

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, OCTOBER 27, 2016**

The Meeting was called to order at 8:03PM 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, 2016 stating this meeting would be held in the Council Chambers at the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, New Jersey on Thursday, October 27, 2016 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 have been approved by the Township Council.

SALUTE TO THE FLAG

**MOMENT OF SILENCE FOR VETERANS AND THOSE SERVING IN THE
MILITARY, ELMWOOD PARK MAYOR RICHARD MOLA AND TOWNSHIP
RESIDENT NICK LAUERWALD**

Roth said our thoughts are with the residents of Elmwood Park and the family of Mayor Mola on his passing. We had a tragedy in Mahwah with the loss of Nick Lauerwald in a horrible tragic accident that also injured other high school students. There are no adequate words to express the loss and sorrow we all feel. We ask that however you pray that you pray for the victims involved and their families and that our community has the forbearance to press on and allow to heal this great loss.

Present: Councilmembers Amoroso, Ariemma, Hermansen at 8:28PM, Roth and Wong.
Absent: Councilmembers DiGiulio and Sbarra

Also present were Business Administrator Quentin Wiest, Township Attorney Brian Chewcaskie, Township Engineer Kevin Boswell and Municipal Clerk Kathrine G. Coviello

PUBLIC PORTION

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

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

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

Roth said the Bills and Claims List can be found in everyone's Drop Box.

ENGINEERING

The Township Engineer offered his condolences to the entire Township.

1a. ADPP Enterprises Inc. (Fuel Max Inc.); 231 Route 17 North; Block 59, Lots 20 and 21; Authorization for Revised Resolution of Approval (Dkt. #1341-12)

The Township Engineer said this item is a revised Resolution of Approval to execute the Developer's Agreement Signators to be the Business Administrator and Municipal Clerk. Resolution shall be voted on in the Public Meeting.

1b. Chris H. and Sharon E. Naum Subdivision; Constable Court and East Mahwah Road; Block 78, Lots 17 and 20; Request for Reduction of Performance Guarantee (Dkt. #392-A)

This item is a Reduction of the Performance Guarantee. Approximately \$2,000 is the amount of the Reduction. The majority of the items to be reconciled will be completed soon. Resolution shall be voted on in the Public Meeting.

1c. BCUW Madeline Housing Partners, LLC; 92 Ramapo Valley Road; Block 40, Lot 108.01; Request for Reduction of Performance Guarantee (Dkt. #553)

This development is an Affordable Housing Project consisting of 13 units. The Reduction will take the amount being retained by the Township to 30 per cent. With the Council's concurrence, the Township Engineer said a recommendation for further reductions to 20 to 25 per cent will be provided at a future Meeting. Resolution shall be voted on in the Public Meeting.

1d. Verbal Status Report

MA1525 - Wyckoff Avenue Infrastructure Improvements:

Bids were received today. Budget is \$300,000. Lowest bid was \$230,000. Bids are still in the process of being reviewed.

Chapel Road:

Professionals for the Township, the Northwest Bergen County Utilities Authority and others met on Chapel Road. Different options will be looking into to address the odor. Immediate measures are being looked at as well.

Hilltop Road – NJDOT Project:

Hilltop Road is part of the NJDOT Project which the Transportation Funds were froze. The Construction cost was \$134,000. In order for the process to meet the DOT standards and to keep the money intact, the Council change ordered the roadwork and protected the money. The Township Engineer said we should rebid this project in the spring and maintain the roadway this winter.

The Township Engineer welcomed Mr. Wiest and said he they have worked together for decades.

LEGAL

2a. Draft Ordinance; Ordinance Repealing Ordinance #1790 which authorized the Sale of Real Property known as Block 12, Lots 11 and Block 13, Lot 33 on the Official Tax Map of the Township

The Township Attorney said a Draft Ordinance was provided to repeal Ordinance No. 1790 which was to auction off two parcels of property in the Township. After Ordinance No. 1790 was adopted, the Land Conservancy asked for the parcels not to be auctioned off. But rather an

Administrative Process be followed in order for the properties to be conveyed to the Land Conservancy. Ordinance shall be introduced in the Public Meeting.

ADMINISTRATION

3a. Authorization to Award Bid #MTB-16-19: Water and Sewer Department Materials and Supplies

Item removed from Agenda and shall be on future Council Agenda.

