

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, AUGUST 10, 2017**

The meeting was called to order at 7:30PM by Council President Hermansen who read the Open Public Meetings Act Statement as prescribed by law. Notice was advertised in The Record on June 14, 2017 and The Ridgewood News on June 16, 2017 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, August 10, 2017 at 7:30PM.

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, Ervin, Hermansen, May, Wong and Wysocki

Absent: Councilmember Sbarra

Also present were Mayor William C. Laforet, Township Attorney Brian Chewcaskie, Township Engineer's Associate Michael Kelly and Deputy Municipal Clerk Jan Fox.

Hermansen mentioned Ordinance #1810 will be tabled. On a motion by Hermansen, seconded by Wong, the Ordinance shall be tabled. Roll call vote: Ariemma, yes; Ervin, yes; May, yes; Sbarra, absent; Wong, yes; Wysocki, yes; Hermansen, yes. Hermansen explained the Chief requested language in this Ordinance so the Ordinance will be introduced at the next meeting.

On a motion by Hermansen, seconded by May, Ordinance #1811 has been cancelled. Roll call vote: Ariemma, yes; Ervin, yes; May, yes; Sbarra, absent; Wong, yes; Wysocki, yes; Hermansen, yes. Hermansen stated he has met with Chief Batelli and Administration on two occasions and, for now, they are looking to put this Ordinance off.

CLOSED SESSION

On a motion by Hermansen, seconded by Wysocki, Council went into Closed Session at 7:40PM for the express purpose of discussion:

C1. Potential Litigation

All in favor. Motion carried.

On a motion by Wong, seconded by Ervin, Council came out of Closed Session at 8:25PM. All in favor. Motion carried.

The Township Attorney explained what was discussed in Closed Session. He said they have the threat of pending litigation regarding the Rockland Eruv piping that was placed on the poles. There was a discussion on the next step that should be taken. He said there was a discussion with the Zoning Officer as to what the proper procedure would be. The Zoning Officer made several recommendations. The Governing Body, through his office, entered into an Agreement with the Attorneys for the Eruv Association that any action taken they will be given a seven day notice. The next step will be making a motion to confirm and authorize the Zoning Officer to take specific action. There could be other actions taken, but that has not been determined at this time.

Hermansen suggested a Straw Poll Vote be taken. On a motion by Hermansen, seconded by Wong, to authorize the Zoning Officer to issue summonses on August 18, 2017, on the PVC piping violations that were placed upon utility polls in the Township. The violations were identified by him, in his letter. Straw poll vote: Ariemma, yes; Ervin, yes; May, yes; Sbarra, absent; Wong, yes; Wysocki, yes; Hermansen yes.

Mayor Laforet mentioned it is important we understand the fear. He appreciates everyone showing up for this meeting and all the work the Council has done. He said his point, however, is slightly different than what the Council has decided. The Mayor said he has had discussions with the Council President, Assemblywoman Schepesi, and the Monsey Eruv Group where they have tried to understand if there is a better way to do this. There is a scheduled meeting for Tuesday at the Municipal Building with the Monsey Eruv Group, members of Mahwah Strong and some Council Members to see if there is a solution. The Eruv Group admits they have gone about things in the wrong way. The Mayor asked the Council to give relief or wait two weeks to allow conversations to go on. He said he does not agree with issuing summonses.

Mayor Laforet said he hopes the community will move forward very carefully, thoughtfully and practically considering all the consequences. The worst case, he stated, was what happened in Tenafly. Tenafly had a \$600,000 lawsuit and they lost. Again, he feels a two week stay is worth the journey as he has concerns our actions will prompt some action in the Federal Court. If we are assessed with a lawsuit our insurance will cover us, but as a community we are not covered. We would, in that case, hire the best attorneys.

Hermansen stated on behalf of the Council this is not an easy issue. We have to make decisions that are in the best interest of Mahwah and not for Rockland County. One of the problems we have is someone put the plastic piping on the poles without permission from the Township and no authorization from the Council. This, he said, should be settled in Rockland County as it is a New York issue. Hermansen recommends Orange and Rockland sit down with the person who put the piping up, where there are issues, and to find a new route to put the poles. There are some locations that have underground poles. Hermansen asked Rockland County to solve their problem and not give it to us.

PRESENTATION

PROPOSED RAIN GARDEN AT WINTERS PARK; ENVIRONMENTAL COMMISSION

Chairman Richard Wolf and Co-Chairman Karin LaGreca were present. Chairman Wolf gave an overview of the Rain Garden. He explained they had requested an approval from the Council to apply for a Grant with Sustainable Jersey for \$20,000 to put in a Rain Garden in the area of Winters Pond and the New Jersey Transit Parking Lot. He said they were successful in getting

the Grant. Previously, he said, Orange and Rockland had donated \$1,500 for this Garden. They received a proposal from Rutgers Cooperative Extension that he is pleased with and there is basically a complete renovation of the area by the pond. Mr. Wolf said this Rain Garden will add a lot to the area. He gave all the dimensions plus the nature effect this Garden will provide. It will require long term maintenance. He hopes it can be incorporated into the DPW process and believes volunteers can help also.

