

**TOWNSHIP OF MAHWAH  
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES  
THURSDAY, DECEMBER 29, 2016**

The Meeting was called to order at 8:01PM by Council President Roth who read the Open Public Meetings Act Statement as prescribed by law. Notice was advertised in The Record and The Ridgewood News on October 9, 2016 stating this meeting would be held in the Council Chambers at the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, New Jersey on Thursday, December 29, 2016 at 8:00PM.

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 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 and those who are serving in the military both here and abroad. It is because of their valor and bravery that we can hold meetings such as these.

Present: Councilmembers Ariemma, DiGiulio, Ervin, Hermansen, Roth, Sbarra, Wong

Also present were Business Administrator Quentin Wiest, Township Attorney Brian Chewcaskie, Township Engineer's Associate Michael Kelly Municipal Clerk Kathrine G. Coviello, and Clerical Assistant Carolyn George.

**PRESENTATION**

**Mahwah Fire Fighter Service Commendations**

Roth said we are recognizing important people in our Fire Department. We will be presenting Resolutions of Commendation to 67 members of the Fire Department. Each member has served for over 20 years. Using numbers Roth said it would be a total amount of years of service would be 2,336 years of volunteer service to the Township. If one took the average amount of work hours in a year their contribution of service would translate to 4,875,000 man hours. If a minimum wage rate was used it would translate between \$35 to \$40 million dollars' worth of service. There is no value we can contribution to the lives and properties that have been saved due to the Fire Department and their answers to the calls. Roth thanked them very much and said the group deserves a standing ovation.

Roth gave thanks to DiGiulio who originally came up with this idea.

Roth said there is a Resolution of Commendation to be given to each member. Every Councilmember made the motion, seconded it and then passed by every member of the Council.

The Fire Chief, Municipal Clerk and Councilmember joined Roth in presenting the resolutions.

## **PRESENTATION**

### **Mahwah Ladies Auxiliary Fire Department Co. #2**

Brenda Calandrillo made a Special Presentation joined with several members of the Ladies Auxiliary of Fire Department Co. #2 who she introduced in honor of Lisa DiGiulio. DiGiulio served as a First Responder. DiGiulio's act of kindness and generosity will forever be remembered. She has expressed an interest of serving still even though she is retiring from the Township Council after 28 years. A motion was made, seconded and carried at the Ladies Auxiliary Meeting at the November 14, 2016 to bestow the honor of Honorary Member to Lisa DiGiulio and welcome her into the Ladies Auxiliary of Fire Department Co. #2.

DiGiulio thanked all the ladies for their service. These ladies are a group of volunteers not seen on the front line.

## **PUBLIC PORTION**

On a motion by DiGiulio, seconded by Hermansen, the meeting was opened to the public at 8:30PM. All in favor. Motion carried.

Mary Amoroso stated we bid farewell to an iconic presence on the Mahwah Council, Lisa DiGiulio who served for 28 years. In the Council Chambers, there are all pictures of Lisa DiGiulio. Amoroso went on to give a beautiful summary of her life and thanked her for all that she has done for the Township. She presented her with roses.

Christina Hermansen of 6 Meester Street said she has shoveled out the seniors at Norfork Village with her friends and family for the past four years. She asked how this program that she has created could become an Official Volunteer Program for the seniors in bad weather. Roth said he did not have an answer but the Council can look into this for the best course of action.

Sbarra thanked Ms. Hermansen for the idea. He said there are a lot of things that can be done for the seniors and disabled people and has spoken about this at a Board of Education Meeting. Dr. Schoen said she is 100% behind this program. She has given him a liaison, Stacey Mandel of the High School to work with Ms. Hermansen to set up a program with the High School.

Ms. Hermansen thanked DiGiulio and Roth for their service to the Township.

Ms. Joey Burgholtzer of Hillside Avenue said she thanked DiGiulio on behalf of herself and many other residents for her 28 years of, the common denominator, listening to the needs of the Mahwah residents. She earned the trust of voters and has a long list of accomplishments.

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

## **WORK SESSION**

### **SUBMISSION OF BILLS AND CLAIMS**

Roth said the Bills and Claims List can be found in everyone's Drop Box.

## ENGINEERING

1a. NJDOT State Aid Application for 2017; Resolution Endorsing Application;  
The Township Engineer commented the application for State Aid is due February 3, 2017. They have reviewed a list of potential roads based on their discussion with Administration and the DPW Director. They recommended applying for MacArthur Boulevard Eastbound section going from Darlington Avenue to Ridge Road on the south side.

Ariemma asked if there are any grants for the bike paths. The Township Engineer's Associate said he will look into this. They have applied in the past for bike path grants and not used due to cost to the Township and residents' opposition.

