

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING AGENDA
THURSDAY, APRIL 16, 2020**

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

6:15PM

Meeting to be held via Zoom Remote Video/Audio Conference

COUNCIL PRESIDENT'S STATEMENT

SALUTE TO THE FLAG

MOMENT OF SILENCE FOR VETERANS AND THOSE SERVING IN THE MILITARY

ROLL CALL: _____ Ariemma; _____ Ervin; _____ Ferguson; _____ May; _____ Paz;
_____ Wong; _____ Wysocki

CLOSED SESSION

- C1. Affordable Housing Update; Crossroads
- C2. Sick Leave Extension

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

ENGINEERING

- 1a. Bergen County Open Space Trust Fund; 2020 Funding Round; Projects for Consideration; MA-1974; Discussion
- 1b. Bolla Operating NJ Corp; 62 Franklin Turnpike; Block 68, Lots 14 and 14.01; Request for Authorization to Execute Developer's Agreement (Dkt. #587)
- 1c. Verbal Status Report

ADMINISTRATION

- 2a. Professional Service Award; Contract Award Zoning Ordinances; Additional Work; Maser Consulting, PA; Discussion
- 2b. Presentation; Department of Public Works; RSC Architects; Mast Construction; Boswell Engineering and Administration

PUBLIC PORTION

- Each Speaker shall be limited to 3 minutes
- Prior to speaking, each Speaker shall provide their Name and Address
- Mahwah Residents shall speak first
- In this Public Portion, Speakers may speak about items on this Agenda
- 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

REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK

TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF
SUBCOMMITTEES

REPORTS OF MAYOR and BUSINESS ADMINISTRATOR

ORDINANCE – PUBLIC HEARING

#1901 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (COLA Ordinance)

RESOLUTIONS

#172-20 Self-Examination of 2020 Budget
#173-20 Resolution to Read 2020 Municipal Budget By Title Only

PUBLIC HEARING

2020 Municipal Budget

RESOLUTION

#174-20 Amendment #1; 2020 Municipal Budget

RESOLUTION

#175-20 2020 Municipal Budget as Amended

PUBLIC HEARING

2020 Municipal Budget as Amended

PUBLIC PORTION

- Each Speaker shall be limited to 3 minutes
- Prior to speaking, each Speaker shall provide their Name and Address
- Mahwah Residents shall speak first
- In this Public Portion, Speakers may speak about any subject
- This Public Portion shall be a maximum of 30 minutes
- Speakers may only speak once during each Public Portion

ORDINANCES – INTRODUCTIONS

#1905 Bond Ordinance Providing For Various Capital Improvements In And By The Township Of Mahwah, In The County Of Bergen, New Jersey, Appropriating \$4,888,000 Therefor And Authorizing The Issuance Of \$4,645,000 Bonds Or Notes Of The Township To Finance Part Of The Cost Thereof.

ORDINANCES – INTRODUCTIONS (Continued)

- #1906 Bond Ordinance Providing For Various Improvements To The Sewer Utility In And By The Township Of Mahwah, In The County Of Bergen, New Jersey, Appropriating \$1,160,000 Therefor And Authorizing The Issuance Of \$1,160,000 Bonds Or Notes Of The Township To Finance The Cost Thereof.
- #1907 Bond Ordinance Providing For Various Improvements To The Water Utility In And By The Township Of Mahwah, In The County Of Bergen, New Jersey, Appropriating \$892,000 Therefor And Authorizing The Issuance Of \$892,000 Bonds Or Notes Of The Township To Finance The Cost Thereof.

CARRIED FROM APRIL 2, 2020 COMBINED WORK SESSION AND PUBLIC MEETING **ORDINANCES – PUBLIC HEARINGS**

- #1897 An Ordinance of the Township of Mahwah, Amending and Supplementing Chapter XXIV “Zoning” of the Land Development Code to Establish Bulk Standards for the Multi-Family 1 and 2 Housing Districts
- #1900 An Ordinance of the Township of Mahwah, Amending and Supplementing Chapter XXIV “Zoning” of the Land Development Code to Establish a New MUD-2 Mixed-Use Development Zone and To Set Forth The Standards and Criteria Applicable Thereto

ORDINANCE – PUBLIC HEARING

- #1902 An Ordinance Amending and Supplementing Ordinance No. 1839 And Chapter II “Administration” Section 2-16 “Regulations and Membership of Police Department” Subsection 2-16.2 “Personnel Appointment”

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. And discussed separately

- #176-20 Bolla Operating NJ Corp; 62 Franklin Turnpike; Block 68, Lots 14 and 14.01; Execution of Developer’s Agreement (Dkt. #587)