Mr. Wolf asked the Council for final approval to start this project. The Commission would like to have a Dedication Ceremony the morning of Mahwah Day and invite the community and all the representatives in the area to show what can be done with limited funding.

Wong asked if the Rain Garden will be done by September. Mr. Wolf said it should take two weeks with a small mixture of plantings at that time. Wong thanked them for their work.

Ariemma thanked the Commission for all the work they have done and hopes everyone will come to see it.

A motion was made by Ariemma, seconded by Hermansen, to accept the Rain Garden. Roll call vote: Ariemma, yes; Ervin, yes; May, yes; Sbarra, absent; Wong, yes; Wysocki, yes; Hermansen, yes.

Resolution shall be voted on in the Public Meeting.

RESOLUTIONS

Hermansen read a synopsis of Resolutions #284-17 through #288-17.

Resolutions were voted on as a body of a whole and are attached to and made part of the Meeting Minutes.

PUBLIC PORTION

On a motion by Ervin, seconded by Wong, the meeting was opened to the public at 7:40PM. All in favor. Motion carried.

Mr. Peter Cassotis of South Mahwah Road asked Administration, when the piping was put up in May, was it true that all three persons putting it up did not have driving licenses and their vehicle was impounded. Mayor Laforet answered that is not true. One gentleman had some violations. They were not arrested.

Mr. Cassotis mentioned due to his experience, he has issues with how the piping goes up to electrical wiring. He explained how the wiring does not have to be grounded by anyone. They are installed with metal brackets next to the wires. Mr. Cassotis feels there would be OSHA violations.

Mr. Cassotis asked if the police cars used during the installation had the dash cams going. Mayor Laforet said he does not think they were, but he will ask Chief Batelli if there is a video available.

Mrs. Carolyn Blake of 88 Bayberry Drive said she is pleased to hear that Ordinance #1811 was tabled. She said she is a parent and a volunteer. She has had the opportunity and privilege to work with leadership at the Police Department; Chief Batelli, Captain Jaffe, Captain Blank and the other Officers at the Police Department. The programs and workshops for the terrible heroin epidemic, binge drinking, teenage depression and cyber bullying workshops, to name a few, has given her the chance to see how professional Chief Batelli is and how amazing and approachable our Police Officers are. It is so heartwarming to see how the Officers interact with the students and how they trust the Officers especially after going through the Police Academy. Mrs. Blake said all the families see the honesty, discipline and respect from the Officers and Chief Batelli leads by example. She said the structure today does work and the Independent Study confirmed that.

Mrs. Kim Barron of 15 Oweno Place mentioned Ordinance #1811. She has concerns of using our tax dollars to hire a Director to direct the Chief. We have a Blue Ribbon Police Force in the Township and perhaps it would be better to hire a Director for Zoning for Township Ordinances.

Mr. Victor Egg of Overlook Place commented he is a 15 year resident and is currently a Lieutenant in a Municipal Police Department in Bergen County. The Township he works in was close to hiring a Director several years ago and it does not work. He said he hopes everyone will educate themselves and understands how it does not work. Directors have very limited powers, it is a waste of money, and will not solve the problems. All Townships that have hired a Director have had lawsuits. Everything a Police Director will try to do will be pushed back with credence. Finally, he stated, our Police Department is one of the best in the state. Our Township needs leadership, which is the backbone of a Police Department and ours is great. There has to be a Chief as there needs to be leadership on a scene.

Mr. Robert Ferguson of 23 Appert Terrace stated he is a member of Mahwah Strong but he is not speaking for the group. These comments are his own as a resident of the Township. He said he understands and supports the decision of the Council to table Ordinance #1811. He thanked the Council for enforcing the Ordinances of the Township as they stand for the betterment of our Town. As a private citizen, he will continue to support and fight for our laws.

Mr. Ferguson asked the Council and fellow residents to listen, hear the group out and see what they have to say. If our opponents want to speak to us let's listen as that is easy he said. If a person disagrees with us what harm is there to be cordial. The eyes of the country are on all of us. We are being judged daily for our actions and should strive to show them the best version of us. That does not need compromise. We should continue to fight for our convictions. He mentioned a great philosopher once said, "I cannot control the people, I can only control how I react". Mr. Ferguson commented we must stay strong, be strong and reasonable.

Mr. Brian Riback of 1171 Chedworth Circle spoke about the word "discrimination". He is questioning "what are laws or ordinances". Mr. Riback said they basically are the product of discriminations that we all have. In his mind, discrimination is against behavior and can be against people. What is troubling to him, is there should be a way to bridge a gap where we can respect the fact that the Council and Mayor can only go so far as what they say to protect our community. Mr. Riback mentioned Mayor Laforet wanting a two week stay will be a waste of time. We are not the ones that have created the facts, the environment and what we are fearing.

