Board of Education Meeting.

CLOSED SESSION

On a motion by Hermansen, seconded by Wong, Council went in Closed Session at 10:35PM to 10:35PM for the express purposes of discussing:

- C1. Tax Appeals
 - a. 43 McKee Drive; Block 64, Lot 7
 - b. 115 Franklin Turnpike; Block 70, Lot 44
 - C2. Affordable Housing Update
 - C3. Conversion of Market Rate Unit to Affordable Housing Unit; 2023 Hawthorne Lane
 - C4. Sick Leave Extension; DPW Employee
 - C5. Sick Leave Extension; DPW Employee
- All in favor. Motion carried.

On a motion by Hermansen, seconded by Amoroso, Council returned to Open Session at 10:50PM. All in favor. Motion carried.

RESOLUTIONS

#082-16 through 084-16 and #086-16 and 087-16 were voted on together. Resolutions are attached to and made part of these Meeting Minutes.

On a motion by Amoroso, seconded by Hermansen, the meeting was adjourned at 10:55PM. All in favor. Motion carried.

Respectfully submitted,



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