

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES
THURSDAY, AUGUST 9, 2012**

The meeting was called to order at 8:00PM by Council President Spiech who read the Open Public Meetings Act Statement as prescribed by law. Notice was advertised in The Record on January 12, 2012 stating this meeting would be held in the Council Chambers at the Richard J. Martel Municipal Center, 475 Corporate Drive, Mahwah, New Jersey at 8:00PM.

Notice of this meeting is posted on the Municipal Bulletin Board. The minutes of this meeting shall be available 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 serving in the military and those who served in the military both here and abroad.

Present: Councilmembers Alderisio, DiGiulio, Jandris, Larson, Roth, Spiech and Williams

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

ADMINISTRATION

3a. Authorization to Award Bid #MTB-12-15: Township of Mahwah Recyclable Materials Collections and Disposal Services

The Business Administrator referred to two memorandums which were distributed to the Council two weeks ago.

The Business Administrator said a recommendation is being made to go with Option #2.

The Business Administrator said currently there are 7 employees in the Recycling Department; 1 employee would be retained in the department and 6 employees would be issued layoff notices on October 1, 2012.

The Business Administrator explained that privatizing recycling would result in a savings of \$334,000. This amount would include privately contracting for leaf and snow removal. Vehicles in the department would be auctioned off.

Roth questioned if there is a problem with the Budget for this year.

Township of Mahwah Combined Work Session and Public Meeting Minutes of
August 9, 2012

Roth questioned why this is being proposed now as opposed to when the Budget is reviewed.

Williams questioned if 2013 is the problem why is this not being recommended for January 1, 2013. The Business Administrator said it is due to the timing – bids must be sought, etc.

Roth stated the numbers provided are understated. He questions the amount of savings.

Williams questioned if we are privatizing for snow removal is there a fixed amount which will be paid whether it snows or not. The Business Administrator said it is planned to follow the County's Contract which is on a call out and pay basis.

On a motion by DiGiulio, seconded by Larson, the meeting was opened to the public at 8:52PM. All in favor. Motion carried.

Ms. Tracey Miceli of 163 Indian Hollow Court asked when those retiring will be retiring. The Business Administrator answered January 1, 2013. Ms. Miceli feels there is a better way to do this.

Mr. Mike Richards of 624 Blue Ridge Lane agrees with Roth -- this is a problem for next year.

Mr. Richard Cantor of 137 Campgaw Road feels more effort should be put into getting people to recycle. He also feels there is no reason to rush into making a decision tonight.

Mr. Marc Braccioldieta of 141 Church Street pointed out that those effected by the lay off are on the bottom of the hiring chain. He also said when the Mayor spoke to the DPW he said referred to three employees when it is actually 4.

Mr. Robert Hermansen of 6 Meester Street asked Mayor Laforet to keep the pledge that Mayor Martel made – that no resident would bag there leaves.

Mr. Omanda Zacharis of Charles Court asked Council to leave the DPW alone. They do a great job. He does not feel this should be rushed into.

Mr. Fritz Franke of 13 Brook Street said for over 43 years he has lived in the Township. The DPW has done a tremendous job.

Mr. Ralph Antonelli of 45 Maysenger Road said the DPW knows the roads better than any other private contractor. He said hiring a private contractor would be a disaster.

Mr. Danny Ferreti of Ferreti Carting said his company is the lowest bidder for certain options. He sees the main concern is for the workers. He made an offer that if his company is the lowest responsible bidder and they are awarded the contract they will

Township of Mahwah Combined Work Session and Public Meeting Minutes of
August 9, 2012

offer preferred hiring and give those employees from the Township an opportunity to come on their terms and conditions.

The Township Attorney said the process is closed and bids must be evaluated on their terms.

A Resident from 14 Wanamaker Avenue spoke and said this is a community and you get what you pay for.

Mrs. Susan Chen asked if it would be feasible for the Township to ask employees to give back ½%.

Ms. Tracey Micelli of 163 Indian Hollow Court asked the Business Administrator what the Township's Sustainable New Jersey Level is. The Business Administrator answered the Township does have an established Committee. He added the Township has not yet reached a level. Ms. Miceli went on to say if the Township achieved a level we would be eligible to receive grant money. The Business Administrator answered yes and said that the Township has a Green Team and we are a little short of achieving the Bronze level.

