

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING AGENDA
THURSDAY, MARCH 31, 2016**

The meeting was called to order at 8:08PM by Council President Roth who read the Open Public Meetings Act Statement as prescribed by law. Notice was advertised in The Record on October 9, 2015 and The Ridgewood News on October 9, 2015 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, March 31, 2016.

Notice was posted on the Municipal Bulletin Board and filed in the Municipal Clerk's Office. The Minutes of this meeting shall be available in the Municipal Clerk's Office once they are approved by the Township Council.

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.

Present: Councilmembers Amoroso, Ariemma, DiGiulio, Hermansen, Roth, Sbarra and Wong at 8:12PM.

Also present were Mayor William C. Laforet, Business Administrator Brian Campion, Township Attorney Brian Chewcaskie and Municipal Clerk Kathrine G. Coviello.

PRESENTATION: AFFORDABLE HOUSING

The Township Attorney said his firm, and a representative from Maser Consulting, Darlene Green, are handling the Affordable Housing proceedings for the Township. The Township Attorney narrated the presentation beginning with some historical background and an overview of the Affordable Housing for the Township.

In 1985, Legislature enacted the Fair Housing Act, which in turn created the Council on Affordable Housing (COAH). COAH established three rounds of litigation to determine a Town's Housing Obligation. The First Round was from 1987-1993; Second Round from 1993-1999; and Third Round from 1999-Present.

Historic Background for Mahwah: Township received Judgment of Compliance and Repose in August 1984. During the Second Round in June 1988, Mahwah received Substantive Certification. As a result, Mahwah built seven developments with 621 units (credits). The Third Round began in 1999. COAH adopted additional housing rules approximately ten years later. In December 31, 2008, municipalities were directed to submit a Housing Element & Fair Share Plan (HEFSP); and lawsuits were filed in 2009 regarding COAH new rules. In September 2013, the Supreme Court did away with a number of the COAH rules and the Supreme Court ordered COAH to use a method for determination for the Third Round similar to the First and Second

Round. In April 2014, the Supreme Court required a new draft rules from COAH, however, COAH failed to adopt the rules due to deadlock.

In March 2015, the Supreme Court issued an order asking the New Jersey Legislature to take some action to resolve the affordable housing situation. The Legislature has had no such action; as a result, New Jersey towns must follow the 47-page opinion, 4-page Court Order. Since COAH did not comply, the Supreme Court transferred all actions to Trial Courts to deal with affordable housing issues as it was prior to the Fair Share Housing Act of 1985.

New Jersey has been assigned 15 Trial Judges to evaluate the Mount Laurel obligations. Bergen County has three judges; Judge Meehan is hearing the Mahwah case. Mahwah is within the "Participating" category that may get a certain level of protection for anticipated numbers. The Township is a proactive community and filed a declaratory judgement action in July 2015 when immunity was granted and a period of immunity was extended. On March 30, 2016, a request for an immunity extension was filed. During the immunity period, the Township is to revise the plan to determine its obligation of units to be created.

Supreme Court has retained Dr. Kinsey. He has formulated a very high number of affordable housing units within the state. Mahwah joined other municipalities and retained Econsult to assist in this endeavor to formulate reasonable numbers. The first issue in court will be the obligations but there have been no definitive plans. Two aspects are considered; first is the obligation of unfilled units from the prior round obligation between 1987 to 1999 and second if there is a prospective need. Bonuses the towns will receive to lower their obligation are very-low income units, smart growth and redevelopment.

Two main consultants formulating the housing obligations are the Fair Share Housing Center's (FSHC) Dr. Kinsey and Econsult for the Municipal Consortium. The results from Econsult and FSHC range from 86 to 1,000, respectively, and were reviewed by the Township Attorney in the Obligation chart.

Overall, there has been no decision on obligations, compliance mechanisms, and related issues. A decision in 2016 is not anticipated, and the Township's Immunity period is predicted to be extended beyond July.

A copy of this presentation is available to the public on the Township's website.

PUBLIC PORTION

On a motion by Hermansen, seconded by Amoroso, the meeting was opened to the public at 8:40PM. All in favor. Motion carried.

Ms. Anna Vacheski asked what was behind the obligation number from the FSHC for 1,000 because it seems to lack common sense. Township Attorney explained it was up to the Court to determine the number. The difference between the two numbers shows the disparity between the two entities.

Ms. Joey Bourgholtzer of 29 Hillside Avenue asked for additional information concerning the First and Second Round. The Township Attorney explained the Township built approximately 640 units in First and Second Rounds. COAH's obligation was 350 units; therefore, COAH acknowledged the Township had a credit of 317 units. Ms. Bourgholtzer asked if the Court is recognizing the extra credits. The Township Attorney and Roth explained the Township did fulfill the original obligation but the extra credit determination is still pending with the Courts.

