

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, OCTOBER 15, 2015**

The Meeting was called to order at 8:10 PM by Council President Roth who read the Open Public Meetings Act Statement as prescribed by law. Notice was advertised in The Record on August 27, 2014 and The Ridgewood News on September 5, 2014 and January 2, 2015 stating this meeting would be held in the Council Chambers of the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, NJ on Thursday, October 15, 2015 at 8:00 PM.

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 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 those serving and those who served in the military both here and abroad.

Present: Councilmembers: Amoroso, Ariemma, DiGiulio, Hermansen at 8:57PM, Roth, Sbarra, and Wong

Also present were Mayor William C. Laforet, Business Administrator Brian Campion, Township Attorney's Associate Nylema Nabbie, Township Engineer Michael Kelly, and Clerical Assistant Carolyn George.

PUBLIC PORTION

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

Mrs. Ann Powley, 86 West Crescent Avenue, Mahwah. She was at a previous Council Meeting a few months ago to introduce their interest in an Ordinance to ban unregulated pipelines. Today she was interested in any further information concerning the Ordinance Committee's status as to the Ordinance. Roth indicated that the Committee has had a number of ordinances to discuss and deferred it over to DiGiulio. DiGiulio stated that they did discuss it and that there will be no action taken as directed by the Council. Ms. Powley indicated that the Township Attorney, Brian Chewcaskie, has been working with Oakland on this similar situation and presented some good ideas to Oakland. She urged the Township to get an Ordinance. DiGiulio added that if the State was to come in to the town in regards to a pipeline, they would prevail over whatever the town has established. Roth indicated that if the Township enforced an Ordinance and the State wanted to override the Ordinance, the Township could be involved in a litigation to defend ourselves against that Ordinance. The Township did pass a Resolution supporting the ban and it has been mailed to the Governor and state officials. Ms. Powley indicated that there are bills in the Senate

with no indication that the town ordinances would be overridden. Currently there are seven towns that have passed it and Mahwah is where the pipeline would enter the state so she believes the other towns are looking at Mahwah for direction and support. Ms. Powley explained the Ordinance should be passed prior to Pilgrim Pipeline applying for their permits; therefore, she asked if the Ordinance could have a first reading at the next Council Meeting and open it up to the Council. DiGiulio responded the Township Attorney advised the Township Council not to proceed with an Ordinance. Amoroso suggested they speak to the Township Attorney and requested that Ms. Powley send the Council her updated information. In addition, Roth suggested the Council address this at another meeting when the Township Attorney is present.

Mr. Jonathan Marcus, 3 Brook Court, spoke in regards to the pipeline ordinance. Towns are passing the Ordinance because it gives them a potential tool and Mahwah does not have this tool as of now. The ordinance gives us a potential opportunity to fight against the pipeline. He concluded that he can discuss the situation when Brian Chewcaskie is present at a future meeting.

Mr. Robert Zisgen appearing on behalf of Ramsey Auto Body. Mr. Zisgen referenced an email from the Township Attorney. Mr. Zisgen requested the Council reconsider revoking the Towing License for Ramsey Auto Body and put the resolution on hold for two weeks to allow the Police Department to review the application for a new location. Lastly, he indicated that the application remains the same with the only exception being the relocating of the storage yard.

Roth explained to Mr. Zisgen that his client has had 3 extensions from the Council and the license is expired. The new proposal is for a separate location. The separate location will be considered when the application is reviewed by the Police Department, Municipal Clerk, and the Township Attorney. Once they have reviewed and given their advice, it will be included on the Council Agenda for further discussion.

On a motion by DiGiulio, seconded by Amoroso, the meeting was closed to the public at 8:25PM. All in favor. Motion carried.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

Roth reminded the Council the Bills and Claims Listing is in the Dropbox and if anyone has any questions on the Bills and Claims to speak with Administration prior to the Public Meeting.

ENGINEERING (Boswell-McClave)

- 1a. Blueberry Court Easement; Sanitary Sewer Improvements; Request for Authorization of Design Engineering Services.

Boswell Engineering is proposing to replace the existing sewer line from Blueberry Court to Chapel Road. Since approximately 1987, the DPW has continuously worked on the lines and now it was determined that the line needs reconstruction. The project goes through wetlands and if it is not reconstructed, it could bring potential problems to the sewer. This item is in the Budget and Sanitary Sewer Master Plan. The entire project is projected not to exceed \$28,000. The exemptions, applications, designing, and permits to the NJ Highlands Council will require

approximately four to six weeks to complete and the permitting for the NJDEP requires approximately three months so this project will see a spring start timeframe.

