

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, JULY 21, 2016**

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 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, January 7, 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 who are serving and those who served in the military both here in the United States and abroad. It is because of their valor and bravery that we can hold meetings such as these. Also, Roth gave condolences to the Families of Dallas, Baton Rouge and Kansas City.

Present: Councilmembers Amoroso, Ariemma, DiGiulio, Hermansen, Roth, Sbarra and Wong

Also present were Mayor William C. Laforet, Business Administrator Brian T. Campion, Township Attorney Brian Chewcaskie, Township Engineer's Associate Michael Kelly and Deputy Municipal Clerk Jan Fox.

PUBLIC PORTION

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

Mr. Lou Villucci a local resident said he would like the Council to have a resolution to protect our environment. They want to see that the Wildlife policy is in line with the residents of New Jersey wants. The Fish and Wildlife Council of New Jersey is basically an unelected Council and not representative of the people. The Wildlife Council has instituted five annual hunts and their arrogance has reached high dangerous levels. Mr. Villucci is asking the Council to consider making all black bears off limits in the Township of Mahwah. In October they are going to use bow and arrow and in December the bear hunt. He said they would rather have the decision to kill in the hands of professionals such as our law enforcement.

Mr. Villucci said this is real important to the valued of our community and are values and what is morally right. People come from Pennsylvania, he said, just to shoot cubs and is insult to our values.

Roth said the Council cannot enforce any of this. He further stated that there are certain limits that the Council has with authority and power. They can regulate things in the Township but there are other lands that belong to this County.

The Township Attorney said in regard to Firearms within the Township on Township property a discharge of firearms for hunting is prohibited. With regard to bow hunting, our Police Department made a recommendation based upon what the enforcement provided to the Police Station that Mahwah's Ordinance was not in accordance with the state law regarding hunting bow and arrow. Therefore the Ordinance of Mahwah would have to abide by what the state says with terms of hunting. He says our Ordinance prohibits within the Township of Mahwah by a firearm but not by bow and arrow. Mr. Villucci asked though, if Mahwah can say "No Bear Hunting" as other Townships have already done that. The Township Attorney answered he is not sure and will look into it if the Council agrees.

Sbarra interjected and said a Resolution is the will of the Council and an Ordinance is the law.

Roth said a Resolution could be done in support of their cause but it does not have a weight of law.

Ariemma suggested there could be other methods we could use for bear control as it seems they are not just killing nuisance bears.

Roth will discuss this with the Township Attorney.

A resident from Park Ridge commented that three governors have stopped the bear hunt attack and feels Governor Chris Christie will not stop it. Hermansen said it is just not the governor it is the Assembly and the Senate.

On a motion by Sbarra, seconded by Amoroso, the meeting was closed to the public at 8:10PM. All in favor. Motion carried.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

Roth said the Bills and Claims List was sent to everyone's Drop Box. If anyone has any questions on the Bills and Claims to see the Business Administrator before the Public Meeting.

ENGINEERING (Boswell-McClave)

1a. 2016 Road, Curb and Sidewalk Improvements – Effects of Shutdown Order and Executive Order No. 210 on Project Schedule; Discussion

The Township Engineer's Associate stated the State has shut down the Transportation Trust Fund which has forced the Township to temporarily remove Hilltop Road from the 2016 Paving Plan.

The Township Engineer's Associate stated that this shutdown could extend into the fall or after the election.

So that the Township can go ahead with its paving project the Township Engineer recommends a change order on Hilltop Road so the paving work is not held up. The Township Engineer stated that the July 13, 2016 Pre-Construction Meeting with the contractor was cancelled.

The Township Engineer's Associate state by having a change order we do run the risk of losing the funding and the Township may have to rebid for state aid. The Township Attorney interjected and said most every municipality bundles their road projects for state funding.

A Straw poll was voted on doing a Change Order to remove \$149,000. from the contract, for the state funded portion of the program, being Hilltop Avenue: Amoroso, yes; Ariemma, yes; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

Roth commented that the paving of the other roads in the Township have to be fixed and repaired and they should be done before school starts.

1b. Verbal Status Report – July 2016

The Township Engineer's Associate said on the dredging of the Ramapo River the Bergen County Mosquito Commission hopes that they will be on site within four weeks.

LEGAL

2a. Revised McKee Drive Ordinance

The Township Attorney said he added provisions in this Ordinance that the Council had directed in the last Council Meeting. The Ordinance Committee had recommended that parking will be permitted on both sides of McKee Drive. The revised Ordinance for introduction tonight permits parking on one side and a loading zone on the other side.

Ordinance shall be introduced in the Public Meeting.