Ms. Bourgholtzer asked if there were any additional intervenors. The Township Attorney explained there are some interested parties that are receiving notices; but at this time, they are not an official intervenor.

Ms. Bourgholtzer asked if the Crossroads has any intention to proceed with the mall and how would that affect the construction of housing units on that site. The Township Attorney stated Crossroads has made no indication as to how it will proceed therefore he could not answer that question.

Mrs. Audrey Artusio of 214 Miller Road asked why the number of units needs to be multiplied by 5 and did Mahwah purchase properties. The Township Attorney explained Regional Contribution Agreement would allow a Municipality to buy out of its obligation and give money to other towns within the region. However, this was done away with by the Legislature a few years back. Mahwah has purchased properties and constructed units through donations purchasing properties and buildings. Mrs. Artusio asked if the Township lost any credits. Township Attorney said the Township did not lose credits; but if and how are those credits are going to be applied by the Court is still under review.

Ms. Bourgholtzer asked if an affordable housing unit is no longer an affordable housing unit, is that number taken off the Township's obligation. Township Attorney stated no, it was counted once in an earlier round then it is done.

Ms. Kathryn Bell of 129 Oweno Road asked how would the units impact Mahwah School System. Roth says it depends on the Township's obligation. Hermansen suggested Ms. Bell attend a BOE Meeting. Roth explained there have been meetings with the Superintendent, Mayor, Township Attorney, and himself concerning the impact; and without an actual number from the Court, the town is not able to commit to any number.

Mrs. Audrey Artusio of Miller Road asked if the Township's Water and Sewer could be maintained with the additional units. Township Attorney said it is a factor to be considered because water is a limited resource available.

Mrs. Artusio asked the whereabouts of the unused land. Township Attorney explained Maser Consulting put together a Vacant Land Analysis and located parcels where approximately 57 units had building potential.

Mayor said Mahwah has discovered more through this process and has worked harder than other community has.

Ms. Vacheski asked how much does it cost the Township to build an affordable unit. Business Administrator explained it costs approximately \$200,000. Ms. Vacheski asked if it would be better to prevent overcrowding by acquiring apartments that are being sold. Township Attorney said that this has been done.

On a motion by Hermansen, seconded by Wong, the meeting was closed to the public at 9:11PM. All in favor. Motion carried.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

Any Councilmember with questions on the Bills and Claims was asked to contact Administration prior to the Public Meeting.

ENGINEERING

1a. Change Order #1; East Slope Booster Pumping Station Improvements (MTB-15-11): Business Administrator responded for the Engineer. The Water Superintendent requested for some additional changes due to two gate valves and variable speed pump control adding \$12,280 to the contract. Engineering has agreed and the funds are available.

Resolution shall be voted on in the Public Meeting.

1b. Verbal Status Report
None.

LEGAL

2a. Towing License Renewal; NAR Towing
Township Attorney stated it was recommended that NAR Towing would be approved. After a review, the Township Attorney and Police Department concluded there was no issue with granting license to NAR Towing. Municipal Clerk has provided additional documents on towers to the Township Attorney, and further review with the Police Department will be forthcoming.

Resolution shall be voted on in the Public Meeting.

ADMINISTRATION

3a. 2015 Tonnage Grant
1. Application
2. 2015 Tax Reimbursement Certification

Recycling Coordinator submits an application and certification for reimbursement based on the amount the Township recycles. Resolutions are necessary for authorization to apply for the grant.

Two Resolutions will be voted on in the Public Meeting.

3b. QPA Inter-local Agreement with Mahwah Library

The Mahwah Library does not have a Qualified Purchasing Agent. The Township's QPA will assist the Library with purchases requiring a QPA for payments exceeding \$1,000.

Resolution shall be voted on in the Public Meeting.

3c. Temporary Capital Budget -- Roads

Later in the meeting, the 2016 Budget will be introduced. However, this portion is to have a Temporary Capital Budget for the Road Program that can introduce a Limited Bond Ordinance for our 2016 Road Improvements. We have already authorized Engineering to prepare the bid documents so we can proceed so it does not delay road construction and repairs.

Resolution shall be voted on in the Public Meeting.

3d. Bond Ordinance; Road Improvements

Ordinance shall be introduced in the Public Meeting.

3e. Transfer of 2015 Appropriation Reserves

This is a carryover item from 2015 to cover physicals for employees and volunteers. Therefore, it is requested to move \$15,000 to pay the final bill.

Resolution shall be voted on in the Public Meeting.

3f. COLA Ordinance

This Ordinance is to allow the 1977 Cap Law, which is the appropriations cap to increase as much as 3.5%. This can be used to bank this amount for use next year.

Resolution shall be voted on in the Public Meeting.

