

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, DECEMBER 3, 2015**

The Meeting was called to order at 8:03 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, December 3, 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, the Veterans, and those in San Bernardino, California.

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

Also present were Mayor William C. Laforet, Business Administrator Brian Champion, Township Attorney's Associate Nylema Nabbie, Township Engineer Kevin Boswell, Township Clerk Kathrine Coviello and Clerical Assistant Carolyn George.

DiGiulio said she had a terrible accident on Friday, November 27 and almost died. She thanked the three Police Officers, the Ambulance Corps and the Paramedics who helped her. The Town is lucky to have such wonderful people.

Roth said due to the many people in attendance, he assured that everyone will be given the opportunity to speak. He asked that people listen to one another and avoid repetition so we can allow others time to speak. In addition, he asked that people keep their concerns or questions brief.

Roth referred to a letter he wrote in 2014 to the Governor outlining the Township's concerns on the Pilgrim Pipeline.

Roth stated that on November 13, 2014, a Resolution was adopted formally objecting to the Pilgrim Pipeline due to concerns with habitat, spills, and ground water contamination. The Resolution was sent out to Government Officials of local Municipalities up to the Governor.

PUBLIC PORTION

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

Erin Rice, represents International Union of Operating Engineers Local #25 representing 6500 union members, spoke in favor of the pipeline.

Fred Stedtler of 194 West Ramapo Avenue asked if the Pipeline is proven to be more deleterious to the environment than the crumbling infrastructure. Roth explained that there are opinions on both sides. Stedtler is concerned about other type of accidents. This is a topic that needs to be looked at objectively not emotionally.

Ken Dolsky of Parsippany, clarified the information given by the last two speakers. He explained that the pipeline will not eliminate the trains. New Jersey will not see or use any of this oil. The trains leaving New Jersey are going to Philadelphia. The Pipeline will be transporting oil from Albany to Linden and back to Albany for their use. We will not benefit from the oil in the pipeline, just the risks. If there is an accident, according to a Congressional Research Service Study, a pipeline can spill 3 to 4 times more oil than a train or barge.

Patina Direse, 1001 Boxwood Court, said her son had gotten an electrical permit for work done in his home. The permit was changed due to the code and new work completed. A bill for \$76 was sent to her son. Dareese informed her son, Chris, that it had already been paid. She spoke to Building Department several times and is looking for a refund. Roth suggested she call the Township Administrator, Brian Campion, on Friday afternoon for assistance.

Edward Godell, Executive Director of NJ/NY Trail Conference thanked the Council for passing the message to Pilgrim Pipeline that they are not welcome in Mahwah. The suggested pipeline is planning to cross recreational trails 11 times.

Ann Powley, 86 West Crescent Avenue and Ann Bost, 21 West Deerhaven Road stated that Pilgrim Pipeline has already filed in New York. They were concerned that the Council was behind schedule. Bost stated that the pipeline is improper use of our land according Master Plan and Municipal Land Use Law. In addition, there are no other water supplies for Mahwah if ours are contaminated from a spill.

Roth responded that the Council was not behind schedule. There is a process to maintain and the Council has been following the process. The topic was sent to the Ordinance Committee and the Township Attorney advised not to adopt an ordinance. Council then referred the matter to the Planning Board for their insight to pursue an ordinance.

The Township Attorney's Associate stated that the timing of the application has no bearing. In addition, the Municipal Land Use Law is not applicable to the pipeline project. The Township Attorney's Associate agreed that Roth must follow statutory steps which have specific timing for

meeting. The Township Attorney's Associate stated that if the NJDEP gives a permit, it would trump and override anything from a municipality.

Amoroso attended a Pipeline Seminar at the League of Municipalities with DiGiulio and Wong. There are two bills currently in Trenton, NJ S2748 (Senate), and NJ A4178 (Assembly) which would restrict the right of public domain.

Powley stated that Mayor Taylor of Florham Park will be holding a meeting in Florham Park on December 16 at 7:00 PM to discuss the Pipeline. Powley will send her information to Roth for his review.