Mr. Robert Hermansen of 6 Meester Street asked how many homes were pick up grass clippings. The Business Administrator said of the non-condo residents it is less than half.

Mr. Hermansen asked the Mayor to make a promise that no one will bag their leaves. The Mayor said yes.

Mrs. Martha Steinbach of Wanamaker Avenue asked if it has occurred to Council that a lot of residents do not want their services cut. She understands the Township is under a 2% cap for taxes. She questioned everyone coming together to donate money to keep the Township Services at their current level.

On a motion by DiGiulio, seconded by Roth, the meeting was closed to the public at 10:14PM. All in favor. Motion carried.

Williams said he sees no compelling reason why this item needs to be done in 2012. He feels his obligation is to the residents. He feels the numbers should be put up on the screen for everyone to see. He suggested scheduling a Meeting where the numbers will be on the screen and the numbers are discussed in public.

DiGiulio feels the whole picture should be looked at. She suggested postponing the vote.

Resolution #214-12 was voted on. Motion failed.

PUBLIC PORTION

On a motion by Alderisio, seconded by Roth, the meeting was opened to the public at 10:40PM. All in favor. Motion carried.

Being no comments were made from the public, on a motion by Alderisio, seconded by Roth, the meeting was closed to the public at 10:41PM. All in favor. Motion carried.

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

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

ENGINEERING (Boswell-McClave)

1a. Written Status Report – August 2012

DiGiulio asked the status of the bus shelter on Franklin Turnpike by Veterans' Park.

TOWNSHIP UTILITY ENGINEER (Malcolm Pirnie)

2a. Written Progress Report – August 2012

None.

ADMINISTRATION

3a. Authorization to Award Bid #MTB-12-15: Township of Mahwah Recyclable Materials Collections and Disposal Services
Item discussed earlier in the Meeting.

3b. Change Title of Text of Appropriation
Item removed from Agenda.

3c. JIF Renewal; Agreement and Resolution
The Business Administrator said the Township is a member of the Joint Insurance Fund. He said Administration's recommendation is the Township continue to be a member. Resolutions shall be voted on in the Public Meeting.

3d. Mayoral Appointments; Historic Preservation Commission
Due to the resignations of two Members the Historic Preservation Commission is moving a few Members Classes. The changes are as follows: Barbara Shanley will be moved from Class C to Class A until December 31, 2012; Randall Brewster will be moved from Class C to Class B until December 31, 2012, Constantine Vasiliadis will be moved from Class C to Class B until December 31, 2013 and Mr. John Bolan will be appointed to the Commission as a Class C member for a term expiring on December 31, 2012. Resolution confirming the Mayoral Appointments shall be voted on in the Public Meeting.

3e. Certificate of Determination and Award; CUSIP No. 560245 HN5
For Information only – No action required.

3f. Faulkner Act Violation; Discussion
Spiech asked Mayor Laforet if it was his intention to pursue this matter legally. Mayor answered it was not.

Township of Mahwah Combined Work Session and Public Meeting Minutes of
August 9, 2012

Roth said he requested the item be placed on the Agenda after he received a letter from the Mayor. He said his concern is the way we operate. He said he does not think there is a member of the Council here who has not had a conversation with a Department Head or Employee and perhaps not in an official capacity but rather a conversation for one reason or another. He said he did the same thing – he had a conversation with a resident and he had a question he asked for a resident. He went onto to say he got a letter from the Mayor implying there was a violation of the personnel policies as well as the Faulkner Act. The letter was also sent to the Township Attorney. He questioned what the ground rules are. He said his meeting was nothing to do with politics, personnel or personnel policies. Rather he said it was a conversation he was having with an employee of the Township. He said he was never asked what the conversation was about. He said he was never called. He just received a letter. He asked for clarity from the Mayor or whoever has to give the clarity as to how we will be proceeding in the future. He said he feels he was singled out and that we are changing the way we operate.

Mayor Laforet said Section 40 of the Faulkner Act specifically says any municipality adopting the Mayor and Council Plan shall deal with employees of a department through the Mayor or his designee. He went onto say the letter is a letter of notice and not a sanction.

Roth said he felt the letter was unnecessary. He said common practice is to inquire whether the conversation was official or not.

