

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING AGENDA
MONDAY, JUNE 24, 2024**

Honorable Anthony J. Gianni Jr. Chambers
Richard J. Martel Municipal Center
475 Corporate Drive, Mahwah, New Jersey

7:00 pm

Meeting to be held via Zoom Remote Video/Audio Conference

ZOOM INFORMATION

Please click the link below to join the webinar:

<https://zoom.us/j/97457310248?pwd=S0h3Y2pQSU4zSzkxM21BVHdTZ2NWZz09>

Passcode: 239024

Or iPhone one-tap :

US: +13126266799,,97457310248# or +19292056099,,97457310248#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 974 5731 0248

International numbers available: <https://zoom.us/u/acVnqpI7dR>

COUNCIL PRESIDENT'S STATEMENT

SALUTE TO THE FLAG

MOMENT OF SILENCE

- Veterans and Those Serving in the Military

ROLL CALL: _____ Ariemma; _____ Bolan; _____ Donigian; _____ Ferguson; _____ May;
_____ Paz; _____ Wong

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

ENGINEERING

1a. Verbal Status Report

LEGAL

2a. Resolution Authorizing the Administration to Execute a Contract of Sale in the Amount of \$300,000 With Nouvelle, LLC for 111 Cedar Hill Road (Block 70, Lot 38) and 109 Cedar Hill Road (Block 70, Lot 37), which Properties will be Used Solely for the Construction of a Four-Unit Group Home and Six-Unit Veterans Home to Provide Additional Affordable Housing Opportunities Within the Township

LEGAL (Continued)

- 2b. Resolution Directing the Administration to Continue to Engage in Negotiations with Treestone Builders Group for the Potential Redevelopment of 93 Franklin Turnpike (Block 70, Lot 40)

ADMINISTRATION

- 3a. Tax Exemption; 100% Disabled Veteran; Block 152 Lot 44
3b. Authorization 2024 Purchases of Diesel Fuel and Gasoline; Rachles/Michele's Oil Co, Inc.; Bergen County Purchasing Co-Operative Bid #23-34
3c. Authorization 2024 Purchases of Various Firefighting Equipment and Related Services; Municipal Emergency Services, Inc.; NJ State Contract #T0790
3d. Shared Services Agreement; Bergen County
3e. Capital Budget Amendment; Acquisition of Properties
3f. Authorizing Annual Maintenance Plan; SHI International, Inc.; Spatial Data Logic Municipal Management Software System; Department of Land Use; Bergen County Cooperative – NJ Cooperative Purchasing Alliance

TOWNSHIP COUNCIL/MUNICIPAL CLERK

- 4a. Permission to Place Signs in Township Right-of-Way
1. TEDx
2. TD Bank Summer Concert Series, Ramapo College
4b. Junior Firefighter Application; Asha Patel; Fire Company #1
4c. Firefighter Application; Hanxi Patel; Fire Company #2
4d. Liquor License Renewals

PUBLIC PORTION

- Prior to speaking, each Speaker shall provide their Name and Address. However, if you are a Township resident who has been verified by the Office of Information Privacy as a covered person under Daniel's Law, do not provide your address.
- Mahwah Residents shall speak first
- In this Public Portion, Speakers may speak about any topic
- Speaker must direct questions or comments to the Council President
- There will be no back and forth dialogue between the Speaker and Representatives on the dais
- When the Speaker is finished with statement or questions, the Council will respond as appropriate
- Each Speaker shall be limited to 3 minutes, when 3 minutes expires, Council will move on to the next Speaker
- This Public Portion shall be a maximum of 30 minutes
- Speakers may only speak once during each Public Portion

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

APPROVAL OF MEETING MINUTES

Combined Work Session and Public Meeting Minutes of June 10, 2024

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

REPORTS OF MAYOR and BUSINESS ADMINISTRATOR

PUBLIC PORTION

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ORDINANCE – INTRODUCTION

- #2037 An Ordinance of the Township of Mahwah, County of Bergen, State of New Jersey, Amending Section 2-17, Fire Department of the Township Code to Harmonize Code Provisions with Current State Requirements and Fire Department Rules and Regulations

ORDINANCES –PUBLIC HEARINGS

- #2033 Ordinance of the Township of Mahwah, County of Bergen, State of New Jersey, Amending Chapter 14, Tree Preservation, of the Township Code to Revise Certain Requirements and Comply With the NJDEP Model Tree Ordinance
- #2034 Ordinance Authorizing an Agreement with the Mahwah Museum Society, Inc. to Lease the Winter Building (Block 83, Lot 28) for a Term of 10 Years, with Two 5-Year Term Renewal Options
- #2035 Bond Ordinance Providing for the Acquisition of Various Properties in and by the Township of Mahwah, in the County of Bergen, New Jersey, Appropriating \$3,046,802 Therefor and Authorizing the Issuance of \$2,046,802 Bonds or Notes of the Township to Finance Part of the Cost Thereof.

CONSENT AGENDA

There will be no separate discussions of Resolutions below. If discussion is desired by any Councilmember on any Resolution(s), that Resolution(s) will be removed from the Consent Agenda

- #240-24 Resolution Authorizing the Administration to Execute a Contract of Sale in the Amount of \$300,000 With Nouvelle, LLC for 111 Cedar Hill Road (Block 70, Lot 38) and 109 Cedar Hill Road (Block 70, Lot 37), which Properties will be Used Solely for the Construction of a Four-Unit Group Home and Six-Unit Veterans Home to Provide Additional Affordable Housing Opportunities Within the Township

CONSENT AGENDA (Continued)

- #241-24 Resolution Directing the Administration to Continue to Engage in Negotiations with Treestone Builders Group for the Potential Redevelopment of 93 Franklin Turnpike (Block 70, Lot 40)
- #242-24 Tax Exemption; 100% Disabled Veteran; Block 152 Lot 44
- #243-24 Authorization 2024 Purchases of Diesel Fuel and Gasoline; Rachles/Michele's Oil Co, Inc.; Bergen County Purchasing Co-Operative Bid #23-34
- #244-24 Authorization 2024 Purchases of Various Firefighting Equipment and Related Services; Municipal Emergency Services, Inc.; NJ State Contract #T0790
- #245-24 Shared Services Agreement; Bergen County
- #246-24 Capital Budget Amendment; Acquisition of Properties
- #247-24 Authorizing Annual Maintenance Plan; SHI International, Inc.; Spatial Data Logic
Municipal Management Software System; Department of Land Use; Bergen County
Cooperative – NJ Cooperative Purchasing Alliance
- #248-24 Permission to Place Signs in Township Right-of-Way; TEDx
- #249-24 Permission to Place Signs in Township Right-of-Way; TD Bank Summer Concert Series, Ramapo College
- #250-24 Junior Firefighter Application; Asha Patel; Fire Company #1
- #251-24 Firefighter Application; Hanxi Patel; Fire Company #2
- #252-24 Liquor License Renewals

OLD BUSINESS

1. Bergen County Gun Range
2. Repairs to Fire Trucks
3. Garbage Collection – In-House
4. Cell Phone Charging Stations
5. Electric Charging Stations
6. NJ Transit Access Link/Inter-Township Transportation
7. NJ Train Station
8. Campgaw Road and Seminary Drive Intersection
9. Railroad Avenue
10. Business Improvement District
11. Electronic Signage

NEW BUSINESS

ADJOURNMENT

THIS AGENDA IS SUBJECT TO CHANGE

3a.

CLAIM FOR PROPERTY TAX EXEMPTION ON DWELLING OF DISABLED
VETERAN OR SURVIVING SPOUSE/CIVIL UNION OR DOMESTIC
PARTNER OF DISABLED VETERAN OR SERVICEPERSON

(N.J.S.A. 54:4-3.30 et seq. as amended by P.L. 2019, c. 413; N.J.A.C. 18:28-1.1 et seq.)

IMPORTANT: File this completed claim with your municipal tax assessor. (See General Guidelines)

1. CLAIMANT NAME

Dore and Jessica Gilli

Name(s) of veteran claimant owner (& spouse, as tenants by entirety, or civil union or domestic partner) or of surviving spouse/civil union or domestic partner permanently residing in dwelling.

2. DWELLING LOCATION

1 Willow Bank Court

Street Address of claimant owner's principal residence

Phone #

Email

Bergen

County

Mahwah

Municipality

152

Block

44

Lot

Qualifier

3. DISABLED VETERAN/SURVIVING SPOUSE/CIVIL UNION OR DOMESTIC PARTNER
OF DISABLED VETERAN OR SERVICEPERSON (Check A, B, or C)

A. ☒ Honorably discharged 100% permanently and totally disabled veteran with active duty service in United States Armed Forces. ATTACH copy DD214.

B. ☐ Surviving spouse/civil union or domestic partner of honorably discharged 100% permanently and totally disabled veteran with active duty service in United States Armed Forces; and I have not remarried/formed a new registered civil union or domestic partnership. ATTACH copy DD214.

C. ☐ Surviving spouse/civil union or domestic partner of serviceperson who died on active duty in the United States Armed Forces; and I have not remarried/formed a new registered civil union or domestic partnership. ATTACH copy Military Notification of Death.

IMPORTANT CHANGE**November 3, 2020, an amendment to the State Constitution was approved by ballot vote. This amendment implemented Public Law 2019, chapter. 413 which provides that N.J. resident honorably discharged disabled veterans, or their surviving spouses no longer need to serve during a specific war period or other emergency to receive the property tax exemption. This Act amends P.L. 1948, c. 259, and supplements chapter 4 of Title 54 of the Revised Statutes.

4. DISABILITY (Complete A and check B or C)

- A. ☒ Date V.A. determined veteran 100% permanently and totally disabled 10/01/2023.
- B. ☒ Service-connected disability declared to be a total or 100% permanent disability, and not so evaluated solely because of hospitalization or surgery and recuperation, sustained through enemy action, or accident, or resulting from disease contracted while in such service.
- C. ☐ Service-connected disability rated unemployable with payment of 100% and stated to be totally and permanently disabling.

5. OWNERSHIP & OCCUPANCY (Complete A, B, or D as applicable and C)

- A. ☒ I (my spouse/civil union partner & I, as tenants by entirety), solely own or hold legal title to the above dwelling house.
- B. ☐ Partial owners: I (as joint tenant/tenant in common) own _____%.
Grantee (buyer) _____ name per deed. Deed Date _____.
- C. ☐ The dwelling house is One-Family and I occupy all of it as my principal residence. OR The dwelling house is Multi-Unit and I occupy _____% as my principal residence.
- D. ☐ The claimed property is a ☐ Co-operative ☐ or Mutual Housing Corporation in which I am a Tenant Shareholder:

Corporation Name of Co-operative or Mutual Housing Corporation _____

Co-Op/M.H. Corp. Street Address _____

Municipality _____

Number of Shares for Unit _____ ☐ Co-op ☐ MHC
*Total Number of Shares for Co-Op/MHC _____

*The total number of shares for the corporation can be obtained from the Co-Op/MHC manager.

6. CITIZEN & RESIDENT (Complete A or B)

- A. ☒ As of from 1985-2003 (insert date - month/day/year), I, the above named veteran claimant was a legal or domiciliary resident of New Jersey.
then from 2012 to present
- B. ☐ As of _____ (insert date - month/day/year), I, the above named surviving spouse/civil union or domestic partner claimant was a legal or domiciliary resident of New Jersey; and My deceased veteran or serviceperson spouse/civil union or domestic partner was a resident of New Jersey at death.

I certify the above declarations are true to the best of my knowledge and belief and understand they will be considered as if made under oath and subject to penalties for perjury if falsified.

