

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, DECEMBER 1, 2016**

The Meeting was called to order at 8:04PM 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, December 1, 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 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. It is because of their valor and bravery that we can hold meetings such as these.

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

Also present were Mayor William C. Laforet, Township Attorney's Representative Nylema Nabbie, Business Administrator Quentin Wiest, Township Engineer's Representative Mike Kelly, Municipal Clerk Kathrine G. Coviello and Clerical Assistant Carolyn George.

PUBLIC PORTION

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

Mrs. Mary Amoroso of 33 Olney Road announced her resignation as Councilwoman for the Township of Mahwah as she was elected as Bergen County Freeholder at the November 8, 2016 Election. Mrs. Amoroso read a statement describing inappropriate conduct by Councilmember Hermansen toward other Councilmembers. Mrs. Amoroso endorsed Mr. Ward Donigian to fill her seat on the Council and provided a copy of her statement to the Municipal Clerk.

Mr. George Gares of 67 Malcolm Road congratulated Mrs. Amoroso for her new position with the Bergen County Freeholders. Mr. Gares read a statement describing inappropriate conduct and criticism by Councilman Hermansen toward other Councilmembers and the Mayor via Facebook. Mr. Gares asked the Council to censure Councilman Hermansen for his conduct. Mr. Gares is compiling a recall for Councilman Hermansen.

Ms. Annmarie Morris of 21 Spruce Road asked the Council to do the right thing for Mahwah. Ms. Morris asked what was the procedure for appointing a new Councilmember. Roth explained the open position now is due to Mrs. Amoroso's resignation on November 30. It is necessary for

Mr. Jonathan Marcus to file paperwork with the Municipal Clerk. Mrs. Amoroso's vacancy will be handled at the December 15th Council Meeting.

Mr. Ralph Migliaccio stated his concern with Councilman Hermansen and Council President Roth. Mr. Migliaccio asked why Councilman Hermansen tried to target Mr. Marcus' livelihood. Mr. Hermansen said he had nothing to do with Mr. Marcus.

Ms. Audrey Artusio of 214 Miller Road asked what the procedure is with nominees or a public vote moving forward with the Council vacancy. Roth explained the Council appointment is based on the nominations received and would be voted on at the December 15th Council Meeting.

Ms. Lynn McLewin of 120 Miller Road asked if the Agenda would be on the Township's website. Roth stated it will be available.

Ms. Laurie Swedleson of Johnson Avenue extended her approval of Mr. George Ervin as an excellent candidate for Council.

Ms. Susan Chin of 186 Mabie Court commented on the attacks and behavior of the Councilmembers.

Mrs. Tammy Marcus of 3 Brook Court explained her disgust with the actions of some Councilmembers and the offensive behavior toward her husband.

Councilman Hermansen denied accusations regarding intimidation by the public.

Councilman Hermansen stated his visit to a Councilman Elect's house was both a congratulatory and a holiday visit.

Councilman Hermansen denied providing any name and information at the Budget Meeting by Mrs. Amoroso's statement in the beginning of the Public Portion.

Councilwoman Ariemma replied to Councilman Hermansen explaining she spoke at the Budget Meeting stating there was a Mahwah High School SRO Officer. Councilwoman Ariemma stated she did not name any names at that meeting.

Council President Roth stated he was saddened by Mrs. Amoroso's exit from the Council and the distortions of Council positions. Council President Roth stated he was distraught by Mr. Marcus's exit and the new allegations surrounding someone's livelihood being threatened.

Ms. Lynn McLewin of 120 Miller Road questioned Councilman Hermansen's remarks surrounding other Councilmember's experience and mailings with previous elections.

On a motion by Sbarra, seconded by Hermansen, the meeting was closed to the public at 8:59 PM. All in favor. Motion carried.

DiGiulio stated she resigned her 28-year position as Councilmember because of the actions of the current Council.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

The Bills and Claims was placed in the Dropbox. Any Councilmember with questions was asked to speak with Administration before the Public Meeting.