3b. Best Practices; Third Quarter Report – FOR INFORMATION ONLY

The Business Administrator said the Third Quarter Report was received from the Chief Financial Officer. On the Revenue Report, the receipts year to date in the Construction Office were of concern. However, the numbers have moved into a positive position and there is no concern.

3c. Appointment of Public Agency Compliance Officer (PACO)

Public Contracts Law requires the appointment of a Public Agency Compliance Officer. The Business Administrator shall be the appointment. Resolution shall be voted on in the Public Meeting.

3d. Pay to Play Compliance; T. Slack Environmental Inc.

Purchases from the Vendor will exceed Pay to Play Regulations. Resolution shall be voted on in the Public Meeting.

3e. Fire Department; Loan of Fire Hose to West Milford Fire Department

West Milford Fire Department has requested use of hose from the Fire Department. The hose has been tested and is available. We also have a fire hose in reserve.

West Milford will borrow the hose for 6 months and replace any hose if damaged.

Resolution shall be voted on in the Public Meeting.

3f. Police Department; Approval to Enroll in Federal 1033 Program

This item is for the Police Department to enroll in the 1033 Program. The merchandise is surplus which is made available to law enforcement agencies.

Ariemma questioned if our Township needs the equipment described in the documents. Roth read the section in the Resolution which states the acquisition of any equipment is based on the vote of the majority of the Governing Body.

The Township Attorney added the Resolution is to participate in the Program. A vote is required, which is 4 of the 7 Members of the Governing Body, to approve any acquisitions.

Resolution shall be voted on in the Public Meeting.

3g. Appointment of Business Administrator, Quentin Wiest, as Township's JIF Commissioner

Resolution naming the Business Administrator as the Township's JIF Commissioner will be voted on in the Public Meeting.

3h. Pay to Play Compliance; Chief Supply Company
Purchases from the Vendor will exceed Pay to Play Regulations. Resolution shall be voted on in the Public Meeting.

3i. Discussion of Change of Bergen County Dive Team Service to Regional Unit to Include Mahwah Fire Department

Present were Chief Tom Loreto, Assistant Chief Ken Warnet, Assistant Chief Ray Virgens, Captain Ed Drejman and Mahwah Rescue #1 Dive Coordinator Tim Andro.

Fire Chief Loreto said the County of Bergen has approached various Fire Departments to take over the services the County Dive Team currently provides. The County has determined they will be disbanding their Dive Team and they are looking to other towns to take over.

Captain Drejman said there are four teams within the County and they have generated a Task Force to work together seamlessly. The County wants to start using them as an asset to work directly for the Prosecutor, Sheriff's Department and County Executor.

The County is looking for a Letter of Intent from the four municipalities that would assume the services of the Dive Team.

Mr. Tim Andro said the County would provide training funds and we would have access to the equipment they currently have. In addition there would be a Service Budget for the servicing of the equipment.

Roth asked the Business Administrator if he has enough information to recommend execution of the Letter of Intent. It was determined the Fire Department will communicate with the Business Administrator.

Ariemma said all of the participants are volunteers. She further said the participants are volunteering and the Township should help them.

Hermansen stressed the County needs to absorb all the costs associated with this endeavor.

The Business Administrator shall draft a Letter of Intent for Council consideration.

Item will be discussed at the November 10, 2016 Council Meeting.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

4a. 2017 Meeting Dates

Resolution shall be voted on in the Public Meeting.

4b. Request for Permission to Post Political Signs in Township Right-of-Ways; Council Candidate Salvatore Enea

Resolution shall be voted on in the Public Meeting.

4c. Resolution of Commendation; 70th Anniversary of Mahwah Fire Company #2 Ladies Auxiliary

Resolution shall be voted on in the Public Meeting.

4d. Resolution; Honoring Township Fire Responders for Their Service
Resolution shall be voted on in the Public Meeting.

4e. Firefighter Application; Ryan M. Pettit to Fire Company #2 as Day Time Member
Resolution shall be voted on in the Public Meeting.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by Amoroso, seconded by Hermansen, the Bills and Claims, previously signed, totaling \$4,665,918.82, were approved. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, absent; Hermansen, yes; Sbarra, absent; 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 Wong, seconded by Hermansen, the Combined Work Session and Public Meeting Minutes of September 15, 2016 and the Closed Session Meeting Minutes of October 13, 2016 were approved. Roll call vote: Amoroso, abstained on Closed Session of October 13, 2016 and yes to Meeting Minutes of September 15, 2016; Ariemma, yes; DiGiulio, absent; Hermansen, yes; Sbarra, absent; Wong, yes; Roth, yes.