Roth commented this is an item that should be discussed during Budget Meetings. Administration has to decide if they want to fund this item before they could ever apply for a Grant.

Hermansen said in the past there was concerns of the cost to maintain the bike paths.

Resolution shall be voted on in the Public Meeting.

### 1d. Verbal Status Report

The Township Engineer's Associate said they are working with Administration on preparing and providing budget numbers for 2017.

Roth asked if they are evaluating roads. The Township Engineer's Associate said they go street by street and update the numbers based on further disrepair of the roads and update the conditions.

Wong asked about applying for State Aid for Hilltop Road due to the shutdown or any other roads. The Township Engineer's Associate said they have the State Aid for Hilltop Road and that will be included as part of the 2017 Road Program. They will also include MacArthur Boulevard if they get confirmation from the DOT.

Hermansen said he thought reevaluation of the roads is done after the snow. The Township Engineer's Associate said from January to March the roads do not vary too much. It can always be updated.

The Township Engineer's Associate said it was a pleasure working with DiGiulio the past 17 years and thanked her for all her work.

## **ADMINISTRATION**

2a. Authorization to Dispose of Fire Department Ford Van Fire/Police Vehicle  
The Business Administrator said the van is no longer road worthy. They are requesting authorization to use it for rescue training and then dispose of it.

Resolution shall be voted on in the Public Meeting.

**ADMINISTRATION (continued)**

2b. Authorization to Award Bids:

1. MTB #16-23: DPW Automotive Materials and Supplies  
Resolution shall be voted on in the Public Meeting.

2. MTB #16-18: Recreation Department Materials and Supplies  
Resolution shall be voted on in the Public Meeting

2c. Pay to Play Compliance; HD Supply Waterworks, Ltd.

The Business Administrator said a water meter is being replaced by Ramapo College. The specialized fire line rated meter replacement will go over the Pay to Play limit.

Resolution shall be voted on in the Public Meeting.

2d. Cancellation of Various Balances

The Business Administrator stated this is a request from the Chief Financial Officer.

Resolution shall be voted on in the Public Meeting.

2e. Appointment of Municipal Coordinator; township Emergency Telephone System Plan ("9-1-1-System")

The Business Administrator said Captain Stu Blank is appointed the Municipal Coordinator.

Resolution shall be voted on in the Public Meeting.

2f. Form of Contract; Police Outside Detail

The Business Administrator stated there is a minor revision to the Outside Detail Form of Contract for the Police Department. We have to pay officers a certain formula. This has been reviewed by our Risk Manager and Township Attorney.

Resolution shall be voted on in the Public Meeting.

2g. Temporary Judicial Mayoral Appointment; Municipal Court Judge

The Business Administrator explained they would like to appoint this Judge when the regular Judge is not available.

DiGiulio said, in the past, when our permanent Judge was not available, Judge Conte was the substitute Judge. The Business Administrator answered that there is a list of possible candidates and Administration has been advised that they have to go down this list for a substitute Judge. He said Judges have been asked to fill in on a constant basis and there are not any that are available to do that.

The Township Attorney said there is a procedure to follow. The Mayor can nominate a temporary Judge for one year to serve during the time Judge Gianni is not available. It appears over the course of events Judge Gianni would advise he could not attend the court session so the Municipal Court Clerk would have to call other judges. The intention is not just the coverage of the court session but to be available at all times due to quick bail response, being

available at all times etc.

Roth asked if there was any clarity on Judge's status. Mayor Laforet answered and said that contact was made with the Judge a week ago and he would be out for the month of January. The Township Attorney said the Judge has not indicated that he was taking a Leave of Absence.

Ariemma asked how much is the Judge getting paid. The Business Administrator said the annual salary is approximately \$49,000.

Hermansen asked when the Judge told us he would be unavailable for the month of January. Mayor Laforet said about one and half weeks ago. Hermansen said this situation should have come before the Council. The first resolution was written that the Judge was not going to be serving here the way it was worded and there was going to be the temporary Judge.

Hermansen had concerns why we are doing this differently than we have done the past six months. The Business Administrator said there is a difference between someone filling the full-time role of a Judge and going down a list and getting a Judge for a session that has been happening. Since there are procedural matters to be dealt with between sessions there needs to be someone fully designated.

The Township Attorney said there is a problem with the Police Department as they indicated they sometimes need a Judge to contact in the night or weekends. Roth asked if there have been issues. The Township Attorney said the issues are timing and getting a Judge to deal with.

Sbarra questioned if the candidate we hire gets a call in the middle of the night, and he was not available do they go down the list. The Township Attorney said they would go back to the list but 90% of the time the Judge would be available.