ENGINEERING

1a. (1) Apple Ridge Mahwah, LLC; Affordable Housing Transaction
Township Attorney's Representative Nylema Nabbie stated the Affordable Housing Transaction was approved by the Planning Board. The Developer's Agreement is being written and the dollar amount had to be calculated to determine the payment in lieu for seven affordable units. Township Attorney's Representative consulted with the Township Appraiser and Special Master, Mr. Boland, and arrived at a number that was acceptable which represents the payment in lieu. The Township Attorney's Representative is recommending this be included in the Developer's Agreement.

Roth stated the July offer was renegotiated and the price increased significantly. Roth reviewed the market rate and it meets market standard.

Sbarra asked for clarification if the money would be placed in an Affordable Housing Trust Fund with the Township of Mahwah or be given to the United Way. Roth stated the money should go to the Township of Mahwah in a Trust Fund not to the United Way. Roth asked if this portion of the Agreement could be amended. Township Attorney's Representative agreed it could be amended.

DiGiulio stated the Liability portion located on Page 12 and 13 of the Developer's Agreement indicated topics concerning damage occurring and if the Developer could sell the property. DiGiulio asked if the Agreement could be amended or changed. Township Engineer's Representative stated the Planning Board could approve or deny minor changes. Township Attorney's Representative stated if the Developer had a significant change that affected an increase in the Performance Bond, it would be amended and brought to the Council. If the Developer sells to someone else, the Developer's Agreement will be assigned to the new property owner.

Sbarra stated there are no Affordable Housing units in complex. The payment in lieu was provided to buy out the units. Roth stated this protects from future owners wanting to add Affordable Housing units.

Business Administrator explained there were concerns years ago surrounding the path of the money from United Way and the percentage of the money United Way received from governmental entities. Township Attorney's Representative said she was not prepared to discuss that area today. Mayor Laforet stated the additional equity and money given to Madeline Housing would allow United Way to complete the units quicker. Roth stated the money should be placed in a Township Trust Fund and questioned if Council should go forward with it or table it for further discussion.

Roth agrees since the wording could go either way, subsequent conversation will occur to determine which way the money will be placed. Township Attorney's Representative indicated there is no issue with the rewording of Paragraph 42 and could revise accordingly to read, "Council will make the appropriate election at the appropriate time." Roth asked Council for a show of hands for approval of the Affordable Housing component and recognized all hands were up in favor.

1a.(2) Apple Ridge Mahwah LLC; 269 East Crescent Avenue; Block 127, Lots 1, 3 through 7; Request to Execute Developer's Agreement (Dkt. #559-PF)
Township Engineer's Representative stated this is to execute the Developer's Agreement.

Resolution shall be voted on in the Public Meeting.

1b. Peterson Place LLC; 70 Peterson Place; Block 138, Lot 50; Request to Execute Developer's Agreement (Dkt. #417-PF)
Township Engineer's Representative stated this is a small subdivision at the end of Peterson Place and is recommending the execution of the Developer's Agreement.

DiGiulio asked what would happen to the trees if the residents do not want them planted. Township Engineer's Representative stated if the residents do not want the trees, the cost of the trees would go into the Shade Tree Trust Fund.

Ariemma asked if it is a private road. Township Engineer's Representative indicated that the end of the road is private.

Resolution shall be voted on in the Public Meeting.

1c. Sanitary Sewer Connection Agreement between Township and Upper Saddle River; 72 Sparrowbush Road; Discussion
This item was taken off the Agenda and will be discussed at the Council Meeting on Thursday, December 15, 2016.

Resolution shall be voted on in the Public Meeting.

1d. 2015 Road, Curb and Sidewalk Program (Bid #MTB-15-06); Change Order #1
Township Engineer's Representative stated the 2015 Road, Curb and Sidewalk Program can be closed because all of the jobs are finished. There was a reduction of \$39,000 on the project.

Resolution shall be voted on in the Public Meeting.