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

Amoroso offered her condolences to the Lauerwald Family, the High School and the Township.

Amoroso offered her condolences to the Mola Family. She said Mayor Mola was a Freeholder for 22 years and a Mayor for 45 years.

Amoroso said Trunk or Treat will be held here in the Municipal Building Parking Lot on Sunday, October 30, 2016 at 3:00PM.

Amoroso said she received an invitation to Access for All Open House on November 3rd at Ramapo Ridge Middle School at 7PM. On Friday, they are having kids with disabilities come to the High School Locker Room to meet with the players and then see the football game.

Ariemma sent condolences to the family and friends of Nick Lauerwald. She attended the Vigil on Monday at the High School.

Ariemma expressed displeasure the Candidates Night was not rescheduled. She agrees with the cancellation but not with the event not being rescheduled. She feels the event should be rescheduled for early next week. She offered her services for the event to be held.

Ariemma mentioned when she started on the Council she remembered the Council President saying when he signs a letter he signs it for the whole Council as he is their representative. She is troubled when she sees a Councilman's letter to a newspaper editor stating his own personal

opinion and then signing the letter with Council President since it is not the opinion of the entire Council.

The Municipal Clerk read DiGiulio's Report: DiGiulio offered her condolences to the Lauerwald Family. She said no matter how much we disagree with one another when a tragedy happens the Township pulls together.

DiGiulio is very proud of the young adults in the Township who set up the different funds and the Vigil for Nick Lauerwald this past week.

DiGiulio wished all running in the upcoming election the best of luck.

Hermansen offered his condolences to the Lauerwald Family. He asked everyone to remember the family in their thoughts and prayers.

Hermansen mentioned the Access For All Open House is on Ramapo Ridge Middle School on November 3rd.

Hermansen said on November 4th is Meet the Players on the Football Field.

Hermansen said Trunk or Treat is Sunday at 3:00PM at the Municipal Building.

Hermansen wished everyone well in the upcoming election. He pointed out when something is written in the newspaper you have to put who you are or what position you are.

Hermansen read in the newspaper a letter from former Councilman Spiech. He feels he took a shot at the Council as he, as a former Councilman sat in on the Budgets. He should know how the budget is presented and any cut that comes from there, the Mayor cannot put the money back himself. Hermansen further stated there was no cut to the Senior Program's Budget and anything that was done was by the Council.

Hermansen said he agrees with Ariemma about Candidates Night. The Library did do the right thing by cancelling these two events. He said the candidates should have been presented with the questions and then they could be put on a Facebook page or it could be posted on the Library page so candidates can answer them and residents will have what they need. Hermansen said he was disappointed that two of the candidates running for Council did not respond to the invitation. One Council Candidate did not give his biography to the newspaper and did not respond with a 200 word answer to the question given to him.

Hermansen offered his condolences to Mayor Mola's Family. He said Mayor Mola was his mentor. And he reminded him of former Mayor Martel.

Hermansen offered his condolences to Jim Jaworski and his family on the passing of his Mother.

Wong offered his condolences to the Lauerwald Family.

Wong offered his condolences to the Mola Family.

Wong wished good luck to all of the Candidates running in the election.

Roth offered his condolences to the Mola Family, Lauerwald Family and Jaworski Family. No words can express a week like the Township has been through.

Roth said on October 15th he attended Fire Company #1's Beefsteak Dinner.

Roth said on October 17th he attended the Candlelight Vigil for Nick Lauerwald at the high school.

Roth said on October 19th he attended the Senior Advisory Board Meeting.

Roth said on October 21st he attended the Ramapo Mountain Indians Pow-Wow in Ringwood.

Roth said on October 24th he was in Trenton at a meeting with the NJDEP on the pipeline. The Meeting was very productive.

Roth said they received a follow up conference call with the Municipal Pipeline Group are in the process of scheduling meetings with other regulatory groups that will be involved with the permitting process such as the Highlands Commission. He expects there will be a meeting with the Highlands Commission within the next few weeks.

Roth responded to Ariemma's criticism of his letter to the Suburban News and the Mahwah Patch. He said both documents had his Name and Address. Both newspapers added his position on the Council.