Signature of Claimant _____

Date 06/13/2024

USE ONLY - Block <u>152</u> Lot <u>44</u> Qualifier _____	Approved ☒ Disallowed ☐
Assessor <u>[Signature]</u> Date <u>6/13/24</u>	

WHEREAS, the capital budget for the year 2024 was adopted on the 30th day of April, 2024 and,

WHEREAS, it is desired to amend said capital budget.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Mahwah, County of Bergen that the following amendment to the capital budget for the year 2024 be approved:

RECORDED VOTE	(	(	(
(Insert last names)	(	(	(
	(	(	(
	(	(	(
	(	(	(

FROM
CAPITAL BUDGET (Current Year Action)
2024

Planned Funding Services
for Current Year 2024

Project	Estimated Total Cost	Amounts Reserved In Prior Years	2024 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants in Aid and Other Funds	Debt Authorized	To Be Funded In Future Years
Total All Projects	\$38,106,293.00	\$0.00	\$0.00	\$840,360.00	\$0.00	\$0.00	\$10,691,933.00	\$26,504,000.00

6 - YEAR CAPITAL PROGRAM 2024 - 2029
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

Project	Estimated Total Cost	Estimated Completion Time	Funding Amounts Per Year					
			2024	2025	2026	2027	2028	2029
Total All Projects	\$38,106,293.00		\$11,602,293.00	\$5,350,800.00	\$5,350,850.00	\$5,350,850.00	\$5,350,850.00	\$5,350,850.00

6 - YEAR CAPITAL PROGRAM 2024 - 2029
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Project	Estimated Total Cost	Budget Appropriation		Grants in Aid and Other Funds	Capital Surplus	Capital Improvement Fund	Bonds and Notes	
		Current Year 2024	Future Years				General	Self Liquidating
Total All Projects - Current Fund	\$38,106,293.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,905,314.65	\$24,682,228.35	\$12,375,000.00

TO
CAPITAL BUDGET (Current Year Action)
2024

Planned Funding Services
for Current Year 2024

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Amounts Reserved In Prior Years</u>	<u>2024 Budget Appropriation</u>	<u>Capital Improvement Fund</u>	<u>Capital Surplus</u>	<u>Grants in Aid and Other Funds</u>	<u>Debt Authorized</u>	<u>To Be Funded In Future Years</u>
Acquisition of Property	\$3,046,802.00				\$0.00	\$1,000,000.00	\$2,046,802.00	
Total All Projects	<u>\$41,153,095.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$840,360.00</u>	<u>\$0.00</u>	<u>\$1,000,000.00</u>	<u>\$12,738,735.00</u>	<u>\$26,504,000.00</u>

6 - YEAR CAPITAL PROGRAM 2024 - 2029
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Estimated Completion Time</u>	<u>Funding Amounts Per Year</u>					
			<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
Acquisition of Properties	\$3,046,802.00		\$3,046,802.00					
Total All Projects	<u>\$41,153,095.00</u>		<u>\$14,649,095.00</u>	<u>\$5,350,800.00</u>	<u>\$5,350,850.00</u>	<u>\$5,350,850.00</u>	<u>\$5,350,850.00</u>	<u>\$5,350,850.00</u>

6 - YEAR CAPITAL PROGRAM 2024 - 2029
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Budget Appropriation</u>		<u>Grants in Aid and Other Funds</u>	<u>Capital Surplus</u>	<u>Capital Improvement Fund</u>	<u>Bonds and Notes</u>	
		<u>Current Year 2024</u>	<u>Future Years</u>				<u>General</u>	<u>Self Liquidating</u>
Acquisition of Properties	\$3,046,802.00			\$1,000,000.00	\$0.00			
Total All Projects - Current Fund	<u>\$41,153,095.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$1,000,000.00</u>	<u>\$0.00</u>	<u>\$1,905,314.65</u>	<u>\$26,729,030.35</u>	<u>\$12,375,000.00</u>

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the offices of the Division of Local Government Services, Department of Community Affairs, State of New Jersey.

It is hereby certified that this is a true copy of a resolution amending the capital budget approved by the governing body on the 24th day of June, 2024.

Certified by me

Date

Carolyn George, Township Clerk

TRENTON, NEW JERSEY

APPROVED _____, 2024

4a.1.

Carolyn George

From: Cyril Rikh [REDACTED]
Sent: Sunday, June 16, 2024 10:17 PM
To: Carolyn George
Cc: Michelle Crowe-Paz
Subject: Signs Request

Hi Carolyn,

Here is another signs request.

1. Description of purpose for displaying the sign
>The purpose is to raise awareness for TEDx Mahwah and get Mahwah residents to RSVP to the event.
2. Colored copy of the sign you wish to display including dimensions of sign and number of signs. If you do not have an actual picture, provide a detailed description and then provide a picture when available before the signs are displayed.
>Number of Signs: 11
>Dimensions: 18" x 24"
>Colored Copy: (attached.)
3. Specific roads for placement of the signs. Cannot be on County Roads. Signs must be within municipal right-of-ways.
 - 1) Traffic light by MHS & Ridge Rd (1x)
 - 2) Franklin Tpke & East Ramapo Ave (1x)
 - 3) Ridge Rd across from Mahwah Library (1x)
 - 4) By GW school, Fardale Ave/Chapel Rd (1x)
 - 5) Island Rd & E. Ramapo (1x)
 - 6) Island Rd & W. Ramapo (1x)
 - 7) Island Rd and W. Airmount (1x)
 - 8) MacArthur & Ridge (1x)
 - 9) Bottom of MacArthur by Mahwah sign (1x)
 - 10) By traffic light by Continental (2x)
4. Date of placement and date of removal (see information above)
>Placement: June 25 2024. Removal: August 5 2024.
5. Contact person and contact information email and phone number.
>Cyril Rikh, [REDACTED]
6. Applicant is responsible for picking up signs with 7 days after the event.
>I acknowledge this.
Cyril

TEDxMAHWAH.com

RSVP TO ATTEND

**Mahwah
Library**

- Complimentary Admission
- Light Refreshments



AUGUST 3
Presentations
by nationally
recognized
speakers

Doors open 12:30 | Talks begin 1:30

4.a.2.

2024

TD Bank Summer Concert Series

Yards Signs are 18x24

See sketch below

(20 of them)

To be placed on MacArthur Blvd, Route 202, off ramps of Route 17 North and South, in and around the College campus, near Darlington and other parts of Ramapo Valley Road

REC'D MUNICIPAL CLERK
JUN 12 '24 AM 1:23

24"

18"

2024
TD Bank Summer
Concert Series
Thursday Nights
June 27, July 11, July 18, July 25
(TD Bank Logo) (Ramapo College Logo)

Liz Kloak



4.b.

Mahwah Fire Department Jr. Firefighter Membership Application

Company # 3

Date: 5/29/24

Name Asha

Patel

First

Initial

Last

Present Address

120

Number

Wilmutn St

Street

Mahwah

Town

07430

Zip Code

Have you ever been found guilty of or pleaded guilty to a criminal offense or are there any pending criminal charges against you? No

If so, explain on an attached sheet the nature, date and disposition of the charges.

Parent or Guardian's Name Xuan Zhu

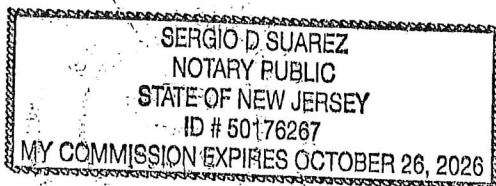
Parent or Guardian's Address 120 Wilmutn St Mahwah NJ 07430

State of New Jersey County of Bergen

I ss:

Asha Patel being duly sworn, doth depose and says that the above statements are true to the best of their knowledge and belief,

Sworn to me this 4 day of June, 2024.



[Signature]
Signature of Notary

Municipal Approval

We hereby certify that this applicant was admitted to active membership in the department and has been approved by the governing body of the Township of Mahwah on the ____ day of _____, 202____.

Signature of Municipal Clerk

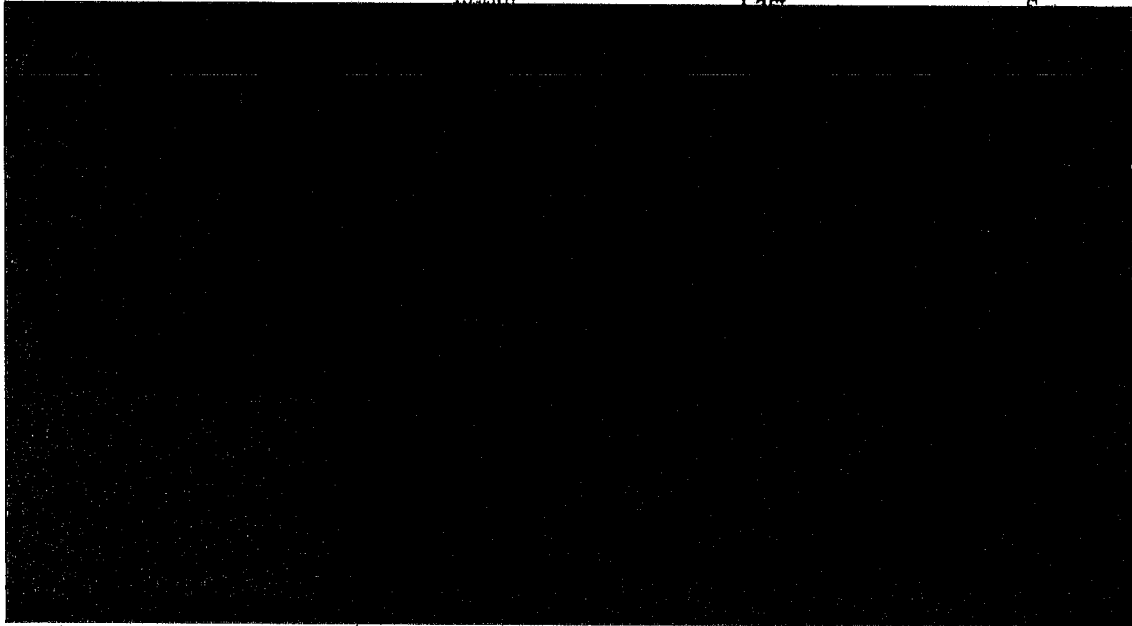
Signature of Chief - Fire Department

Junior Firefighter application must accompany a physical examination, a consent and release form and a medical waiver.

Physical Test Record

To Be Filled Out By a Physician Licensed In The State Of N.J. And Returned to the Battalion Chief in the Company of the Mahwah Fire Department The Individual Is Applying. All Sections Must Be Properly Filled Out or The Application Will Be Returned.
Please Print

Name Asha Patel
First Initial Last



The applicant is free of any medical or physical condition that would cause harm to him/her or any other firefighter(s). Yes ☒ No ☐

Rejection is based on the following: N/A.

Remarks: N/A.

I Certify that as a Practicing Physician in the State of N.J., The Applicant is Free From any Acute or Chronic Disease and Has No Physical Defects That would hinder His/Her Ability to Perform the Duties of a Firefighter.

Date Examined 11/10/2023

Examined At

PediatricCare Associates

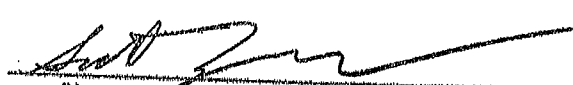
400 Franklin Turnpike

Mahwah, N.J. 07430
Address of Office **(201) 529-4545**

Physician's Phone Number

SCOTT ZUCKER MD.

Print Physician's Name


Signature of Physician

4.c.

ASSOCIATION #	COMPANY #	LINE #
FOR STATE OFFICE USE ONLY		

New Jersey State
Firefighter's Association
Application for Membership

Form 100 – REV 9/23

Date 05/27/24

Relief Association Name Mahwah Fire Company 2 Assoc. Number Mahwah Fire Municipality Mahwah County Bergen
Fire Company Name _____ Fire Department Name _____

Applicant Name Hanxi Patel
First Hanxi Middle Initial _____ Last Patel
Home Address Re W Smith Street Municipality Mahwah NJ Zip Code 07430 Suffix B
Date of Birth [REDACTED] Birth Place Queens, New York, USA SS # [REDACTED] # of years _____

Applicant Phone Number [REDACTED] Applicant Email Address [REDACTED] (REQUIRED)

Have you ever applied to be a member of the NJSFA? ☐ Yes ☒ No If yes, when _____ where _____

If you have a line number with another Relief Association: ☐ Stay with previous Association ☐ Move records to new Association
* It is the Applicant's responsibility to notify their Local Relief Secretary of any address change throughout their career/membership. *

Signature of Applicant (witnessed by a Notary Public): [Signature]

State of New Jersey, County of Bergen Sabrina Unrein
On May 28, 2024 before me, Hanxi Patel Notary Public in and for said county, personally appeared Hanxi Patel (signer) who has satisfactorily identified himself/herself as the signer to the above referenced document.

My Commission Expires: 08/16/2027 [Signature]
Notary Public Signature

SABRINA UNREIN
Notary Public, State of New Jersey
Comm. # 50202216
My Commission Expires 08/16/2027

Signature of Relief Association Secretary _____ Signature of Chief of Department [Signature]

Type of Firefighter the Applicant will be: ☐ Career (full time paid) ☒ Volunteer

Municipal/Fire District Approval: I hereby certify that this applicant was admitted to active membership in the Department and has been approved by the governing body of _____ on the _____ day of _____, 20____.

Signature of Municipal Clerk/Board of Fire Commissioners: _____

- A. Application portion should be completed by Applicant – Typed or Printed ONLY
- B. Application must have the Physical Test Record completed by a New Jersey Licensed Physician, Nurse Practitioner or Physician's Assistant
- C. The completed Application and Physical Test Record must be returned to the Local Relief Secretary
- D. The Local Relief Secretary shall review the application for completeness, attain the proper signatures, and forward to the NJSFA State office.

The Applicant is not a member of the NJSFA until the completed ORIGINAL hard-copy application is received AND approved at the NJSFA State office. Do NOT scan & email. Original hard-copy only will be processed.

Physical Test Record (Valid for one (1) year from the Date Examined)

To be filled out by a Physician, Nurse Practitioner or Physician's Assistant that is licensed in the State of New Jersey. Once the Physical has been completed, this form must be returned to the Local Relief Association Secretary at the address listed below.

All sections of the Physical must be properly filled out. If improperly filled out or questions are left blank, the Physical will be returned for correction or completion. NO SECTION CAN BE LEFT BLANK.