Professional Services Agreement Resolution, at a cost not to exceed \$28,000, shall be voted on in the Public Meeting.

1b. Verbal Status Report:

A Meeting with the County on the Paving Projects was held. The County will be paving Route 202 and Route 17 on October 26. The DPW, Police Department, Water Department and Sewer Department were at the meeting. Coordination between Mahwah School District and neighboring communities concerning their needs, concerns, and least amount of distraction has been addressed.

The silting project for the Ramapo and Mahwah Rivers received the second required Permit so we are ready to proceed. Another meeting is scheduled with the Bergen County Mosquito Commission for next Thursday, October 22nd.

Amoroso asked if the paving of Constantine Drive could be addressed. The Township Engineer's Associate responded he will look into it. If it is a public road, he will coordinate with the DPW and Administration to get the road paved before the winter.

LEGAL

2a. Towing; Ramsey Auto Body; License Revocation

After three extensions provided by the Council, the Ramsey Auto Body's license is expired, and therefore the license is revoked. Currently, the lot does not conform to our ordinance. A separate proposal will be reviewed by our professionals and provided to the Council for review. Resolution shall be voted on in the Public Meeting.

2b. Apple Ridge Subdivision

1. Sanitary Sewer Interlocal Agreement – Upper Saddle River Interlocal Agreement; Discussion

As a result of Apple Ridge proposing to upgrade the existing pump station for their use, there will be an Interlocal Agreement between Upper Saddle River and Mahwah. Boswell has done a Capacity Study which was completed but a draft letter from the Engineer for the project (Bowman Consulting) and the review of the letter is not yet completed by Boswell. The purpose of providing this information is to make the Council aware of what is being discussed at the Planning Board level of both towns. Once a review is completed, the attorneys will prepare a written Agreement when available. The single new pump station will be owned and operated by USR for the entire unit for both towns. The entire package and estimated cost will be brought back to the Council for approval when available. Council President Roth requested that the Janice Court upgrade costs currently estimated at \$300,000 by Boswell should not exceed that cost.

2. Affordable Housing Obligation; Proposal

There is no formal written agreement at this time; this is on the Agenda merely as an advisory status. Developer for the Mahwah property is required to build 20% for

affordable housing which equals 7 units (either on or off site). Several alternatives could build onsite, (but they do not like this choice), choose offsite at a different location, or use existing units by putting 30-year restrictions on the units changing them from market to affordable housing. One alternative exists at United Way's Madeline site complex currently under construction. The agreement is for three buildings and the first two buildings could be built for affordable housing and people with disabilities and leave a foundation for the third building for future senior housing which was approved for 13 units by our Planning Board. The developer is developing a plan concerning the payment of 7 of the 13 units but this is all in its planning stages. When the developer has more definite information, it would be presented to the Council. The prices are still being determined and not being discussed at the moment and could be discussed in Closed Session. DiGiulio asked about the water allocation permit being required. Does this affect our well water? There will be enough to supply the units.

SPECIAL PRESENTATION

Resolution #263-15: Resolution of Congratulations and Appreciation to Mahwah Municipal Alliance

Roth thanked the Mahwah Municipal Alliance (MMA) for waiting. He proceeded to recognize the dedicated volunteers who are all to be applauded for their efforts. Those in attendance were Carolyn Blake, Chris Howard, Todd Van Duren, Chief Batelli and Mayor Laforet. The MMA works closely with the Police Department organizing such programs like the Junior Police Academy, Youth Leadership Program, DARE, and other programs dealing with substance abuse. Over the year, they have worked very hard; and it has resulted in their acquiring a \$625,000 Federal Grant. These grants are highly competitive, and the Council is very proud of their work. The Council has prepared a special resolution to show their appreciation for the invaluable service to the citizens and the community.

Mrs. Carolyn Blake added the MMA really appreciates the recognition and the local support of the businesses, Town Council, Board of Education, and community. There will be a Town Hall Kick-Off on Tuesday, November 10th at the Sheraton, beginning at 6:00-7:00 PM with Resources and Support Groups followed at 7:00-9:00 PM with presentations by Prosecutor Molinelli, a mother of a struggling child, and other people associated with the MMA. Currently, they have 100 residents attending the meeting.