Hermansen commented in the newspaper a Council Candidate attacked the Council for not doing anything over the Municipal Pipeline. Hermansen said there were issues a few years ago about not moving the Pipeline Ordinance forward. After Ordinance Committee Meetings, the Council decided to move this Ordinance forward. There was cooperation from the Township. Mrs. Bost and Mrs. Powley were very persuasive in informing the Township what their positions were. Hermansen said the Council has worked really hard and diligently in pushing this Ordinance forward getting 14 Townships involved to get a legal defense and attending every meeting sitting with the Mayors. Hermansen finds it disappointing and takes offense this Council Candidate taking credit for getting things done. Hermansen thanked the Council President for what he did as we are the leader in the state for pushing this forward.

Ariemma said she wanted to go to the Meeting in Chatham and was told she could not go and if she showed up there would not be a seat for her.

REPORT OF MAYOR and BUSINESS ADMINISTRATOR

None.

ORDINANCE – INTRODUCTION

The title of an Ordinance was read as follows:

ORDINANCE REPEALING ORDINANCE 1790 WHICH AUTHORIZED THE SALE OF REAL PROPERTY KNOWN AS BLOCK 12, LOT 11 AND BLOCK 13, LOT 33 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MAHWAH

RESOLUTION – ORDINANCE NO. 1793

Introduced by Wong, Seconded by Ariemma.

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 on November 10, 2016 at the Richard J. Martel Municipal Offices, 475 Corporate Drive in Mahwah at 8:00PM.

FURTHER RESOLVED that the Municipal Clerk shall 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.

ORDINANCE – PUBLIC HEARING

The title of an Ordinance was read as follows:

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1769 ENTITLED AN ORDINANCE AMENDING CHAPTER IV ENTITLED GENERAL LICENSING SECTION 4-2 ENTITLED “TOWING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MAHWAH

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

Mr. Dave Ende of NAR Towing questioned the Mileage Chart in the Ordinance. He questioned how it works. The Township Attorney answered the previous Ordinance did not have a Mileage Charge. Mr. Ende said the mileage is very complicated and should just be a calculation of what the mileage fee will be. Mr. Ende questioned who will be policing this mileage.

Roth said if towing it to the Tower’s yard the mileage is free. The Township Attorney commented the Police Department suggested there be a Mileage Fee. He explained there are storage fees. If the vehicle goes beyond the Tower’s yard, the Tower can charge for it.

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

Hermansen said this Ordinance did not come to the Ordinance Committee for the mileage charge and if there is something that should be fixed and is a concern the Tower’s or Police Department should come before Council.

Wong said as long as there is an understanding how fees are charged there can always be a revision of the wording.

On a motion by Hermansen, seconded by Amoroso, the following Resolution was passed and adopted:

RESOLUTION – ORDINANCE NO. 1792

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

PUBLIC PORTION

On a motion by Hermansen, seconded by Wong, the meeting was opened to the public at 9:43PM. All in favor. Motion carried.

Mrs. Peggy Bost of 121 Deerhaven Road said she and Anne Powley thank the Council and appreciated the work the Council is doing on the Pipeline and taking lead on this. It is important that everyone has worked together on this.

Roth said she needs to take credit for this also and everyone works well together.

Hermansen said good results come from everyone working together.

Mrs. Bost asked to be on the Agenda in the future to put No Pipeline signs in the Township.

Roth said after the election season she can submit a written request to the Council and the signs can be put in the right-of-ways for 60 days.

Hermansen said there will be more brought out about these pipelines in the future.

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

CONSENT AGENDA

Resolutions #266-16 through #272-16, #274-16 and #275-16 were voted on under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes.

Resolution #273-16 was voted on separately and is attached to and made part of these Meeting Minutes.

RESOLUTIONS

Resolution #276-16 was voted on separately.

Resolutions #277-16 through #280-16 were voted on together.

Resolutions are attached to and made part of these Meeting Minutes.

OLD BUSINESS

None.

NEW BUSINESS

Ariemma wants to reschedule the Candidates Night. The Township Attorney explained a Councilmember, Mayor or Township Departments should not be involved in the participation of a Candidates Night.

Hermansen said a Councilmember cannot be involved in a debate. He said she could contact the League of Women's Voters in the County to see if they can arrange one.

Roth said Ariemma would have to facilitate the function and then come back to the Council with the information.

Ariemma asked the Business Administrator how she could set the debate up. The Business Administrator answered there is not much time to do this and from his experience it would have to be set up by an outside agency.

On a motion by Hermansen, seconded by Amoroso, the meeting was adjourned at 9:53PM. All in favor. Motion carried.

Respectfully submitted,



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