Mr. Riback asked Council President Hermansen what the timeframe is for the Council when passing an Ordinance until it is distributed to a department. Hermansen explained the procedure for the passage/adoption of an Ordinance. Once the Ordinance is adopted and signed by the Mayor it could be from the time of introduction to enacted from 35 to 42 days. Mr. Riback feels we should do something more modern to advertise an Ordinance than the newspaper.

Mr. Riback asked why the Ordinance on the parks took from May until July to be approved. Hermansen answered there were concerns of numerous New York plates in the parks. They looked at other Towns trying to find a solution. He said they tried to come up with an Ordinance to figure out a solution of what was happening in our Township. The first Ordinance was introduced on June 8, 2017. There was another meeting and the actual adoption of this Ordinance was June 29, 2017 and the effective date was July 27, 2017.

Hermansen explained he had discussions with Chief Batelli and the Chair of the Ordinance Committee Councilman Wong to reach out with a Department Head immediately if it pertained to their department. With our Faulkner Type of Government the Mayor has to give his permission for a Councilmember to sit down with a Department Head. Hermansen said they are looking for a better way to be able to enforce a law before an Ordinance gets introduced. No one on the Council knew the Chief had a problem with the Ordinance. The Prosecutor did not have a problem with the law but had an issue with the enforcement of the law. Hermansen said due to all the meetings they have had they realize they need a better process of communication before an Ordinance is introduced and feel they have a good solution.

Mr. Riback had concerns the Council does not know what the responsibilities of a Director of the Police Department would be. He feels the Police Department should just be reorganized as they are a fantastic department. Hermansen said there is a process to be followed and at this time there is no job description. Hermansen mentioned after meetings he hopes the line of communication is hopefully open again.

Mr. Riback addressed Mayor Laforet and stated, he feels we need a Special Counsel assigned and Ordinances be put in place carefully crafted to protect the Township from South Monsey. While the Mayor's intentions may be in the right place to give them a voice he feels there should be no discussion.

Mayor Laforet said absent from Mr. Riback's conversation is the group that initiated this problem. He feels our community is open minded and we should engage them to give them an opportunity to come up with a solution and work this out. Mr. Riback feels this would be a waste of time and disagrees with the Mayor totally.

Mr. Vamski Dhar a resident of the Township spoke and requested there should be no panic spread around on social media. He said there had been rumors there was going to be a protest by Jewish residents. There was no protest, and he then read an article a woman posted on social media entitled "Stand Up Against Hate" and said everyone was respectful and welcoming.

Mr. Dhar mentioned there is strength in numbers. He suggested all Townships that have the same situation as our Township, should talk to the Monsey Group. He said we are just trying to protect our life. Hermansen said he knows the other towns have talked to the group. However,

Hermansen stated, what is good for them, may not be the same or good for our Township. Hermansen stated we will do what is in the best interest for the people in our Township.

Mr. Thomas Zenovic of 2 Cortland Trail commented he is proud of our Town and happy with our taxes and Police Department. In areas of Rockland County, there have been homes turned into Houses of Worship and then there is no Real Estate Taxes on that property. He said if 10% of the homes in Mahwah were turned into Houses of Worship the rest of the homeowners would pay more in taxes, picking up the difference. Mr. Zenovic said he hopes our Township continues in the right direction as some towns can change their homes. We should make sure our homes remain that way unless legally changed by zoning laws. He gave an example of Suffern, New York that has an ordinance where the home has to remain a home. In Airmont, New York, however, homes can be changed to Houses of Worship. Mr. Zenovic said laws should be enacted now. There should be a petition that the Homeowners in Mahwah sign, stating there be an Ordinance that homes must remain homes unless legally changed.

The Township Attorney explained, in our Township, Houses of Worship are permitted in all residential zones of 100,000 square feet under strict standard. However, there are other laws that may come into effect. Nothing prevents a group from coming in and changing an existing structure. There are certain standards to utilize this. One area the Township is looking into is not to have multiple uses on a residential property. There is a federal law that zoning standards have to be accommodating to these uses. He feels our ordinance is in good shape. Mr. Zenovic thanked the Council for everything they do.

Mrs. Jessica Kubeck Lopiccolo of 35 Cortland Trail stated she grew up in this Township and the diversity of the people has always been amazing. She mentioned the past week has been very disturbing. She said there are a lot of rumors and the lack of communication to the community is not connecting. We have to communicate, she said, so we can reach all aspects of our community. Hermansen stated that is an Administration issue. Mayor Laforet said we do have a Reverse 911 Phone Emergency System and are looking to enhance the Nixle calls. Mrs. Lopiccolo said the media is not showing our community as they one she grew up in. She feels, the lawsuits are due to the lack of communication to everyone in the community. Ariemma said this is why we need a Facebook page. Hermansen said he agrees with Mrs. Lopiccolo but we have to be careful what is put out there and we may need help from the Township Attorney. Mrs. Lopiccolo commented we should not be fearful of other Town cases as we are different.