Susan Stedtler, 194 Ramapo Valley, stated that the key issue is the State. Stedtler asked whom the public should write to about the bills in the Senate and Assembly. Roth indicated people could write to their representatives in District 39: Senator Gerald Cardinale, Assemblyman Robert Auth, and Assemblywoman Holly Schepisi.

Helene Chase of Norfolk Village asked how much power Governor Christie has with this project.

Sbarra mentioned that Roth did send a letter to Governor Christie.

Jonathan Marcus, 3 Brook Court, stated that the Planning Board has nothing protecting our wellheads. He said that the Township could benefit by protecting the wellheads.

Susan Sawchuk, 369 Campgaw Road, stated that many residents have their own, individual wells, and we need to protect both public and personal/private wells.

Lynne McLewin, 120 Miller Road, stated that she is in favor of the Council adopting an Ordinance because putting in any type of roadblock is a good tactic.

Stephen Talercio, 63 North Bayard Lane, suggested that some members of the Council attend the December 16 Meeting in Florham Park.

On a motion by DiGiulio, seconded by Amoroso, the meeting was closed to the public at 9:08 PM. All in favor. Motion carried.

Roth requested that 4b. Discussion of Planning Board Response; Pipelines be discussed at this point.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

4b. Discussion of Planning Board Response; Pipelines

Based on Council's request, the Council is in favor of passing an Ordinance to prevent the construction of pipelines. Legal advice is that an ordinance may not hold up in court.

Township of Mahwah Combined Work Session and Public Meeting Minutes
Of December 3, 2015

Roth advised someone on the Council to request the Township Attorney to draw up an Ordinance.

Hermansen extended a thank you to Roth and stated that a pipeline needs a refinery at the end of the pipeline and he did not see anything like that in Linden.

Wong said yes to a ban on unregulated pipelines.

Sbarra stated his surprise about the League of Municipality Meeting and at the Planning Board Meeting. This topic should not be rushed into and the Council must do it correctly. He is confident that the ordinance will state the case and he gives his full support.

DiGiulio stated she is in support but based on the League of Municipality Meeting, this ordinance may not fly. In addition, the Council takes on this endeavor and they must see it through to the end including any lawsuits that may arise.

Roth stated that there is also a commitment with the budget for legal expenses.

Amoroso is in favor of the ordinance and believes there will be a resilient ordinance.

Ariemma is in favor of the ordinance. Ariemma stated that it was suggested by the Planning Board and Township Attorney there should not be too many specifics in the ordinance because then we can be challenged. Also, the pipeline is currently planned to be constructed on a fault line. One explosion or shift of the fault line could cause a huge problem. The pipeline's monitoring is from Texas and Pilgrim explained that help with the pipeline could take 24 hours.

Motion by Ariemma to instruct the Township Attorney to draft an Ordinance to ban unregulated pipelines in the Township, seconded by DiGiulio. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

The Council did not receive the Bills and Claims List for the meeting. Roth said rather than not pay the bills, he suggested that they be paid.

ENGINEERING (Boswell-McClave)

1a. Written Status Report – December 2015

MA-1340: East Slope Booster Pumping Station's completion date will be extended until approximately January 16.

MA-1606 Blueberry Court Sanitary Sewer Improvements is reported that the design is fine and the project is proceeding well.

Sbarra asked about the Ramapo River Clean-Up. The Township Engineer will provide status later.

DiGiulio asked if our wellheads are protected. The Township Engineer indicated that one NJDEP Public Well Supply System that is State regulated and another regulation as a member of the Highlands Council community. Highlands has protection in a different more encompassing manner. There are difference is used in Wellhead Ordinances. The Township Engineer suggested the Council should look carefully before writing a Well Head Protection Ordinance. There is protection in place right now for State regulated protection. The Township Engineer indicated that the Township should look how it relates to the Township's Master Plan.

Township Attorney stated the Township might be overregulating if we use other towns Well-Head Protection Ordinances. He suggested that the Township tailors it to how we manage our community.

DiGiulio would like to start to look at these type of ordinances.