Wong asked if there is a concern with continuity of cases from January 2017. The Township Attorney said the acting Judge would have to finish the case. If cases become too old they can be dismissed.

Sbarra said Judge Gianni's term expires at the end of 2017. The Township Attorney commented that if he decides to retire before this the temporary Judge does not automatically become the new Judge.

Hermansen asked if other Judges who have served for us have also been asked to be the Temporary Judge. Mayor Laforet said the Court Administrator has gone down the list many times and the 11 Judges were unavailable to provide coverage on a constant basis. Hermansen had concerns with this individual being appointed as he feels he is head of the Democratic Freeholders. He feels this is political and asked Mayor Laforet if he knows him. The Mayor said he has never met him.

Ariemma asked the Township Attorney what his opinion is on this matter. The Township Attorney said it would be prudent to appoint a temporary Judge for the continuity in the Municipal Court. There will be trials that will take more than one session.

Wong asked how many sessions are there in a month. The Township Attorney said there is court on two Tuesday's a month and a special sessions twice a month on a Thursday.

Hermansen asked the Mayor, again, if he had a meeting with the candidate. Mayor Laforet said he did not.

Wong asked how the appointed Judge will be compensated. The Township Attorney recommends if the Judge is covering all sessions and outside of sessions he should be compensated.

Resolution shall be voted on in the Public Meeting.

**TOWNSHIP COUNCIL and MUNICIPAL CLERK**

3a. Firefighter Application (Day Time); Matthew J. Samani to Fire Company #2.

Resolution shall be voted on in the Public Meeting

3b. Jr. Firefighter Application; Tyler Malone 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 Ariemma, the Bills and Claims, previously signed, totaling \$1,144,049.78 were approved. Roll call vote: Ariemma, yes; DiGiulio, yes; Ervin, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes. A List of Bills and Claims is on file in the Municipal Clerk's Office.

**REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK**

**TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF SUBCOMMITTEES**

Ariemma thanked DiGiulio for her 28 years of contributions on the Council.

Ariemma thanked Amoroso and said she was the "primary voice of reason" on the Council. She wished her good luck as a Freeholder.

Ariemma thanked Roth for all his hard work as a Council President. Roth has spent countless hours working for this Council and has gone over and above what is required of a Council President. She wished him good luck.

Ariemma said she was looking forward to having Jonathan Marcus on the Council and wished him good luck to him and his family.

Ariemma congratulated Jim Wysocki, George Ervin and Steve Sbarra.

Ariemma said Happy New Year to everyone and hopes that 2017 turns out to be a better year than 2016 for everyone.

DiGiulio wished everyone a Happy New Year.

DiGiulio said it has been a pleasure serving the people of Mahwah for the last 28 years as a Councilwoman. She started out with the Mount Laurel issue. She said sitting on the Council is a commitment. We may not get along at times but everyone who is on the Council cares about the Township and wants to make a difference.

DiGiulio said she respects Roth very much and thanks him for everything he has done for the Council. She wished him the very best.

DiGiulio said moving forward she hopes everyone talks to each other and works things out. It is important to help the residents by listening helping and caring. Sitting on the Council is not about power. She thanked everyone for the privilege of allowing her to serve and appreciates the honor.

Ervin echoed everyone's feelings about DiGiulio. It is because of her and Roth that he decided to run this year. He wished everyone a very Happy and Healthy New Year.

Hermansen thanked DiGiulio and Roth for their years of service on committees and Council and all their hard work. He said he hopes everyone can live up to what they have done as part of our community. No one has an understanding of the time and commitment that the Council President had put in. Hermansen said he was honored to work with them.

Hermansen said he hoped everyone had a very Merry Christmas and hopes they have a Happy New Year.

Hermansen expressed his condolences to the Mayor of Franklin Lakes who lost his father-in-law.

Hermansen expressed his condolences to former Freeholder Thomas Dea who lost his Mom.

Hermansen attended the Girl Scout Bowling event. It was a great event and thanked the head of each troop leader for getting the scouts there. He especially thanked Debbie and Tammy Marcus.

Hermansen congratulated the Fire Companies and the men who served. A lot of the firefighters are also Township workers.

Hermansen hopes the Council will be going forward being open and transparent. He said he would have liked to have known that the Mayor was going to be on Channel 13 and Channel 4 over an issue discussed by the Council. He said he was blindsided when people called him about this. His concern is what the Mayor said about a "simple permit". He asked the Mayor to explain what he means about this.

Mayor Laforet said this can be discussed in Closed Session. The Township Attorney agreed.

Hermansen said if this issue cannot be discussed in Open Session than it should not be broadcast on television.