1e. Written Status Report – December 2016
MA1525 Wyckoff Avenue Infrastructure Improvements
Township Engineer's Representative stated the project is to be awarded at the January 12, 2017 Council Meeting.

Township Engineer's Representative attended a meeting with the Bergen County Engineer, Mayor Laforet and the Business Administrator to discuss the 2017 Replacement of the Culvert on Route 202 near the Darlington School House. This will be discussed further at the next Council Meeting on Thursday, December 15, 2016.

Township Engineer's Representative stated meetings were held concerning Chapel Road sewerage smell with the Northwest Bergen County Utilities Authority, residents and the Township of Mahwah's Sewer Department. Filters will be installed in manholes and vents in the local houses and George Washington School. The vents will be received and installed soon. Northwest Bergen County Utilities Authority will order filters for the roof vents at their expense. Northwest Bergen County Utilities monitored the manholes with Hydrogen Sulfide Meters and discovered the readings are not increasing. Northwest Bergen County Utilities Authority has been very cooperative and they are eager to resolve the situation.

Roth asked who maintains the filters. Township Engineer's Representative indicated the Northwest Bergen County Utilities Authority has the filters free of charge for the residents but it is the residents' responsibility to install.

Mayor Laforet stated the filters have a three-year lifespan.

DiGiulio asked the status of the flood area on Chapel Road. Township Engineer's Representative said the approval was just received for Blueberry Court so the work would be piggybacked with the Blueberry Court Project taking place in Spring.

ADMINISTRATION

2a. Renewal of Health Insurance; 2017 Third Party Administrator and Stop-Loss Carrier Business Administrator stated Mr. Frank Covelli from Professional Insurance Associates, Inc. (PIA) is present to discuss the Annual Renewal and our Stop Loss Coverage.

Business Administrator stated two items of paramount interest are the 2% increase in premium from \$1,018,307 for 2016 to \$1,041,000 for proposed premium 2017 and the Aggregate attachment points decreased from \$6,031,000 to \$6,024,000. The Business Administrator and Mr. Covelli recommend renewing with Nationwide.

Roth asked why there is a difference in claims cost from 6.8% to 8%. Mr. Covelli explained the calculation is based on ten months of actual claims and two months of projected claims. The full twelve months will be realized by the end of January 2017.

Roth asked the status of the Prescription Drug Plan. Mr. Covelli stated the Plan needs to be evaluated and brought back to Council for review.

DiGiulio asked what the timeframe and accuracy is for claim responses. Mr. Covelli stated the Township provides a Monthly Report File to Professional Insurance Associates. Generally, the Township has less than nine claims per month.

Roth stated the Dental Program Renewal would be on the next Council Meeting of Thursday, December 15, 2016.

Resolution shall be voted on in the Public Meeting.

2b. Halifax Road Land Use; Discussion

Township Engineer's Representative stated complaints were received on activities taking place at the site. Township Engineer's Representative sent a Zoning Violations letter to the Property Owner stating they are in violation of usage. Until proper appeals are received, they have until December 9 to remove the structures after which summons will be issued. New Jersey Department of Environmental Protection was contacted twice regarding the flood zone.

Roth asked at what point does the Property Owner receive a Court Order. Township Attorney's Representative stated the Township Attorney would need to file an action in Supreme Court regarding Land Use Law.

Mayor Laforet reported the Police Department is aware of any upcoming events and previous conversations with Chief Perry have not been productive.

Hermansen stated his concern about an email indicating the property owner was tapping into an electric box. Mayor Laforet reported the electrical use was to charge cell phones. The Township's Electrical Inspector informed the Mayor that no violations were present.

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

Jeff, a Mahwah High School Senior, stated his disappointment with tonight's meeting. Jeff suggested the Council respect each other and come together for the people of Mahwah.

On a motion by Sbarra, seconded by Hermansen, the meeting was closed to the public at 10:47PM. All in favor. Motion carried.