Mayor responded by saying when he walked into the Department's Office and the Department Head's door was closed that is not a normal practice. And therefore he concluded it was other than a casual conversation and that is what prompted the letter.

Larson interjected and said he understood this item was going to be on the Council Agenda for August 23, 2012.

Spiech said he hopes this is a learned experience for the Council. He said the Council is held to a higher standard.

Spiech suggested the Municipal Clerk order the Falkner Act booklet for all Councilmembers.

3g. Amendment to Salary Ordinance; Animal Census Taker
Ordinance shall be introduced in the Public Meeting.

3h. Approval of Proprietary Computer Hardware and Software Contract and Pay to
Play Compliance; Rip and Run/Text Messaging Enhancement Software
Modifications

Resolution shall be voted on in the Public Meeting.

3i. Authorization to Award Bid #MTB-12-16: Police and Dispatcher Uniforms Resolution shall be voted on in the Public Meeting.

TOWNSHIP COUNCIL and MUNICIPAL CLERK

- 4a. Raffle Applications
1. Mahwah Ladder Co. #2 (Off Premise)
 2. HSO Mahwah Lenape Meadows (On Premise)
 3. HSO Mahwah Lenape Meadows (On Premise, 50/50)
 4. HSO Ramapo Ridge (Off Premise)

Above Raffle Applications were tentatively approved. Final approval shall be voted on in the Public Meeting.

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

On a motion by Roth, seconded by Larson, the Bills and Claims, previously signed, totalling \$9,821,430.92, were approved. Roll call vote: Alderisio, yes; DiGiulio, yes; Jandris, yes; Larson, yes; Roth, yes; Williams, yes; Spiech, yes. A List of Bills and Claims is on file in the Municipal Clerk's Office.

APPROVAL OF MEETING MINUTES

On a motion by Roth, seconded by Williams, the Combined Work Session and Public Meeting Minutes of July 12, 2012 and the Closed Session Meeting Minutes of July 12, 2012 were approved. Roll call vote: Alderisio, yes; DiGiulio, yes; Jandris, yes; Larson, yes; Roth, yes; Williams, yes; Spiech, yes.

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

Alderisio said he missed the last Library Board Meeting:

DiGiulio publicly thanked Ward Donigian for all the time he gave to the Township.

DiGiulio attended Move Night. She said there was a nice turnout.

DiGiulio said on September 11th will be the Township 9/11 Remembrance Ceremony at 7:00PM on Old Station Lane across from Winters Pond.

Jandris said he missed the last Planning Board Meeting.

Roth said the Cable Channel Committee received a notice that the Analon box they use is at the end of its life. The manufacturer will no longer service the box nor provide parts. Roth explained if anything goes wrong with the box, the Cable Channel will be down.

REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR

The Business Administrator reported that the 2012 Road Program has started. The curbs are being done this week. The project is on schedule.

The Business Administrator said the Township Engineer, Township Attorney and himself appeared before the Planning Board on the Township's property on Mahwah Road.

ORDINANCE – INTRODUCTION

The title of an Ordinance was read as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 1709 AND ORDINANCE NO. 1714 ENTITLED 2012 SALARY ORDINANCE.

RESOLUTION – ORDINANCE NO. 1715

Introduced by Alderisio, seconded by Jandris.

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 August 23, 2012 at the Richard J. Martel Municipal Center, 475 Corporate Drive in Mahwah, New Jersey 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: Alderisio, yes; DiGiulio, yes; Jandris, yes; Larson, yes; Roth, yes; Williams, yes; Spiech, yes.

ORDINANCE – PUBLIC HEARING

The title of an Ordinance was read as follows:

AN ORDINANCE TO AMEND CHAPTER 24 OF THE REVISED ORDINANCES OF THE TOWNSHIP OF MAHWAH TO REGULATE SIGNS.

RESOLUTION – ORDINANCE NO. 1712

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

Mr. Steve Sbarra of 92 Deerfield Terrace said he was one of the culprits who ran for election last year. He feels there are other ways to address the sign situation on Township property. He said he supports the banning of signs on public roadways.

Mr. Rob Hermansen of 6 Meester Street said he feels there is a better way to accomplish the problem with the signs.

Township of Mahwah Combined Work Session and Public Meeting Minutes of
August 9, 2012

Mrs. Martha Steinbach of 14 Wanamaker Avenue said garage sales are an American tradition. She feels the Council is going overboard.