Please Print

Name Hanxi Patei M
First Middle Initial Last Sex

I CERTIFY THAT AS A PRACTICING PHYSICIAN, NURSE PRACTITIONER OR PHYSICIAN'S ASSISTANT LICENSED IN THE STATE OF NEW JERSEY, THE APPLICANT IS FREE FROM ANY ACUTE OR CHRONIC DISEASE AND HAS NO PHYSICAL DEFECTS THAT WOULD HINDER HIS/HER ABILITY TO PERFORM THE DUTIES OF A FIREFIGHTER.

Date Examined 06/12/24 Examined at 49 W Allendale Ave Allendale NJ 07401

Address of office

Examiner's Phone # 201-340-6052 Print Examiner's Name Steven Sutphin PA-C Signature of Examiner [Signature]

☐ Physician
☐ Nurse Practitioner
☒ Physician's Ass't

* If a Nurse Practitioner or Physician's Assistant, please indicate the name of the collaborating or supervising physician.

NPI Number 1275562837 Print Physician's Name Wesley Inek MD



THE NEW JERSEY STATE FIREFIGHTER'S ASSOCIATION RESERVES THE RIGHT TO HAVE THIS APPLICATION REVIEWED BY A MEDICAL DOCTOR OF ITS CHOICE, INCLUDING A NEW PHYSICAL EXAMINATION IF NECESSARY.

This Application/Physical must be returned to the local Relief Association Secretary:

Local Relief Secretary Name _____ Address _____ Zip code _____



Township Of Mahwah

Municipal Offices: 475 Corporate Drive
P.O. Box 733 • Mahwah, NJ 07430
Tel: 201-529-5757
Fax: 201-529-0740

Municipal Clerk's Office

www.mahwahtwp.org

TO: Township Council

FROM: Carolyn George

SUBJECT: Liquor License Renewals; 2024-2025 Term

DATE: June 20, 2024

Listed below are liquor license establishments who have paid money due to both the Township and the NJ Division of Alcoholic Beverage Control to renew their liquor license for the 2024-2025 licensing term. Tax Clearance Certificates for all have been issued by the NJ Division of Taxation.

Plenary Retail Consumption Licenses:

- Nissirios Brothers Corp. (State Line Diner)
- Goal Merchandising LLC (Sangria Tapas & Restaurant)
- Mittas of Mahwah LLC (Double Tree by Hilton)
- Mahwah Bar & Grill Inc. (Mahwah Bar & Grill)
- El Azteca Mahwah LLC (El Azteca Mahwah LLC)

Inactive (Pocket) License:

- Bolla Operating NJ Corp

I recommend Council consider renewal of the liquor license establishments for the 2024-2025 licensing term at the June 24, 2024 Council Meeting.

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2033**

ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 14, TREE PRESERVATION, OF THE TOWNSHIP CODE TO REVISE REQUIREMENTS AND CONFORM WITH THE NJDEP MODEL TREE REMOVAL AND REPLACEMENT ORDINANCE

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") released a model Tree Removal and Replacement Ordinance as part of the requirements for Tier A MS4 permit renewals; and

WHEREAS, the Township of Mahwah Ordinance Committee has reviewed Chapter 14, Tree Preservation, of the Township Code, which Chapter governs tree removal and replacement in the Township; and

WHEREAS, as part of its review, the Ordinance Committee has solicited input from Administration, the Township Engineer, and the Environmental Commission; and

WHEREAS, the Township Engineer has proposed revisions to Chapter 14 to encourage tree preservation and to achieve conformance with NJDEP requirements.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mahwah, County of Bergen, and State of New Jersey, as follows:

SECTION 1. Chapter 14, Tree Preservation, is hereby repealed and replaced to read as follows in its entirety:

Chapter 14 Tree Preservation, Removal and Replacement

Editor's Note: Prior ordinance history includes portions of Ordinance Nos. 958 and 1232.

§ 14-1 PURPOSE.

The purposes of this Chapter are: (a) to control and regulate indiscriminate and excessive removal, cutting and destruction of trees in order to, regulate and prevent conditions which cause increased surface drainage, sedimentation and soil erosion, cause decreased soil fertility and impair the stability and value of real estate, all of which conditions are, and will in the future, be a detriment to public safety, health and welfare and (b) to preserve an important attribute of the Township, by encouraging owners of existing developed lands and developers of lands to save or replace as many native tree species and other mature trees as possible when making improvements to real property and (c) to encourage the planting and maintenance of shade trees to enhance the attractiveness of roadways and neighborhoods within the Township.

§ 14-2 DEFINITIONS.

As used in this Chapter, the following terms shall have the meanings indicated.

APPLICANT

Shall mean any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.

CRITICAL ROOT RADIUS

Shall mean the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

DIAMETER AT BREAST HEIGHT (DBH)

Shall mean the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

HAZARD TREE

Shall mean a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

At the discretion of the Township, Applicants for removal of Hazard Trees may be required to provide a certification from a Licensed Tree Expert (LTE) that the trees in question meet the definition of a Hazard Tree as per this Ordinance. The Township reserves the right to have an Arborist of the Township review the Applicant's Application and Certification.

- a. Has an infectious disease or insect infestation;
- b. Is dead or dying;
- c. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
- d. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
- e. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or LTE.

PARK TREE

Shall mean trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all other areas owned by the Township of Mahwah, or to which the public has free access as a park.

PERSON

Shall mean any individual, resident, corporation, utility, company, partnership, firm, or association.

PLANTING STRIP

Shall mean the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

REPLACEMENT TREE

Shall mean a tree to be planted as a replacement for the removal of a tree as described in Section 14-4 of this Chapter. The Township shall develop and maintain a list of desirable replacement trees.

RESIDENT

Shall mean an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

SHADE TREE

Shall mean a tree planted along all public roads within or adjoining the municipal right-of-way. The Township shall develop and maintain a list of shade trees desirable for planting as: a small shade tree which is a type of tree with a mature height under 25 feet; a medium shade tree which is a type of tree with a mature height between 25 feet and 30 feet; and a large shade tree which is a type of tree with a mature height over 35 feet. Also see STREET TREE definition below.

STREET TREE

Shall mean trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Township of Mahwah.

TREE

Shall mean any woody perennial plant having a diameter or width greater than 12 inches and/or a circumference greater than 38 inches measured at ground level. If a plant has multiple stems, then the aggregate of the stem diameters and/or the aggregate of the circumferences shall be used in determining whether the plant is a "tree."

TREE CALIPER

Shall mean the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

TREE REMOVAL

Shall mean to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil

compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

§ 14-3 PROHIBITED ACTIVITIES.

Except as permitted by Sections **14-4** and **14-5** of this Chapter, no person, firm, corporation or individual shall do or cause to be done by others, either purposely, carelessly or negligently, any of the following acts upon privately owned property within the Township of Mahwah.

- a. Cut, destroy, remove, or substantially injure any tree.
- b. Place or maintain upon the ground any substance which would impede the free access of air and water to the roots of any tree.
- c. Apply any substance to any part of a tree, including roots, with the intention to injure or destroy the tree.

§ 14-4 PERMITTED ACTIVITIES.

Notwithstanding the restrictions contained in Section **14-3** of this Chapter, the following activities shall be permitted.

- a. The cutting, pruning or trimming of trees in a manner which is not harmful to the health of the tree.
- b. The cutting, destruction or removal of trees which are diseased or dead or which endanger public safety.
- c. For Single Family Residential Properties, the cutting or removal of not more than two (2) trees per lot during any calendar year (for example, if the Applicant removed 2 trees in July, 2024, the "count" resets to zero on January 1, 2025). This exemption does not include trees which are indicated as trees to remain on a plan previously approved by a land use board of the Township of Mahwah, when indicated as such as a Condition of Approval in the Board's Resolution of Approval.

For Multi-Family Residential and Commercial Properties, the cutting or removal of not more than two (2) trees per Acre during any calendar year. This exemption does not include trees which are indicated as trees to remain on a plan previously approved by a land use board of the Township of Mahwah, when indicated as such as a Condition of Approval in the Board's Resolution of Approval. Any fraction of a tree permitted to be removed is rounded down to the nearest whole number (For example, a property 2.8 acres in size is permitted to remove 5.6 trees per year. This would be rounded down to 5 trees per year).

- d. The cutting, removal or destruction of trees in accordance with a plan approved by the

Land Use Department as part of a Soil Movement Permit Application or a plan approved by the Planning Board or Board of Adjustment in conjunction with a development application or soil movement permit application so long as the approval includes a requirement that the applicant provide replacement trees in accordance with the Tree Replacement Requirement Table noted in Section 14-9 of this Ordinance.

- e. The cutting, removal or destruction shall not commence until all governmental approvals required by the Mahwah Land Use Department, Planning Board or Board of Adjustment have been obtained and a Soil Movement Permit has been issued by the Township.
- f. The cutting, removal or destruction of any tree pursuant to an order or directive of any municipal, County or State Court or agency.

§ 14-5 EXCLUDED ACTIVITIES.

The provisions of this Chapter shall not apply to the following activities:

- a. Activities involving trees within the public highways, public rights-of-way, or publicly owned properties. Tree removal within the Township's right-of-way must be approved by the Township's Land Use Department, prior to removal, unless performed by the Township.
- b. Tree Farms, commercial logging or timber removal operations on vacant land performed in accordance with a program written by a certified forester.

§ 14-6 APPEALS.

An applicant may appeal to the Township Council from a decision of the enforcement officer denying a tree removal permit or from any other action or requirement of the enforcement officer under the terms of this chapter. Said appeal shall be made in writing to the Township Clerk within 10 days of the date upon which notice of denial or other action of the enforcement officer is served upon the applicant. The Township Council shall hear the appeal within 30 business days of the filing of the appeal and shall render a decision based on the standards set forth in Section 14-16 shall have the discretion, after interviewing the applicant and the enforcement officer to take the following actions:

- a. Affirm the decision of the enforcement officer.
- b. Overrule the decisions of the enforcement officer and direct that a tree removal permit be issued.
- c. Overrule the decision of the enforcement officer denying the permit but conditioning the issuance of said permit upon the satisfaction of such conditions as the Township Council shall impose.
- d. In special circumstances and upon a showing of good cause by the applicant, waive a

requirement of this Chapter where said waiver will not frustrate the basic intent and purpose of this Chapter.

§ 14-7 ADMINISTRATION AND ENFORCEMENT.

- a. The Township's Department of Land Use, as established by Township Code Section 2-12, is hereby designated as the body to administer the provisions of this Chapter.
- b. The Township's Zoning and Property Maintenance Inspector is designated as the enforcement officer for this Chapter.

§ 14-8 VIOLATIONS AND PENALTY.

Any person, firm, corporation or individual violating any provision of this Chapter shall upon conviction thereof be punishable by a fine not exceeding \$2,000 per offense and other penalties in accordance Section 1-5 of the Township Code. The party responsible is ultimately the owner of the property. The cutting, destruction or removal of each tree shall constitute a separate offense. Any violators of the Ordinance, in addition to the fine noted above, may be required to provide a replacement plan (Landscape Plan) to restore property to acceptable levels for aesthetics, soil run-off, adjacent property impact and impact on tree canopy for area. The Landscape Plan must be provided by a Certified Landscape Architect in the State of New Jersey. The Mahwah Department of Land Use will provide a deadline of when this plan must be submitted. This plan will be provided to the Environmental Commission for their comment.

The circumference of stumps greater than 24 inches measured ground level will be used to assess penalties on trees removed without approval. Stems of trees that grow out of one root system (i.e. trees with more than one trunk that split below the CMH) will be measured separately to assess tree count.

§ 14-9 REPLACEMENT TREE REQUIREMENTS.

The following applies to all replacement trees required under paragraph d of Section 14-4.

- a. Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
- b. Any person, who removes one or more tree(s), as defined as Tree removal, shall be subject to the requirements of the Tree Replacement Requirements Table.
- c. The species type and diversity of replacement trees shall be in accordance with Appendix A.
- d. Replacement tree(s) shall:
 1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below.

2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Township.
3. Be monitored by the Applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months.
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 2.5" to 17.99" (for street trees) or 12" (for non-street trees) to 17.99"	Replant 1 tree with a minimum tree caliper of 2.5" for each tree removed
2	DBH of 18" to 23.99"	Replant 2 trees with minimum tree calipers of 2.5" for each tree removed
3	DBH of 24" to 29.99"	Replant 3 trees with minimum tree calipers of 2.5" for each tree removed
4	DBH of 30" or greater	Replant 4 trees with minimum tree calipers of 2.5" for each tree removed

e. Tree Replacement Alternatives

1. On-site replacement trees. All required replacement trees shall be planted on the site from which the trees were removed.
2. If the Township determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the Township shall have the option to require the applicant to plant replacement trees of types selected by the Township at an off-site location chosen by the Township's administration. Such off-site locations shall be restricted to Township-owned public property, including but not limited to public parks and public buildings. Discretion to exercise off-site replacements trees shall rest solely with the Township.
3. Township Tree Bank. In the alternative, should the quantity of tree to be removed be greater than the tree replacement/landscaping plan due to limited available planting area and no off-site replacement locations available, the applicant shall make contribution to be deposited in the Township Tree Bank as established by this Chapter. The contribution in lieu of planning shall be \$750 per tree, which is dedicated to tree planting and continued maintenance of the trees. This option is

limited to 50% of the required replacement trees. There shall be a \$35,000 per acre tree replacement cap amount for properties obtaining zoning or site plan approval, which cap shall increase on January 1st of each year thereafter in an amount equivalent to the most recent cost of living increase established by the Social Security Administration.