3g. 2016 Temporary Budget Amendment

After completing the first quarter with a Temporary Budget, this is to amend the Temporary Budget so the Township has additional funds available until such time that a final budget is passed.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

4a. Municipal Pipeline Group; Cost Proposal

Roth stated Legal Services projection is based on 15 municipalities participation. Currently, there are 12 municipalities including Mahwah. The Group is looking at short-term needs concerning Highlands Opinion and collecting information to form a model ordinance for all municipalities to pass to provide greater protection. Long Term Needs covers legal advice and representation at DEP meetings but not litigation. Both the Short-Term and Long-Term retainer

is based on 15 municipalities. If the Group cannot assemble 15 towns to participate, it is Roth's proposal not to participate.

On a motion by DiGiulio, seconded by Hermansen to approve for an amount up to \$4,706.67. Roll call vote: Amoroso, yes; Ariemma, yes; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by DiGiulio, seconded by Sbarra, the Bills and Claims, previously signed, totaling \$1,008,711.34, 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

The Budget Meeting Minutes of February 27, 2016 were approved. Roll call vote: Amoroso, yes; 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

Amoroso attended a Board of Education Meeting that was quiet and quick meeting. Capital Budget will be a subject of a hearing on May 4.

Amoroso reminded the Council about the upcoming Police Leadership Academy from June 27 to July 1 and the Junior Police Academy from July 11 to July 22.

Amoroso reminded the Council about the County Level Caregiver's Conference held at the Felician University's Rutherford Campus on April 9.

Amoroso has been hearing that a number of Mayors did not receive the FAA's notification of the hearing because their emails ended up in Spam filters.

Sbarra asked Amoroso if there has been any backlash about School Board Budget. Amoroso stated that the Capital Budget is the biggest concern. The teachers contest the money spent because they have no contract.

Ariemma has attended the Budget Meetings.

Ariemma stated, in regards to the FAA, she believes that the plane activity will be similar to the truck activity on Route 287. When 287 opened, the truck traffic was light; it has increased and

now is very loud. Likewise, she feels the planes will start light and increase. She feels the Township should work together and fight this.

Ariemma has received comments from residents on Island Road that there are signs but people are still parking.

DiGiulio thanked Township Attorney for a great presentation.

DiGiulio attended the Community Development Grant Meeting. The Township received \$80,000 for Stag Hill.

DiGiulio attended the Teterboro Meeting.

Hermansen stated that he made a call to the County in reference to the Pipeline. He was disappointed by the way the County handled this. He feels the Pipeline Permit should be pulled. He feels there should have been better communication with the Township. He recommended that a Resolution be adopted by the County Freeholders to the County Executive pull the permit from the Pipeline.

Hermansen attended the FAA Meeting. Hermansen stated when questions were asked who could stop this to the FAA; the FAA did not know who was responsible. He feels the Township should have been at the table and not five days before the test started.

Hermansen said that the Council worked very diligently on the Budget.

Sbarra attended the FAA Meeting. This has been worked on for ten years. They claim there will be little or no impact. The traffic will be increased 10 to 15%. The municipalities that were at the table were the municipalities that were going to gain from this. He left and was very disappointed. The test is going forward. He said an email address will be formed for complaints. He understands there have been tons of complaints.

Wong was happy there was a public presentation on Affordable Housing. Thank you to Township Attorney for the presentation.

Roth attended the Regional Chamber of Commerce Luncheon on March 18.

Roth attended the Marine Corp League breakfast in Oakland on March 19.

Roth attended Meet the Bunny in the Township on March 19.

Roth spoke to Freeholder Chairman Steve Tanelli on March 29 about putting in a modified notification system to notify towns of the permit process such and demanded a Resolution in demand of the County Executive to rescind the permits and he will consider it.

Roth suggested a Resolution should be put on the Agenda for the County Executive to rescind the Pipeline Permit. Roth also met with Freeholder DeNicola concerning rescinding a Resolution on Pilgrim Pipeline.

Roth spoke to Assemblywoman Holly Schepisi on the FAA Flight Plan and requested that she attend meeting which she already had plans to attend.

Roth attended the FAA Meeting on March 30. The meeting was disheartening. The public asked many questions but did not get many answers.

Hermansen congratulated the Boy Scouts of Ramapo Valley for donating over 48,000 tons of food that was collected Center for Food Action. Thank you to all the residents who put food out.

Municipal Clerk stated the Mayor and Council petitions are available on Friday, April 15 and are due back Tuesday, September 6 for November election.

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

Mayor met with the Environmental Commission to discuss the planned FAA flight plan over Mahwah. The Commission wrote a Resolution relating to the environmental concerns for the community. Mayor also spoke to several mayors about the FAA Meeting. He thanked Mayor Dylan from Ramsey for writing a Resolution. At the FAA meeting, multiple municipalities attended and had similar complaints. It was apparent that a decision was made with no respect to the schools and hospitals along the proposed route.

