

**TOWNSHIP OF MAHWAH
SPECIAL MEETING MINUTES
TUESDAY, AUGUST 15, 2017**

The Meeting was called to order at 7:10PM by Council President Herman who read the Open Public Meetings Act Statement as prescribed by law. Notice was faxed to The Record and The Ridgewood News on August 12, 2017 advising that the Meeting would be held at the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, New Jersey on Tuesday, August 15, 2017 at 7:00PM.

Notice of this Meeting is posted on the Municipal Bulletin Board. The Minutes of this Meeting shall be available 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 all Veterans and those who are serving in the military both here and abroad.

Present: Councilmembers Ariemma, Hermansen, May, Sbarra, Wong and Wysocki

Absent: Councilmember Ervin

Also present were Business Administrator Quentin Wiest, Township Attorney Brian Chewcaskie, Clerical Assistant Carolyn George and Municipal Clerk Kathrine Coviello.

Public Portion

On a motion by Hermansen, seconded by Ariemma, the meeting was opened to the public at 7:12PM. All in favor. Motion carried.

Mrs. MaryAnn Mauro of 143 Johnson Avenue asked two questions. Mrs. Mauro asked what happened to the plan of no action would be taken without providing the other side a 7-day Notice because now there is a lawsuit, and what happened to the open lines of communication. Hermansen answered it is the Council's understanding there was to be a 7 days' Notice and one of the reasons the Council is going into Closed Session is on potential litigation.

Mrs. Mauro said it has been brought up that we need to listen to the other side. She said the Mayor was adamant about keeping the lines of communication open. She added she is very disheartened the way things are being handled. She said residents struggle to get things done correctly and those who do not live in our town and come into it do whatever they chose. Sbarra interjected that at the last Meeting, 7 days was provided before summonses were to be issued. Then the next day the other side cancelled the Meeting and a Federal Lawsuit was filed.

Hermansen asked for a Straw Poll as to whether or not Councilmembers concur with the Township Code Official on what he is doing on the situation.

Mrs. Mauro asked if a steadfast date has been determined to issue the summonses.

Mrs. Mauro referred to the article which was in The Record that the Mayor or the Township was offering a \$1000 reward for information on who vandalized the ervus. Hermansen said the Township is not offering the reward. The Mayor is personally offering the reward. Mrs. Mauro asked for the article as published to be clarified.

Mr. Arthur Lowe of 31 Erskine court asked if those who installed the ervus , did they get permission from the Utility Company? He pointed out some poles have one and others have two. He further questioned if anyone who is doing the installation is required to carry identification.

Mrs. Eileen Barbara of 120 Tam-O-Shanter Drive questioned whether or not we are talking about a sign or a religious symbol. Sbarra said the Township was hoping for dialogue, as we too are confused.

Mrs. MaryAnn Mauro of 143 Johnson Avenue said it is unclear whether the ervu is a sign or a symbol. She pointed out the Police Department has said this is a hate crime. Sbarra said the Council does not understand. He added the Police Chief has determined it is a religious symbol and this is a hate crime. Hermansen said he spoke with the Police Chief and the Police Chief said he is going by the Attorney General Guidelines.

Hermansen said in regards to the negative comments, the Council found out about the PVC pipe being installed on May 8 or 9, 2017 that in the middle of the night with no flagmen or insurance. He asked who signed under the Municipal Official section of the Utility Form and was told the space was blank. Ariemma said she knew nothing about the ervus until July 2017.

Hermansen said he spoke to the Business Administrator in July and the Business Administrator got insurance and signed off for security detail but he did not sign off to give authorization because that is a responsibility for the Council. Hermansen believes there is a possibility the Chief thought Council gave approval otherwise the Chief would not have taken the insurance or detail.

Township Attorney stated there should have been some kind of Municipal consent before the Council.

Wysocki said at every meeting he hears there needs to be better communication.

Mr. John Rahill of 14 Stone Drive stated the last meeting was very crowded and wondered why this meeting is not as crowded. Hermansen stated this is a Special Meeting in reaction to a pending lawsuit.

Mr. Jeff Colucci of 36 Hillside Avenue asked if it is possible the vandalism came from outside the Township. Hermansen does not know who was responsible for the vandalism.

Mr. Tino Macari of 106 East Mahwah Road said he did not know about the ervus but that he has done extensive research. He said his concern is the homes will be tax deductible. Mr. Macari's document was read into record and given to the Municipal Clerk.

On a motion by Wysocki, seconded by Wong, the meeting was closed to the public at 7:49PM. All in favor. Motion carried.

Closed Session

On a motion by Wong, seconded by Wysocki, Council went into Closed Session at 7:50PM for the express purpose of discussion:

C1. Advice from the Township Attorney on Litigation.

All in favor. Motion carried.

On a motion by Wong, seconded by May, Council came out of Closed Session at 9:20PM. All in favor. Motion carried.

Township Attorney said no Official Action will be taken this evening. A Resolution shall be on the next Council Agenda for the Thursday, August 24 Meeting to retain Legal Counsel.

On a motion by Wong, seconded by Wysocki, the Meeting was adjourned at 9:22PM. All in favor.
Motion carried.

Respectfully submitted,


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