2c. Pay to Play Compliance

Business Administrator stated the following three vendors anticipate going over the Pay to Play threshold.

1. Action Fire Apparatus DBA: New Jersey Fire Equipment Co.

Resolution shall be voted on in the Public Meeting.

2. State Line Fire and Safety Inc.

Resolution shall be voted on in the Public Meeting.

3. Valtek Inc.

Resolution shall be voted on in the Public Meeting.

2d. Disposal; Excess Police Vehicles

Business Administrator stated this police car was totaled in an accident and requires permission for disposal and removal from fixed assets.

Resolution shall be voted on in the Public Meeting.

2e. Emergency Management Agency Assistance Program; Grant Application
Business Administrator stated this is an Annual Grant of \$9,400. The money is used to defray costs in the Office of Emergency Management.

Ariemma asked when does the Township apply for grants. Business Administrator explained the application deadlines vary.

Resolution shall be voted on in the Public Meeting.

2f. Request for Installation of Mobilite Tower; Discussion
Township Engineer's Representative stated the applicant provided a Road Opening Permit which was incorrect. The applicant must complete a Right-of-Way Infringement Permit. The applicant requests to place a pole in the Township's Right-of-Way at 30 Industrial Avenue. Township Engineer's Representative explained that the Applicant would require a site plan approval.

Mr. Dean Starmos and Ms. Leslie Small from Mobilite explained Mobilite's intentions for the tower. The tower is to provide wireless infrastructure and be installed in the Township's Right-of-Way. Mobilite must enter into an Agreement with the Township of Mahwah.

Ms. Small indicated the infrastructure is available for carriers to rent, lease or borrow on the fiber lines. The speeds will exceed what is available now. The height of the tower will be determined by the terrain but the estimated height is 100 feet and the tower will contain everything on the pole.

Hermansen asked if the potential of revenue would be available to the Township. Ms. Small stated it is regulated by the Public Utilities and is no greater than any other Right-of-Way poles from Verizon or Public Service Electric and Gas.

Mr. Starmos stated the tower will be in an industrial area along Route 17 and will be integrated and available to others for more than are in existence now.

Business Administrator asked if Mobilite has any intentions of any other areas within the Township. Mr. Starmos stated that there is only one pole.

Roth stated that the Site Plan must go to the Planning Board. Township Engineer's Representative discussed some concerns surrounding liability, proximity to other poles, and applications Mobilite submitted in neighboring towns. Ms. Small stated Jersey City, Newark and some towns located near the Shore are areas with Mobilite towers.

Business Administrator asked what is the Public Safety benefit and access for the Township's Emergency Services. Ms. Small stated it would provide better frequency without a fee.

Roth recommended Mobilite go to the Planning Board and provide input required. Ms. Small suggested an informal meeting to gather questions and provide a better understanding. Roth

indicated they could meet with either the Township Engineer's Representative or the Business Administrator. Township Engineer's Representative indicated Mobilite should complete a Planning Board Application, be scheduled to present the case to the Planning Board and present their plan to the Council.

2g. Support of S-2663 and A-4234: Joint Insurance Fund (JIF) Participation
Business Administrator stated the Joint Insurance Fund requests this Resolution be passed in support of Federal obligations.

Resolution shall be voted on in the Public Meeting.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

3a. Renewal of Liquor License for 2016/17 Term; Apple Ridge Food and Beverage LLC
Resolution shall be voted on in the Public Meeting.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by Wong, seconded by Sbarra, the Bills and Claims, previously signed, totaling \$5,939,865.52, were approved. Roll call vote: 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 Wong, seconded by Hermansen, the Combined Work Session and Public Meeting Minutes for November 10, 2016, and the Closed Session Meeting Minutes of November 10, 2016 were approved. Roll call vote: Ariemma, yes; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK

TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF SUBCOMMITTEES

Ariemma attended the League of Municipalities Convention for three days. Ariemma stated it was very informative and was an enlightening experience.

DiGiulio attended the Eagle Scout Ceremony for Christopher Rovito and Keith Orenchuck.