Mr. Kevin Collucci of 28 Devine Drive stated he is glad the Ordinance has been tabled for the Police Director and voiced all his opinions. He finds it alarming the Council finds it necessary to adopt a Director. He read excerpts from an article in the newspaper that the position has not been outlined but will be defined once the job has been created. Mr. Colluci asked who the Police Chief answers to now. Mayor Laforet answered himself and the Business Administrator. Mr. Colluci had many questions in reference to funds, qualifications and who would replace the Chief when he retires. Also, where are the funds coming from for hiring a Director, is his position contractual, will he be tenured, what qualifications will they be asking a candidate applying for the position, when the Chief retires will they just go with a Director or hire a Captain, and have they spoken to the PBA Director to see what their concern would be.

Mr. Collucci said he is not frustrated the way the Chief handled the park situation by going to the County Prosecutor.

Mr. Collucci suggested Councilman Wysocki not vote on a Police Director Ordinance if it is introduced as he was in the Police Department for 29 years and this would be a conflict of interest. Wysocki agreed.

Mr. Collucci mentioned he hoped a retired officer would not be a Director as this would be a conflict of interest also. He hopes the Council will carefully review why they are doing this as the Township does not need this.

Hermansen mentioned Council did not know the Police Chief had an issue with what is going on. Council all agrees we have the best Police Department in the County, however, there were other issues and concerns. Hermansen explained how decisions on Ordinances take place. Hermansen said mistakes were made on this Ordinance but they have moved forward and communication and respect changes will happen. He cannot disclose anything else.

Mrs. Susan Steinberg of 96 Armour Road asked for clarification on Ordinance 1812, Chapter 15-1.2 Article F, as she said it does not list Street Signs. The Township Attorney said it covers Street Signs. Mrs. Steinberg said Senator Robert Auth has posted Street Signs. Hermansen said he spoke to Senator Auth about it and the signs are down.

Mrs. Steinberg has concerns about the Council doing things on Advice of Counsel and that people were not given their right to speak whether a Mahwah resident or outside visitor. That is not acceptable. She mentioned there are potentially many legal bills due to all the issues that have occurred.

Mrs. Steinberg feels the Township is having a rush to legislate especially with Ordinance #1810 and was introduced and voted on to proceed. Due to some of the verbiage she does not feel anyone gave this Ordinance a good reading before it came before the Council. Mrs. Steinberg commented we are in a sensitive situation right now and not doing our due diligence in writing Ordinances. The public has no time to discuss them before they are voted on. She suggested we get Legal Advisors who are first amendment experts to protect this Township from further lawsuits.

Hermansen said he disagreed with her but feels the process should have been different with Ordinance #1810 and changes will be made before an Ordinance is voted on. He explained what the Prosecutor said, which was not about the enforcement of the law.

On a motion by Wysocki, seconded by Ervin, the meeting was closed to the Public at 10:00PM. All in favor. Motion carried.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

Hermansen said the Bills and Claims List are in everyone's Drop Box.

ENGINEERING

1a. Route 202 Culvert Replacement over Darlington Brook; Review of Proposed Sidewalk from Culvert to Darlington School House to Driveway for Continental Soldiers Park
The Township Engineer's Associate mentioned the cost of the sidewalk is approximately

\$45,000.00. The County is currently on the job now until the end of October. The Mayor said they have reviewed this with Ed Goodell, Executive Director, NY/NJ Trail Conference. The sidewalks will accommodate students from Ramapo College.

1b. Request to Install Fence on Township Easement; 21 Avenue A
This item was removed from the Agenda.

1c. Written Status Report – August 2017

MA-1525 – Wyckoff Avenue Infrastructure Improvements

The Township Engineer's Associate said the project is going well. The water main and sewer main have been installed. They expect to be done in two weeks.

MA-1680 – Nilsen Avenue Pumping Station – Emergency Generator

The Township Engineer's Associate said they expect to advertise next week and receive bids the beginning of September. They are looking to have the job awarded at a September Council Meeting.

MA-1695 – 2017 Road, Curb and Sidewalk Program

The Township Engineer's Associate said they have advertised in the paper August 1st, will receive bids next Wednesday and award the project at the next Council Meeting.

The Township Engineer's Associate commented the Route 202 Detour County Culvert Project is going well. The County is in the process of paving East and West Ramapo Avenue. He acknowledge the Business Administrator as he was key to getting the County to stay on this project. The County had indicated they may have to skip this part of roadway and the Business Administrator kept pushing them to get this done. Work should be done at the end of the day tomorrow.

