

**TOWNSHIP OF MAHWAH  
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES  
THURSDAY, SEPTEMBER 4, 2014**

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 on November 14, 2013 and The Ridgewood News on November 15, 2013 stating this meeting would be held in the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, NJ on Thursday, September 4, 2014 at 8:00PM.

Notice of this meeting is posted in the Township Hall and filed in the Township Clerk's Office.

The Minutes of this meeting shall be available in the Township 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 as well.

Present: Councilmembers DiGiulio at 8:15PM, Hermansen, Jandris, Larson, Roth and Sbarra

Absent: Councilmember Williams

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.

**PRESENTATION**

Sgt. Rob Curtis

Presentation is rescheduled in the future.

**PUBLIC PORTION**

On a motion by Hermansen, seconded by Jandris, the meeting was opened to the public at 8:10PM. All in favor. Motion carried.

Mr. Teddy Yoon, Location Manager in the film industry, was present. He said he has been scouting for a female artist named Lourdes and finds locations for films. He said he is requesting a permit to film night scenes in Mahwah. Originally he had nine locations and now has three. Mr. Yoon has a verbal agreement with the Sheraton, Beth Haverim Temple and the Darlington Golf Course. He said they want to show the artist performing under street lights. He said he has no concerns with sound issues as the artist has a

controlled unit so they do not have to amplify. The artist has air wings in her ears. The hours of operation will be 4PM until 4AM.

Roth said the item is not on the Agenda but this is an emergency situation and asked if there were any objections. There were no objections.

Roth asked Mr. Yoon what he has done so far in Mahwah. Mr. Yoon said he has done two other shootings in the Township previously. He said he accomplished a verbal okay from the Sheraton and will have a conference this evening with the Temple.

Roth said on the Traffic Control he will have to work with the Police Department.

Mr. Yoon mentioned that he would also like to find a residential home in the Township for the shoot. The last location is the road by Darlington Golf Course. Roth said everything will have to work with the Police Department. Roth said the Council would just need the property owners approval.

On a motion by Sbarra, seconded by Larson, the meeting was closed to the public at 8:25PM. All in favor. Motion carried.

#### **WORK SESSION**

#### **SUBMISSION OF BILLS AND CLAIMS**

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

#### **ENGINEERING (Boswell-McClave)**

1a. Duncan Court LLC; Duncan Court and Van Bolen Way; Block 173, Lot 129;  
Request for Release of Performance Guarantee (Docket #506)

The Township Engineer's Associate said this is a recommendation for the release of the Performance Guarantee for Duncan Court LLC. This is a three lot sub-division. The only outstanding items is they are recommending the Applicant post a \$600. Cash bond to insure the planting of shade trees on one lot. On another lot, he said, they recommend the company contributing equivalent costs of two trees to the Township's Shade Tree Fund, as the trees could not be planted. He said they need a letter from the Escrow Clerk that all outstanding bills have been paid. Resolution shall be voted on in the Public Meeting.

1b. Written Status Report – September, 2014

The Township Engineer's Associate stated he received an e-mail from FEMA that they have completed the preliminary maps. He said he is having a conference call with FEMA tomorrow to discuss the process and what the next steps are. The Township Engineer's Associate said he would like the public to review the maps.

MA-1448- Road Program: The Township Engineer's Associate said the work is continuing. Ridge Road was paved before school was open.

MA-1462 - Jandris asked the timeframe for the school signs. The Township Engineer's

Associate said he met with Administration this week to review moving this project forward. The Business Administrator has asked for a letter from him detailing what the project will entail and the cost. This probably could be done in the winter.

Jandris said he was approached by a resident on 9 Windsor Terrace in reference to their money that was posted for their piers in their driveway. The Township Engineer's Associate asked if the Council approved the Right-of-Way Infringement so they can get their money back. The Township Engineer's Associate said he will check into this.