LEGAL

2a. Vacation of Drainage Easement; 1400 MacArthur Boulevard

The Township Attorney gave a brief explanation of the easement. In 1985 a storm drain was created. In 1994, there was a second storm drain created. The contract purchaser indicated that the first storm drain should be vacated. Their request was given to Administration and then reviewed by the Township Attorney. Upon review, the Township Attorney has found no reason at all that the easement (first storm drain) is necessary and suggested it be vacated so the property can be developed.

ADMINISTRATION

3a. Authorization to Issue Duplicate Tax Certificate #002593

The Business Administrator stated the Lien Holder requested a duplicate copy of the Tax Certificate.

Resolution shall be voted on in the Public Meeting.

3b. Pay to Play; Alternate Non-Fair and Open Compliance; Electronic Systems Solutions
Township Administrator stated that this is for minor repairs.

Resolution shall be voted on in the Public Meeting.

3c. Authorization to Award Bids

1. MTB-15-18: Fire and Police Departments Vehicles Repairs and Maintenance
The Business Administrator stated there were two bidders for this bid. Berry Motors was awarded the bid and was the lowest bidder.

Resolution shall be voted on in the Public Meeting.

3c. 2. MTB-15-23: DPW Automotive Materials and Supplies

The Business Administrator stated the bid is granted to Wilson Auto & Truck, Inc. for the auto parts.

Resolution shall be voted on in the Public Meeting.

3d. Authorization for Mayor and Municipal Clerk to Execute White Collar Agreement

The Business Administrator indicated this is memorializing the agreements.

Resolution shall be voted on in the Public Meeting.

3e. Revised Salary Ordinance

The Business Administrator indicated after approving the PBA Contract and White Collar Contract so updating the Salary Ordinance to reflect those two contracts.

Resolution shall be voted on in the Public Meeting.

3f. Request to Place Monitoring Well in Township Right-of-Way; Beehive Court

Business Administrator said an Engineering firm that is monitoring ground water near a service station on Route 17 wants to install an additional monitoring well in the Public Right-of-Way on Beehive Court. The Right-of-Way is 50 feet wide which 30 feet is paved road. Therefore, the monitoring well will be installed within a resident's property. The resident gave permission in writing to proceed with the installation as long as the firm works with the resident.

Resolution shall be voted on in the Public Meeting.

3g. Transfer of Appropriations

The Business Administrator explained the Chief Financial Officer needed to move money into the Building and Ground's budget to cover for some emergency boiler repairs as soon as possible.

TOWNSHIP and MUNICIPAL CLERK

4a. Appointment of 2016 Fire Department Chiefs

Roth extended congratulations to all of the newly elected Fire Department Chiefs who will be sworn in in January.

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 \$5,044,158.97 were approved. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes. Motion carried. 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 DiGiulio, the Combined Work Session and Public Meeting Minutes of November 12, 2015; Closed Session Meeting Minutes of October 15, October 29, and November 12, 2015 were approved. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, no for November 12 yes for the rest; Hermansen, no for November 12, yes for the rest; Sbarra, yes; Wong, no for October 29 and November 12, yes for the rest; Roth, yes. Motion Carried.

REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK

TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF SUBCOMMITTEES

Amoroso attended a Board of Education Meeting. The Partnership for Assessment of Readiness for College and Careers (PARCC) results were discussed and Mahwah is above the State standards.

Amoroso attended the Beautification Meeting on Tuesday, December 1. The Director of Public Works got bids for eight larger town signs at major points of entry for approximately \$122. The Holiday Lighting is at Veterans Memorial Park.

Amoroso stated the Governor has signed a bill to develop a taskforce for investigation into sexual assaults on college campuses.

Ariemma attended the Planning Board Meeting. The Pilgrim Pipeline was discussed and it was well attended with standing room only. Many people spoke, but in particular, a Boy Scout provided a touching before and after description of Mahwah if a pipeline was constructed.

DiGiulio thanked the people who helped her during her recent accident.

DiGiulio asked Amoroso to bring up at the next Board of Education Meeting the possibility of adding First Aid to the curriculum.

Hermansen extended a Happy Thanksgiving and a Happy Chanukah to everyone.

Hermansen stated on Saturday, December 12 at noon the Mahwah Marine Moms will be participating in the Wreaths Across America.