ADMINISTRATION

3a. Authorization to Award Bid #MTB16-11: "Township of Mahwah Radio Water Meters"

The Business Administrator mentioned the bid was awarded to the lowest bidder and the funds will come from the Water Operating Account.

Resolution shall be voted on in the Public Meeting.

3b. Authorization to Purchase One CK01 Wildland Fire Apparatus; HGAC National Cooperative Purchasing Program

The Business Administrator said this is for the purchase of one Mini Pumper Fire Vehicle for Fire Co. #2.

Resolution shall be voted on in the Public Meeting.

3c. Pay to Play Compliance; Magic Touch Cleaning LLC

The Business Administrator mentioned this is for cleaning at the Police Station.

Resolution shall be voted on in the Public Meeting.

3d. Adoption of Resolution Model; Civil Rights Policy

The Business Administrator stated this Policy is for an updated Employee Handbook and Policy Manual/Civil Rights Act update. This should be done every two years. Revisions will be complete in August.

Resolution shall be voted on in the Public Meeting.

3e. Award of Bid #MTB-16-09: Solid Waste Disposal

The Business Administrator said this is for a three year contract for Solid Waste Disposal whose transfer station is located in Hillburn, New York.

Resolution shall be voted on in the Public Meeting.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

4a. Resolution; Condolences to the Families of Dallas Police Officers, Baton Rouge Officers, Kansas City Police Officer and Support for the Residents of their City.

Roth stated he will send a Resolution with condolences from our Township to the Governing Body of these three cities.

Hermansen agreed with Roth that we should send the resolution with our support the cities and also he suggested sending it to the Police Chief to give to his officers.

Hermansen said it is not just these tragic events that make us think of an officer. Every time he sees a Police Officer he thanks them for the work they do as many times there are good things that go on. He feels that there should be more open communication with workers.

Mayor Laforet mentioned that he has extended our condolences to the Dallas Mayor and to extend our support to the Governing Body.

Resolution shall be voted in the Public Meeting.

4b. Request for Permission to Post signs in the Township Right-of-Ways; Mahwah Education Association

Roth said the Mahwah Education Association has put in a request to post signs. He said they did have a misunderstanding of what our requirements were.

Sbarra said there is a third round of mediation going on with the contract with the Mahwah Education Association. He said he does not feel that their contract would be settled this year.

Roth asked if under the existing ordinance we can set a time limit. The Township Attorney said nothing in the Ordinance prevents the signs for being on private property. Also, he stated time limit or number of signs have not been imposed before.

Roth commented that we could put a 60 day limitation on the posting of signs and then if they wanted an extension they would have to come back before the Council for approval. This will eliminate the clutter when political signs go up. Hermansen agreed with Roth that signs should be for 60 days.

The Township Attorney said he has put together a draft Ordinance for addressing political signs in the Township Right-of-Ways only.

There will be more discussion on the specifics for posting signs as they want to formalize a procedure to regulate and codify regulations. The new Ordinance just regulates the policy for

Political Signs in the right-of-way.

The Municipal Clerk will notify the MEA that they have approval to put up the signs for 60 days and if they need an extension they will have to request it again. The resolution will be modified to add this verbiage.

Amoroso agreed and said she does not want to prohibit free speech.

Resolution shall be voted on in the Public Meeting.

4c. Administration Code Revision; Discussion

The Township Attorney said there were some questions raised about this section of the Code and how current it is. He said since we are the Faulkner Act and any interaction or contact to employees should be through the Mayor. The Township Attorney stated that we had a request to review certain aspects of the Police Department and review the Police Ordinance and proposal. These issues, he said, do not affect the Faulkner Act or the Mayor's rights. The Council has limited authority over departments. There will be more discussion in the Closed Session.

4d. Business Administrator Interviewing Process; Recruiter

Roth stated he believed a Council President could be involved with the interview process. The Mayor latest e-mail said that is not what he going to do and that Roth could only interview his final selection. Wong asked if there have been any round of second interviews. Mayor Laforet answered no. He said he has reposted the job with the League of Municipalities and he feels that it may have looked like the job was filled as the expiration of the first ad ended two weeks ago.

Mayor Laforet said he has two more resumes. And they interviewed an additional person yesterday. He thinks he is interviewing a candidate on Saturday. Roth said he would like to be engaged in the process. Hermansen said he feels it is a month after the Mayor's first post of the ad and we still have no results and no potential candidate.

Ariemma asked if there is a viable candidate. Mayor Laforet answered there are two viable Candidates they are looking at. Roth said he remembers there were four resumes he looked at and agreed qualifications were good and was advised that the Mayor spoke to them. He further stated that he normally does not get involved with hiring department heads but wanted to form a mutual approach.