RESOLUTION

- #177-20 Sick Leave Extension for Employee

OLD BUSINESS

1. ~~75th Anniversary of the Township~~
2. ~~Natural Gas Auction; Spring 2019~~
3. Parking Lot – Overflow Parking; Ramapo Reservation
4. ~~Cement by Winters Park~~
5. Bergen County Gun Range
6. ~~Continental Soldiers Park Turf~~
7. Nomination Process; Candidates – Boards and Commissions
8. Security Cameras; Continental Soldiers and Commodore Perry Parks
9. Wildlife Management Forum
10. Commencement of Road Program Earlier Than Planned
11. Repairs to Fire Trucks

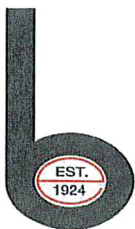
OLD BUSINESS (Continued)

- 12. Garbage Collection
- 13. Norfolk Village
- 14. Outdoor Power Equipment
- 15. 100 Years of Women's Suffrage

NEW BUSINESS

ADJOURNMENT

THIS AGENDA IS SUBJECT TO CHANGE.



1a.

April 7, 2020

Mr. Quentin Wiest
Township Business Administrator
Township of Mahwah
475 Corporate Drive
Mahwah, New Jersey 07430

Re: Bergen County Open Space Trust Fund-2020 Funding Round
Projects for Consideration
Township of Mahwah
Bergen County, New Jersey
Our File No. MA-1974

Dear Mr. Wiest:

The Bergen County Open Space Trust Fund provides matching grants to Bergen County municipalities for the development of outdoor recreation facilities. It is our understanding that municipalities are required to submit a Letter of Intent to the County by May 28, 2020 and submit a formal application by June 29, 2020. The Township has asked that we provide a summary of the projects noted below to aid in the decision process of which project should be considered for this year's application.

Conversion of Skate Park at Continental Soldiers Park

The Township's Skate Park located at the above facility is in need of repairs. The area in question is approximately 120 feet by 100 feet. This area could potentially provide for two (2) full sized tennis courts, four (4) regulation pickleball courts or two (2) basketball courts.

Pros – The Township would take advantage of an area already developed for recreation and revitalize this portion of the Park.

Cons – It would remove the Township's only skate park.

Estimated Project Cost - \$125,000.00 - \$175,000.00

Installation of a Spray-ground

Installation of a water-type park with sprinkler/fountain features at an existing Township Park. The most appropriate location for this type of facility may be at the Township's Swim Club.

Pros – This would fill a use that currently doesn't exist in the Township.

Cons – These types of facilities have high maintenance and labor requirements.

Estimated Project Cost - \$300,000.00 - \$400,000.00 varies based on size and scope of project

Raised Walkway around Lake Henry

This project would consist of a raised boardwalk around Lake Henry.

Pros – Would add to passive recreation features in the vicinity of Centennial Soldiers Park.

Cons – This project would require permitting through the NJDEP. Also, the maintenance costs are high with this type of project. High project cost.

Estimated Project Cost - \$3,000,000.00

Mr. Quentin Wiest
April 7, 2020
Page 2

Commodore Perry Field Fence Replacement Project

This project would include the replacement of old deteriorated fence along the park's perimeter and around the basketball/tennis and hockey courts.

Pros – The Township recently invested over \$750,000.00 to replace the antiquated lighting for the park and installed a scoreboard donated by a local business and a flag pole donated by the Township of Mahwah Youth Sports Boosters. The last remaining work to be completed is to replace the fencing.

Cons – The Township has already dedicated significant funds to the improvement of this park.

Estimated Project Cost - \$200,000.00

Thank you for your kind attention to this matter. Should you have any questions or require any additional information, please do not hesitate to contact me.

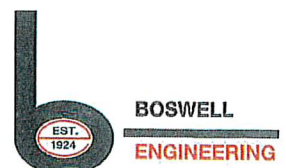
Very truly yours,

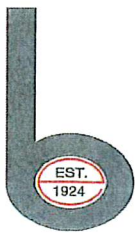
BOSWELL ENGINEERING



Michael J. Kelly, P.E.
Township Engineer Representative

MJK/mk





BOSWELL ENGINEERING

ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS

330 Phillips Avenue • P.O. Box 3152 • South Hackensack, N.J. 07606-1722 • (201) 641-0770 • Fax (201) 641-1831

16,

April 14, 2020

Ms. Kathrine G. Coviello
Township Clerk
Township of Mahwah
Municipal Building
475 Corporate Drive
Mahwah, New Jersey 07430

Re: Bolla Operating NJ Corp
Developer's Agreement
62 Franklin Turnpike
Block 68, Lots 14 and 14.01
Township of Mahwah
Docket No. 587
Our File No. MAES-1743

Dear Ms. Coviello:

Our office has reviewed the Developer's Agreement for the above project and recommend that the Township adopt a Resolution of Approval authorizing the Township to execute this Agreement. We respectfully request that this item be placed on the Agenda for the April 30, 2020 Council Work Session.