§ 14-10 SHADE TREE REQUIREMENTS.

The following requirements apply to all shade trees within the Township.

- a. All new shade trees planted within the Township shall be in good health and planted in accordance with accepted horticultural practices to ensure survival. All new shade trees shall be no less than a caliper of 2-1/2 inches. A shade tree which dies within two years of planting shall be replaced by the person planting the shade tree.
- b. New shade trees shall be spaced no further than 50 feet from each other, except where an obstruction such as a driveway or fire hydrant exists. New shade trees shall be placed no closer than 10 feet from a fire hydrant or driveway, and no closer than 30 feet from a street corner.
- c. The distance that new shade trees are to be planted away from curb, curblines, and sidewalks shall be as follows: small shade trees, no closer than four feet (4'); medium shade trees, no closer than six feet (6'); and large shade trees, eight feet (8') or on the municipal right-of-way easement line, whichever is greater.
- d. Where new shade trees are required under overhead public utility lines, excluding service lines, only small shade trees shall be planted. New medium and large shade trees may be planted near overhead public utility lines as long as the trunk of the medium or large shade tree is no closer than 15 feet of the vertical plane of any existing utility line. In all other locations requiring the placement of new shade trees, medium and large shade trees shall be planted.
- e. Subject to the prohibited activities described in Section 14-3 of this Chapter, owners of property on which shade trees have been planted shall be responsible for the care of such shade trees.
- f. The Township reserves the right to plant, prune, maintain and remove shade trees as may be necessary to ensure public health, or enhance the symmetry and beauty of the roads within the Township.
- g. In accordance with any applicable franchise agreements, a public utility company may selectively trim shade trees to maintain the integrity of its utility lines but only to the extent necessary and in accordance with accepted aesthetic and horticultural standards.

§ 14-11 GUIDELINES.

The Township of Mahwah's Department of Land Use shall utilize the following guidelines when implementing this Chapter.

- a. The replacement trees must be of the type found in the mature forest of the northern New Jersey/southern New York area such as oak, maple, hickory or other hardwoods. It is the Township's intent that the replacement trees be these tree types but the Land Use Department may seek the advice of the Township's Environmental Commission with respect to alternative tree types when submitted for individual properties.
- b. The replacement trees shall be planted within the landscaping plan for the entire property and not solely used for shielding and buffering along property boundaries. The replacement trees shall be of sufficient caliper and health, and planting should ensure an established root system and growth.
- c. Trees identified by a property developer and verified by the Township's Department of Land Use as candidates for preservation shall be protected from damage during construction in accordance with the Township's Soil Movement Ordinance and the developer shall use all other necessary and appropriate tree preservation methods. Extreme care should be taken by the developer, its engineers, architects and contractor, in specifically protecting the root zone of preserved trees during all construction on the property.
- d. Prior to the removal of any trees, as per this Ordinance, a pre-Tree Removal Inspection is to be performed by the Township's Department of Land Use. At a minimum, those required to attend this meeting are a representative of the property owner, a representative of the tree removal company and a representative of the Township's Department of Land Use.

It is the Applicant's responsibility to have the trees to be removed clearly delineated in field prior to the required Inspection.

§ 14-12 FORMS.

All applications for development and all soil movement permit applications shall include a Tree Preservation Removal and Replacement Application Form provided by the Department of Land Use. The Department may solicit the advice from the Township's Environmental Commission on the details of the Application form.

§ 14-13 STREET TREES SPECIES TO BE PLANTED.

The Township's Environmental Commission shall develop and maintain a list of desirable trees for planting along streets in three size classes based on mature height: small, under 25 feet; medium, between 25 and 30 feet; large, over 35 feet and provide this list to the Department of Land Use.

§ 14-14 PUBLIC TREE CARE.

The Township of Mahwah shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the right-of-way, alleys, avenues, lanes, squares, easements, rights-of-way, and public grounds, as may be necessary, to ensure public safety, for any public purpose, or to preserve, or enhance, the symmetry and beauty of such public grounds or areas.

§ 14-15 APPLICATION REQUIRED; FEES; ESCROW

Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5" or more, or any non-street tree with DBH of 6" or more, on their property shall submit a Tree Preservation, Removal and Replacement Application to the Department of Land Use. No tree shall be removed until the Township has reviewed and approved the removal. The following Application, Escrow and Tree Bank Contribution fees are required to accompany any Application:

Tree Removal Category	Application Fee	Escrow Fee
Exempt	\$50	\$100
Board application and/or removal of more than 5 trees	\$100	\$250
Removal of 6 to 10 trees	\$150	\$350
Removal of 11 or more trees	\$200	\$500

§ 14-16 APPLICATION REVIEW; DECISION; TIME REQUIREMENTS; EXPIRATION

- a. The enforcement officer shall accept for filing the permit application referenced in section 14-15 above. Said application shall be dated and time stamped when received. Thereafter, the enforcement officer shall within 15 business days of receipt of the completed application:
 1. Visit and inspect the location and inspect the land and trees that are the subject of the application;
 2. If necessary, meet with the applicant to discuss the application; and
 3. Grant or deny the requested permit in whole or in part, or make recommendations that would make the application acceptable to the enforcement officer, in writing and in accordance with the following considerations:

- (a) Whether the removal or destruction of the tree or trees will cause or contribute to physical or environmental problems on the land and other property, including but not limited to flooding, soil instability and erosion.
 - (b) Whether the destruction or removal of the tree or trees will have a negative impact on the contiguous canopy or on the growth and development of the remaining trees on the land and other property.
 - (c) Whether the destruction or removal of the tree or trees will have a negative aesthetic or visual impact on the land and other property.
 - (d) Whether the destruction or removal of the tree or trees will threaten or otherwise lead to a loss of wildlife habitat or tree species.
 - (e) Whether the tree or trees are specimen or significant tree(s) as defined in this Chapter.
 - (f) Whether the destruction or removal of the tree or trees [is proposed to take place in an area identified by] is under the jurisdiction of a New Jersey or Federal agency, including but not limited to the New Jersey Department of Environmental Protection [as a riparian buffer zone].
 - (g) Whether the destruction or removal of the tree or trees is a part of an overall landscape plan for the property.
 - (h) Whether a denial of the permit, in whole or part, would cause an undue hardship on the applicant.
 - (i) Whether the [application includes a] applicant's tree replacement plan [which] will mitigate the negative impact that the tree removal or destruction will have on the land and other property.
4. A decision other than one to grant the requested permit in its entirety shall include the enforcement officer's written findings and reasons for said decision.
 5. The failure of the enforcement officer to grant or deny the application for a permit for the removal or destruction of a tree or trees within the 15-day-business-day period shall constitute approval of said application and entitle the applicant to the permit requested unless an extension of the 15-day-business-day period has been agreed upon between the applicant and the enforcement officer in writing before the period expires.
 6. The removal of trees and any tree replacement plan are to be implemented within one year from issuance of the permit. A permit shall expire and shall no longer be in effect twelve months after the date said permit was first granted, unless an extension

of the twelve-month period has been agreed upon between the permittee and the enforcement officer in writing before the period expires.

7. Permits shall not be transferrable.

§ 14-17 **VENDOR REGISTRATION**

- a. Owners of single-family dwellings performing work on their own property shall not be required to register with the Township.
- b. Tree removal and/or tree maintenance entities performing work within Mahwah shall register annually with the Township's Department of Land Use.
- c. The entity shall complete a form provided by the Mahwah Department of Land Use, present a valid New Jersey business license, carry minimum general liability coverage of \$250,000, carry worker's compensation coverage, and sign a statement that they have read, understood, and will abide by the Township Code.
- d. Registrants shall pay an annual fee of \$50.
- e. The Township will provide a list of all registered vendors on the Department of Land Use website.

§ 14-18 **MAHWAH TREE BANK**

- a. There shall be established a Mahwah Tree Bank for the purposes set forth in this Chapter.
- b. All funds collected in lieu of replanting trees under Section 14-9 shall be made out to the "Mahwah Tree Bank" and deposited into an escrow account clearly designated as the "Mahwah Tree Bank." Funds so deposited shall be used solely for the following purposes:
 1. Open space acquisition.
 2. Tree planning on public property.
 3. Tree management and/or removal.
 4. Equipment supporting growth of vegetation and/or trees.
 5. Costs associated with arborist or CTE performing periodic review of trees located within the public rights-of-way or upon public property.
- c. The Mahwah Tree Bank shall be administered by the Chief Financial Officer, who shall report (listing by date for the report period) to the Township Council, the Planning Board and the Environmental Commission, on a semiannual basis, the amount in the Bank as of the end of each quarter, the amount deposited by each development application or other

contribution, and all amounts dedicated from the Bank for use for the purposes described in this Chapter for that period. Such reports shall be filed with the Township Clerk.

- d. Any an all appropriations for the Mahwah Tree Bank shall be made by the Township Council upon recommendation of the Administration.

SECTION 2. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 4. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced:

Adopted:

Effective Date:

TOWNSHIP OF MAHWAH

Robert M. Ferguson, III Council President

ATTEST:

Carolyn George, RMC
Municipal Clerk

TOWNSHIP OF MAHWAH
ENVIRONMENTAL COMMISSION
TREE PRESERVATION APPLICATION

SUGGESTED REPLACEMENT TREE TYPES: Oak, Maple, Hickory and other hardwoods

(Township Use Only)

Docket Number: _____

Submission Dates:

Original

Amended

Env. Comm. Action: _____

Date: _____

PROPERTY DESCRIPTION

a) Block(s) _____ Lot(s) _____

b) Street Address: _____

PROPERTY OWNER/PERMITTEE

a) Name(s) _____

b) Street Address: _____

c) Municipality: _____ State: _____ Zip Code: _____

PRESERVATION ORDINANCE: TREE COUNT, REMOVAL AND REPLACEMENT

Number of Trees Counted: _____

1) Number of Trees to be Removed: _____

2) Number of Trees to be Replaced: _____

Describe replacement of Trees Species to be planted:

NOTES:

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2034**

**ORDINANCE AUTHORIZING AN AGREEMENT WITH THE MAHWAH
MUSEUM SOCIETY, INC. TO LEASE THE WINTER BUILDING (BLOCK
83, LOT 28) FOR A TERM OF 10 YEARS, WITH TWO 5-YEAR TERM
RENEWAL OPTIONS**

WHEREAS, pursuant to N.J.S.A. 40A:12-14(c), the Township of Mahwah may, by ordinance, lease real property to a nonprofit corporation for a public purpose; and

WHEREAS, N.J.S.A. 40A:12-15(g) provides that leases to civic or historic programs or activities by duly incorporated historical societies are deemed leases for a public purpose; and

WHEREAS, the Mahwah Museum Society, Inc. is a nonprofit corporation established to preserve and present the history of Mahwah and its connection to the region; and

WHEREAS, on October 8, 2009, the Township of Mahwah adopted Ordinance No. 1658, authorizing a agreement with the Mahwah Museum Society, Inc. to lease the Winter Building (Block 83, Lot 28) located at 201 Miller Road, for term of 5 years, with two 5-year renewal terms, the last of which expires on June 30, 2024; and

WHEREAS, the Mahwah Museum Society, Inc. has requested a new lease for the Winter Building for a term of 10 years, with two 5-year renewal term options; and

WHEREAS, the Township Council desires to lease the Winter Building to the Mahwah Museum Society, Inc. in accordance with the terms of the attached Lease and for the public purpose stated herein.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mahwah, County of Bergen, and State of New Jersey, as follows:

SECTION 1. A Lease between the Township of Mahwah, as Landlord, and the Mahwah Museum Society, Inc., as Tenant, for the Winter Building (Block 83, Lot 28), located at 201 Miller Road, for term of 10 years with two 5-year renewal term options, beginning July 15, 2024, in accordance with the terms of Lease attached hereto, is hereby authorized. The Mayor and Township Clerk are authorized and directed to execute same.

SECTION 2. Annual Rent shall be \$100.

SECTION 3. The Mahwah Museum Society, Inc. is a nonprofit corporation established to preserve and present the history of Mahwah and its connection to the region, and which documents, preserves, and catalogues collections of artifacts, photographs, and historical records that are made available to historians, researchers, and the public, encouraging discovery, understanding and appreciation of the region's heritage and perspective for the present and the future. Thousands of

individuals, including Mahwah residents, businesses, and visitors, will benefit from this public purpose.