DiGiulio read a portion of the resolution because she felt it was important that the public hear the work that the MMA does.

Hermansen arrived at 8:57 PM.

Resolution #263-15 was voted on and is attached to and made part of these Meeting Minutes.

ADMINISTRATION

3a. Chapter 159; Municipal Escrow Account; In-Car Video Cameras

The Prosecutor approved reimbursement from the Municipal Escrow Account for the use of \$18,895.80 for in-car video cameras. These are in the cars and take outside pictures. The Police

Department has three to four already but the intent is for all cars to be equipped with the cameras. Resolution shall be voted on in the Public Meeting.

3b. Cancellation of Taxes for Disabled Veteran; Block 138, Lot 33

This Resolution is from the Tax Collector on behalf of a resident who is a disabled veteran. Therefore, the Resolution is to implement the cancellation of taxes. Resolution shall be voted on in the Public Meeting.

3c. Authorization to Utilize Cranford Police Cooperative Pricing System

The Business Administrator said we are looking to utilize Cranford's Pricing System. Resolution shall be voted on in the Public Meeting.

3d. Pay to Play Compliance; Award of Professional Services Alternate Non-Fair and Open Compliant Contract; Bon Secours Charity Health System

The Business Administrator said Bon Secours Charity Health System had the lowest quote for physicals. The Company will exceed the \$17,500 threshold for Pay to Play; therefore, a resolution recognizing alternate non-fair and open compliance is necessary. Resolution shall be voted on in the Public Meeting.

3e. Pay to Play Compliance; Alternate Non-Fair and Open Compliance Agreement; Jesco Inc.

The Business Administrator said Jesco Inc. had the lowest quote for DPW equipment. The Company will exceed the \$17,500 threshold for Pay to Play; therefore, a resolution recognizing alternate non-fair and open compliance is necessary. Resolution shall be voted on in the Public Meeting.

3f. Request for Authorization to Award Professional Services Contract; Valley Physician Services, Inc.; Employee Mammogram Screening

The Business Administrator said the contract will be awarded to Valley Physician Services for Employee Mammogram Screening and Wellness Examinations. Resolution shall be voted on in the Public Meeting.

3g. Cancellation of Tax Sale Certificate; Block 44, Lot 32

Request for Cancellation of Tax Certificate for Block 44, Lot 32 was received from the Tax Collector. The unpaid taxes were for an unpaid water charge as a result of the water being turned off but the billing process continued. Therefore, this would be a cancellation. Resolution shall be voted on in the Public Meeting.

3h. Best Practices Worksheet Report and Accounting Policy Manual; Discussion

The Department of Community Affairs requires Municipalities to complete a Best Practices Worksheet for Calendar Year 2015. It contains 50 questions with 5 new questions. We have scored greater than 80% and are obligated to provide information to you.

3i. 2015 Third Quarter Revenue and Expense Report

The report provided shows Third Quarter Revenue and Expenses. Building permits are at 60% which is below what we anticipated because there are no large projects. We also anticipate that

the fourth quarter this year will also be low. All areas should be at 75% overall. The Energy Receipt Tax is being designated as State Aid. We are collecting on our behalf approximately five million dollars which is a decrease of approximately one million dollars over the three years. On the Expense side, for the Police Department, Detectives (F05-100) is currently under budget at 70%. We are high in Overtime but low in Salary due to the Permanent Full Time numbers were low.

3j. Pool Commission Report and

3k. Professional Services Agreement; Architect; Pool Improvements

Roth explained both of these items are being combined for the architect approval based on their report.

Three members of the Pool Committee reported on the past season. They were Neil Ulman, Don Hoover, (Pool Commission members) and Jay Esposito, Pool Director. Membership revenue increased 13% with 108 new members and a 2015 Membership Revenue totaling \$88,385 which comprised of 1,033 town pool members. Facility improvements included sub-contract the concession stand, install pool heaters, provide free Wi-Fi, and painting the bathrooms. The pool was active in the community holding a Health Fair, County League Diving and Swimming Championships, High School's Senior Class Pool Party, DARE Outing, the Town Camp, and EMS and Fire Training. The budget revenue reduced 8% due to loss of Concession stand and reduction in Gate Receipts as a result of an introduction of membership guest passes focusing on Mahwah residents.

Roth summarized that the gate numbers went down as a result of the new guest membership. The expense line is good even though he did not see results as predicted. This may need to be looked at in two to three more years.