ADMINISTRATION

2a. Resolution Urging the State Legislature to Extend the 2% Cap on Police and Fire Arbitration Contract Awards

The Business Administrator explained there is a 2% cap on the Municipality and the School Board but did not include the Police and Fire Arbitration Contract Awards. He is asking the Government Body to pass a Resolution urging the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for five years.

Ariemma asked why the Police and Fire were not included. The Business Administrator said this is the status of the law now. Police and Fire can go to arbitration where other Bargaining Units cannot.

Resolution shall be voted on in the Public Meeting.

2b. Chapter 159; Clean Communities

The Business Administrator said this Item is to add revenue to the Budget. This is for a Clean Communities Grant from the State of New Jersey, Solid Waste Administration, in the amount of \$15,250,000.

Resolution shall be voted on in the Public Meeting.

2c. Certificate of Determination and Award; Bond Anticipation Note #2017-1; For Information Only

The Business Administrator said the CFO did the Notes for this year and they mature in one year. The principal amount is \$15,250,000. The low bidder was TD Securities. The CFO awarded the bid and sold the note to TD Securities.

2d. Amend Agreement; Resolution #206-17; Special Counsel – Scarini Hollenbeck

The Business Administrator stated the Township adopted a Resolution last year on the Pilgrim Pipeline. At that time, a contract was awarded to the Law Firm of Scarini Hollenbeck to do some environmental legal work in connection with the Pipeline. In the agreement, there were three items listed, but the Resolution adopted last year only covered two items. The Resolution should be amended to \$11,800.

Resolution shall be voted on in the Public Meeting.

2e. Proposed Ordinance; Eligible Positions – Defined Contribution Retirement Program

The Business Administrator explained Public Employees generally are members of Pension Systems that are not tied to the Township but tied to the State of New Jersey who set the rules. He mentioned ten years ago there was a creation of a new Retirement Program call the Defined Contribution Retirement Program that applies to certain limited classes of employees. There was never an Ordinance adopted classifying certain employees into this program. Ordinance was prepared for introduction this evening. The Ordinance follows a model Ordinance created by the State. No harm has been done as the rules have been followed since the inception of this program.

Ordinance will be introduced in the Public Meeting.

2f. Bergen County Community Development Appointments; Council and Mayor Appointments

The Business Administrator stated each Municipality must maintain two representatives on its Community Development Committee. Council President Robert G. Hermansen is appointed the Governing Body's Representative and Councilmember Janet Ariemma is appointed as the Alternate for a one year term; January 1, 2017 through December 31, 2017.

Resolution shall be voted on in the Public Meeting.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

3a. Township Council Facebook Page; Discussion

May said a Resolution is needed. Hermansen said we have to know who would be posting so the public would understand. Wong asked who should be the poster. Hermansen feels everyone should be able to post as long as it is not controversial and no opinions. It should be about informative comments on various issues.

Ariemma suggested putting our Agenda with backup paperwork on the Facebook page. She also suggested posting Ordinances with interpretations. Hermansen said the Township Attorney would have to interpret the Ordinances on the Facebook page. Wong suggested making an Ad Hoc Committee the beginning of the year.

Mayor Laforet asked the Township Attorney if we have to have a Social Media Policy. The Township Attorney said the Business Administrator has drafted one and it has been distributed. The Business Administrator said the Council would have to review the policy and this would apply to everyone associated with the Township. Hermansen said this should be discussed at the Ordinance Meeting.

Ariemma said when a Facebook page is discussed Streaming to Facebook page should be too. May stated they had a Webinar on Monday with a potential company to help Mahwah Community News and they would provide a streaming aspect which could be fed into the Council page.

3b. Special Events Permit Application; Deadman's Curve LLC
Wysocki mentioned this event has been held for a number of years at the Crossroads. It is a huge Car Show and he urges everyone to attend on Labor Day Weekend.

Resolution shall be voted on in the Public Meeting.

3c. Firefighter Application; Anthony M. Altadonna to Fire Company #2
Resolution shall be voted on in the Public Meeting.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by May, seconded by Wysocki, the Bills and Claims previously signed, totaling \$4,573,831.07 were voted on. Roll call vote: Ariemma, yes; Ervin, yes; May, abstain; Sbarra, absent; Wong, yes; Wysocki, yes; Hermansen, yes. List of Bills and Claims is on file in the Municipal Clerk's Office.

APPROVAL OF MEETING MINUTES

Combined Work Session and Public Meeting Minutes of July 13, 2017 and the Closed Session Meeting Minutes of July 27, 2017 were approved. Roll call vote: Ariemma, abstain on July 13, 2017 Meeting Minutes and yes on July 27, 2017 Closed Session; Ervin, yes; May, yes; Sbarra, absent; Wong, yes; Wysocki, yes; Hermansen, yes.

REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK

TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF SUBCOMMITTEES

Ariemma said the Library Board of Trustees has no meetings in July or August. The next meeting is September 20th. They will be sponsoring Candidates Night on October 19th at 7:30PM at the Mahwah Senior Center.