SECTION 4. The Township Business Administrator shall enforce the terms of the Lease.

SECTION 5. The Mahwah Museum Society, Inc. shall annually submit a report to the Township Business Administrator, which report shall set forth the uses of the premises that were undertaken during the prior year, the activities undertaken in furtherance of the public purpose for which the new lease was granted, the approximate financial value or cost, if any, of such activities, and affirmation of the continued tax-exempt status of the Mahwah Museum Society, Inc. as a nonprofit corporation pursuant to State and federal law.

SECTION 6. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 7. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 8. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: June 10, 2024

Adopted:

Effective Date:

TOWNSHIP OF MAHWAH

Robert M. Ferguson III, Council President

ATTEST:

Carolyn George, RMC
Municipal Clerk

TOWNSHIP OF MAHWAH
ORDINANCE NO. 2035

BOND ORDINANCE PROVIDING FOR THE ACQUISITION
OF VARIOUS PROPERTIES IN AND BY THE TOWNSHIP
OF MAHWAH, IN THE COUNTY OF BERGEN, NEW
JERSEY, APPROPRIATING \$3,046,802 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$2,046,802 BONDS OR
NOTES OF THE TOWNSHIP TO FINANCE PART OF THE
COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all
members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Mahwah, in the County of Bergen, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$3,046,802, including the sum of \$1,000,000 as the down payment required by the Local Bond Law. The down payment is now available from the Affordable Housing Trust Fund.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,046,802 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of various properties, including 93 Franklin Turnpike, also known as Block 70, Lot 40 on the tax maps of the Township, 109 Cedar Hill Avenue, also known as Block 70, Lot 37 on the tax maps of the Township and 111 Cedar Hill Avenue, also known as Block 70, Lot 38 on the tax maps of the Township, and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The

chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such

statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,046,802, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of

obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduced:
Adopted:
Effective Date:
TOWNSHIP OF MAHWAH

Robert M. Ferguson III, Council President

ATTEST:

Carolyn George, RMC
Municipal Clerk

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2037**

**AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF
BERGEN, STATE OF NEW JERSEY, AMENDING SECTION 2-17, FIRE
DEPARTMENT, OF THE TOWNSHIP CODE TO HARMONIZE CODE
PROVISIONS WITH CURRENT STATE REQUIREMENTS AND FIRE
DEPARTMENT RULES AND REGULATIONS**

WHEREAS, the Mahwah Fire Department has reviewed section 2-17 of the Township of Mahwah Code and recommends certain changes to harmonize the Code with current State requirements and Fire Department rules and regulations; and

WHEREAS, the Business Administrator and Township Attorney and revised the proposed changes and find them acceptable; and

WHEREAS, the Township Council desires to amend the Township Code.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 2, Administration, § 2-17, Fire Department, of the Township Code is hereby amended as follows:

§ 2-17.1 Composition; Authority to Establish Rules and Regulations.

[Ord. #556; 1976 Code § 23-1]

- a. The Mahwah Volunteer Fire Department shall consist of the present Fire Department, known as Company No. 1, Company No. 2, Company No. 3, Company No. 4, and Company 5, and as many more companies as the Township Council of the Township shall from time to time approve by resolution.
- b. The firematic officers of the Fire Department shall consist of one Chief and two Assistant Chiefs, to be elected as First Assistant Chief and Second Assistant Chief, respectively.
- c. The Fire Department shall have the right, by a vote or a majority of the members thereof, to establish rules and regulations for the governance of the department. However, such rules and regulations shall in all cases be approved by the Township Council before becoming effective.
- d. Board of Firematic Officers. The Board of Firematic Officers shall consist of the firematic officers of the Fire Department, the firematic officers of each fire company and the President of each fire company or, in his absence, the Vice President of the fire company. They shall meet once a month and shall be responsible for the firematic functions of the department, in accordance with the rules and regulations of the department.

§ 2-17.2 Company Organization.

[Ord. #556; 1976 Code § 23-2; Ord. #1275, §§ I — IV; amended 12-15-2022 by Ord. No. 1995]

- a. Each company of the Fire Department shall have the following officers: one Battalion Chief, one Captain and two Lieutenants. Additionally, Company No. 1 shall have a Rescue Captain and Lieutenant.
- b. The membership of each company shall be classified as follows: active, active exempt, probationary, daytime, junior firefighter, and inactive exempt.
- c. Each company of the department shall consist of not more than 100 active members.
- d. Active Membership.
 - 1. The active membership shall be within the quota of the New Jersey State Firemen's Association. This class shall be composed of those persons who joined the company between the ages set forth by the State of New Jersey, have passed the physical examination according to the New Jersey State Firemen's Association standards and who are on quota or are awaiting selection to the quota by the company at the annual meeting. Failure to make 25% of one's duty for two consecutive years will constitute automatic removal from the quota. Any active member shall enjoy the privilege of holding any firematic office, provided that they qualify as set forth in the rules and regulations of the Fire Department. Active members shall have the right to vote on any matter brought before the company; provided that they qualify as set forth in the rules and regulations of the Fire Department.
 - a. Members must complete Fire Academy within 18 months of Academy start date or shall be removed.
 - 2. Those persons eligible for the quota who are awaiting openings in the quota shall be active members of the fire companies.
 - 3. Hereafter, no person shall be considered an active member of the Fire Department, nor be entitled to any privileges as such, until certified by the company to which they have applied for membership and approved by the Township Council.
- e. Inactive Exempt Member - The procedure and qualifications for election to this type of membership shall be the same as that of an active member. An inactive exempt member may hold any elective office as per qualifications set forth in the rules and regulations of the department.
- f. Active Exempt Membership. Any member having received his State and/or Township exemption may continue to enjoy all the privileges of an active fireman and shall be required to perform all the duties of an active fireman in this type of membership. Such members shall be eligible to vote for and hold any office, provided that they qualify as set forth in the rules and regulations of the department.
- g. Any person shall be eligible to apply for membership in a fire company in the Township, provided that the applicant:
 - 1. Is sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to his eligibility for

membership in the retirement system.

2. Is able to read, write and speak the English language.
 3. Is of good moral character.
 4. Has not been convicted of any criminal offense in the 1st, 2nd, 3rd, or 4th degree.
 5. Is between the ages set forth by the State of New Jersey.
 6. Lives within a five-mile radius of the company they are joining.
- h. Daytime Member. Any person who is employed within the boundaries of the Township of Mahwah and who is an active member in good standing in another municipal fire department and who satisfies the requirements set forth in the Department Rules and Regulations for daytime firefighters. Daytime firefighters shall not be voting members in any Company and shall not hold any Department office.
- i. Junior Firefighter Member. Any person at least 16 years of age and not more than 18 years of age who is a resident of the Township of Mahwah and who meets the Junior Firefighter's membership requirements as set forth in the Fire Department Rules and Regulations approved by the Township Council.

§ 2-17.3 Elections.

[Ord. #556; 1976 Code § 23-3]

- a. The Chief, First Assistant Chief and Second Assistant Chief of the Fire Department shall be elected annually by ballot by the members of the said Fire Department at an election to be held during the month of November in each year at such meeting place as may be designated and approved by the Board of Firematic Officers.
- b. The Chief and Assistant Chiefs elected shall be subject to approval of the Township Council; and, upon confirmation, the term of such officers shall commence on the first day of January after their election and continue for a term of one year or until their respective successors are elected and confirmed. The Department Chief shall not serve more than two consecutive terms.
- c. The officers of each company shall be elected annually by ballot by the members of each company at an election to be held during the month of December in each year at the meeting place of each company or at such other place as may be designated and approved by the Township Council.
- d. The firematic officers of each company shall be elected for one year commencing January 1 following their election. However, they shall not assume their office until their election has been approved by the Township Council. All officers shall hold office until their successors are elected and have qualified.
- e. Upon a firematic officer's election by the department or any company, the Chief of the Fire

Department shall promptly submit, in writing, the name of such officer-elect to the Township Council for approval. The Township shall indicate, in writing, the Township Council's approval or disapproval of the officer-elect within 30 days after receipt of the name from the department; provided, however, that if the Township Council does not approve the election of the officer-elect, it shall set forth its reason for such action in writing. Should the decision of the Township Council not be received within such time, the officer-elect shall be deemed approved by the Township Council. Upon approval by either appropriate resolution or the failure of the Township Council to make a decision within 30 days as hereinabove set forth, said officer-elect shall be eligible to take the office to which he was elected. Should the Township Council disapprove the seating of such officer-elect, the election of such officer-elect shall be set aside, and the department or company shall conduct a new election meeting within 15 days of the receipt of written disapproval in the same manner as herein provided in this subsection for elections generally.

- f. In case the Fire Department or any company shall fail to elect any firematic officers during the time set forth in this subsection, then the Township Council shall appoint such officer or officers, and the officer or officers so appointed shall hold their respective office or offices until their successor or successors have been duly elected and have qualified.

§ 2-17.4 General Requirements.

[Ord. #556; 1976 Code § 23-4]

- a. Persons who are members of the Mahwah Volunteer Fire Department as of the date of passage of this section shall be recognized as members of the Mahwah Volunteer Fire Department. However, after the final passage and adoption of this section, each applicant for membership shall have the qualifications as set forth in Subsection 2-17.6.
- b. Application blanks shall be in the form prescribed by the New Jersey State Firemen's Association and shall be completely filled out and notarized.
- c. Applicants meeting age requirements may qualify for probationary membership. However, all applicants over the maximum age set forth by the State of New Jersey may qualify for active associate membership only.
- d. Applicants admitted into the company shall be required to complete a six-month probationary period, as directed in the rules and regulations.
- e. After expiration of the sixth month the officers of the department shall, as sole judges, determine whether the probationary member has qualified for active membership. Should he not qualify he shall automatically be discharged from the department with no right of appeal.
- f. Each active member of the Mahwah Volunteer Fire Department shall perform 25% of the duties in answering fire alarms, actual attendance and duty at fires and required drills in each and every year and such other duties as the Chief and the officers of the department may assign to him.

- g. Each member of the department shall receive a badge of the Fire Department, which badge shall remain the property of the department upon the resignation, removal or suspension of a member from service.

§ 2-17.5 Headquarters and Apparatus.

[Ord. #556; 1976 Code § 23-5]

No person or persons, except the members of the Township Council, shall enter any building housing the fire apparatus and equipment of the Township or handle any Fire Department equipment, property or apparatus belonging to the Fire Department, unless authorized to do so or accompanied by or having the special permission of an officer or authorized member of the department.

§ 2-17.6 Enforcement of Fire Prevention Regulations.

[Ord. #556; 1976 Code § 23-6]

It shall be the duty of the Fire Chief and Assistant Chiefs to act as liaisons to the Mahwah Fire Prevention Bureau.

§ 2-17.7 Mutual Aid.

[Ord. #556; 1976 Code § 23-7]

- a. The Chief of the Fire Department and the officers thereof are hereby authorized to extend aid and assistance to neighboring communities, upon request for fire protection or emergency services, or to establish a mutual aid system in accordance with the laws of the State of New Jersey.
- b. In the event of an emergency, the Chief or head of any municipal Fire Department or force or the Mayor or chief executive officer of any municipality may request, from the Chief or head of the Fire Department or force of any other contiguous municipality, assistance to protect life and property outside the normal territorial jurisdiction of the department to which such request is directed.
- c. The Chief or head of the Fire Department or force upon whom such a request for assistance is made shall provide such personnel and equipment as requested to the extent possible without endangering persons or property within its own municipality.
- d. Volunteer Fire Departments shall be required to respond to such requests for assistance only to the extent that they have agreed to do so in an agreement with a paid Fire Department or force or a municipality.
- e. If any member or officer of such other Fire Department or force in rendering such assistance shall suffer any casualty or death, he or his designee or legal representative shall be entitled to all salary, pension rights, workmen's compensation and other benefits as if such casualty or death occurred in the performance of his duties in his own municipality or other jurisdiction in which his duties are normally carried on.

§ 2-17.8 Insurance and Compensation.

[N.J.S.A. 34:15-17 et seq.]

a. Insurance.

1. In order to provide adequate compensation for injury for members of the Fire Department, the Township Council shall provide the following insurance coverages; and the Township Clerk shall notify, by January 31 of each year, in writing, the Chief of the Department that such coverage has been effected under this subsection.
 - (a) Employee's liability insurance coverage, in accordance with the Workmen's Compensation Act
 - (b) Supplementary accident insurance coverage in order to provide additional weekly compensation for a permanent and partial disability and a lump sum amount for loss of life or permanent or partial disability.
 2. The Township Council shall provide adequate liability insurance covering the operation of all department's vehicles and its authorized drivers and shall also endeavor to provide liability coverage for the use and maintenance of buildings and equipment owned or used by the department. The Township Clerk shall notify the Chief of the Department, in writing, by January 31 of each year that coverage has been effected under this subsection.
- b. Compensation. The Township Council may also provide suitable compensation to members of the department for loss of clothing and other personal effects suffered in line of duty. The members will be required to attend a specified number of fires, fire drills and other duties as may be set annually by the Township Council. Such drills and duties shall be more specifically defined by the department officers and approved by the Township Council. [Ord. #556; 1976 Code § 23-8]

§ 2-17.9 Fire Control Measures and Regulations.

