

**TOWNSHIP OF MAHWAH  
COMBINED WORK SESSION AND PUBLIC MEETING MINUTES  
THURSDAY, JANUARY 12, 2012**

The meeting was called to order at 8:05PM by Council President Spiech who read the Open Public Meetings Act Statement as prescribed by law. Notice was advertised in The Record on January 5, 2012 stating this meeting would be held in the Council Chambers at the Richard J. Martel Municipal Center, 475 Corporate Drive in Mahwah on Thursday, January 12, 2012 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.

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.

Present: Councilmembers Larson, Roth, Spiech and Williams.

Absent: Councilmembers Alderisio, DiGiulio and Jandris.

Also present were Mayor William C. Laforet, Township Business Administrator Brian Campion, Township Attorney Andrew Fede, Township Engineer Kevin Boswell, Township Engineer's Associate Michael Kelly and Municipal Clerk Kathrine G. Coletta.

**PUBLIC PORTION**

On a motion by Roth, seconded by Williams, the meeting was opened to the public at 8:07PM. All in favor. Motion carried.

A Property Owner of 228 West Ramapo Avenue spoke that his property is a rental and he does not feel it is fair that if a prior tenant uses excessive amounts of water the tenant after them pays the same rate as well. The Business Administrator pointed out that the case could also be reversed with a tenant who uses less water and the next tenant shall benefit.

On a motion by Roth, seconded by Larson, the meeting was closed to the public at 8:22PM. 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. Mahwah/Greenway LLC; Greene Street; Block 173, Lots 93.01 through 93.06;  
Request for Release of Maintenance Guarantee (Dkt. #467)

The Township Engineer's Associate recommended release of the Maintenance Guarantee in the amount of \$23,050.00. The Township Engineer's Associate advised Council a letter of the pending release of the maintenance guarantee was sent to the Homeowners' Association and a response was not received.

Resolution shall be voted on in the Public Meeting.

- 1b. Safe Routes to School Program; Grant for Installation of School Zone Signs;  
Request for Preparation of Resolution of Approval Indicating that the Township  
will Maintain Signs

Resolution on same was adopted at the December 22, 2011 Council Meeting. However, the Township Engineer's Associate explained a resolution is needed that states the Township will maintain the signs.

Resolution shall be voted on in the Public Meeting.

- 1c. Proposal for Services; Minor Subdivision of Township Owned Property;  
235 Mahwah Road; Block 89, Lot 57

The Township Engineer's Associate explained this item is a proposal for surveying services for the above-referenced property. The amount of the proposal is \$6,600.

Resolution shall be voted on in the Public Meeting.

- 1d. Written Status Report – January 2012

MA-1217 Improvements to Veteran's Park: Spiech questioned if the contractor will be revegetating the site. The Township Engineer's Associate answered yes.

MA-1280 Winters Pond Dredging: Spiech pointed out that it looks like the contractor is done and out. He asked if the DPW would be cleaning up the east side of the property. The Township Engineer's Associate answered yes.

MA-1322: Safe Routes to Schools Program: Spiech questioned when we will hear if we will receive any money. The Township Engineer's Associate answered in a few months.

**TOWNSHIP UTILITY ENGINEER (Malcolm Pirnie)**

- 2a. Written Progress Report – January, 2012  
None.

**ADMINISTRATION**

- 3a. Authorization to Award Proprietary Contract; Mitchell Humphrey  
Resolution shall be voted on in the Public Meeting.

Township of Mahwah Combined Work Session and Public Meeting Minutes of  
January 12, 2012

3b. Authorization to Award Proprietary Contract and Pay to Play Compliance; CODY  
Computer Systems

Williams asked for in the future a memorandum from Administration stating the amount of the contract from prior years. The Business Administrator answered same shall be provided in the future.

Resolution shall be voted on in the Public Meeting.

3c. Volunteer Tuition Credit Program

Resolution shall be voted on in the Public Meeting.

3d. Refunding Bond Ordinance

Ordinance will be introduced in the Public Meeting.

3e. Resolution Making Application to Local Finance Board

Resolution shall be voted on in the Public Meeting.

3f. Pay to Play Compliance; Baron Pool Service Inc.

Williams questioned if the costs are for maintenance for repairs. The Business Administrator answered the work being done are ADA improvements – handrails, deck upgrades, etc.

Resolution shall be voted on in the Public Meeting.

3g. Rejection of Bid #MTB-11-25: Municipal Building HVAC Repairs and  
Maintenance Service

The Business Administrator said Administration is recommending the bid be rejected and rebid.