Hermansen added that the daily attendance of members were repeat visitors. Also, there was more participation and other members were talking to others spreading the word.

Ariemma asked what the difference was between the pool and a park because a park does not make money; in fact, it costs money to maintain the park.

The Pool Director closed by explaining that the Pool succeeded in changing the atmosphere because many members would stay the entire day rather than leaving early.

Roth asked for a show of hands for a straw poll to determine if the Council will approve architect agreement, their actions were self-explanatory.

Professional Services Agreement Resolution, at a cost not to exceed \$31,625.00 for architectural services to be completed by Arcari and Iovino Architects PC, shall be voted on in the Public Meeting.

3l. Parking Request; Net-A-Porter; Raymond and Timothy McGill Swim Complex

The Business Administrator said that the overflow parking for Net-A-Porter used the pool during last winter. They are working on alternatives. However, this is a similar request from last year

to this year. Net-A-Porter must provide crossing security this year. This is not a permanent solution. Mayor Laforet added that they may be looking into a parking deck. We are currently charging \$200 per month which is a very low price. For now, Net-A-Porter can park in the county lot and need a waiver of agreement for parking in the town lot. The use of a crossing guard should be added to the new agreement. Mayor Laforet also suggested Net-A-Porter should provide a shuttle. Wong suggested that liability in damage to property be added to the agreement. Resolution shall be voted on in the Public Meeting.

3m. Amendment to Ordinance #1755 – Police Department – Off-Duty and Outside Employment Program

The Business Administrator said that this amendment to Ordinance #1755 is to reconcile to new contract language and clarify the rate of pay one half times the patrol. It is also to amend the ordinance to match up the paperwork. Ordinance shall be introduced in the Public Meeting.

3n. Certificate of Determination and Award (Bond Anticipation Note #2015-3); For Information Only

The Business Administrator said the CFO sold rollover notes of \$5,800,000 notes for various capital ordinances over the last 10 years. One year short term notes are being used for up to 10 years. We have been rolling over and the face amount was 2% annual rate of \$5,894,000. Premium of \$94,000.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

4a. Mahwah Chief of Police Report

Roth said that the Police Report has been distributed to Council for their review.

4b. Liquor License Renewal; New York Prime Inc.

This has been reviewed by appropriate offices. Resolution shall be voted on in the Public Meeting.

4c. Firefighter Application; Dillon K. VonZwehl to Fire Company #3

Resolution shall be voted on in the Public Meeting.

4d. Request for Permission to Post Signs in Township Right-of-Ways; Democratic Committee of Bergen County

Resolution shall be voted on in the Public Meeting.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by Sbarra, seconded by Amoroso, the Bills and Claims, previously signed, totaling \$7,075,546.29, 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 Ariemma, the Amended Meeting Minutes of

August 20, 2015 were approved. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, yes, Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

On a motion by Amoroso, seconded by Ariemma, the minutes from the September 17, 2015 meeting were approved subject to correction. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, abstain, Hermansen, yes; Sbarra, yes; Wong, abstain; Roth, yes.

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

Amoroso attended the Beautification Committee Meeting last week. The Committee will get a small Pearl Harbor stone to be placed at Veterans Park.

Amoroso said there will be a massive movement of people from A & P to Acme with it's opening on Sunday, October 18th at 7:00 AM.

Amoroso said State Transportation Director, Jamie Fox, resigned which may be bad for Mahwah due to Route 287 issues.

Ariemma attended the Planning Board Meeting. The main topic concerns the restaurant at Route 202 and Brakeshoe Place. There are not enough parking places for the patrons. Neighbors are concerned about street parking. The restaurant hired valets. This topic will come up in future Council Meetings. The NJDEP will not let them to use the entire width due to the close proximity to the brook and they will need to get approval to park in the right of way.

Ariemma said a neighbor on Mary Court requested that a "Do Not Block Intersection" signs be installed. Roth asked that the neighbor call the Business Administrator to investigate if the sign is appropriate.

Ariemma said Saddle River and Upper Saddle River both stated that hunting is prohibited with bows and arrows and guns. Russell Huntington in Upper Saddle River and our Township Attorney can discuss. This topic will be tabled until our Township Attorney returns.

DiGiulio attended the Joyce Kilmer production on Sunday, October 11th. Roth, Wong, and Barbara Shanley attended. DiGiulio extended thanks to Alex for organizing the event.

Hermansen extended condolences to the Sinclair family on the passing of John Sinclair.

