

**TOWNSHIP OF MAHWAH  
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES  
THURSDAY, AUGUST 6, 2015**

The meeting was called to order at 8:00PM 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 5, 2014 and January 2, 2015 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, August 6, 2015 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 are approved by the Township Council.

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

Moment of Silence was observed for those serving in the Armed Forces and who served. It is through their bravery and dedication that we can meet in freedom tonight.

Present: Councilmembers Amoroso, Ariemma, DiGiulio (8:15PM), Roth, Sbarra, and Wong.  
Absent: Councilmember Hermansen

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

**PUBLIC PORTION**

On a motion by Sbarra, seconded by Wong, the meeting was opened to the public at 8:04PM. All in favor. Motion carried.

Mrs. Annette Freund, 63 Karen Drive said on behalf of the Recall Committee she was proud to announce that they obtained a significant number of signatures, on the citizen's petition, to recall William Laforet from the office of Mayor. She said each sheet contained five signatures and every one was notarized and everything explained to the signer. Mrs. Freund stated if residents were not afraid to sign they would have surpassed the 4,200 signatures required. She said the Committee believes this recall was a victory for the citizens. There was community involvement and thousands of citizens learned who their Mayor is as some never knew his name. She said over 600 Voter Registration Forms were distributed to unregistered voters. Sadly, Mrs. Freund said, the biggest obstacle was fear from the non-signers. Their other obstacle was the timeframe. They did not want to burden taxpayers with the cost of a special election so they chose the 90 day timeframe. Mrs. Freund said, in closing, she hopes the Mayor will not be re-elected as the residents will have privacy in the voting booth and will not have fear to vote how they choose to.

Mr. David Rojek of 15 Hutton Drive said he had an issue with the kind of plastic beverage drinking bottles that could be recycled. He said he saw the information on the Township website and also call the Department of Public Works and it was verbally confirmed to him. Roth said Mr. Rojek received incorrect information.

The Business Administrator stated it is not a question of what kind of bottles they are. It is the type of plastic the facility takes what we transport the recycling to. They only accept certain types of plastic. The Business Administrator said he will look into this issue and if need be, will clarify it on the website.

On a motion by Wong, seconded by Amoroso, the meeting was closed to the public at 8:13PM. All in favor. Motion carried.

### WORK SESSION

#### SUBMISSION OF BILLS AND CLAIMS

The Bills and Claims List was placed in everyone's Drop Box. Any Councilmember with questions was asked to speak with Administration prior to the Public Meeting.

#### ENGINEERING (Boswell-McClave)

1a. East Slope Booster Pumping Station Improvements; Request for Award of Bid #MTB-15-11

The Township Engineer mentioned that based on the bids submitted, CFM Construction was the low bidder. The bid amount is below the Engineer's Estimate of \$300,000. He stated this is being done with a \$75,000 grant from FEMA for a generator which is part of the bid.

Sbarra asked if we have used CFM Construction in the past. The Township Engineer said we have used them and have had good results with this company. The Business Administrator agreed and said the Water Department has used them with good results.

Roth asked how Boswell Engineering arrives at their prices. The Township Engineer stated it is through an Engineering estimate and the completion of the job.

Resolution shall be voted on in the Public Meeting.

1b. East Slope Booster Pumping Station Improvements; Request for Authorization of Engineering Inspection and Project Management Services

Resolution shall be voted on in the Public Meeting.

1c. Mahwah NL Cedars LLC Major Subdivision; 28 Masonicus Road; Block 126, Lots 127, 129 and 130; Request for Authorization to Execute Developer's Agreement (Dkt. #524-F)

The Township Engineer said this is an extension of the road to add an additional lot. The Township Engineer recommends the amended Developer's Agreement be approved.

Resolution shall be voted on in the Public Meeting.

1d. Written Status Report

MA-1417 – ADA Curb Ramp Improvements – County Roads: The Township Engineer said they expect the contractor to start work on or about August 10, 2015.

MA-1500 – 2015 Road, Curb and Sidewalk Program: The Township Engineer said the work is a month ahead of schedule and should be completed by August 21, 2015.