Roth said he feels there are issues with this process and how it is being managed. The Council has a little lack of faith in how things are moving forward, Roth stated.

Sbarra commented the Mayor had said he had decent candidates and today we are in the same position as we were a month ago. He feels the Mayor has mislead the public about how much a consultant would cost. He has also taken issue with the Mayor involving the Administrative Assistant in the interviewing process.

The Mayor said some applicants are concerned about job security due to the upcoming election in November and he wants to select the right person.

The Business Administrator said that if a candidate has not be hired by August 31st as his successor, the Administrative Staff is capable of handling responsibilities for a short time.

On a motion by Hermansen, seconded by Sbarra, a Straw Poll Vote was taken to hire JPM Consulting Firm: Amoroso, no; Ariemma, yes; DiGiulio, no; Hermansen, yes; Sbarra, yes; Wong, no; Roth, yes. Motion carried.

Resolution shall be approved in the Public Meeting.

4e. Exchange-It-Safe Zone Signs; Discussion

Wong explained he had made up three examples of signs to be posted at the Police Station. The one given to Council is the one that he is using. The parking spots at the Police Station for this exchange will be in the Police Department's designated spots. Actions can be conducted in the parking lot or in the lobby Wong said. The DPW will print two signs and there will be two designated spaces. Wong said the Police will not interfere with any transactions. Wong will move forward with Administration to get the signs produced.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by Hermansen, seconded by Sbarra, the Bills and Claims, previously signed, totaling \$10,359,947.28 were approved. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, yes; Hermansen, yes; 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 Amoroso, seconded by Sbarra, the Combined Work Session and Public Meeting Minutes of May 26, 2016 and the Closed Session Meeting Minutes of June 9, 2016 were approved. Roll Call vote: Amoroso, yes; Ariemma, yes; DiGiulio, abstain; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK

TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF SUBCOMMITTEES

Amoroso expressed her condolences to all the Police Officers' families and is glad there is a resolution expressing this.

Amoroso is glad that we are flying our flags at half mass in honor of these Police Officers.

Amoroso attended to an Interface Prayer Visual at the Mt. Olive Baptist Church attended by all faiths and Police Officers.

Amoroso said she is invited to the Jr. Police Academy Graduation tomorrow at 3:30PM.

Ariemma attended the Special Meeting to discuss the Matrix on July 19th.

DiGiulio agrees on sending a Resolution and would like one sent to all Municipalities giving our respects to all Police Officers.

DiGiulio attended the demonstration that the Fire Department and the Jr. Police Academy put on. She said the interaction was good and very interesting.

Amoroso said she commends the Police Officers creating bonds with the kids in the community.

Hermansen offered his condolences to the Police Departments across the country and not just the family members but also members of their friends who were associated with them. He thanked the officers for what they do.

Hermansen attended the Senior Picnic.

Hermansen congratulated the Mayor on his third grandchild.

Hermansen said the Council heard there was some kind of scheduling conflict with the Fire Department demonstration. He has a concern the Chief of the Fire Department was willing to change the procedure and make it to the Thursday event and then the Mayor reached out to another fire department to have them come. Hermansen went on to say the Mayor is saying we have the best Fire Department and does not know why he would allow an inferior fire department to come into our Township. Hermansen said the date should have been changed.

Hermansen said he has nothing against the Mayor's signs but believes everyone should follow the law in the Township. He asked the Mayor to do the right thing and make sure the signs are put in appropriate areas.

Hermansen mentioned a few towns are discussing new Resolutions on School Funding. Currently our Township averages about \$782.00 per student, given to us in aid. If the funding is implemented by Governor Christie into the Township, the Township would receive an additional \$5,700 per student. This would be a significant savings for our Township on taxes.

Hermansen said there was no Access For All Meeting. The next one is on July 28th.

Sbarra reiterated condolences and Police Community as they are hurting. He said he does not know what is happening in our own country and all the communities are hurting badly.

Sbarra attended the Senior Picnic.

Sbarra attended the School Board Meeting. He does not feel the contract will be settled anytime soon.

Wong offered same sentiments as everyone else did on the Police shootings. He said he is thankful we have a safe community.

Wong mentioned that the Mahwah Municipal Alliance is sponsoring a two-hour training course on July 27th and July 28th for girls ages 17 to 21 with self-defense knowledge for college campus life.

Wong attended the Senior Picnic. Wong thanked the Recreation Department and EMS for being there and hosting such a wonderful event.

Roth shared all condolences. He said our Police Department deserves our respect and gratitude.

Roth attended a Cable TV Meeting on July 11th. The Committee is short on members.

Roth attended the Senior Picnic on July 12th.

Roth said MEVO had requested OPRA's on dumping and concerns about water well contaminations. The request was very broad and the wells are private so we have no information for them.