Mayor indicated there would be addresses, emails and phone numbers available on April 4 for residents to file complaints to the FAA.

Mayor asked the FAA if our complaints carry any weight to their decision and there was no real answer. Mayor asked for a Resolution from the Council. He believes it is very important to be added to the list of complaints.

Mayor will attend the Mayor's Wellness Event on Sunday, April 17 from 11 to 4. He thanked Brandywine for hosting it.

Sbarra asked the Mayor if it would be better to wait until the test period is underway before writing a resolution. Mayor said it is important to write a resolution and it is up to the Council surrounding the timing.

Business Administrator attended the Community Development Grant Meeting and the Township is proceeding with the Grant.

Business Administrator stated the Mayor and he attend meetings with the Blue Collar Contract Union and will give an update at next Council Meeting.

RESOLUTIONS

Resolutions #118-16 through #122-16 were voted on. Resolutions are attached to and made part of these Meeting Minutes.

RESOLUTIONS

Resolutions #115-16 through #117-16 were voted on. Resolutions are attached to and made part of these Meeting Minutes.

ORDINANCES-INTRODUCTIONS

The title of an Ordinance was read as follows:

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA 40A:4-45.14) CALENDAR YEAR 2016 (COLA)

RESOLUTION – ORDINANCE NO. 1775

Introduced by Wong; 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, April 28, 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: Amoroso, yes; Ariemma, yes; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

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The title of an Ordinance was read as follows:

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

RESOLUTION – ORDINANCE NO. 1776

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, April 28, 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: Amoroso, yes; Ariemma, yes; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

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The title of an Ordinance was read as follows:

INTRODUCTION OF 2016 MUNICIPAL BUDGET

RESOLUTION – ORDINANCE NO. 1777

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, April 28, 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.

Roth gave a brief review of the Budget process beginning in February 2016. Overall, the Council met six times. The Council had a 45% reduction in the Mayor's budget. The Township will raise taxes \$18.94 per household. A total of \$200,000 has been cut from the Budget while the Township maintains services and additions to the Budget. Roth was proud of the budget and everyone's involvement.

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

Mayor thanked the Council and Department Heads for their time and effort in this Budget.

PUBLIC PORTION

On a motion by Wong, seconded by Sbarra, the meeting was opened to the public at 10:30PM. All in favor. Motion carried.

On a motion by Wong, seconded by Sbarra, the meeting was opened to the public at 10:31PM. All in favor. Motion carried.

OLD BUSINESS

Ariemma spoke to Eric of MEVO and he said he has not been recognized by the Council for his contributions. Roth explained that both matters would be placed on an upcoming Agenda.

Ariemma said that the trees were going to be planted on MacArthur Boulevard and now she hears that they are not. She feels the DPW should have a plan to plant the trees.

Roth needed more details and a plan. Beautification Committee will discuss at their upcoming meeting. Have it reviewed by Administration and DPW so Council.

Amoroso said a suggestion about the Pilgrim Pipeline was made to her to have the Municipal Group to conduct a study as Pilgrim has hired an expert on water safety and how safe the pipeline, we should do the same to discuss the risks. Roth explained the Municipal Group has retained the lawyer and will provide a hydrologic expert.

DiGiulio requested recognition should be given for Firefighters who have been on the Department for many years. Roth will follow-up with the Fire Chief.

NEW BUSINESS

Ariemma feels the Township Attorney should direct a Resolution to the FAA.

Ariemma made a motion for Township to prepare a resolution on new flight pattern on Route 17.

Business Administrator left at 10:45PM.

CLOSED SESSION

On a motion by Hermansen, seconded by Wong, Council went into Closed Session at 10:45PM for the express purposes of discussing:

- C1. Affordable Housing; Update
- C2. Tax Appeal; Block 24, Lot 12; 84 Deerhaven Road
- C3. Personnel Issue
- C4. Municipal Pipeline Group; Legal Retainer Agreement

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

On a motion by Hermansen, seconded by Wong, Council returned to Open Session at 11:04PM. All in favor. Motion carried.

APPROVAL OF MEETING MINUTES

On a motion by DiGiulio, seconded by Amoroso, Council is voting February 23, 2016 Meeting Minutes as proposed by Councilwoman Ariemma and the amendment will be added into the minutes. Roll call vote: Amoroso, yes; Ariemma, no; DiGiulio, yes; Hermansen, yes; Sbarra, yes; Wong, yes; Roth, yes.

On a motion by Wong, seconded by Amoroso, the meeting was adjourned at 11:04PM. All in favor. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kathrine G. Coviello".

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