Sbarra asked what the signal system is on the signs on Ridge Road as some are blinking now and some are not. The Township Engineer said he will follow up on this and have them looked at and fixed.

DiGiulio asked about the grant for Stag Hill. The Business Administrator said they have received the grant and the work will be done next spring.

**LEGAL**

2a. Draft Ordinance; Towing

The Township Attorney said he has had meetings with the Police Department, Councilmembers DiGiulio, Hermansen and Wong and Municipal Clerk, and all suggestions have been accepted and there have been no further comments on this.

The Township Attorney stated the Ordinance will be introduced in the Public Meeting.

2b. In-Rem Foreclosures

The Township Attorney explained that about nine months ago in conjunction with the Tax Collector they went through a series of In Rem Tax Foreclosures. These are foreclosures of Tax Sale Certificates where a third party does not buy the certificate and the certificate is retained by the Township. If the taxes are not paid and certificates redeemed, the Township has the right to foreclose and own the property. This was suggested with the property on Hillside Avenue, where the three separate parcels of property is abandoned. On two parcels, the taxes are not paid. The Tax Collector mentioned there is also another property unrelated to this one on the Foreclosure List also.

The Township Attorney said there is a Resolution this evening for Tax Foreclosures and a Form of Certification by the Tax Collector with the attached Tax Foreclosure List. The Business Administrator interjected and said they cannot find the owner of the one home on North Hillside Avenue as the house has been abandoned for two years and the owner of the these three parcels has been missing for years.

Ariemma asked if the three lots are vacant. The Township Attorney stated one lot may have a pool. He said this property has always been a problem and has not been maintained.

Ariemma asked if it is right to sell property for \$6,000 when it is worth more. The Township

Attorney answered there is a lien on the property and this is done all the time. He said all other taxpayers in the Township should not have the burden of paying the taxes for this property.

Amoroso asked how long property taxes can be delinquent. The Township Attorney said the minimum is one year.

2c. Discussion of Ordinances; Hunting, Firearms and Noise

The Township Attorney commented on the Ordinance of the Bow Hunting Law and it is a State Statute that Bow Hunting is allowed with certain stipulations.

Ariemma stated she does not agree with this Ordinance or State Statute as she feels it is very dangerous. Near one area in the Township, a man shoots his arrow from an elevated area, but there are kids playing in this area. She asked if a letter could be written to the State.

Amoroso asked if someone could talk to the Legislature. Council all agreed that Ariemma should prepare and write a letter to the State on this issue.

The Township Attorney stated there is not an Ordinance on Noise Control other than what the Board of Health has. There are no regulations for any construction operation except for soil movements. He further said, there can be an Ordinance that regulates noise.

Roth said this becomes a "Quality of Life" issue and suggested to turn this over to the Ordinance Committee to see how to deal with this.

Ariemma brought up the Route 287 noise issue about paving the road with asphalt instead of concrete. She feels this can cut down on the noise level. Mayor Laforet said he received a letter from the State and they said they will continue using concrete.

Ariemma said people can hear trucks idling on Route 287 in the early morning. Mayor Laforet said that is the place where the truckers do stop to sleep. The Business Administrator said there is a State Statute that trucks can only idle for a short period of time and suggested the State Police and Township Police keep a watch on this. Mayor Laforet agreed and said he will talk to Chief Batelli and have him enforce this. The Mayor stated they do put signs up but the truckers take them down.

The Township Attorney said besides the Bow Hunting letter this will be another letter to write to the State.

### ADMINISTRATION

3a. Salary Ordinance Amendment; 2015 Police Salaries

This was tabled to August 20, 2015.

3b. Resolution Approving PBA 2015 – 2017 Agreement

This was tabled to August 20, 2015.

3c. Second Quarter Financial Reports

The Business Administrator gave an overview of the Second Quarter Financial Report. He said we are half way through the year and the accounts are running pretty much as anticipated in the 2015 Budget. One account, the Uniform Construction Code Line Item is running very low. This is due to volume of activity. He said they are behind in the revenue. This year we are not collecting Construction Code Fees as done in the past.