Resolution shall be voted on in the Public Meeting.

3h. Resolution to Accept Utility Easement from County of Bergen; Darlington  
Schoolhouse

Resolution shall be voted on in the Public Meeting.

3i. Mayor's Proclamation; Girl Scout Silver Awards

Mayor's Proclamation shall be read in the Public Meeting.

3j. Mayor's Proclamation; National Cervical Cancer Awareness Month – January  
2012

Mayor's Proclamation shall be read in the Public Meeting.

3k. Proposal; Implementation of Highlands Plan Conformance Tasks

The Business Administrator said this is a proposal for Maser Consulting to perform work associated with the Plan Conformance Process established by the Highlands Council.

Williams said being Maser Consulting's fee is under the total grant received are there any other items which need to be completed.

Roth questioned if the \$3,000 is available in the Township's Budget for the items not covered by the grant. The Business Administrator answered he shall confirm the availability of the funds.

Resolution shall be voted on in the Public Meeting.

3l. Amendment to Resolution #051-11: Antique Fire Truck Repair  
Resolution shall be voted on in the Public Meeting.

3m. Authorization to Award Bid #MTB-11-26: Recreation Materials and Supplies  
Resolution shall be voted on in the Public Meeting.

3n. Amend Resolution #012(1)-12: Mayoral Appointments; Library Board of  
Trustees  
Resolution shall be voted on in the Public Meeting.

3o. Mayoral Appointment; Planning Board – Class IV Member  
Resolution shall be voted on in the Public Meeting.

**TOWNSHIP COUNCIL and MUNICIPAL CLERK**

4a. Special Meeting; Sewer Assessment Public Hearing (Phase 5); Discussion  
Council concurred the above-mentioned meeting shall be held on March 1, 2012 at 8PM  
in the Council Chambers.

4b. Firefighter Application; Matthew D. Boonstra to Fire Company #4  
Resolution shall be voted on in the Public Meeting.

4c. Postlowski Rezoning  
Ordinance is scheduled for introduction in the Public Meeting.

4d. Raffle Applications

1. Beth Haverim Shir Shalom (On Premise, 50/50)
2. Beth Haverim Shir Shalom (On Premise)
3. ~~HSA Ridgewood High School (On Premise, 50/50)~~ Removed
4. ~~HSA Ridgewood High School (On Premise)~~ Removed
5. Mahwah Ice Hockley Association (Off Premise, 50/50)

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

4e. Office of Emergency Management Volunteer Membership Application;  
Christopher Howard  
Resolution shall be voted on in the Public Meeting.

**PUBLIC MEETING**

**APPROVAL OF BILLS AND CLAIMS**

On a motion by Roth, seconded by Williams, the Bills and Claims, previously signed, totaling \$5,443,904.66, were approved. Roll call vote: Alderisio, absent; DiGiulio, absent; Jandris, absent; Larson, yes; Roth, yes; Williams, yes; Spiech, yes. A List of Bills and Claims is on file in the Municipal Clerk's Office.

**REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK**

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

None.

**REPORTS OF MAYOR AND BUSINESS ADMINISTRATOR**

None.

**MAYOR'S PROCLAMATIONS**

**Girl Scout Silver Awards**

1. Julia Alana Anzano
2. Ava J. Bertone
3. Alexia Ghelfi
4. Gabriele Gneiding
5. Kristen Grotheer
6. Meg Heller
7. Allison Christine Homler
8. Ashley Klein
9. Kathleen A. Larkin
10. Alexa M. Madden
11. Rebecca Malz
12. Tori Alexis May
13. Erica Nagotko
14. Jaclyn Nagotko
15. Alissa Puzo
16. MaryRose Spinella

Mayor read one Proclamation into the record.

**National Cervical Cancer Awareness Month – January 2012**

Mayor read proclamation entitled "National Cervical Cancer Awareness Month – January 2012" into the record.

**ORDINANCES – INTRODUCTIONS**

The title of an Ordinance was read as follows:

**AN ORDINANCE TO AMEND CHAPTER 24 ENTITLED "ZONING" OF THE TOWNSHIP OF MAHWAH CODE, AND THE ZONING MAP ADOPTED PURSUANT TO THAT ORDINANCE, TO CHANGE THE DESIGNATION OF BLOCK 82, LOTS 20 TO 29 FROM GI-80 GENERAL INDUSTRY TO B-10 NEIGHBORHOOD BUSINESS.**

**RESOLUTION – ORDINANCE NO. 1702**

Introduced by Roth, Seconded by Larson.