Mr. Bob Lockwood of 10 Homespun Court questioned how we enforce the Sign Ordinance. He questioned what happens if no signs are allowed on public property. He questioned how we know what is town property and what is not. Spiech said the Township has a Code Enforcement Officer who would enforce this. He said to him this is unclear.

Mr. Ed Sinclair of 16 Lynn Terrace said this Ordinance is a tough Ordinance for first time candidates trying to get name recognition. He questioned the sign Company #1 has to get volunteers and the Baseball Travel Team having a Car Wash to raise money for Cooperstown. He questioned if a Town building, fire house or school can post signs. He asked for clarity. The Township Attorney said right now it is not allowed as the current Ordinance says you cannot have signs on the Township property. He clarified that the Ordinance says that you must first obtain Council's permission. He pointed out the proposed Ordinance would take out the Council's right to grant the permission. The Township Attorney went onto say that if the firehouses are municipal property they would need to get permission to display signs. Mr. Sinclair said he feels the Ordinance is a bad idea from the perspective of volunteer organizations who are trying to raise money.

Mrs. MaryAnn Mauro of 143 Johnson Avenue questioned signs being put up by organizations in town – banner for Mahwah Day. She questioned the electronic sign which OEM has. She asked if the Obama and Bergen County people will be stopped from putting up there signs. She suggested rethinking the idea and looking for alternatives.

Mr. Steve Sbarra of 92 Deerfield Terrace suggested the Current Ordinance be enforce and possibly tweaked so organizations can put up signs but with rules. He suggested the proposed Ordinance restrict the signs and have a time limit. He feels there is a better way to do this.

Mr. Bob Lockwood of 10 Homespun Court encouraged Council to think about why they are putting another Ordinance in palce.

Mrs. MaryAnn Mauro of 143 Johnson Avenue understood signs could not be put up in the Township. Spiech clarified that the signs could not be put up in the Township right-of-way. The Township Attorney interjected by saying the current Ordinance says both – signs cannot be placed on the public right-of-way or property without the consent of Council. He said the Ordinance being considered tonight in effect removes the Council's discretion to grant permission to one person.

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

On a motion by Roth, seconded by DiGiulio, Ordinance No. 1712 was tabled. Roll call vote: Alderisio, no; DiGiulio, yes; Jandris, no; Larson, yes; Roth, yes; Williams, no; Spiech, yes.

PUBLIC PORTION

On a motion by Larson, seconded by Roth, the meeting was opened to the public at 12:07PM. All in favor. Motion carried.

Mr. Rob Hermansen of 6 Meester Street spoke on the Sign Ordinance.

On a motion by Larson, seconded by Roth, the meeting was closed to the public at 12:09PM. All in favor. Motion carried.

CONSENT AGENDA

Resolutions #216-12 through #220-12 and the Raffle Applications for Mahwah Ladder Co. #2 (Off Premise), HSO Mahwah Lenape Meadows (On Premise), HSO Mahwah Lenape Meadows (On Premise, 50/50) and HSO Ramapo Ridge (Off Premise) were voted on under the Consent Agenda.

Resolution #214-12 was voted on separately.

Resolution #215-12 was not voted on.

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

OLD BUSINESS

None.

NEW BUSINESS

Spiech asked the Council if they wanted to discuss the Financial Statement with the Chief Financial Officer and Auditor. Council answered yes. Spiech said the item shall be placed on a future Council Agenda.

Williams asked if it would be prudent to start the Budget Meetings before the end of the year. The Business Administrator said the statutory procedure is that the Departments submit their Budgets in October, the Mayor meets with the Department Heads in November and the Mayor delivers the Budget to the Council on or before January 15th.

Spiech also asked the Business Administrator to go over the Best Management Practices Worksheet when the Chief Financial Officer and Auditor attend the Council Meeting.

CLOSED SESSION

C1. Monthly Litigation Report – August 2012
Council did not go into Closed Session.

Township of Mahwah Combined Work Session and Public Meeting Minutes of
August 9, 2012

On a motion by Williams, seconded by DiGiulio, the meeting was adjourned at
12:18AM. All in favor. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kathrine G. Coletta". The signature is written in black ink and includes a long horizontal flourish extending to the right.

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