

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, OCTOBER 29, 2015**

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 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, New Jersey on Thursday, October 29, 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.

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.

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

Also present were Mayor William C. Laforet, Business Administrator Brian Campion, Township Attorney Brian Chewcaskie, Township Engineer's Associate Michael Kelly and Municipal Clerk Kathrine G. Coviello.

PUBLIC PORTION

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

Mr. Bruce Kuipers of 328 Forest Road said he is the Boy Scout Master for Troop 50 chartered by the Mahwah PBA. He is looking for help, as they do a lot of projects in town, and the next one is for this coming Saturday. In order to get service projects done, they have a storage area that they rent on a monthly basis. Mr. Kuipers is asking for a small piece of property (10' x 10') on Township property to put up a storage shed for all of their equipment. He said they will maintain it.

Roth said he has had several discussions with the Business Administrator and feels the troop deserves a small piece of property. However, he has concerns if this is done for one it is done for all. Roth said their service is valuable to our community. And said he is not adverse to this but would like the sense of the Council. Mr. Kuipers said they would secure the shed with a lock and take it down if they have to.

Hermansen said he has no problem with their request and feels a portable shed would be the best if we ever had to move it.

PUBLIC PORTION (continued)

Amoroso asked if there would be liability issues. Roth said he would check with Administration.

The Councilmembers were all in favor of this shed. Roth said he will work with the Business Administrator and put together a recommendation for the Council Meeting of November 12, 2015.

Peggy Bost, Ann Powley and Jonathan Marcus came to ask about the Ordinance on the Pilgrim Pipeline. Mrs. Powley said she would like to know the thoughts from Mahwah. The Township Attorney said his thoughts have not changed and what they are looking at is a Zoning Ordinance. He said if we are going to have an Ordinance there are specific requirements for the constitution of an Ordinance. The Township Attorney stated in speaking with other Attorneys in other Townships, who have enacted an Ordinance, he feels we would need a study from the Planner. The Planner would indicate if it was appropriate, then it would be reviewed by the Planning Board with consistency to the Master Plan. If there is an Ordinance, he has to know if it can be supported or if it could be challenged at any level. Ordinances, he stated, do not ban pipelines they regulate them.

The Township Attorney further stated that the Federal Government has no authority over pipe lines they leave it to the state. This state does it through an environmental review. He said he still has some reservations that if the state approves specific locations for this pipeline whether an Ordinance would even provide protection. He said Ordinances do not ban pipelines, they regulate them. The Township Attorney said he cannot determine what to do.

Mr. Marcus said regulating is the key like we did with cell phone towers. He asked the Council if they feel that pipelines of this sort can be regulated and controlled. The Township Attorney said it may be worth some guidance from state legislators to address this issue.

Roth said what is important is clarity. No one on the Council is saying that it is okay to have the pipeline and our Resolution was sent to everyone in the state.

Mrs. Powley asked what the next step would be. She stated they do need the Council's help.

Mrs. Bost brought maps to show the area for the pipeline and said she does not want to be put in a position where we do not have control or a say.

Ariemma said she feels we cannot count on the State of New Jersey and she feels all pipelines should be banned and not rezoned. Ariemma said if every single town bans the pipelines and all are on the same side, it would be harder to put the pipelines in.

Amoroso said banning the pipeline gives us no leg to stand on. She also feels that we cannot depend on the state. Amoroso feels background research would have to be done on this.

Hermansen explained about the initial steps of installing cell towers and the areas we had for the towers. He feels the cell towers are not a good argument. We have to figure out how to do this and come up with the proper research.

PUBLIC PORTION (continued)

Roth said this issue will be referred to the Planning Board. The Township Attorney suggested writing to the Planning Board, telling them we received a draft copy of an Ordinance, whether a ban would be appropriate, and give us a report and their recommendations within 30 days.

On a motion by Amoroso, seconded by Hermansen, the meeting was closed to the Public at 8:43PM. All in favor. Motion carried.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

The Bills and Claims List was placed in everyone's Drop Box. Any Councilmember with questions was asked to speak with Administration prior to the Public Meeting.

ENGINEERING (Boswell-McClave)

1a. ADA Curb Ramp Improvements; County Roads: Island Road, East Ramapo Avenue, West Ramapo Avenue and Ramapo Valley Road; Request for Authorization Approving Change Order No. 1 (Final).

The Township Engineer stated this is Change Order #1 to decrease the contract amount by \$2,965,75 for an amended contract in the amount of \$116,034.25.

Resolution shall be voted on in the Public Meeting.