**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 March 8, 2012 at the Richard J. Martel Municipal Center, 475 Corporate Drive, Mahwah, NJ at 8PM.

**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, absent; DiGiulio, absent; Jandris, absent; Larson, yes; Roth, yes; Williams, no; Spiech, yes.

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The title of an Ordinance was read as follows:

**REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL IMPROVEMENT BONDS OF 2004 OF THE TOWNSHIP, APPROPRIATING \$11,350,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE TOWNSHIP OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$11,350,000 FOR FINANCING THE COST THEREOF.**

On a motion by Larson, seconded by Roth, the following Resolution was passed and adopted:

**RESOLUTION – ORDINANCE NO. 1703**

**BE IT RESOLVED** by the Township Council of the Township of Mahwah that the Ordinance entitled **REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL IMPROVEMENT BONDS OF 2004 OF THE TOWNSHIP, APPROPRIATING \$11,350,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE TOWNSHIP OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$11,350,000 FOR FINANCING THE COST THEREOF** be passed and adopted on first reading.

**BE IT FURTHER RESOLVED** that said Ordinance be further considered for final passage at a meeting to be held on January 26, 2012 at the Richard J. Martel Municipal Center, 475 Corporate Drive, Mahwah, New Jersey at 8PM or as soon thereafter as the

matter can be reached and at such time and place all persons interested be given the opportunity to be heard concerning this Ordinance.

**BE IT FURTHER RESOLVED** that the Municipal Clerk be, and she is hereby authorized and directed to take all necessary actions pursuant to NJSA 40A:2-17 and to publish said Ordinance according to law with a notice of its instruction and passage on first reading, and of the time and place when and where such Ordinance will be considered for final passage.

Roll call vote: Alderisio, absent; DiGiulio, absent; Jandris, absent; Larson, yes; Roth, yes; Williams, yes; Spiech, yes.

**ORDINANCE – PUBLIC HEARING**

The title of an Ordinance was read as follows:

**AN ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN  
CONFORMANCE FOR THE PLANNING AREA**

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

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

On a motion by Larson, seconded by Roth, the following resolution was passed and adopted:

**RESOLUTION – ORDINANCE NO. 1701**

**RESOLVED** that the ordinance be passed and adopted on second reading and the Municipal Clerk is authorized to advertise by title only as having been finally adopted, as required by law.

Roll call vote: Alderisio, absent; DiGiulio, absent; Jandris, absent; Larson, yes; Roth, yes; Williams, yes; Spiech, yes.

**PUBLIC PORTION**

On a motion by Roth, seconded by Williams, the meeting was opened to the public at 9:18PM. All in favor. Motion carried.

On a motion by Roth, seconded by Larson, the meeting was closed to the public at 9:19PM. All in favor. Motion carried.

**CONSENT AGENDA**

Resolutions #039-12 through #069-12, #073-12, #074-12 and the Raffle Applications for Beth Haverim Shir Shalom (On Premise, 50/50), Beth Haverim Shir Shalom (On Premise), and Mahwah Ice Hockley Association (Off Premise, 50/50) were approved

under the Consent Agenda. Resolutions are attached to and made part of these Meeting Minutes.

Resolutions #070-12 through #072-12 were voted on at the later portion of the meeting.

**OLD BUSINESS**

None.

**NEW BUSINESS**

Spiech asked Administration when the 2012 Budget would be given to the Council. The Business Administrator answered the week of January 30<sup>th</sup> but no later than February 3<sup>rd</sup>. The Business Administrator added that the Introduction and Adoption Deadlines for the Budget have changed. He shall provide the information to the Municipal Clerk to copy to the Council.

**CLOSED SESSION**

On a motion by Williams, seconded by Roth, Council went into Closed Session at 9:20PM for the express purposes of discussing Tax Appeal Settlements for:

1. 400 Corporate Drive; Block 136, Lot 9;
2. 20 Ridge Road; Block 135, Lot 42; and
3. 210 State Highway 17; Block 132, Lot 12.

All in favor. Motion carried.

On a motion by Roth, seconded by Larson, Council returned to open session at 9:33PM. All in favor. Motion carried.

**RESOLUTIONS**

Resolutions #070-12 through #072-12 were voted on together and are attached to and made part of these Meeting Minutes.

On a motion by Roth, seconded by Larson, the meeting was adjourned at 9:34PM. All in favor. Motion carried.

Respectfully submitted,



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