[Ord. #556; Ord. #651; Ord. #824; 1976 Code § 23-9; New]

a. Definitions. As used in this subsection:

AUTHORIZED EMERGENCY VEHICLE

Shall mean any vehicle which is defined as and is authorized to be used as an emergency vehicle under the laws of the State.

FIRE CHIEF

Shall mean Chief, the Assistant Chief or other officers of the Township Fire Department representing the Chief.

- a. Authority at Fires and Other Emergencies. The Fire Chief or his duly authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks, or other hazardous conditions

or situations or of taking any other action necessary in the reasonable performance of their duty. The Fire Chief may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the Fire Department. The Fire Chief may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not re-enter the area until authorized to do so by the Fire Chief.

- b. **Emergency Vehicle Operation.** The driver of any emergency vehicle, as defined in Subsection a of this subsection, shall not sound the siren thereon or have the front red lights on or disobey any existing traffic regulation, except when said vehicle is responding to an emergency call or when responding to, but not upon returning from a fire. Tactical strategies such as, but not restricted to, "move-ups" do not constitute an emergency call. The driver of an emergency vehicle may:
 - 1. Park or stand irrespective of the provisions of existing traffic regulations;
 - 2. Proceed past a red or stop signal or other sign, but only after slowing down as may be necessary for safe operation;
 - 3. Exceed the posted speed limit so long as he does not endanger life or property;
 - 4. Disregard regulations governing direction of movement or turning in specified directions;
 - 5. The exemptions herein granted to an emergency vehicle shall apply only when the driver of any such vehicle while in motion sound audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.
 - 6. Any member driver involved in a motor vehicle accident must remain on scene until a police report is taken.
- d. **Public Water Supply.** The Fire Chief/Official shall recommend to the Mayor and Township Council the location or relocation of new or existing fire hydrants and the placement or replacement of water mains located upon public and private property as deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed in or removed from service until approved by the Fire Chief/Official.

§ 2-17.10 Use of Headquarters and Building.

[Ord. #556; 1976 Code § 23-10]

The respective fire companies housed in their respective buildings shall have exclusive control over the use of the headquarters and building for all purposes, subject to the approval of the Township Council.

§ 2-17.11 Disciplinary Procedure.

[Ord. #556; 1976 Code § 23-11]

- a. Infractions. In the event that any member of the Fire Department violates this Fire Department Ordinance of the Township, a duly posted general order of the Chief of the Fire Department or any of the following rules and regulations, he will be subject to disciplinary action:

1. Refusal to obey a direct order by an officer.
2. Insubordination.
3. Unsafe practices.
4. Violation of the New Jersey motor vehicle laws when using fire apparatus.
5. Striking an officer or other fireman during a drill, fire or other firematic function.
6. Dereliction of duty.
7. Action unbecoming a member of the Fire Department.
8. Conviction of a crime in the 1st, 2nd, 3rd, or 4th degree.
9. Any member of the suspended from another fire department shall be automatically suspended from the Mahwah Fire Department.
10. Any prospective applicant who has been dismissed for cause from another department shall not be permitted to apply to the Mahwah Fire Department.

- b. Complaints.

1. Anyone witnessing an infraction of this Fire Department Ordinance of the Township, the rules and regulations adopted by the Fire Department or the duly posted general orders of the Chief, by a member of the Fire Department while on fire duty, during a training session or drill, or any dereliction of duty, or for good cause at any time, may file a written, signed complaint thereof with the Chief of the Fire Department. Each member complained of shall be considered as a separate complaint.
2. Each complaint must include the name of the member complained of, the date, time and location of the occurrence and a description of the incident. The complaint must be filed within 15 days of the date of the discovery of the incident. The postmarked date of a mailed complaint shall be considered as the filing date.
3. Anyone having knowledge or information concerning a crime and who withholds that information will become an accessory to the fact and will be subject to disciplinary and criminal proceedings.

- c. Procedure.

1. Notice. Upon receipt of a complaint, the Chief or, if he is disqualified, the next ranking firematic officer shall, before notifying the firematic officers of the Department and companies, as well as the President of each company, and before any action whatsoever is

taken thereon, mail a copy of the complaint to the member complained of. This shall be done by certified mail and the date of the certified receipt shall constitute the date of notice. Should the Chief initiate and file a complaint, he must notify the member complained of before any action whatsoever is taken thereon.

2. Formal Hearing. Within 10 days following the date of receipt of the complaint, the Chief shall call for a formal hearing before the Battalion Chief or Captain of each company and the President of the company involved, at which time the person making the complaint and the member being complained of may be heard. At the completion of this hearing, the officers present will render a decision as to the complaint.

- a. Should the member complained of fail to appear at this hearing, without good cause shown, the complaint shall be considered prima facie evidence of the facts contained therein.

d. Disposition of Complaints.

1. Dismissal of Complaint. If a majority of the hearing officers find a complaint not justified, they shall dismiss same. In the event of a tie vote, the complaint shall be dismissed.

2. Formal Hearing Disposition.

- (a) If a majority of the hearing officers find a complaint to be justified, they may:

- (1) Issue a written reprimand.

- (2) Suspend the member from duty for a period up to a maximum of 90 days from the date of the hearing.

- (b) The member complained of shall be notified, in writing, of the decision within three days of the hearing.

3. The Chief shall preside at all Department hearings, except when he files the complaint being considered, in which case the next ranking member of the Fire Department shall preside.
4. The member complained of shall be entitled to counsel by anyone he chooses, and this person shall be recognized as the defendant's legal counsel for the purposes of this hearing.
5. Witnesses may appear, give testimony and be questioned, and all proper evidence presented must be considered. The Chief of the Fire Department shall arrange for a transcript of the proceedings.
6. After due consideration of all the evidence submitted and/or developed during the hearing, the jury shall retire in private to deliberate and, by secret ballot, vote on the case before it. It may return one of three decisions:

- (a) Not guilty.

(b) Suspension from duty for a period up to a maximum of 90 days.

(c) Dismissal from the Fire Department.

7. The member complained of shall be notified in writing within three days of the decision.
 8. A verdict of dismissal must be approved by the Mayor and Township Council after a review of the complaint and the transcript of the formal hearing.
 9. If the member complained of is found guilty at a hearing, or if a Chief is found guilty at a hearing or a hearing before the Township Council, he shall be responsible for the payment of the Township Attorney's fees and the cost of the transcript. If the member complained of is found not guilty, the Township will bear responsibility for the aforesaid costs.
- e. Appeals.
1. Any member aggrieved by the actions of the firematic officers at a hearing shall have the right to an appeal. Such appeal shall be taken by filing a written appeal with the Chief of the Fire Department within seven days after notice of the decision of the officers of the hearing. The Chief shall set a time and place for a hearing within 30 days of the appeal, giving the appellant at least seven days' notice of the hearing.
 2. Any member aggrieved by the actions of the firematic officers at a formal hearing shall have the right to a de novo hearing before the Township Council. Such appeal shall be taken by filing a written appeal with the Township Clerk within seven days after the notice of the decision of the officers at the formal hearing. The Mayor shall set a time and place for the hearing within 30 days of the appeal, giving the appellant at least 15 days' notice of the hearing.
- f. Complaints by Citizens to Mayor and Township Council. Any complaint received by the Mayor and Township Council against any member of the Fire Department, except the Chief, shall be forwarded immediately to the Chief of the Fire Department and may not be made public.
- g. Complaints Against the Chiefs of the Fire Department.
1. Complaints against the Chief, First Assistant Chief or Second Assistant Chief of the Fire Department which involve matters concerning the conduct of the Fire Department matters or the conduct of the Chiefs of the Fire Department as members of the department shall be filed and processed in accordance with the procedures prescribed by this section. However, the disposition of the complaint shall be resolved only by a formal hearing before the firematic officers of the departments and companies as well as the President of each company.
 2. In the event that a complaint against any of the Chiefs of the Fire Department concerns a matter unrelated to the conduct of Fire Department or the conduct of the Chiefs as members of the Fire Department, the Township Council shall notify the Chief complained of before any action whatsoever is taken thereon.

3. Within 15 days following the date of receipt of the complaint, the Mayor shall call for a closed hearing before the Township Council. This hearing shall be held within 60 days of the date of the incident complained of. The Chief complained of shall be entitled to counsel by anyone he chooses, and this person shall be recognized as the defendant's legal counsel for the purposes of this hearing. Witnesses may appear, give testimony and be questioned, and all proper evidence presented must be considered by the Township Council. The Mayor shall arrange for a transcript of the proceedings.
4. Decision.
 - (a) After due consideration of all evidence submitted and/or developed during the hearing, the Township Council shall deliberate and return one of three decisions within two weeks of the hearing:
 - (1) Not guilty.
 - (2) Suspension from duty for a period up to a maximum of 90 days.
 - (3) Dismissal from the Fire Department.
 - (b) The Chief complained of shall be notified in writing within three days of the Township Council's decision.
5. In the event that a complaint against any of the Chiefs of the Fire Department shall involve facts concerning the conduct of Fire Department matters or the individual conduct of the Chiefs as members of the Fire Department and, in addition, give rise to an inference that felony may have been committed, it shall be processed in the following manner:
 - (a) The Fire Department, in accordance with the provisions of this section, shall take action on the complaint insofar as it involves the conduct of Fire Department matters or the conduct of any Chief as a member of the Fire Department.
 - (b) Insofar as any evidence or information shall exist indicating the commission of a felony, the Township Council shall forward same to the Police Chief of the Township for his action. In the event that the prosecutor, in his discretion, refrains from instituting litigation, the Township Council shall abide by the Fire Department's disposition of the complaint.

§ 2-17.12 Violations and Penalties.

[Ord. #556; Ord. #824; 1976 Code § 23-12]

Unless another penalty is expressly provided by New Jersey Statute or except as specifically provided in some other section of this code, every person convicted of a violation of a provision of this section or any supplement thereto, shall be liable to a penalty of not less than \$25 nor more than \$500 or by imprisonment not to exceed 90 days, or both such fine and imprisonment.

SECTION 3. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: 06/24/24

Adopted:

Effective Date:

TOWNSHIP OF MAHWAH

Robert M. Ferguson III
Council President

ATTEST:

Carolyn George, RMC
Municipal Clerk

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #240-24
DATE: JUNE 24, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

RESOLUTION AUTHORIZING THE ADMINISTRATION TO EXECUTE A CONTRACT OF SALE IN THE AMOUNT OF \$300,000 WITH NOUVELLE, LLC FOR 111 CEDAR HILL AVENUE (BLOCK 70, LOT 38) AND 109 CEDAR HILL AVENUE (BLOCK 70, LOT 37), WHICH PROPERTIES WILL BE USED SOLELY FOR THE CONSTRUCTION OF A FOUR-UNIT GROUP HOME AND SIX-UNIT VETERANS HOME TO PROVIDE ADDITIONAL AFFORDABLE HOUSING OPPORTUNITIES WITHIN THE TOWNSHIP

WHEREAS, on October 2, 2023, the Township of Mahwah adopted Resolution #364-23, authorizing the Administration to execute contracts to purchase 111 Cedar Hill Avenue (Block 70, Lot 38) for \$465,000 and 109 Cedar Hill Avenue (Block 70, Lot 37) for \$525,000 (the "Properties"); and

WHEREAS, the total of \$990,000 for the Properties WILL be paid for out the Township's Affordable Housing Trust Fund, with no taxpayer funds used; and

WHEREAS, the Township now desires to authorize execution of a Contract of Sale pursuant to the Local Land and Buildings Law, specifically N.J.S.A. 40A:12-21(1), with certain conditions, to transfer the Properties to Nouvelle, LLC, whereby the Township will receive \$300,000 for the sales of the property, and which property will be used solely for the construction of affordable housing; and

WHEREAS, based on current regulations, if the Township were to construct 10 affordable housing units on its own, the estimated cost would be a minimum of \$1.4 million, in addition to ancillary costs and management fees.

NOW, THEREFORE, BE IT RESOLVED by the Township Council in the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

1. The Administration is hereby authorized to execute the Contract for Sale, attached hereto and incorporated herein, for the sale of 11 Cedar Hill Avenue (Block 70, Lot 38) and 109 Cedar Hill Avenue (Block 70, Lot 37) to Nouvelle, LLC in the amount of \$300,000.
2. The Contract of Sale is conditioned upon the Township, among other things, successfully closing on the Properties within one year. If the Township is unable to close on the Properties, the Contract with Nouvelle shall be null and void with no penalty to the Township.
3. The Township Attorney and Administration are hereby authorized to take any other steps necessary to compete this sale pending the passage of appropriate ordinances.
4. This Resolution shall be filed in the Office of the Township Clerk and is available for inspection by the public.
5. The Township Clerk is directed to forward a copy of this resolution to the Business Administrator, Department of Public Works, Department of Construction, and Department of Zoning.