Hermansen congratulated Ms. Blake and the Chief for their work with the MMA.

Hermansen announced on Saturday, October 16th, the County will hold its 50th Safety Expo at the Law and Public Safety Building. Tours are from 10-4 PM with free admission and parking.

Wong attended the Joyce Kilmer presentation and was a part of the presentation. He thanked DiGiulio and Roth for attending and Roth being the honorary chair.

Roth attended the Blood Drive on October 4th.

Roth attended the Township's Affordable Housing Meeting on October 8th.

Roth attended the Joyce Kilmer Presentation on October 11th. Alex is very passionate about his group.

On October 13th, Roth attended the Board of Education's Retirement Party for Ed Deptula, Business Administrator. Ed had over 20 years with Mahwah.

On October 14th, Roth attended a Preliminary Meeting with Cablevision to discuss the framework to proceed.

Roth attended the Senior Lunch on October 15th. Marianne's Gourmet had their second luncheon with much success.

DiGiulio also thanked Amoroso for doing a fabulous job with the Beautification Committee and for figuring out the signs.

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

Mayor Laforet said on October 2nd he met with the Police Department to prepare for the upcoming storm which never happened.

Mayor said members of the Fire, Police, OEM, and Fire Officials attended a meeting to review the ISO rating. The rating is done by an independent agency that rates our ability to provide fire services. This rating ultimately helps homeowners with their insurance. The review will begin next year and he looks forward to good results.

Mayor attended the Beautification Committee Meeting.

Mayor attended the Mahwah Chamber of Commerce Car Show at the Mason Jar.

Mayor attended the Affordable Housing Meeting.

Mayor attended the Northwest Bergen Mayors Meeting on Saturday, October 10th.

Mayor reported the Route 202 Paving Project is almost finished and it was successful with the state, county, and town all being involved.

Mayor attended the Senior Luncheon on October 15th.

The Business Administrator said that Acme opens on Sunday, October 18th. This was done because the Planning and Building Departments completed a fast turnaround of permits in a short period of time.

ORDINANCE – INTRODUCTION

The title of an Ordinance was read as follows:

**AN ORDINANCE AMENDING #1755 AND SECTION 2-16-18.E OF THE TOWNSHIP
CODE REGARDING SPECIAL DETAIL OFF DUTY EMPLOYMENT**

RESOLUTION – ORDINANCE NO. 1771

Introduced by DiGiulio, 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, NJ on Thursday, October 29, 2015 at 8:00 PM.

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 Amoroso, the meeting was opened to the public at 10:34PM. All in favor. Motion carried.

Being no comments were made from the public, on a motion by Hermansen, seconded by Sbarra, the meeting was closed to the public at 10:35PM. All in favor. Motion carried.

CONSENT AGENDA

Resolutions #264-15 through #276-15 and #279-15 were voted on under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes.

OLD BUSINESS

None.

NEW BUSINESS

DiGiulio stated the Police Department holds a Christmas Party every year for children and she was hoping the Council could make a donation. The Party will take place around the second week of December.

Hermansen stated according to the Sign Ordinance, signs should not be posted in the right of way. Recently, he has been seeing "MEA" signs posted around town. These are not political signs but signs from the Mahwah Education Association because their contract is due. He does not believe they asked for permission to post. The Business Administrator will contact the Property Maintenance Officer who in turn will contact the MEA to inform them of the ordinance. If the letter from the MEA is not provided to Roth by Wednesday, October 21st to be placed on the next agenda, the Property Maintenance Officer will instruct them to take the signs down.

CLOSED SESSION

On a motion by Wong, seconded by Amoroso, the meeting to go into Closed Session at 10:40PM

Township of Mahwah Combined Work Session and Public Meeting Minutes
October 15, 2015

for the express purposes of discussing: C1. Litigation – Chai Lifeline, C2. Affordable Housing Unit sale – 900 Tuliptree Lane and C3. Affordable Housing; Update and Professional Services Needs. Roll Call vote: Amoroso, yes; Ariemma, yes; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

On a motion by DiGiulio, seconded by Amoroso, Council returned to Open Session at 11:50PM. All in favor. Motion carried.

RESOLUTIONS

Resolutions #277-15 and #278-15 were voted on together. Resolutions are attached to and made part of these Meeting Minutes.

On a motion by Sbarra, seconded by Amoroso, the Meeting was adjourned at 11:53PM. All in favor. Motion carried.

Respectfully submitted,



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