Ariemma stated the Meeting for Access for All was cancelled but they do have concerns about transportation. She said she spoke to the Human Services Director and there are three Grants for new vans that will replace the existing ones. These vans obtained through Grants cannot transport seniors or disabled if the transport is not health or food related. They are hoping our Senior Center can be considered a place that serves lunch.

Ariemma stated the Environmental Commission met last night. The Business Administrator and the Mayor also attended. Suez made a presentation on Well Head Maintenance. Suez would like to make the same presentation to the Council. Suez has a Contract for Water Tanks for maintenance but not for our Wells. A Well Maintenance Contract would be about \$1M over 10 years. Suez explained how they will clean all the filters in the wells, maintain our pumps and guarantee the flow.

Ariemma stated the dumping on Stag Hill was mentioned. On Mahwah Day, MEVO's theme will be displaying 45 tires showing what is dumped there mostly but contractor waste. Council President said it would be nice to have a Council Day for Councilmembers and their families to go up to Stag Hill and help clean up.

Ariemma questioned when the signs and cameras will be installed on Stag Hill. MEVO is frustrated with the constant dumping. Mayor Laforet said signs and cameras are part of the Community Grant. Hermansen said hopefully this will be taken care of soon through the Grant.

Ervin mentioned residents would like an additional sign on the corner of Brook Street by the Vacuum Cleaner Store saying "No Left Turn".

May reported he viewed a Webinar on Monday which showed how to increase the ability to show the meetings on the Television channels and also streaming them on the web. He thought their product was amazing and thanked the Business Administrator for connecting the Township with the company.

Wong extended birthday wishes to Councilman Ervin.

Wong mentioned the Ordinance Committee will be having meetings very shortly.

Wong said at the last meeting he made an incorrect statement and asked the Township Attorney to correct him on that. The Township Attorney mentioned that Councilman Wong had indicated Ordinance Committee Meetings were Public Meeting but they are not. They are less than the body of a whole and less than a quorum. The meetings are designed to be able to gather information then address the Department Heads. The issues can then be worked out and after the Ordinance Committee has discussed the Ordinance they will bring the recommendations to the Governing Body where the Ordinance can be discussed publicly.

Wysocki said he was approached by residents on Meadow Avenue and Long Avenue if it would be possible for the Council to look at making all the intersections on these roads a 4-way stop. Hermansen said they have looked at this and need to have someone evaluate this area.

Hermansen stated he had a meeting last Friday with the Mayor, Chief Batelli, the Business Administrator and Township Attorney working on issues with our Ordinances and how things can be done better. He said he also had a meeting with just Chief Batelli which was very productive. One suggestion was to have a representative of the PBA attend a meeting and have the Police Department attend an Ordinance Committee Meeting if there is something that has to be enforced. Also, he said it is important to have open dialogue with Law Enforcement.

Hermansen congratulated our Pool Director Jay Esposito. This year we were awarded the Distinguished Facility Award. Also, our new food and snack provider, The Whistle Stop, were fantastic. Hopefully we will have them next year.

Hermansen said the Township came in 3rd and 4th with our Swim and Diving Team and congratulated the Team and the Coaches.

Hermansen mentioned that The Record does a "Look for Senior Stars to Come Forward". One student from the Township is Laura Stern who is a track star. He wished her good luck this coming year.

Hermansen said he hopes Councilman Sbarra is back at the Council Meetings soon.

Hermansen congratulated his niece on giving birth to a baby girl. It is his Mom's first great grandchild.

Hermansen mentioned all College Students have headed back to College. He wishes them all success and hopes they come back to our community.

REPORT OF MAYOR and BUSINESS ADMINISTRATOR

Mayor Laforet echoed with what Councilman May said. Swagit, he said, is the potential vendor for filming and streaming the meetings. He feels there was good information from their presentation.

Mayor Laforet expressed his condolences to the family of Robert LaMontayne who was a fireman and did a lot for this Township for a long time.

Mayor Laforet said sometimes we take for granted what Police Officers do every day and the risks they take. Today one motorist disobeyed an Officer's commands to not continue to proceed and injured the Officer. The motorist was arrested. The Officer is okay. The Mayor thanked the Police Officers for their service.

The Business Administrator stated he confirmed with the Administrator of the Board of Education they have Verizon coming in on August 30, 2017 speaking about installing a monopole at the Athletic field by Secor Farms.

The Business Administrator said he would like to set up another Webinar and offer the opportunity to Councilmembers and the Cable Committee. He commented it is very informative and he will set something up.

The Business Administrator mentioned a Grant Award was received for "Drive Sober or Get Pulled Over" on Labor Day.

Hermansen offered his condolences to the Rosano family on the loss of Peter Rosano. For 14 years, he was in charge of the coffee station and kitchen at the Senior Center.

On a motion by May, seconded by Wong, the meeting was Open to the public at 11:05PM. All in favor. Motion carried.