The Business Administrator said as of July 31, 2015 the amount collected is up to \$147,002. in Municipal Pool fees with is about 90% of what we participated. He said we did have a change this year as in the past we had revenue from food and this year we have an outside vendor. The Business Administrator said he does not see us having an increase over last year's number. This will have to be evaluated this in September.

3d. Authorization to Sign Grant Agreement; Water Department Emergency Generator Project  
The Business Administrator mentioned FEMA has awarded the Township a hazard Mitigation Grant for a generator project.

Resolution shall be voted on in the Public Meeting.

3e. Pay to Play Compliance; Alternate Non Fair and Open Agreement; DTS Services LLC  
Resolution shall be voted on in the Public Meeting.

3f. Pay to Play Compliance; Alternate Non Fair and Open Agreement; Hackensack Roofing Company  
Resolution shall be voted on in the Public Meeting.

3g. Authorization to Dispose of Co. #2 Pumper Truck; Fire Department Auction; Fire Department Surplus Equipment; Donation  
The Business Administrator said he requesting Council approve a resolution authorizing the auction of the Co. #2 Pumper truck. He said the Fire Department also has clothing and equipment that is no longer being used that they would like to donate to fire companies in need of clothing and equipment.

Two Resolutions shall be voted on in the Public Meeting.

3h. Certificate of Determination and Award; #2015-2; For Information only  
The Business Administrator commented the Chief Financial Officer has sold a Bond Note at the price of \$11,281,818.00 which is a premium amount.

**TOWNSHIP COUNCIL and MUNICIPAL CLERK**

4a. Mahwah Chief of Police Report  
For information only.

4b. Special Event's Permit Application; Deadman's Curve  
Roth stated this event has been held for the past few years and will be on Labor Day Weekend.

Resolution shall be voted on in Public Meeting.

### PUBLIC MEETING

#### APPROVAL OF BILLS AND CLAIMS

On a motion by DiGiulio, seconded by Wong, the Bills and Claims, previously signed, totaling \$9,128,675.81, were approved. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, yes; Hermansen, absent; 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 Wong, seconded by Sbarra, the Combined Work Session and Public Meeting Minutes of July 9, 2015, the Closed Session Meeting Minutes of July 9, 2015, the Combined Work Session and Public Meeting Minutes of July 23, 2015, and the Closed Session Meeting Minutes of July 23, 2015 were approved. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, abstain for Minutes of July 23, 2015, and yes for Minutes of July 9, 2015; Hermansen, absent; Sbarra, yes; Wong, yes; Roth, yes.

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

Amoroso mentioned the Board of Education has hired Kyle Bleeker to replace Business Administrator Mr. Ed Deptula .

Amoroso said she went with the Mayor to Flavor and Fragrance on Industrial Avenue. They have just been bought by a Spanish Company and they will stay here in the Township.

Amoroso said she went on a tour of the Carmel Retreat that was built around 1907. Hopefully, she said there is a buyer who will not subdivide the property and keep the building whole.

Amoroso mentioned that the Municipal Historian and her husband were in a bad accident and are recuperating.

Amoroso stated although she knows there were well intensions on the Recall issue she did not support it no felt it should have risen to this level. She hopes the wounds heal over and the Township becomes a better community.

Ariemma said she was not in attendance at the Planning Board Meeting, but one issue that was raised was soil blending in reference to Apple Ridge.

Ariemma said she is happy that Carmel Retreat will not be subdivided and that there could be a potential buyer putting it to a good use.

Ariemma said the Mayor just informed the Council that the state is not going to do anything about the repaving of Route 287. She said she is not happy about that.

Ariemma commented that she hopes the Police will do something about the trucks idling on Route 287.

Ariemma said she wishes everyone would work together on the Bow and Arrow Hunting issue. Ariemma further said she would like to know what the Ordinance was prior to a year ago. The Township Attorney said he will get that information for her.

Ariemma stated she is happy the Recall Signs are coming down and feels there were more than 75 signs put up.

DiGiulio commented that the Beautification Committee will start again on September 1, 2015.