1b. Request for Installation of "Residential Parking Only" Signs along Brakeshoe Place; Block 40, Lots 25 and 27 (Dkt #568 PF)

This item has been tabled to January.

1c. Verbal Status Report -- October 2015

Road Program: The Township Engineer said three streets are not paved due to drainage installed in the roadway. They are going to wait until the spring so that trenches are settled. The Contractor will hold the prices.

Stream Cleaning: The Township Engineer said he met with the Bergen County Mosquito Commission and the DPW and they expect to start in a few weeks. This will be an ongoing project into the spring.

Closure of Route 202 at Franklin Turnpike: The Township Engineer stated an old corrugated metal storm pipe under the train trestle that was 7" below pavement needs to be replaced. The County will be replacing the area with concrete pipe and are installing two more units that will improve the drainage in that area. They hope the work will be completed by the end of tomorrow or Monday. He said the County is going to pave the remaining area of North Ramapo Avenue to Route 17 starting tomorrow.

The Township Engineer said the site where the applicant wants to put his Christmas Trees is a good site and he has approved the zoning. The Applicant will not have cars parking in the street.

ADMINISTRATION

- 2a Authorization for Mayor to Execute Agreement between the Township of Mahwah and the County of Bergen to Share Donated Firefighting Foam Concentrate for Training Purposes

The Business Administrator said this is a request from the Fire Chief.

Resolution shall be voted on in the Public Meeting.

- 2b. Pay to Play Alternate Non-Fair and Open Agreement Request; Z & C Cleaning Services

Resolution shall be voted on in the Public Meeting.

- 2c. Alternate Non-Fair and Open Contract Agreements

1. Municipal Emergency Services Inc.
2. Skylands Area Fire Equipment and Training, LLC d/b/a Safe-T

Resolutions shall be voted on in the Public Meeting.

- 2d. Donation; K-9 Vehicle

The Business Administrator said a local business is willing to donate a vehicle to be used as a K-9 vehicle. This is a replacement vehicle and comes to us by request of Chief Batelli.

Resolution shall be voted on in the Public Meeting.

- 2e. Authorization for Business Administrator to Advertise and Solicit Bids for Co-location of Communication Antenna Facilities on Campgaw Water Tank Lease

The Business Administrator said the 20 year leases are about to expire. New leases always have to be advertised. Three leases have been advertised in the past, but the one location is left which is AT&T and has to be advertised.

Resolution shall be voted on in the Public Meeting.

- 2f. Authorization to Award Bid #MTB#15-20; Water & Sewer Materials and Supplies

The Business Administrator stated that this is an annual bid that we go out for. The bid was awarded to the lowest bidder: Water Works Supply Company.

Resolution shall be voted on in the Public Meeting.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

- 3a. Request for Permission to Post Signs in Township Right-of-Ways; Christine Davis and John Dolan

Resolution shall be voted on in the Public Meeting.

- 3b. Request for Permission to Display Lawn Signs in the Right-of-Ways on Behalf of Mahwah Municipal Alliance

Resolution shall be voted on in the Public Meeting.

- 3c. Firefighter Applications
1. James W. Finneran, Jr. to Fire Company #1
 2. Lucas Abrunzo to Fire Company #3

Individual Resolutions for the above-mentioned Firefighters shall be voted on in the Public Meeting.

3d. Request to Sell Christmas Trees; 40 Franklin Turnpike

All the proper paperwork has been received and the area will be cleaned up right after they are done selling the trees. There were concerns about parking. It is expected everyone will park in his parking lot.

Resolution shall be voted on in the Public Meeting.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by DiGiulio, seconded by Sbarra, the Bills and Claims, previously signed, totaling \$3,951,535.62, were approved. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, yes; Hermansen, absent; Sbarra, yes; Wong, absent; 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 Sbarra, seconded by Amoroso the Combined Work Session and Meeting Minutes of October 1, 2015 and Closed Session Meeting Minutes of October 1, 2015 were approved. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, yes; but minutes were amended as her name was left off; Hermansen, absent; Sbarra, yes; Wong, absent; Roth, yes.

REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK

TOWNSHIP COUNCIL: COMMENTS, COMMUNICATIONS AND REPORTS OF SUBCOMMITTEES

Amoroso said the Pearl Harbor Memorial Stone was picked up that will go in Veterans Memorial Park. That should be in place for the Veterans' Day Ceremony.

Amoroso attended the Board of Education Meeting. This was second reading on the Transsexual Policy.

Amoroso mentioned the Thunderbird Marching Band won first place at a Livingston championship.

Amoroso stated the Board of Education reached an agreement on the contracts with the professionals and supervisors and the terms of the contracts were explained. She said the Mahwah Education Association said they were filing a fair waiver of violation.

