

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, DECEMBER 15, 2016**

The Meeting was called to order at 8:02PM 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, 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, December 15, 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.

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, Hermansen, Roth, Sbarra and Wong

Also present were Mayor William C. Laforet, Township Attorney Brian Chewcaskie, Township Engineer's Representative Michael Kelly, Municipal Clerk Kathrine G. Coviello and Clerical Assistant Carolyn George.

Roth stated the decorum of the previous meeting was inappropriate and he apologizes to his Council Colleagues for the conduct at the Meeting. The public will be permitted to speak only during the Public Portion. If anyone is out of turn, they may be asked to leave. The public may make brief statements with no name-calling and no campaigning.

PUBLIC PORTION

On a motion by Wong, seconded by Sbarra, the meeting was opened to the public at 8:06PM. All in favor. Motion carried.

Ms. Ann Marie Morris, 21 Spruce Road, stated her disgust with the last Council Meeting. Ms. Morris explained the Township should have different opinions and wants the Council to listen to everyone.

Ms. Mary Amoroso, 33 Olney Road, stated there are still ongoing unfortunate instances surrounding vandalism and inquiries of employment for Councilmember Elects.

Ms. Amoroso questioned the procedure of the hand time stamping of her Resignation Letter. The time originally written as 10:31AM and rewritten as 9:31AM. Ms. Ariemma's nomination was hand time stamped at 9:56AM. Mr. Sbarra's nomination was originally hand time stamped

as 10:26AM and rewritten and initialed as 9:49AM. Ms. Amoroso asked for clarification surrounding this questionable situation.

Roth asked the Municipal Clerk to respond. Ms. Kathrine Coviello, Municipal Clerk, denied any questionable situation by Ms. Amoroso within the Municipal Clerk's Office. Ms. Coviello explained she looked at the time and wrote down what she thought was the correct time. Ms. Coviello corrected it and indicated that the original time was incorrect. Mr. Sbarra originally handed in the nomination and was hand time stamped at a time Ms. Coviello thought was 10:26AM. After timestamping, Mr. Sbarra asked that the nomination be given back to him. When Mr. Sbarra returned with nomination, the correct time of 9:49AM was hand time stamped and initialed by Ms. Coviello and Mr. Sbarra.

Roth stated the Clerk does not alter documents. Roth explained Ms. Amoroso emailed her letter of resignation on November 29 and asked to be time stamped for November 29. The Municipal Clerk could not do that because it would be altering a public document. It is only effective when there is an original signature and cannot be time stamped until an original signature is obtained.

Mr. Michael Richards of 624 Blue Ridge Lane asked to see more balance within the Township Council.

Mr. Bob Lockwood of 10 Homespun Court expressed a preference to Mr. George Ervin.

Ms. Vicky Galla of 68 Armour Road expressed a preference for Mr. Ward Donigian as well as many others that could not attend the meeting this evening.

Ms. Audrey Artusio of Miller Road stated Mr. Ward Donigian has experience on the Planning Board and expressed a preference to Mr. Donigian being elected to the Council.

Ms. Joey Bourgholtzer of 29 Hillside Avenue stated it would be valuable for the residents to view videos of the Council Meetings. Ms. Bourgholtzer thanked Ms. Amoroso for her statement in spite of the circumstances. Ms. Bourgholtzer stated the Council should vote to be a balanced Council.

Mr. John Spiech 78 Island Avenue stated his preference for Mr. Ward Donigian because Mr. Donigian had been the Council Vice President when Mr. Spiech was the Council President and served the Township well.

Mr. Spiech asked the status of the Well Head Protection Ordinance. Township Attorney explained that the Township Engineer and Township Attorney are analyzing the information first to protect the existing wells. It is very detailed oriented regarding the Ordinance's characteristics and how many properties it will protect. In addition, regulations change from the Department of Environmental Protection and Highlands that must be taken into consideration.

Mr. Spiech asked an approximate time for the completion of the Ordinance. Township Attorney replied the Ordinance might be ready in approximately six months.

Mr. Spiech asked if the Pipeline gets the approvals they are seeking, would an Ordinance provide the protection the Township needs. Township Attorney stated the Ordinance does not protect the Township. If the Pipeline gets the State Environmental Permit, the permit is to take into account the existing aquifer. A Local Ordinance will not preclude a development that obtains an Environmental Permit from the State of New Jersey.