### LEGAL

2a. Agreement; BCUW/Madeline Housing Partners LLC; Block 40, Lot 108.01;  
Discussion

The Township Attorney said about two months ago Council discussed the financing to HMFA and the requirements. This property is being conveyed by the Township and subject to the Reverter clause. An appropriate subordination has been negotiated in order that the reverter would be subordinate to the financing but it would not affect the use of the property for affordable housing whether it is special needs, senior, etc. In order to appropriately subordinate the reverter since this was a transfer of public property, the State Statute, NJSA 40:60-51.2, requires we conduct a Public Hearing. In order to conduct a Public Hearing, Notice has to be provided twice for 2 weeks prior to the Public Hearing. He said his letter of August 15, 2014 indicates to do so on September 18, 2014 and we would not have time to do it for the September 25, 2014 Meeting. He is suggesting the Public Hearing be set for the October 2, 2014 Meeting.

Roth said the Notice references not revising other areas because of financing issues. He asked the Township Attorney to elaborate on same. The Township Attorney said the property was subdivided into three specific lots: a lot for special needs, a lot for special needs with assisted living and a lot for senior. All are affordable. The only financing that has been obtained by Madeline through the HMFA is for the independent special needs housing which is all we are dealing with right now.

DiGiulio said when the property was transferred from the Owner to the Township the use of the property was specified. She asked if we are now saying there will be different uses of the property. The Township Attorney said nothing is changing with regard to the proposed use. He went on to say what was achieved was the lot was divided into three lots.

### Towing Licenses

Roth said under Legal there is a pending issue from the last Meeting to do with the Towing Ordinance. The Township Attorney said there was a question about the licenses being issued October 1, 2014 and being a proration of fees and the license. He said the Ordinance does not provide for any proration. The fee is to cover Administrative costs.

### ADMINISTRATION

3a. Rezoning Request: Coremark Mahwah 17 LLC; Block 137, Lot 4  
DiGiulio said she is uncomfortable introducing the Ordinance until we hear from the GMC dealer. Mayor said there have been some discussions with the GMC dealership and they are in favor of it.

Ordinance shall be introduced in the Public Meeting.

Copy of Ordinance shall be sent to the Planning Board for their comments.

3b. Authorization to Award Bid #MTB-14-21: DPW Ford F550 Truck  
Item was removed from the Agenda.

3c. Request for Sanitary Sewer Connection; 72 Sparrowbush Road, Upper Saddle  
River; Discussion

The Business Administrator said the Resident of 72 Sparrowbush Road in Upper Saddle  
River is looking to connect into the Township system. Resolution shall be voted on at the  
September 18, 2014 Meeting.

**TOWNSHIP COUNCIL and MUNICIPAL CLERK**

4a. Liquor License -- Person-to-Person Transfer; Interstate Management Company  
LLC to Hotel Mahwah LLC

Resolution shall be voted on in the Public Meeting.

4b. Kennel Licenses; Renewal for 2014/15 Term  
Resolution shall be voted on in the Public Meeting.

4c. Permission to Post Campaign Signs; K. Donovan, County Executive  
Item shall be discussed under New Business in the Public Meeting.

4d. Raffle Applications

1. HSO Mahwah Lenape Meadows (On Premise, Tricky Tray)
2. HSO Mahwah Lenape Meadows (On Premise)
3. Mahwah School Foundation (Wheels/Games)
4. Mahwah Municipal Alliance Inc. (On Premise)
5. Colleen Giblin Foundation Inc. (Off Premise)
6. Mahwah Ladder Co. #2 (Off Premise)
7. IEA Boosters Club (On Premise)

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

4e. Nominations; Bergen County Volunteer of the Year Award  
Hermansen made a motion, seconded by DiGiulio, to nominate Pam Drozd and Alex  
Michellini for Bergen County Volunteers of Year Awards. Roll call vote: DiGiulio, yes;  
Hermansen, yes; Jandris, yes; Larson, yes; Sbarra, abstain; Williams, absent; Roth, yes.