PUBLIC PORTION

Mr. T.J. Rinaldi of State Street said at the last Council Meeting Hermansen and Attorney Nabbie did an outstanding job. He said he appreciated what she said and would like her to know that. He hopes tonight no specific group will be able to speak about the Eruv or anti-Semitism. The Township Attorney said there can be no discussion on specific groups. Anything the Township says can be used against them.

Mrs. Vicki Galow of 68 Armour Road requested when developing the Social Media Policy all forms of communication on the web should be considered. She asked what other avenues are being considered for streaming Council Meetings. She asked has the Council considered their Website and hoped all aspects are focused on. There are numerous people not informed or receive miss-information. Hermansen said they would have to talk to the IT person about all of this. All options, he said are open. May mentioned the Webinar showed the company putting the TV channel into the website.

Mrs. Galow stated she appreciates the Council working well with Chief Batelli. Mrs. Galow asked how communication works with the Chief. Hermansen explained there was no communication due to our form of government and no direct contact. Everything moves through the Mayor. He said he recommended the Council have direct contact with the Chief if there are enforcement issues due to an Ordinance. Everyone, he said, should be on the same page as the Council knew nothing about Rules and Regulations on the Ordinance. Hermansen's biggest concern is the Council has to have a part. They need a solution before an Ordinance is passed.

Mayor Laforet explained the communication on this Ordinance. The Chief was sent the adopted Ordinance for his comments so we could design the sign. The Chief had concerns over enforcement and said he never received guidance. He felt he had no choice but to seek direction from the County Prosecutor. The Prosecutor ordered the Police not to enforce the regulation as he said it is a potential violation of constitutional rights and could lead to profiling and lawsuits. No one in Administration or the Township Attorney was prepared to answer the Chief's concerns. The Mayor said they had discussed putting up signs and he feels inadvertently this would direct someone to do something although not enforceable would create the same impact to the people that should not be there. Mayor Laforet feels the Chief did the right thing in reaching out to the Prosecutor. The 51 officers should know what discretion they should use. There are Ordinances the Police Chief should see before they are voted on. This change will be taking place.

Mr. Michael Cohen of 100 Huguenot Avenue in Englewood represents the Simon Wiesenthal Center as East Coast Director. He said he had hopes the Governing Body of Mahwah and the residents it represents would be open minded to hearing an alternate respective on the issue of the day, the controversy between Mahwah and the neighboring Township on the Jewish Community residing on our Township's borders. He feels he was heavily monitored when here two weeks ago. Hermansen said no one stopped him from speaking from anything other than the topic at hand. This is not an issue that he is trying to make it. Hermansen said the issue of enforcing our code is there is an issue about PVC plastic poles on our utility poles without permission from the Township.

Mr. Cohen stated he is entitled to express his own comments and opinions in the Public Comment period and feels that is the law. Hermansen said to protect the Township he cannot make comments to put us in a potentially harmful position when litigation is going on. Mr. Cohen stated that anything he says in "Public Comments" and is not responded to does not expose the Township in litigation. Mr. Cohen read comments, put into the record, about his serious concerns on the Eruv and the boundary of Mahwah and the Governing's Body of approaching this issue. Hermansen stated again, into record, it is PVC piping on the poles without permission from Mahwah. Hermansen said the issue is not about religion. Hermansen finally said Mr. Cohen is done with his reading as he offended people. The Township Attorney and Wysocki both agreed that Mr. Cohen has gone over the line with his comments that our community has been saying a certain group is unwelcome.

Mr. Keith Kaplan of 671 Ramapo Road in Teaneck had questions about our Agenda. He said the Public Portion is limited to subjects on the Agenda and feels people are being cut off with their public comments on certain topics. Mr. Kaplan commented he was prevented from speaking two weeks ago. Hermansen said the Agenda Policy has been changed similar to the Board of Education's policy.

Mr. Kaplan cited some State Statutes on Governmental issues and concerns for the residents of the Municipality. Mr. Kaplan asked if there is another portion of the meeting where he can speak on any topic instead of just Agenda topics. Hermansen answered yes in the second Public Portion.

Mr. Kaplan asked how current Ordinances deal with an OPRA violation that nullifies Ordinances at a meeting. Hermansen said it is our prerogative that in the second Public Portion anything can be talked about. Mr. Kaplan questioned the Open Public's Meeting Act. The Township Attorney stated there can be limits imposed by the Council, both in time and place, what can and cannot be said. The policy on public speaking was changed by the Council several weeks ago on the Agenda. He further stated no one is preventing Mr. Kaplan from speaking.

Mr. Kaplan said it is deeply disturbing from a civics standpoint to see Elected Representatives showing the disdain that was shown last meeting for the opinions that the public wanted to reach clearly within the statute for the opinions of public concern effecting all issues residents want to deal with.