Mr. Spiech asked if the Township has a right to pass a Well-Head Protection Ordinance and would the Pipeline be preventable. Roth stated yes, the Township does have the right to pass the Ordinance, but Roth stated the Ordinance might not have any protection against the Pipeline. Township Attorney stated the Township has a Zoning Ordinance that prohibits the pipeline because it is not a permitted use.

On a motion by Hermansen, seconded by Sbarra, the meeting was closed to the public at 8:32PM. All in favor. Motion carried.

COUNCIL APPOINTMENT TO FILL COUNCILWOMAN AMOROSO'S VACANCY

Township Attorney explained the Municipal Vacancy Law and the procedure to fill a seat.

Roth explained this appointment is to fill the vacancy. Two nominations were received, one for Mr. George Ervin and one for Mr. Ward Donigian. Four votes are required to pass. If the first nomination fails, then the second nomination will be voted. If both votes fail, the Council still can renominate within 30 days and vote again at the December 29 Meeting or a Special Meeting.

Nomination for Mr. George Ervin was voted on. Motion by Sbarra, seconded by Hermansen. Roll call vote: Ariemma, no; DiGiulio, no; Hermansen, yes; Sbarra, yes, Wong, yes, Roth, yes. Motion carried.

Township Attorney swore in Mr. George Ervin.

Roth indicated Mr. Ervin may abstain from any votes this evening.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

The Bills and Claims was placed in the Dropbox. Any Councilmember with questions was asked to speak with Administration before the Public Meeting.

ENGINEERING

1a. Sanitary Sewer Connection Agreement between Township and Upper Saddle River; 72 Sparrowbush Road; Discussion

Township Engineer's Representative stated this is a review of the request and there is adequate capacity. Requesting to pass the Resolution and enter into the Agreement.

Sbarra asked if the Township is being consistent with the other agreements and assessments. Township Engineer's Representative said it is consistent. The connection fee is the responsibility of the property owner. The agreement is with Upper Saddle River.

Wong suggested Section 2 could be amended to read, "Upon satisfaction of the Township Attorney" regarding the restoration of the roads and property, and whether Section 7 add Mahwah's right to terminate. Township Attorney agrees on the amendment to Section 2. Township of Mahwah is in an Interlocal Agreement with Upper Saddle River that is why the option is given to Upper Saddle River for the right to terminate. If Mahwah terminates, the homeowner has no place to go.

Resolution shall be voted on in the Public Meeting.

1b. Route 202 Culvert Replacement Over Darlington Brook; Review of Proposed Sidewalk from Culvert to Darlington Schoolhouse to Driveway of Continental Soldiers Park
Township Engineer's Representative attended a meeting with the Bergen County regarding the replacement of the Route 202 Culvert. Bergen County asked if the Township of Mahwah would be interested in a sidewalk from the Culvert connecting the driveway from Continental Soldiers Park to the driveway of Darlington Schoolhouse. Bergen County would include it as part of the project but the Township of Mahwah would fund the work at approximately \$18,000 to \$20,000.

Roth asked the timeline of the project. Township Engineer's Representative stated the project would be sent out to bid near the end of January. Funds are available in the Township's Sidewalk Fund.

Roth suggested a document be written to guarantee all parties agree to install the sidewalk. Township Engineer's Representative agreed and will handle this aspect.

Sbarra asked how long Route 202 will be closed. Township Engineer's Representative explained approximately 6 months with huge detours of approximately five miles. Bergen County has had conversations with Ramapo College and determined the majority of the work be accomplished during the summer.

1c. Verbal Status Report

Township Engineer's Representative met with PSE&G regarding some Substation work on West Airmount Road and a switchgear manhole. PSE&G requires a temporary shed to be housed for freezing equipment and it will be visible from West Airmount Road and situated approximately 100 feet from roadway. PSE&G submitted a Zoning Permit that has been approved. The temporary shed will not have any affect on any of the neighbors and will be used for approximately one month.