This resolution shall take effect immediately.

CERTIFICATION

I hereby certify that this resolution consisting of two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 24th day of June, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #241-24
DATE: JUNE 24, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

RESOLUTION DIRECTING THE ADMINISTRATION TO CONTINUE TO ENGAGE IN NEGOTIATIONS WITH TREESTONE BUILDERS GROUP FOR THE POTENTIAL REDEVELOPMENT OF 93 FRANKLIN TURNPIKE (BLOCK 70, LOT 40)

WHEREAS, the property known as 93 Franklin Turnpike has been deemed an Area in Need of Rehabilitation; and

WHEREAS, the Administration placed notice on the Township of Mahwah website for any parties interested in developing the site to present proposals for such rehabilitation; and

WHEREAS, at the Township Council meeting held on June 10, 2024, Treestone Builders Group ("Treestone") submitted a concept plan to rehabilitate the property, which plan included 3 affordable housing units; and

WHEREAS, the Administration estimates that the environmental cleanup costs for the property is in the range of \$100,000 to \$150,000; and

WHEREAS, Treestone has expressed interest in funding and taking on the responsibility of the environmental cleanup, developing the property, and entering into a potential purchase or long-term ground lease agreement with the Township to cover all of the Township's costs and professional fees that have been incurred in connection with the acquisition; and

WHEREAS, Treestone now requests that the Township commence discussions for a redevelopment agreement, subject to Council approval, which agreement would make the

Township financially whole, ensure the property is rehabilitated/cleaned up from environmental contamination, and develop the property with 3 affordable housing units at no cost to taxpayers.

NOW, THEREFORE, BE IT RESOLVED by the Township Council in the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

1. The Township Administration is authorized and directed to engage in negotiations with Treestone Builders Group for a redevelopment agreement, subject to Council approval, regarding the property located at 93 Franklin Turnpike (Block 70, Lot 40).
2. The goal of the Township is to not expend taxpayer funds to obtain the best possible redevelopment agreement for the property.

This resolution shall take effect immediately.

CERTIFICATION

I hereby certify that this resolution consisting of two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 24th day of June, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #242-24
DATE: JUNE 24, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

WHEREAS, Mr. Dane Gilli, Owner of Block 152 Lot 44, known as 1 Willow Bank Court in the Township has been qualified per the Township Tax Assessor, as a Permanently and Totally Disabled Veteran in accordance with NJSA 54:4-3.30 et seq.; and

WHEREAS, NJSA 54:4-3.30 et seq. provides Permanently and Totally Disabled Veterans to be exempt from Property Tax.

NOW, THEREFORE, BE IT RESOLVED the Tax Collector shall cancel Property Taxes from January 1, 2024 going forward.

BE IT FURTHER RESOLVED the Municipal Clerk shall forward a copy of this Resolution to the Property Owner, Tax Assessor Tax Collector, Chief Financial Officer and Auditor.

I hereby certify that this resolution consisting one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah on the 24th day of June, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #243-24
DATE: June 24, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

**RESOLUTION AUTHORIZING THE APPROVAL OF A CONTRACT WITH
RACHLES/MICHELE'S OIL CO. INC., IN EXCESS OF THE BID THRESHOLD,
UTILIZING THE COOPERATIVE PRICING AGREEMENT WITH THE LEAD AGENCY,
THE COUNTY OF BERGEN, FOR THE #CK04 NEW JERSEY COOPERATIVE
PURCHASING ALLIANCE**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Township of Mahwah by Resolution #043-24 dated January 4, 2024, has entered into a Cooperative Pricing Agreement with the Lead Agency, the County of Bergen, for the #CK04 New Jersey Cooperative Purchasing Alliance; and

WHEREAS, The Township of Mahwah, pursuant to N.J.S.A. 40A:11-11(5), may by Resolution and without advertising for bids, purchase any goods or services under the Cooperative Pricing System; and

WHEREAS, the Township of Mahwah Department of Public Works has the need to purchase gasoline and diesel fuel for its vehicles; and

WHEREAS, Rachles/Michele's Oil Co. Inc., is an authorized vendor awarded on the New Jersey Cooperative Purchasing Alliance Contract #CK-04, Subcontract #23-24 entitled Gasoline, Diesel, Fuel Oil; Bergen County Coop; and

WHEREAS, the total cost of gasoline and diesel fuel exceeds the bid threshold; and the Chief Financial Officer has certified that funds are available in the 2024 operating budget.

THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mahwah, hereby authorizes the approval of contracts with Rachles/Michele's Oil Co. Inc., for the purchase of gasoline and diesel fuel, on awarded New Jersey Cooperative Purchasing Alliance Contract #CK04, Subcontract #23-24 in excess of \$44,000 in 2024.

BE IT FURTHER RESOLVED that the Township Clerk shall keep a copy of this Resolution on file and available for inspection in the Office of the Township Clerk and shall forward a copy of this Resolution to the Business Administrator, QPA, CFO, Accounts Payable, Department of Public Works, and Rachles/Michele's Oil Co. Inc., 116 Kuller Road, Clifton, NJ 07011.

C E R T I F I C A T I O N

I hereby certify that this resolution consisting of two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 24th day of June, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

**TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430**

**RESOLUTION #244-24
DATE: June 24, 2024**

Name	Motion	Second	Yes	No	Abstain	Absent
Arlemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

**RESOLUTION AUTHORIZING THE APPROVAL OF CONTRACTS WITH MUNICIPAL
EMERGENCY SERVICES, INC., IN EXCESS OF THE BID THRESHOLD, UTILIZING
AN AWARDED NEW JERSEY STATE CONTRACT**

WHEREAS, The Township of Mahwah, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C 5:34-7.29(c), may by Resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and property in the Department of Treasury; and

WHEREAS, the Township of Mahwah has the need to purchase Turnout Gear and various firefighting equipment and related services for the Fire Department and Emergency Services; and

WHEREAS, Municipal Emergency Services, Inc. is an authorized vendor awarded Contract #17-FLEET-00818 on State of New Jersey Contract #T0790 entitled Firefighter Protective Clothing and Equipment; and

WHEREAS, the cost of the various equipment and Turnout Gear for the year 2024 will exceed the bid threshold; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2024 Township Operating and Capital Budget as adopted by the Township Council.

THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mahwah, hereby authorizes the approval of contracts to Municipal Emergency Services, Inc., for purchases of various firefighting equipment and Turnout Gear on awarded New Jersey State Contract #T0790, the total in which will exceed the bid threshold for the year 2024.

BE IT FURTHER RESOLVED that the Township Clerk shall keep a copy of this Resolution on file and available for inspection in the Office of the Township Clerk and that the Township Clerk shall forward a copy of this Resolution to the Business Administrator, QPA, CFO, Accounts Payable, Fire Department, and Municipal Emergency Services, Inc., PO Box 656, Southbury, CT 06488.

CERTIFICATION

I hereby certify that this resolution consisting of two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 24th day of June, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #245-24
DATE: JUNE 24, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

SHARED SERVICES AGREEMENT WITH THE COUNTY OF BERGEN FOR THE INTERSECTION IMPROVEMENT AND RESIGNALIZATION OF FRANKLIN TPKE AND MILLER ROAD

WHEREAS, The County of Bergen desires to replace the traffic signals at the intersection of Franklin Turnpike and Miller Road; and

WHEREAS, The Township of Mahwah, in an effort to make the intersection safer for pedestrians, has asked the County to add pedestrian signals to the intersection during their signal upgrade project; and

WHEREAS, an agreement is necessary to delineate the responsibilities of the County and the Township of Mahwah for the intersection improvement and resignalization of Franklin Turnpike & Miller Road; and

WHEREAS, The County pass the shared services agreement on May 15, 2024 and require a concurring resolution from the Township of Mahwah prior to executing the agreement.

NOW, THEREFORE, BE IT RESOLVED that the Township of Mahwah be and is hereby authorized to enter into an agreement with the County of Bergen with the following conditions:

RESPONSIBILITIES:

COUNTY OF BERGEN The County of Bergen is solely responsible for the performance and cost of the following:

1. Design the intersection layout including road alignment, lane configuration, traffic signal design, electrical plans, and signing and striping plans, in accordance with all applicable Federal, State and County guidelines. Consideration will be given to municipal input in the design process.

2. Prepare the bid specifications for the intersection improvement project.
3. Review and approve the final construction drawings, advertise for bids, award construction contracts, and make payments to the contractor.
4. Undertake the construction and signalization of the intersection of Franklin Turnpike & Miller Road in accordance with the design plans.
5. Perform construction management and inspection.
6. Upon project completion and acceptance of the intersection improvement project, maintain all traffic signs (other than parking signs) and pavement markings on the County road and Township road approaches within the limits shown on the plan.
7. Upon completion and acceptance of traffic signal, own, operate and maintain the traffic signal system.
8. The County will only install topsoil/grass seed or macadam within disturbed areas of the existing and proposed easements or rights-of-way within the project limits.

TOWNSHIP OF MAHWAH: The Township of Mahwah is solely responsible for the performance and cost of the following:

1. Perform all necessary survey and field work, certified by a licensed surveyor, for
2. Provide the County with individual acquisition maps showing the land to be acquired, together with description of same.
3. Acquire any necessary property, slope rights, temporary and permanent construction easements, as well as any rights of entry, in the name of the municipality, and, if necessary, convey same to the County.
4. Prepare final construction plans based on the field survey and the County's conceptual design plans. Reproduce sets of the construction plans and specifications, as requested by the County, for bidding and for contractor use. Documents shall be of a suitable quality and size as requested by the County.
5. Prepare and submit plans and application fee to Bergen County Soil Conservation District for Soil Erosion and Sediment Control permit as required for the project. Obtain all other permits required to perform the project.
6. Be responsible for restoration, modification, alteration, relocation or removal of any appurtenances located within the easements or rights-of-way, including but not limited to landscaping, planters, walls, fences, signs, building structures, awnings, underground storage tanks, utilities, fire hydrants, monitoring wells, parking lots, etc.
7. If any structure within and/or adjacent to the easement or right-of-way is not currently in compliance with the High Voltage Proximity Act or would not be in compliance with the High Voltage Proximity Act as measured from the existing and/or proposed overhead utility line location, the structures shall be relocated so that they will be in compliance with the High

Voltage Proximity Act (NJSA 34:6-47.1 (b), "High voltage lines; and NJSA 34:6-4.2 Prohibited Activity).

8. If stamped crosswalks are used, the Township is responsible for the difference in cost between textured bituminous concrete surface course (crosswalks) and bituminous concrete surface. The cost of proposed sidewalk (concrete or decorative) in areas that do not currently have sidewalk is the responsibility of the Township.

9. If any type of enhanced sidewalk design is used including scored concrete, brick pavers, etc., the difference in cost between enhanced sidewalk and concrete sidewalk is the responsibility of the Township.

10. If decorative (powder coated or otherwise) traffic signal poles are used, the difference in cost between standard steel traffic signal poles and arms, and decorative steel poles and arms is a municipal responsibility. The municipality is also required to stock replacement decorative poles and arms in the event of an emergency repair.

11. Own and maintain any shade trees placed within the easements or rights-of-way. The County prefers that trees be placed outside of the rights-of-way.

12. Provide uniform police officers, at the Township's sole expense, for the maintenance and protection of traffic in accordance with the following;

a. It is mandatory to have municipal police present when intersecting roadways cannot be fully closed to traffic during the following construction phases: Installation of underground traffic signal conduit in the intersection; installation of underground storm-water drainage systems in the intersection; installation of new overhead traffic signal hardware or removal of existing traffic signal hardware; performing work within 100' of a signalized intersection; pavement milling operations; final paving operations; signal "turn-on".

b. The municipality shall provide police when the Chief of Police deems their presence necessary on any County or Municipal Road or signalized intersection within the municipality, either during construction, or continued maintenance by the County or the County's contractors.

c. The municipality shall provide police when requested by the County Engineering Division.

13. The Americans with Disabilities Act Accessibility Guidelines require all pedestrian facilities within the project scope to be reconstructed in strict compliance with ADA guidelines. The municipality agrees to provide signed and sealed handicap ramp plans to be incorporated into the construction plans, as well as signed and sealed County "Compliant Design Certification" forms. Upon completion of the intersection improvement project, the municipality agrees to provide signed and sealed "as-built" plans for the handicap ramps, and County "Compliant Construction Certification" forms. The municipality also acknowledges and agrees that, per State Statute, ownership and maintenance of the sidewalk, handicap ramps, and curbs are the responsibility of the municipality. The municipality shall hold the County harmless with respect to any action arising out of the design and construction of the municipality's sidewalks, handicap ramps and curbs.