On July 14th Roth attended a Cablevision Franchise Meeting.

Roth attended a surprise Farewell Party for the Business Administrator on July 14th.

Roth attended a morning birthday celebration for the Deputy Clerk on July 15th. Roth wished her a belated Happy Birthday from the Council.

Roth said the Fire Department had a raffle for season tickets for the Giants. Roth said he picked the winning ticket this evening.

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

Mayor Laforet said in reference to the funding of schools there was a scheduled press conference with the Governor on funding of schools, but the Governor cancelled.

Mayor Laforet attended the Farewell Party for the Business Administrator on July 14th.

Mayor Laforet attended the Senior Picnic.

Mayor Laforet mentioned today there was a Mayor's Wellness Program Presentation at the Senior Center. It was very well attended and well received. Our PA System works very well and so much better than it was. The Brandywine Center sponsored a nice lunch for the seniors.

The Mayor received some phone calls from various news channels to record the Fire Company, Police Officers and the kids from the Jr. Police Academy about their demonstration. Our Police Department takes the time out for these Police Academies and it allows them to gain a relationship with the children.

Mayor Laforet said he purchased 10 signs to send a message to Police Officers and their families. He said there could only be a couple of signs in the Right-of-way. Homeowners are picking up the signs and putting them on their front lawn. He said he does not believe these signs warrant getting permission from the Council.

The Mayor said he spoke to the Mayor of Dallas and he said he can't image what they did and are going through. He said he doesn't feel anyone has any misgivings about law enforcement.

He said there will be many signs going up in many communities as the demand is tremendous and expression of all of us.

Hermansen said we have an Ordinance on signs and has concerns the Mayor put signs in the Right-of-Way. Roth agreed there is a method and if a sign is to go in the Right-of-Way there is a system and one needs permission first. Roth said this would be a violation.

Wong agreed with Hermansen that the Mayor knowing the Ordinance Committee is working on an Ordinance the Mayor should lead by example.

Mayor Laforet said it is difficult taking down a political sign and the Ordinance Committee will have to address this. He said he does not regret what he did and the signs are not coming down.

DiGiulio suggested putting a plaque or sign someplace saying that the Township prays for protection by the Police Department.

ORDINANCES- INTRODUCTION

The title of an Ordinance was read as follows:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII ENTITLED "TRAFFIC", SECTION 7-3 "PARKING" SUBSECTION 7-3.2 ENTITLED "PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS" AND SECTION 7-7 ENTITLED "LOADING ZONES" OF THE CODE OF THE TOWNSHIP OF MAHWAH

Introduced by Hermansen, seconded by Amoroso.

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 18, 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: Amoroso, yes; Ariemma, yes; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong yes; Roth, yes.

PUBLIC PORTION

On a motion by Hermansen, seconded by DiGiulio, the meeting was opened to the public at 10:45PM. All in favor. Motion carried.

On a motion by Amoroso, seconded by Hermansen, the meeting was closed to the public at 10:46PM. All in favor. Motion carried.

CONSENT AGENDA

Resolutions #187-16 through #193-16 were voted on under the Consent Agenda. Resolutions are attached and are made part of these Meeting Minutes.

Resolution #195-16 was voted on separately. Resolution is attached to and made part of these Meeting Minutes.

OLD BUSINESS

Amoroso asked about televising the Council Meetings. She said she forgot what stopped them from going forward.

Roth said it will require people to operate the equipment before it is purchased and that has to be resolved. He said he has asked, in negotiations, for assistance in Cablevision. He will explain this in the Closed Session Meeting.

DiGiulio said it would be a good idea to have graduations filmed on cablevision.

Roth said if the Fire Demonstration was taped that would be good to put on cablevision.

NEW BUSINESS

Ariemma asked if we are recognizing MEVO. Roth said he will be filming a video with Eric on the farm.

CLOSED SESSION

On a motion by Wong, seconded by Hermansen, the Council went into Closed Session at 11:00PM for the express purpose of discussing:

- C1. Updated VLA per Court Master (MWT-011A) as of July 2016
- C2. Special Counsel; Personnel Issue
- C3. Cablevision Franchise Renewal; Negotiation Update
- C4. Tax Appeal; 9 Great Hall Road; Block 21.06, Lot 21.07

All in favor. Motion carried.

On a motion by Sbarra, seconded by Amoroso, the Council returned to Open Session at 11:45PM. All in favor. Motion carried.

RESOLUTION

Resolution #194-16 was voted on separately. Resolution is attached to and made part of these Meeting Minutes.

On a motion by Wong, seconded by Sbarra, the meeting was adjourned at 11:55PM. All in favor. Motion carried.

Respectfully submitted,



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