ADMINISTRATION

2a. Dental Insurance Renewal; Discussion

Business Administrator has provided information of claims for three-year period. There was a dip in the 2015 period; but overall the 2014 to November 2016 claims were somewhat flat. Business Administrator explained two options with Delta Dental. The first option is a two-year renewal with a 4% reduction in premium. The second option is a one-year renewal with a 7% reduction in premium. Business Administrator stated the Township has a stable plan with stable results so the one-year renewal may capture a greater savings and recommends renewal with Delta Dental for one year and a 7% reduction.

2b. Authorization to Award Bids

1. MTB #16-19: Water and Sewer Materials and Supplies

Resolution shall be voted on in the Public Meeting.

2. MTB #16-23: Automotive Materials and Supplies

This was removed from the Agenda and will be placed on a future Agenda.

2c. Amendment #1; Maser Consulting Professional Services Agreement – Housing Element and Fair Share Plan for COAH

Business Administrator stated a Contract Amendment is needed of \$6,200 for the Housing Element for COAH because Maser had to prepare some additional information for 2016. Township Attorney indicated the additional money is necessary for the litigation assistance.

Resolution shall be voted on in the Public Meeting.

2d. Pay to Play Compliance

1. Chief Supply Corporation Inc.

The Business Administrator stated the amount would exceed the quote threshold.

Resolution shall be voted on in the Public Meeting.

2. C&S Fencing Inc.

The Business Administrator stated the amount would exceed the quote threshold.

Resolution shall be voted on in the Public Meeting.

2e. Transfer of Appropriations

Business Administrator stated this request is generated by the Chief Financial Officer.

Resolution shall be voted on in the Public Meeting.

2f. Cancellation of Improvement Authorizations

Business Administrator stated this request is generated by the Chief Financial Officer.

Resolution shall be voted on in the Public Meeting.

2g. Cancellation of 2016 Appropriation Balances

Business Administrator stated this request is generated by the Chief Financial Officer.

Resolution shall be voted on in the Public Meeting.

2h. Cancellation of Prior Year Outstanding Checks

Business Administrator stated this request is generated by the Chief Financial Officer.

Resolution shall be voted on in the Public Meeting.

2i. Cancellation of Taxes; 100% Disabled Veteran; Block 23, Lot 51
Resolution shall be voted on in the Public Meeting.

2j. Annual Drug and Alcohol Testing Services
Business Administrator stated the renewal with the Valley Medical is identical from the previous year with the exception of a fee change. The principal fee for Department of Transportation testing was \$66 and is now \$68.

Resolution shall be voted on in the Public Meeting.

2k. Halifax Road Zoning Update; Update
Roth explained an update will be discussed in Closed Session.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

3a. 2017 Fire Department Officers
Roth stated the Fire Department Election results are final and the Swearing In Ceremony will be on January 1, 2017.

Resolution shall be voted on in the Public Meeting.

3b. Firefighter Application; Ralph L. Fattorusso as DayTime Firefighter to Fire Company #2
Resolution shall be voted on in the Public Meeting.

3c. Firefighter Service Commendations
Roth stated there are over 65 Firefighters with greater than 20 years of service. One general Resolution will be voted on and then individual Resolutions will be presented during the December 29 Council Meeting.

Resolution shall be voted on in the Public Meeting.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by Wong, seconded by Hermansen, the Bills and Claims, previously signed, totaling \$813,217.07, 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 attended the Senior Luncheon on December 15. The lunches are prepackaged now and is more efficient.

Ariemma attended the Christmas Tree Lighting Ceremony and enjoyed the Joyce Kilmer Choir.

Ariemma stated the Mahwah Marine Mom Ceremony was cancelled due to weather.

DiGiulio attended the Christmas Tree Lighting Ceremony.

DiGiulio attended the Senior Luncheon and would like to see a hot lunch served rather than the box lunch.

Mayor Laforet stated the Seniors lost a good vendor and are looking for a new one.

DiGiulio extended a welcome to Mr. Ervin on the Council.

Ervin stated he chaired and attended the Christmas Tree Lighting Ceremony.

Hermansen congratulated and welcomed Mr. Ervin to the Council.

Hermansen congratulated the Mahwah High School Football Team for their championship and being named The Record's Team of the Year.

Hermansen congratulated Ms. Sarah Jordan, Female Soccer Player of the Year.