Mr. Kaplan addressed the parks issue where the people in the parks are Jews. Hermansen said he and the Ordinance Committee were told that the parks were being overrun by cars with New York State license plates. Our kids wanted to use the equipment and could not. Hermansen said our people pay the taxes and it is our resident's Township. He stated he does not see one person in our audience who goes to Teaneck and uses their parks. Arguments went back and forth and Hermansen said there will be a Park Ordinance in place for our Township.

Mr. Kaplan said it is hard to stop rumors and he feels the public should be given as much information at all times.

Mr. Vince Crandon of James Brite Circle said he tried in good faith to handle everything very quietly. However, it offends him that someone comes to our Township Meeting and disrespects and insults any resident in our Township. He said our Township is a town with rules and

regulations not about religion. We do not have an Eruv just ugly attachments. The Rockland Group has violated a law and there should be no room for negotiation. Laws have been violated and feels putting up something against our codes is a criminal act. Mr. Crandon said he gives the Mayor a lot of credit and appreciates what the Council is doing and makes the right decision.

Ms. Deidre Wilson of 10 Judith Ann Court has lived in Mahwah for 45 years. She is offended by the gentleman from Human Rights. She thanked Hermansen and the Council for all the hours they have put into this issue and feels they have represented our Township and are looking out for the resident's rights. She mentioned people are knocking on the doors. Ms. Wilson commented she is proud to live in this Township.

On a motion by Wong, seconded by May, the meeting was closed to the Public at 11:50PM. All in favor. Motion carried.

ORDINANCE – INTRODUCTION

The title of an Ordinance was read as follows;

ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

RESOLUTION – ORDINANCE NO. 1813

Introduced by Wong, seconded by Hermansen

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, August 24, 2017 at 7:30PM.

Roll call vote: Ariemma, yes; Ervin, yes; May, yes; Sbarra, absent; Wong, yes; Wysocki, yes; Hermansen, yes.

ORDINANCES – PUBLIC HEARINGS

The title of an Ordinance was read as follows:

ORDINANCE TO AMEND MUNICIPAL ORDINANCE #1798 (SALARY ORDINANCE AMENDMENT)

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

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

On a motion by Ervin, seconded by Wong, the following resolution was passed and adopted:

RESOLUTION – ORDINANCE NO. #1809

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; Ervin, yes; May, yes; Sbarra, absent; Wong, yes; Wysocki, yes; Hermansen, yes.

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The title of an Ordinance was read as follows:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV "GENERAL LICENSING" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MAHWAH, SUBCHAPTER 4-3 "PEDDLING AND SOLICITING"

Council President Hermansen stated this Ordinance #1810 was removed from the Agenda and tabled. Hermansen stated he had a discussion with Chief Batelli and he would like to change the language on it to make more sense.

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The title of an Ordinance was read as follows;

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II "ADMINISTRATION" OF THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF MAHWAH, SUBCHAPTER 2-9 "DEPARTMENT OF POLICE" TO PROVIDE FOR THE FUNCTIONS AND DUTIES OF THE DEPARTMENT OF POLICE UNDER THE SUPERVISION OF THE DIRECTOR OF POLICE

Council President Hermansen stated Ordinance #1811 was removed from the Agenda and tabled.

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The title of an Ordinance was read as follows;

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XV "STREETS SIDEWALKS AND SANITATION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MAHWAH, SUBCHAPTER 15-1 "IMPEDIMENTS" TO ADD A NEW SECTION 15-1.3 "UNLAWFUL ACTS"

The Township Attorney said Ordinance #1812 is tabled as there were additional comments made that will be discussed at the Ordinance Committee Meeting.

On a motion by Wong, seconded by May, Ordinance #1812 was tabled so there can be further discussion. Roll call vote: Ariemma, yes; Ervin, yes; May, yes; Sbarra, absent; Wong, yes; Wysocki, yes; Hermansen, yes.

CONSENT AGENDA

Resolutions #284-17 to #296-17 were voted on. Resolutions are attached to and made part of these Meeting Minutes.

OLD BUSINESS

May asked when the bid will be completed for garbage collection. The Business Administrator said they will be released around Labor Day. Letters have been sent to the Condo Buildings. He said he received one voice message from one of the Condo's. He returned their call but never spoke to anyone.

NEW BUSINESS

Ariemma mentioned we should introduce and vote on a Resolution about Clean Air and send it to the State to let them know that we care about our air. She feels the State should join with other Attorney Generals that are suing to enforce keeping our air clean. Hermansen said this can be looked into.

CLOSED SESSION

On a motion by Ervin, seconded by May, Council went into Closed session at 11:58PM for the express purpose of discussing:

- C1. Advice of Township Attorney
 - C2. Contract Negotiations
- All in favor. Motion carried.

On a motion by Wong, seconded by Ervin, Council returned to Open Session at 12:30AM.
All in favor. Motion carried

On a motion by Ervin, seconded by Ariemma the meeting was adjourned at 12:32AM. All in favor. Motion carried.

Respectfully submitted,


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