4f. Bingo Application; Mahwah Senior Citizens Club  
Bingo Application was tentatively approved. Final approval shall be voted on in the  
Public Meeting.

**PUBLIC MEETING**

**APPROVAL OF BILLS AND CLAIMS**

On a motion by Larson, seconded Sbarra, the Bills and Claims, previously signed, totaling \$5,431,175.57 were approved. Roll call vote: DiGiulio, yes; Hermansen, yes; Jandris, yes; Larson, yes; Sbarra, yes; Williams, 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 Larson, seconded by Hermansen, the Combined Work Session and Public Meeting of August 7, 2014, the Combined Work Session and Public Meeting of August 21, 2014, the Closed Session Minutes of August 7, 2014 and the Closed Session Minutes of August 21, 2014 were approved. Roll call vote: DiGiulio, yes; Hermansen, yes; Jandris abstained on August 21<sup>st</sup> and yes to remaining; Larson, yes; Sbarra, yes; Williams, absent; Roth, yes.

**REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK**

**TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF SUBCOMMITTEES**

DiGiulio said the Beautification Committee will be having a Pearl Harbor monument erected at Veterans' Park.

DiGiulio said the Beautification Committee will be starting a Litter Campaign.

DiGiulio said the Beautification Committee is looking to provide new Welcome to Mahwah signs.

DiGiulio said the Beautification Committee will be their plantings soon.

DiGiulio said the 9/11 Remembrance Ceremony will be at 7PM at the Tree of Life.

Hermansen said the Pool Committee met. The final details from the Engineer will be coming within a week to 10 days. Meetings have been very productive.

Jandris attended the Planning Board Meeting. He said discussed was the rezoning of the Suburban Cap property.

Sbarra on August 23<sup>rd</sup> attended the 100<sup>th</sup> Anniversary Celebration for Fire Company #1.

Roth attended the Fire Department Co. #1 Block Party.

Roth said he will get the date on Monday from Ben Kezmarsky for the Ipad Training. He asked Councilmembers to provide him with their questions so he may forward them to Ben so they may be answered in the presentation.

Hermansen wished Roth a Happy Birthday!

**REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR**

No reports.

## PUBLIC PORTION

On a motion by Larson, seconded by Hermansen, the meeting was opened to the public at 9:40PM. All in favor. Motion carried.

Mr. Gregg Sgambati of 2293 Oakham Court said that when he was working with MEVO they worked on Stag Hill he spoke to residents in the area who said people would come and dump garbage and tires. He suggested police be up there.

Mayor said policing the issue is difficult. However, the situation is being worked on.

Hermansen suggested surveillance be done so those dumping could be caught. He suggested the surveillance be done in the areas that are most dumped in. He also suggested a Community Watch.

Mrs. Annette Freund congratulated the Township on bringing the Meeting Minutes up to date.

On a motion by Jandris, seconded by DiGiulio, the meeting was closed to the public at 9:50PM. All in favor. Motion carried.

## ORDINANCES – INTRODUCTIONS

The title of an Ordinance as read as follows:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXIV ENTITLED "ZONING" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MAHWAH, SPECIFICALLY CHAPTER XXIV SECTION 3.2 ENTITLED "ZONING MAP", TO REZONE CERTAIN PROPERTIES IDENTIFIED AS BLOCK 137, LOTS 4 AND 5 FROM THE IP-120 INDUSTRIAL PARK ZONE DISTRICT TO THE B-40 HIGHWAY BUSINESS ZONE DISTRICT**

### **RESOLUTION – ORDINANCE NO. 1754**

Introduced by Larson, 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 on October 16, 2014 at the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, NJ at 8:00 PM.

**FURTHER RESOLVED** that the Municipal 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: DiGiulio, abstain; Hermansen, yes; Jandris, yes; Larson, yes; Sbarra, yes; Williams, absent; Roth yes.