DiGiulio said the Township Sign was installed on MacArthur Boulevard and it is absolutely beautiful. She would like the company to do eight smaller signs but they will need fund raising for this.

DiGiulio mentioned that the Ordinance Committee will meet at the end of September to address the noise at West Mahwah Road.

DiGiulio thanked the Police Department for responding so quickly when there was a black bear in her neighborhood.

DiGiulio said she had read something that someone posted on Facebook. She said she believes Todd Sherer had nothing to do with it. He told her it was an untrue thing and never happened. She said she feels Mr. Sherer should have a conversation with the person that posted it.

DiGiulio said Marie LaSalvia has worked very hard on plans for the train slope.

Sbarra attended the Jr. Police Academy Graduation on July 31, 2015. He thanked the Mahwah Municipal Alliance and the Police Officers.

Wong said he read an article today about the upcoming Board of Education Election. He mentioned there are seven candidates that filed petitions for three seats.

Wong attended a Scholarship Luncheon by the Pilipino American Association of Fair Lawn. It is a Scholarship Program for all students in Bergen County as long as they have a very high SAT score and high GPA. Wong congratulated Benjamin Cola, from Mahwah, who was a recipient.

Roth congratulated the children who graduated from the Academy and the people who ran it.

Roth attended a meeting on August 4, 2015 with the Mayor, Business Administrator and the President of the PBA. The PBA President said they need time to review everything. Roth stated they have moved this item to the next Council Meeting for approval.

Roth remarked that Michael DeLuca is going in for surgery so will not be coming to meetings for a while. Roth asked the Council to keep him in their prayers.

### **REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR**

Mayor Laforet stated the potential buyer will use the Carmel Retreat facility as it stands. A few members of the Historic Society and Councilwoman Amoroso took a tour of the facility.

The Mayor mentioned that there could be approximately 70 new jobs at the Flavors and Fragrances Company as a Spanish Company has purchased them. They will be staying in our Township.

The Mayor said he made a visit to the Train Station with the Business Administrator. They met with the Representative of the New Jersey Transit . Mayor Laforet gave some highlights of the meeting.

The Mayor said fiber optic lines have been laid the length of the railroad and the concrete was restored on the top at the same time. New Jersey Transit replaced all of the stone. Possibly next year the roof will be replaced. When the roof is replaced they would like the same architectural design. He said it was suggested that the train trestles be cleaned and carpet roses will be put on the hillside.

Mayor Laforet said the Fire Department wants the outside girders raised by the train trestle but they serve an important Engineering Service and cannot be raised.

DiGiulio asked if the design for the slope has been denied. Mayor Laforet answered they cut all the vegetation down and it has come back. They plan to cut everything out by the roots now. He said this can be discussed at the next Beautification Meeting.

Mayor Laforet mentioned that this is the last season of the last ceremony of leadership of the Jr. Police Academy. They have done exciting things. He is happy the Council supports this.

The Mayor said Net-a-Porter approached him. They would like to hire Mahwah residents. The jobs are for the warehouse with good benefits. Many people do not have internet access so he got together with Ramapo College, the Chamber of Commerce who supports this and Jersey On. Net-a-porter has funded devices for applicants to apply for the jobs on line and learn about the positions available on August 11, 2015.

The Business Administrator said they had a "Green Team" a sustainable New Jersey program that is run out of the Sustainability Institute of the College New Jersey with the State. He mentioned that they have been working with the Environmental Commission and Green Team to



get points for certification. He stated he received notification that our Certification has been approved. Generally a first time applicant does not get a Certification.

**ORDINANCES-INTRODUCTIONS**

The title of an Ordinance was read as follows:

**AN ORDINANCE AMENDING CHAPTER IV ENTITLED GENERAL LICENSING SECTION 4-2 ENTITLED "TOWING" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MAHWAH.**

On a motion by DiGiulio, seconded by Wong, the following Resolution was passed and adopted.

**RESOLUTION - ORDINANCE NO. 1769**

**BE IT RESOLVED** by the Township Council of the Township of Mahwah that the Ordinance entitled **AN ORDINANCE AMENDING CHAPTER IV ENTITLED GENERAL LICENSING SECTION 4-2 ENTITLED "TOWING" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MAHWAH** be passed and adopted on first reading.