Hermansen stated Andrea Bocelli, Italian Tenor Opera Singer, surprised a couple and sang at their wedding held here in Mahwah.

Hermansen read in the newspaper that the Mayor was on a Committee about the Community Development for young adults in town.

Sbarra attended the League of Municipalities Convention. He attended a seminar on the Affirmative Housing (COAH). He stated the Township is ahead of other towns on this topic.

Sbarra attended the McGill Cup Hockey Game where Ramsey won 8-4.

Sbarra extended good luck wishes to the Mahwah High School Football Team for their game on Friday for the Group II Division Title playing Glen Rock at the Met Life Stadium. The team's last appearance in the State Finals was in 2001.

DiGiulio added it is Kathy Coviello's birthday on Saturday!

Wong attended his first League of Municipalities Convention and attended the Affordable Housing Seminar with Sbarra and DiGiulio.

Wong extended his good luck wishes to the Mahwah High School Football Team.

Wong said there is a Christmas Tree Lighting Ceremony at the Senior Center on Sunday, December 6 at 4:30.

Roth attended the League of Municipalities Convention from November 17 through 19. The least informative seminar was the User Friendly Budget.

Roth attended a conference call with the Business Administrator and the Mayor and the vendor for the Police Department Staffing study.

Roth attended a meeting on Affordable Housing with Maser Consulting.

Roth attended a meeting on November 30 with the last vendor for the Police Department Staffing proposal with the Police Chief and Captain Jaffe.

Roth attended a meeting on December 1 with a vendor concerning broadcasting from Town Hall. They looked at the needs for cameras and microphones. Other vendors will be interviewed soon and the money will be provided through a grant.

Roth attended a Senior Advisory Board Meeting on December 2.

Roth stated the Senior Christmas Party on Thursday, December 17 is a sell out and suggests that people get there early.

Roth stated the Police Benevolent Association has put out Toy Drive boxes throughout the town. The toys will be delivered during the Police Department Party.

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

Mayor Laforet said that the Community Development Panel's purpose was to discuss, globally, the shared services and growth of municipalities and cities. He attended with the mayors from Jersey City and Teaneck, and the Sherriff. Millennials have changed their views of their travel choices. This topic was not discussing the addition of developments to the town. It was looking at the transportation for those people being shuttled in for our businesses.

Mayor spent a great deal of time on Affordable Housing.

Business Administrator stated that the Departments have submitted their 2016 budget requirements.

ORDINANCES - INTRODUCTIONS

The title of an Ordinance was read as follows:

AN ORDINANCE TO ALLOW FOR THE VACATION OF A DRAINAGE EASEMENT IN THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY

RESOLUTION – ORDINANCE NO. 1772

Introduced by Sbarra; seconded by DiGiulio

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 December 17, 2015 in the Council Chambers at the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, NJ, at 8:00 P.M.

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.

The title of an Ordinance was read as follows:
SALARY ORDINANCE

RESOLUTION – ORDINANCE NO. 1773

Introduced by Aromoso; 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 December 17, 2015 in the Council Chambers at the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, NJ, at 8:00 P.M.

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.

CONSENT AGENDA

Resolutions #306-15 through #310-15 and #312-15 were voted on under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes.

OLD BUSINESS

None.

NEW BUSINESS

None.

CLOSED SESSION

On a motion by Wong, seconded by Hermansen, Council went into Closed Session at 10:35 PM for the express purposes of discussing:

C1. Affordable Housing; Update

C2. Tax Appeal; Block 44, Lot 23; Island Road

Roll Call: Amoroso, yes; Ariemma, yes; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes. Motion carried.

On a motion by DiGiulio, seconded by Hermansen, Council returned to Open Session at 10:57 PM. All in favor. Motion carried.

RESOLUTIONS

Resolution #311-15, #313-15, and #314-15 were voted on. Resolutions are attached to and made part of these Meeting Minutes.

On a motion by Hermansen, seconded by Sbarra, the meeting was adjourned at 10:59 PM. All in favor. Motion carried.

Respectfully submitted,



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

Meeting Minutes typed by Carolyn George, Clerical Assistant