DiGiulio attended the League of Municipalities Convention. DiGiulio attended the Affordable Housing seminar. The seminar provided different ways to support the Courts decision.

DiGiulio stated the Kunish's home exploded in Warwick.

Hermansen stated Kunish's received an award for all they have done in the community.

Hermansen attended the Eagle Scout Ceremony.

Hermansen stated Mahwah High School Football Team is playing in the Championship on Sunday at Met Life Stadium.

Sbarra attended a Planning Board Meeting and the Resolution on Peterson Place was memorialized.

Sbarra attended the Mahwah School Board Meeting. There were approximately fifty Members from the Mahwah Education Association in attendance and spoke during the Public Portion concerning their contract. Seven offers have been made to the Mahwah Education Association with counter offers from the Board but the Mahwah Education Association has not responded.

Wong extended future success to Amoroso for her position on the County Freeholders.

Wong wished good luck to the Mahwah Thunderbirds Football Team for Sunday's game.

Wong extended birthday greetings to the Municipal Clerk.

Wong extended his support for the Kunish family.

Roth attended on November 11 the Veteran's Memorial Day Ceremony.

Roth attended on November 14 the Mahwah Cable Meeting.

Roth attended on November 19 the Eagle Scout Ceremony.

Roth did not attend the League of Municipalities. Roth gave his spot to Councilmember Elect Wysocki.

Roth extended birthday greetings to the Municipal Clerk.

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

Mayor Laforet stated Budget Meetings with department heads are underway.

Mayor Laforet attended a Fox and Friends filming with Ms. Sue Larsen and ten Mahwah Police Officers to promote safe communities and appreciation.

Mayor Laforet stated the Department of Public Works is working hard to get the removal of the leaves before any bad weather.

Mayor Laforet met Lieutenant Governor Kim Guadagno and explained how successful the Economic Development has been for Mahwah. It has included Dress Barn, Jaguar Landrover and Sharp Electronics.

Business Administrator attended the League of Municipalities. Business Administrator attended many seminars but the last seminar on Thursday concerning Sustainability in New Jersey was very interesting.

Business Administrator attended the Monthly Business Administrators Meeting in Upper Saddle River.

ORDINANCE-INTRODUCTION

The title of an Ordinance was read as follows:

2017 SALARY ORDINANCE

RESOLUTION – ORDINANCE NO. 1794

Introduced by Hermansen; seconded by Sbarra

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, December 15, 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: Ariemma, yes; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

* * * *

The title of an Ordinance was read as follows:

AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 1773

RESOLUTION – ORDINANCE NO. 1795

Introduced by Sbarra; seconded by Wong

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, December 15, 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: Ariemma, yes; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

PUBLIC PORTION

On a motion by Hermansen, seconded by Ariemma, the meeting was opened to the public at 11:13PM. All in favor. Motion carried.

On a motion by Hermansen, seconded by Ariemma, the meeting was closed to the public at 11:14PM. All in favor. Motion carried.

CONSENT AGENDA

Resolutions #296-16, #298-16 to #306-16 were voted on and are attached to and made part of these Meeting Minutes.

RESOLUTION

Resolution #297-16 was voted on and is attached to and made part of these Meeting Minutes.

OLD BUSINESS

Wong stated the stripe would be painted orange for the Emergency Management personnel.

NEW BUSINESS

DiGiulio asked about honoring the Firefighters. Roth explained approximately 65 Firefighters will be honored at the end of the month.

Ariemma asked about honoring MEVO for the services for Mahwah. Roth stated that would be discussed next year.

Hermansen asked the status of the Volunteer of the Year Award. Roth suggested Hermansen follow up with the Business Administrator.

CLOSED SESSION

The Closed Session was pulled from the Agenda and will be discussed on the December 15 Council Meeting.

On a motion by Wong, seconded by Roth, the meeting was adjourned at 11:17PM. All in favor. Motion carried.

Respectfully submitted,



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