**BE IT FURTHER RESOLVED** that said Ordinance be further considered for final passage a meeting to be held on the 3<sup>rd</sup> of September, 2015 in the Council Chambers at the Richard J. Martel Municipal Center, 475 Corporate Drive, Mahwah, New Jersey at 8:00PM or as soon thereafter as the matter can be reached and at such time and place all persons interested can be given the opportunity to be heard concerning this Ordinance.

**BE IT FURTHER RESOLVED** that the Municipal Clerk be, and she is hereby authorized and directed to take all necessary actions pursuant to NJSA 40A:2-17 and to publish said Ordinance according to law with a notice of its introduction and passage on first reading, and of the time and place when and where such Ordinance will be further considered for final passage.

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

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**ORDINANCE #1770 - SALARY ORDINANCE AMENDMENT; 2015 POLICE SALARIES**

Ordinance was tabled to the Council Meeting of August 20, 2015.

**ORDINANCE - PUBLIC HEARING**

The title of an Ordinance was read as follows:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IX ENTITLED "RECREATIONAL FACILITIES" OF THE REVISED GENERAL ORDINANCES 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 Sbarra, the meeting was opened to the public. All in favor.  
Motion carried.

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

On a motion by Sbarra, seconded by Amoroso, the following Resolution as passed and adopted.

### **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, yes; Hermansen, absent; Sbarra, yes; Wong, yes; Roth, yes;

### **PUBLIC PORTION**

On a motion by Amoroso, seconded by Sbarra, the meeting was open to the Public at 10:20PM. All in favor. Motion carried.

Mrs. Barbara Shanley of 314 Franklin Turnpike, Chairperson of the Historic Preservation Commission thanked the Mayor for organizing the tour of the Carmel Retreat. She said they are fortunate that there is a respective buyer.

Mrs. Shanley gave an update on the Winter Farmhouse. Yesterday, she said, her subcommittee and the Property Maintenance Inspector Tom Mulvey did a walk through and inspection of the House and any work that had been done. They were inspecting from a list of items and invoices that the Township Attorney had sent to them in December. While there, Mr. Fredericks came by and made them aware that he was part owner of this farmhouse. He said he would do more clean up on the landscape and certain repairs or updates on the house. He also mentioned, that he only wanted to have the house maintained and not modernized, as it a historic house. Mrs. Shanley noted there was patch work to be done on holes in the foundation and some other minor repairs.

On a motion by Amoroso, seconded by DiGiulio, the meeting was closed to the public at 10:30PM. All in favor. Motion carried.

### **CONSENT AGENDA**

Resolutions #210-15 through #212-15 and #214-15 through #219-15 were voted on under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes. Resolution #213-15 was removed from the Agenda.

**OLD BUSINESS**

None.

**NEW BUSINESS**

DiGiulio asked Roth to put a notice on the Cable Channel about the 9/11 Ceremony information.

DiGiulio mentioned the notice from Maura DeNicola stating that she would like a date to come to a Council Meeting to give a presentation. Roth said he will get back to her.

**CLOSED SESSION**

The Council did not go into Closed Session on these two items.

- C1. Collective Bargaining Agreements; White and Blue Collar; Report
- C2. Possible Litigation: Winter Farmhouse; Update

The Business Administrator said he and the Mayor had a meeting with the White and Blue Collar. He said they asked for more information which will be provided. There will be another meeting with them.

The Township Attorney stated Mrs. Shanley of the Historic Preservation Commission already gave her report on the Winter Farmhouse so they did not have to go into Closed Session on this.

Ariemma commented, now knowing Mr. Harry Fredericks is a partner in the Winter's Farmhouse she has a conflict of interest. She said she will recuse herself from everything to do with the farmhouse.

On a motion by Wong, seconded by Amoroso, the meeting was adjourned at 10:45PM. All in favor. Motion carried.

Respectfully submitted,



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

Meeting Minutes prepared and typed by Deputy Municipal Clerk Jan Fox