The title of an Ordinance was read as follows:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II ENTITLED "ADMINISTRATION" SECTION 16 "REGULATIONS AND MEMBERSHIP OF POLICE DEPARTMENT" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MAHWAH SPECIFICALLY CHAPTER II SECTION 16.18 ENTITLED "OFF-DUTY AND OUTSIDE EMPLOYMENT PROGRAM", SUBSECTION E**

**RESOLUTION – ORDINANCE NO. 1755**

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 on September 18, 2014 at the Richard J. Martel Municipal Offices, 475 Corporate Drive, Mahwah, NJ at 8:00 PM.

**FURTHER RESOLVED** that the Municipal 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: DiGiulio, yes; Hermansen, yes; Jandris, yes; Larson, yes; Sbarra, yes; Williams, absent; Roth, yes.

**CONSENT AGENDA**

Resolutions #257-14, #259-14 and #260-14 and the Raffle Applications for HSO Mahwah Lenape Meadows (On Premise, Tricky Tray), HSO Mahwah Lenape Meadows (On Premise), Mahwah School Foundation (Wheels/Games), Mahwah Municipal Alliance Inc. (On Premise), Colleen Giblin Foundation Inc. (Off Premise), Mahwah Ladder Co. #2 (Off Premise), IEA Boosters Club (On Premise) and the Bingo Application for the Mahwah Senior Citizens Club were voted on under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes.

Resolution #258-14 and #261-14 were removed from the Agenda.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**9/11 Remembrance Ceremony**

The 9/11 Remembrance Ceremony will be on September 11, 2014 at 7:00PM on East Ramapo Avenue.

**Mahwah Day**

Mahwah Day is Saturday, September 20<sup>th</sup>. Parade starts at 12 Noon.

### Pool Committee

The Report of the Pool Committee's progress is in the Drop Box.

The Committee voted unanimously to comprise the Pool Commission to model the Ramsey 7 person Volunteer Commission. A Chair and Vice Chair will be elected each year. Non-voting participants will be the Recreation Director, Council Liaison and Pool Director. When formed, Mission Statement will be prepared as well as an Organizational Plan. The Commission will write the Job Descriptions for the Pool Director and all Management positions reporting to the Director.

The Pool Committee is asking the Council's approval:

1. The Mayor and Business Administrator will solicit the Township Attorney to begin looking at the various Ordinances from random towns to assist in crafting the Mahwah Pool Ordinance.
2. The Pool Committee would like to begin a Personnel Search. The current Pool Director is leaving the end of the year.

DiGiulio made a motion, seconded by Hermansen, that the Pool Committee may move forward with the preliminary plans as stated above. Roll call vote: DiGiulio, yes; Hermansen, yes; Jandris, yes; Larson, yes; Sbarra, yes; Williams, absent; Roth, yes.

### Requests to Post Campaign Signs

Requests to post Campaign Signs in the Township Right-of-Ways have been received from Jonathan Marcus, Gary Montroy, Jonathan Wong, Kathe Donovan, Harry Williams, Gregg Sgambati, Bob Lockwood and Rob Hermansen.

Hermansen asked the Township Attorney if he should recuse himself from voting. The Township Attorney answered yes.

Hermansen requested two separate resolutions be voted on -- one for him alone and one for the remainder of the names.

### RESOLUTIONS

See Resolutions #262-14 and #263-14 which were voted on separately. Resolutions are attached to and made part of these Meeting Minutes.

### CLOSED SESSION

On a motion by Larson, seconded by Jandris, Council went into Closed Session at 10:03PM for the express purpose of discussing: Pending Litigation. All in favor. Motion carried.

On a motion by Larson, seconded by DiGiulio, Council returned to Open Session at 10:13PM.



On a motion by Larson, seconded by Hermansen, the meeting was adjourned at 10:14PM.  
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