Amoroso thanked the Mayor and the DPW as Constantine Road was patched.

Amoroso said there are three seats up for election for the School Board.

Amoroso said she saw Michael DeLuca and he is getting along well from his surgery.

Ariemma attended the Planning Board Meeting and it consisted of an Apple Ridge County Club discussion. It was voted on and did pass. She said additional soil samples were taken and additional trees were saved.

DiGuilio asked if they are going to air rate the soil and hopes the water will be tested. Roth said they are going to core it. The Business Administrator said there are no wells or water sources in this area.

Roth said on October 20, 2015 he met with the Mayor, Administration and the Township Attorney to discuss legal strategy on Affordable Housing.

Roth attended the carnival at Joyce Kilmer on October 24th.

Roth attended the re-opening of the Museum. The Museum has a lot of new exhibits. One is on the printing history and the history of the Post Office. He said it is very informative.

Roth said on October 25th he attended a Ribbon Cutting Ceremony at Hughes Environmental.

Roth said he went to Hackensack today with the Mayor to the Case Management Hearing on Affordable Housing. He will brief everyone in Closed Session.

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

Mayor Laforet stated the biggest event this week was the approval of Apple Ridge by the Planning Board. The Mayor thanked the Planning Board and all of the professionals for their due diligence for the final approval. This is a credit to the Planning Board. This is the first of its kind for blending. The 34 homes proposed in this area will be viewed as a positive improvement in the future.

PUBLIC PORTION

On a motion by Amoroso, seconded by Sbarra, the meeting was opened to the Public at 9:15PM. All in favor. Motion carried.

Being no comments were made from the public, on a motion by DiGiulio, seconded by Sbarra, the meeting was closed to the public at 9:16PM. All in favor. Motion carried.

ORDINANCE – PUBLIC HEARING

The title of an Ordinance was read as follows:

AN ORDINANCE AMENDING #1755 AND SECTION 2-6-18E OF THE TOWNSHIP CODE REGARDING SPECIAL DETAIL OFF DUTY EMPLOYMENT

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

ORDINANCE – PUBLIC HEARING (continued)

Being no comments were made by the public, on a motion by Amoroso, seconded by Sbarra, the meeting was closed to the public. All in favor. Motion carried.

On a motion by Sbarra, seconded by Roth, the following Resolution was passed and adopted:

RESOLUTION – ORDINANCE NO. 1771

RESOLVED that the ordinance be passed and adopted on second reading and the Municipal Clerk is authorized and directed to advertise the Ordinance by title only as having been adopted, as required by law.

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

CONSENT AGENDA

Resolutions #280-15 and #282-15 through #293-15 were voted on under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes.

Resolution #281-15 was removed from the Agenda.

OLD BUSINESS

Ariemma asked why the meeting on Case Management will be discussed in Closed Session. The Township Attorney answered the Case Management Conference is where the court establishes a timeframe for certain information to be provided to the Court Appointed Master which is a matter of public record. How we are going to address it has to be discussed in Closed Session.

NEW BUSINESS

Hermansen said the Town Hall Meeting on the Heroin Epidemic is November 10th.

Hermansen said the Mahwah Halloween Parade is at 5:00PM on Saturday.

Hermansen said Election Day is November 3, 2015.

Roth said he would like the Council to make a donation for the MMA to buy toys for their Christmas Party. Please give your donation to the Municipal Clerk.

CLOSED SESSION

On a motion by Sbarra, seconded by Amoroso, the Council went into Closed Session at 9:20PM for the express purposes of discussing:

C1. Tax Appeal; 600 Pulis Avenue; Block 162, Lot 248

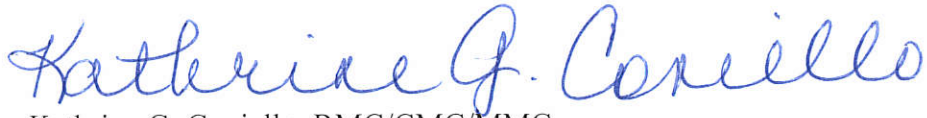
On a motion by Amoroso, seconded by Ariemma, the Council returned to Open Session at 10:00PM. All in favor. Motion carried.

RESOLUTION

Resolution #294-15 is attached to and made part of these Meeting Minutes.

On a motion by Amoroso, seconded by Ariemma, the meeting was adjourned at 10:03PM. All in favor. Motion carried.

Respectfully submitted,



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

Meeting Minutes prepared and typed by Deputy Municipal Clerk Jan Fox