Hermansen attended the Christmas Tree Lighting Ceremony.

Hermansen stated Council will focus on better communication between the Mayor and Council for 2017.

Mayor Laforet said he welcomes open communication.

Sbarra extended congratulations to Mr. Ervin.

Sbarra extended Holiday wishes to those friends, family, and Service Members who cannot be with their families during the Holiday Season.

Wong extended congratulations to the Mahwah High School Football Team.

Roth attended on December 7th the Senior Advisory Board Meeting.

Roth attended the Senior Luncheon and hears all positive comments concerning the lunch.

Roth congratulated Mahwah High School Football Team with their second Championship in a row.

Roth congratulated Sarah Jordan for her Soccer award.

Roth congratulated Mr. Ervin for his Council position.

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

Mayor Laforet attended a Hunt and Polo Club Homeowner's Meeting with the Township's Chief of Police.

Mayor Laforet congratulated the Mahwah High School Football Team for their back-to-back Championships.

Mayor Laforet attended the Chamber of Commerce Meeting at the Crown Plaza in Suffern, New York.

Mayor Laforet attended the Mahwah Municipal Alliance Christmas Party in the Senior Center with approximately 250 children.

Mayor Laforet attended the Senior Luncheon.

Mayor Laforet was interviewed today for a HBO documentary concerning CTE Brain Trauma with Leonard Marshall.

Business Administrator attended the Mahwah High School Football Game and enjoyed a very exciting game.

ORDINANCE-INTRODUCTION

The title of an Ordinance was read as follows:

AMENDMENT TO SALARY ORDINANCES #1773 AND #1781

RESOLUTION – ORDINANCE NO. 1796

Introduced by Hermansen; seconded by Sbarra

RESOLVED that the ordinance be passed and adopted on first reading.

FURTHER RESOLVED that said ordinance be considered for final passage at a meeting to be held in the Council Chambers of the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, New Jersey on Thursday, December 29, 2016 at 8:00PM.

FURTHER RESOLVED that the Clerk publish said ordinance with notice of introduction, passage and time and place where said ordinance will be considered for final passage.

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

ORDINANCE-PUBLIC HEARING

The title of an Ordinance was read as follows:

AMENDMENT TO SALARY ORDINANCE #1773

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

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

On a motion by Hermansen, seconded by Sbarra, the following resolution was passed and adopted:

RESOLUTION – ORDINANCE NO. 1779

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 Wong, seconded by Hermansen, the meeting was opened to the public at 9:45PM. All in favor. Motion carried.

On a motion by Hermansen, seconded by Sbarra, the meeting was closed to the public at 9:46PM. All in favor. Motion carried.

CONSENT AGENDA

Resolutions #308-16 to #322-16 were voted on under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes.

Resolution #324-16 voted separately and made part of these Meeting Minutes.

OLD BUSINESS

None.

NEW BUSINESS

Hermansen suggested the Council invite the Mahwah Football Team and Sarah Jordan to be recognized for their accomplishments.

Hermansen suggested plans for a nomination for a Volunteer of the Year.

Hermansen suggested Mahwah High School students volunteer to shovel for Senior Citizens at the Norfolk Village or other locations. Sbarra is the Council Liasion and will speak to the Board of Education to try to implement a program for assistance with items like shoveling and lawn care for the Senior Citizens.

Ariemma asked the status of the Senior Citizen Bingo License. Roth explained that there are new, tighter regulations including the purchase/lease of new equipment.

CLOSED SESSION

On a motion by Ariemma, seconded by Wong, Council went into Closed Session at 9:55PM for the express purposes of discussing:

- C1. Affordable Housing Update
- C2. Authorization to Adopt Bergen County Law Enforcement Mutual Aid Plan; Discussion
- C3. Halifax Road Potential Litigation; Discussion

All in favor. Motion carried.

On a motion by Wong, seconded by Hermansen, Council came out of Closed Session at 10:47PM. All in favor. Motion carried.

RESOLUTION

Resolution #323-16 is attached to and made part of these Meeting Minutes.

On a motion by Wong, seconded by DiGiulio, the meeting was adjourned at 10:49PM. All in favor. Motion carried.

Respectfully submitted,



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