Roth stated the Governing Body have an obligation to protect the Township when it could have litigation attached to it.

Sbarra commented he does not know how 40 years of wisdom and experience be replaced for DiGiulio and Roth. They put so much time and effort into being a Councilmember. Both have left a legacy with our Township. Words cannot express his gratitude and he hopes the residents appreciate all they have done.

Wong said it is not easy being a Councilmember and there is a learning curve and it helps when there is leadership. You look for guidance to the Councilmembers that have been on the Council. He thanked DiGiulio for her guidance on the Ordinance Committee. He will miss her on the Council and she has given this Township her heart. Wong said he went to Roth for answers also, and he always had the patience to sit with him and explain how things could be resolved. He has led with example, Wong said. Wong said it is an honor to serve with DiGiulio and Roth and they have taught the standard that a Councilmember has to achieve.

Roth said DiGiulio was a difference maker on her 28 years on the Council and has a tremendous amount of passion. The Township owes her a debt of gratitude for her dedicated service.

Roth thanked the Councilmembers for their comments about him and his service. He said he did this job as best he could and feels he did it well. He encourages the Council to embrace change in moving forward and do what is right for the Township. Roth said put the politics aside and wishes everyone the best of luck.

#### **REPORT OF MAYOR and BUSINESS ADMINISTRATOR**

Mayor Laforet said he has sat on the Council for 5 years with both DiGiulio and Roth. All and all, at the end of day, there is no one that can question the amount of work, dedication and time spent. Despite differences he applauded both of them.

Mayor Laforet said, in the next few months, he wants to address Alex Michelini having his Joyce Kilmer Society Meetings at the Municipal Building. It is an important part of our community.

Mayor Laforet asked DiGiulio to be the 9/11 Chairperson Ceremony. Hermansen said we did vote on that. DiGiulio said anyone that would like to join her on that committee would be great.

DiGiulio said that she feels the Mayor's ideas are great but starts rolling with ideas before he presents it to the Council. If he presents his ideas and follows the process, she feels this would be magnificent. She hopes everyone works together.

The Business Administrator said it has been a pleasure working with DiGiulio and Roth in the short time he is been with the Township. The exposure he has had working with John has been very helpful to him.

#### **ORDINANCE – PUBLIC HEARING**

The title of an Ordinance was read as follows:

**AN ORDINANCE TO AMEND SALARY ORDINANCE #1773 AND 1781**



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

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 Wong, the following Resolution was passed and adopted:

**RESOLUTION – ORDINANCE NO. 1796**

**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: Ariemma, yes; DiGiulio, yes; Ervin, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

**PUBLIC PORTION**

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

Mr. Robert Lockwood of Homespun Court thanked the Council and said it does take a special person to sit on the dias. It takes a lot of hard work. He said he is amazed how empty the room always is for a Council Meeting. He thanked DiGiulio and Roth for their service and said they should be proud of what they have done.

On a motion by Wong, seconded by Sbarra, the meeting was closed to the public at 10:08PM. All in favor. Motion carried.

**CONSENT AGENDA**

Resolutions #325-16 through #334-16 voted on under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes.

Resolution #335-16 was voted on separately and is attached to and made part of these Meeting Minutes.

**OLD BUSINESS**

None.

**NEW BUSINESS**

Ariemma asked if there could be a description in an e-mail of what has been changed when there is an Agenda change in the Dropbox. Roth said if something changes in the process a revision is noted. Roth said she should take this up with the new Council President.

Ariemma said in Carlstadt they have hired a full time carpenter and have saved a lot of money by doing this. If our Township had a full time carpenter the Township would not have to go for

bids as the carpenter could do it. Roth said she should lobby this with the Mayor for budget.

Wong asked if the Township has enough tasks to warrant a full time carpenter. Mayor Laforet said we have the Department of Public Works who are very skilled but are not carpenters.

Ariemma asked if they are applying for Tree Grants again. Mayor Laforet said they have not seen any grants coming through yet. Ariemma suggested trying to get the grant for more trees this year.

Ariemma asked if we are doing the MEVO recognition. Roth said she should bring this up to the new Council President.

**CLOSED SESSION**

On a motion by Wong, seconded by Sbarra, the Council went into Closed Session at 10:20PM for the express purpose of discussing:

C1. Tax Appeal; 1200 Macarthur Blvd.; Block 139, Lot 2

C2. Halifax Road; Potential Litigation Update

All in favor. Motion carried.

On a motion by DiGiulio, seconded by Wong, the Council returned to Open Session at 10:55PM. All in favor. Motion carried.

On a motion by Ariemma, seconded by Wong, the meeting was adjourned at 10:56PM. All in favor. Motion carried.

Respectfully submitted,



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