14. Own and maintain any island constructed within the intersection, with the exception of any traffic signal equipment, which will be maintained by the County. Per state statute, the County is only responsible for road maintenance from curb face to curb face.
15. Provide the County with any survey information necessary for the construction layout of the intersection, as well as provide "as-built" construction plans
(including the signing and striping) at project completion.
16. Adopt by ordinance the necessary traffic regulations as determined by the finalized intersection layout and traffic signal plans. The municipality agrees to submit a certified copy of the ordinance, resolution, and/or regulations to the County.
17. Grant permission to the County to install, maintain, and repair any portion of the traffic signal equipment located in or adjacent to the intersection.
18. Maintain all parking regulatory signs on the County and Township road approaches to the intersection. The Township will require the property owner to maintain the one way, stop, turn prohibitions, and do not enter signs on the commercial driveway approaches (the County will maintain the far side turn prohibition signs).
19. Provide continued electrical power for traffic signals and street lights.
20. Conduct a street lighting survey and provide additional lighting facilities, as indicated by the survey.
21. Provide to the County, prior to the construction contract award, the funding necessary for any construction items deemed to be a municipal responsibility, either in accordance with the responsibilities outlined above or as deemed by the County Engineer if items are not addressed herein. The cost estimate of same will be as determined by the Engineer's estimate. Upon knowing final project costs and the actual municipal share of the project, the municipality shall either provide additional funding to the County to cover the actual cost of items that are municipal responsibility, or be reimbursed the difference between actual cost and the estimated cost for municipal items if actual costs were less than estimated costs.
22. The municipality's design engineer shall be available through the bidding process and completion of construction in order to address design related issues that may arise, including but not limited to: design related Requests for Information (RFI's) from potential bidders or the contractor; field conflicts; field modifications; design changes, etc.

I hereby certify that this resolution consisting of four (4) page(s) was adopted at a meeting of the Township Council of the Township of Mahwah on the 24th day of June, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #246-24
DATE: JUNE 24, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

See attached Amendment to the 2024 Capital Budget is attached consisting of two (2) pages.

CERTIFICATION

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 24th day of June, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

WHEREAS, the capital budget for the year 2024 was adopted on the 30th day of April, 2024 and,

WHEREAS, it is desired to amend said capital budget.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Mahwah, County of Bergen that the following amendment to the capital budget for the year 2024 be approved:

RECORDED VOTE						
(Insert last names)	Ayes	(	Nays	(	Abstain	(
		(		(	Absent	(
		(		(		(
		(		(		(
		(		(		(

FROM
CAPITAL BUDGET (Current Year Action)
2024

Planned Funding Services
for Current Year 2024

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Amounts Reserved In Prior Years</u>	<u>2024 Budget Appropriation</u>	<u>Capital Improvement Fund</u>	<u>Capital Surplus</u>	<u>Grants in Aid and Other Funds</u>	<u>Debt Authorized</u>	<u>To Be Funded In Future Years</u>
Total All Projects	\$38,106,293.00	\$0.00	\$0.00	\$840,360.00	\$0.00	\$0.00	\$10,691,933.00	\$26,504,000.00

6 - YEAR CAPITAL PROGRAM 2024 - 2029
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Estimated Completion Time</u>	<u>Funding Amounts Per Year</u>					
			<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
Total All Projects	\$38,106,293.00		\$11,602,293.00	\$5,350,800.00	\$5,350,850.00	\$5,350,850.00	\$5,350,850.00	\$5,350,850.00

6 - YEAR CAPITAL PROGRAM 2024 - 2029
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Budget Appropriation</u>		<u>Grants in Aid and Other Funds</u>	<u>Capital Surplus</u>	<u>Capital Improvement Fund</u>	<u>Bonds and Notes</u>	
		<u>Current Year 2024</u>	<u>Future Years</u>				<u>General</u>	<u>Self Liquidating</u>
Total All Projects - Current Fund	\$38,106,293.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,905,314.65	\$24,682,228.35	\$12,375,000.00

TO
CAPITAL BUDGET (Current Year Action)
2024

Planned Funding Services
for Current Year 2024

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Amounts Reserved In Prior Years</u>	<u>2024 Budget Appropriation</u>	<u>Capital Improvement Fund</u>	<u>Capital Surplus</u>	<u>Grants in Aid and Other Funds</u>	<u>Debt Authorized</u>	<u>To Be Funded In Future Years</u>
Acquisition of Property	\$3,046,802.00				\$0.00	\$1,000,000.00	\$2,046,802.00	
Total All Projects	\$41,153,095.00	\$0.00	\$0.00	\$840,360.00	\$0.00	\$1,000,000.00	\$12,738,735.00	\$26,504,000.00

6 - YEAR CAPITAL PROGRAM 2024 - 2029
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Estimated Completion Time</u>	<u>Funding Amounts Per Year</u>					
			<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
Acquisition of Properties	\$3,046,802.00		\$3,046,802.00					
Total All Projects	\$41,153,095.00		\$14,649,095.00	\$5,350,800.00	\$5,350,850.00	\$5,350,850.00	\$5,350,850.00	\$5,350,850.00

6 - YEAR CAPITAL PROGRAM 2024 - 2029
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Budget Appropriation</u>		<u>Grants in Aid and Other Funds</u>	<u>Capital Surplus</u>	<u>Capital Improvement Fund</u>	<u>Bonds and Notes</u>	
		<u>Current Year 2024</u>	<u>Future Years</u>				<u>General</u>	<u>Self Liquidating</u>
Acquisition of Properties	\$3,046,802.00			\$1,000,000.00	\$0.00			
Total All Projects - Current Fund	\$41,153,095.00	\$0.00	\$0.00	\$1,000,000.00	\$0.00	\$1,905,314.65	\$26,729,030.35	\$12,375,000.00

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the offices of the Division of Local Government Services, Department of Community Affairs, State of New Jersey.

It is hereby certified that this is a true copy of a resolution amending the capital budget approved by the governing body on the 24th day of June, 2024.

Certified by me

Date

Carolyn George, Township Clerk

TRENTON, NEW JERSEY

APPROVED _____, 2024

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #247-24
DATE: June 24, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

**RESOLUTION AUTHORIZING THE APPROVAL OF A CONTRACT WITH SHI
INTERNATIONAL, INC., IN EXCESS OF THE BID THRESHOLD, UTILIZING THE
COOPERATIVE PRICING AGREEMENT WITH THE LEAD AGENCY, THE COUNTY
OF BERGEN, FOR THE #CK04 NEW JERSEY COOPERATIVE PURCHASING
ALLIANCE**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Township of Mahwah by Resolution #043-24 dated January 4, 2024, has entered into a Cooperative Pricing Agreement with the Lead Agency, the County of Bergen, for the #CK04 New Jersey Cooperative Purchasing Alliance; and

WHEREAS, The Township of Mahwah, pursuant to N.J.S.A. 40A:11-11(5), may by Resolution and without advertising for bids, purchase any goods or services under the Cooperative Pricing System; and

WHEREAS, the Township of Mahwah has the need for the annual maintenance contract for the Spatial Data Logic Municipal Management Software System including hosting services, support and Enterprise licensing for the Department of Land Use; and

WHEREAS, SHI International, Inc. is an authorized vendor awarded on the New Jersey Cooperative Purchasing Alliance Contract #CK-04, Subcontract #24-38 entitled Computer Equipment & Peripherals; and

WHEREAS, the cost of the proposal for the annual maintenance contract for the Department of Land Use as proposed by SHI International, Inc. on the Bergen County Co-op will exceed the bid threshold; and

WHEREAS, the Chief Financial Officer has certified that funds are available for the contract in the 2024 Township Operating budget.

THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mahwah, hereby authorizes the approval of a contract to SHI International, Inc., for the purchase of the annual maintenance contract for the Spatial Data Logic Municipal Management Software System for the Department of Land Use, on awarded New Jersey Cooperative Purchasing Alliance Contract #CK04, Subcontract #24-38.

BE IT FURTHER RESOLVED that the Township Clerk shall keep a copy of this Resolution on file and available for inspection in the Office of the Township Clerk and shall forward a copy of this Resolution to the Business Administrator, QPA, CFO, Accounts Payable, Department of Land Use, and SHI International, Inc., 300 Davidson Avenue, Somerset, NJ 08873.

C E R T I F I C A T I O N

I hereby certify that this resolution consisting of two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 24th day of June, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #248-24
DATE: June 24, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

WHEREAS, Cyril Rikh, is requesting permission to post 11 18" x 24" lawn signs in the Township right-of-ways; and

WHEREAS; said signs are to create awareness for TEDx Mahwah event; and

WHEREAS, signs will be posted for the period of June 25, 2024 through August 5, 2024; and

NOW, THEREFORE, BE IT RESOLVED the Township Council of the Township of Mahwah hereby grants permission to Cyril Rikh to post 11 18" x 24" lawn signs in the Township right-of-ways for the period of June 25, 2024 through August 5, 2024. Requestor has provided the Municipal Clerk with a sample of the proposed sign.

CERTIFICATION

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 24th day of June, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

TEDxMAHWAH.com

RSVP TO ATTEND

**Mahwah
Library**

- Complimentary Admission
- Light Refreshments



AUGUST 3

**Presentations
by nationally
recognized
speakers**

Doors open 12:30 | Talks begin 1:30

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #249-24
DATE: June 24, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

WHEREAS, Liz Kloak, Ramapo College, is requesting permission to post 20 18" x 24" lawn signs in the Township right-of-ways; and

WHEREAS; said signs are to create awareness for TD Bank Summer Concert Series event; and

WHEREAS, signs will be posted for the period of June 25, 2024 through August 1, 2024; and

NOW, THEREFORE, BE IT RESOLVED the Township Council of the Township of Mahwah hereby grants permission to Liz Kloak, Ramapo College, to post 20 18" x 24" lawn signs in the Township right-of-ways for the period of June 25, 2024 through August 1, 2024. Requestor has provided the Municipal Clerk with a sample of the proposed sign.

CERTIFICATION

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 24th day of June, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

2024

TD Bank Summer Concert Series

Yards Signs are 18x24

See sketch below

(20 of them)

To be placed on MacArthur Blvd, Route 202, off ramps of Route 17 North and South, in and around the College campus, near Darlington and other parts of Ramapo Valley Road

REC'D MUNICIPAL CLERK
JUN 18 '24 AM 8:38

24"

2024

TD Bank Summer

Concert Series

Thursday Nights

June 27, July 11, July 18, July 25

(TD Bank Logo)

(Ramapo College
Logo)

18"

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #250-24
DATE: JUNE 24, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

BE IT RESOLVED by the Township Council of the Township of Mahwah, Asha Patel of 120 Wilmoth Street, Mahwah, New Jersey 07430 is hereby appointed as a Junior Firefighter of the Mahwah Fire Department Fire Company #1.

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward a copy of this resolution to the Fire Chief and Jr. Firefighter Patel.

CERTIFICATION

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 24th day of June, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #251-24
DATE: JUNE 24, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

BE IT RESOLVED by the Township Council of the Township of Mahwah, Hanxi Patel of 120 Wilmuth Street, Mahwah, New Jersey 07430 is hereby appointed as a Firefighter of the Mahwah Fire Department Fire Company #2.

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward a copy of this resolution to the Fire Chief and Firefighter Patel.

CERTIFICATION

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 24th day of June, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #252-24
DATE: JUNE 24, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
May						
Paz						
Wong						
Ferguson						

WHEREAS, the State of New Jersey, Division of Taxation has provided Tax Clearance Certificates for the following Liquor License Establishments;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, the following Alcoholic Beverage Licenses be granted and issued for the year July 1, 2024 through June 30, 2025. The Licensees having submitted Renewal Application Forms, complete in all respects, are qualified to be licenses according to all Statutory, Regulatory and Local Government ABC Laws and Regulations, and have disclosed, and the Township Council has reviewed the source of all funds used in the purchase of the license and licensed business (New License Issuance and Transfer Situations only) and/or any additional financing obtained in the previous license term for use in the licenses business renewal situations:

PLENARY CONSUMPTION LICENSES

<u>License Number</u>	<u>Licensee and Address</u>	<u>Fee Paid</u>
0233-33-004-007	Nissirios Brothers Corp. DBA: State Line Diner 375 Route 17 N	\$1,890.00
0233-33-005-010	Goal Merchandising LLC DBA: Sangria Tapas & Restaurant 1033 Macarthur Boulevard	\$1,890.00
0233-36-016-008	Mittas of Mahwah LLC DBA: Double Tree by Hilton 180 Route 17 S	\$1,890.00
0233-33-012-007	Mahwah Bar & Grill Inc. DBA: Mahwah Bar & Grill 2 Island Road	\$1,890.00

PLENARY CONSUMPTION LICENSES (Continued)

<u>License Number</u>	<u>Licensee and Address</u>	<u>Fee Paid</u>
0233-33-003-008	El Azteca Mahwah LLC DBA: El Azteca Mahwah LLC 115 Franklin Turnpike	\$1,890.00
	<u>INACTIVE (POCKET) LICENSE</u>	
0233-33-013-009	Bolla Operating NJ Corp	\$1,890.00

I hereby certify that this resolution consisting of two (2) page(s), was adopted at a Meeting of the Township Council of the Township of Mahwah on the 24th day of June, 2024

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson III
Council President