Thank you for your kind attention to this matter. Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

BOSWELL ENGINEERING

Michael J. Kelly, P.E.
Township Engineer Representative

MJK/jg

cc: Quentin Wiest, Township Business Administrator
Geri Entrup, Planning Department
Sylvia Gerou, Escrow & Soil Movement Clerk
Peter J. Scandariato, Esq., Board of Adjustment Attorney
Brian T. Campion, Esq.
Bruce E. Whitaker, Esq.
Bolla Operating NJ Corp

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Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

20

400 Valley Road, Suite 304
Mount Arlington, NJ 07856
T: 973.398.3110
F: 973.398.3199
www.maserconsulting.com

March 16, 2020

VIA E-MAIL

Quentin Wiest, Business Administrator
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430

Re: Addendum to Proposal for Professional Planning Services
Zoning Ordinance Update
MC Proposal No. MWT-018

Dear Mr. Wiest:

Maser Consulting P.A. is pleased to present this proposed addendum to the existing contract for planning services to address additional revisions and additions to the Zoning Ordinance of the Township of Mahwah.

The original Scope of Services was intended to update the existing Mahwah Zoning Code to provide greater clarity and detail needed to deal with current land use issues. It included Subcommittee meetings to identify gaps in the existing code as well as areas of concern. A maximum of 140 hours for data collection/review and document preparation was allotted under the original contract including three in-person meetings attended by one (1) licensed professional planner. While slightly changed due to things raised over the course of discussions with the Subcommittee and staff, Maser has just exceeded the 140 hours, two planners met with the Subcommittee, and one planner met with representatives of the Township Council, Geri Entrup, and several residents at the request of the Township.

Maser Consulting has performed a large amount of the general update work; however, additional work is required to complete the effort. Additional tasks have been requested of Maser beyond the original scope which now requires an extension of the fee to complete this project. These include:

- Review of three (3) volumes of documents - 100 pages – submitted by Steven Calijone to Ms. Entrup on behalf of the resident's group pertaining to potential code changes. Not all comments in these documents were relevant to the zoning code. They needed to be read and sorted (zoning code, other municipal code, or irrelevant).
- Create a completely revamped sign ordinance.
- Subcommittee met once with planners in person. Comments were provided in three batches, (Entrup, Kelly and group comments from several subcommittee members that met separately.) Planner needed to consolidate comments before we can address them.



- CED zone was adopted in the 1980's, but not fully codified. Due to nonconformities that exist with the lots under this designation, it appears that it may be best to rezone the properties at this time while the zoning code is being amended.
- Mahwah recently adopted several zoning code changes related to Affordable Housing. There are changes that relate to other parts of the zoning code that need to be reconciled based on these revisions.
- Mahwah recently adopted a zoning code change related to cell towers. There are changes that relate to other parts of the zoning code that need to be reconciled based on this revision.
- New Jersey recently released requirements related to electric vehicle charging stations that municipalities are required to address. Mahwah will need to include this in any update to the Master Plan and Zoning Code.
- Planning Board Attorney and Zoning Administrator have requested that we review the appropriate place to include rules for a concept plan review process.

It is anticipated that at a minimum there will be a maximum of three (3) meetings associated with adopting the revisions to the Zoning Code. A redlined mark up will be provided to the Zoning Administrator and the Township Clerk for codification. A clean copy of the document will also be provided.

FEE

Zoning Ordinance Update - Addendum

COST NOT TO EXCEED **\$10,000.00**

The additional planning services will be billed on an HOURLY basis at cost not to exceed **\$10,000.00**. This project is currently ongoing, and we anticipate a draft Zoning Ordinance update will be ready for final review within 60 days of receipt of authorization to proceed. Dependent on ability of the Zoning Ordinance Subcommittee and board professionals to perform a final review in a timely manner, a final Report will be ready within one (1) month of receipt of all final comments from the Township.

This contract is based upon the prevailing Maser Consulting Rate Schedule authorized by the Township of Mahwah.

ADDITIONAL SERVICES

Meetings and services beyond those noted as included in this proposal and requested by the Township will be performed on an **Hourly Rate** basis in accordance with the prevailing Maser Consulting Rate Schedule authorized by the Township of Mahwah Business Administrator.

CLIENT AUTHORIZATION

If you find this proposal acceptable, please sign below and forward a copy of this proposal to this office. This will constitute approval of said work.



We thank the Township for the continued opportunity to offer our services on this needed project. If you have any questions or require clarifications regarding the scope of work, please do not hesitate to contact me.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in blue ink, appearing to read 'D. Alaimo Lawlor'.

Deborah Alaimo Lawlor, FAICP, P.P.
Discipline Leader, Planning Services
Principal Associate

DAL/dlp

cc: Hon. John Roth, Mayor (jroth@mahwahtwp.org)
Jerry Crean, Planning Board Chairman (jcrean@mahwahtwp.org)
Leonardo E. Ponzio, PLS, Maser Consulting (lponzio@maserconsulting.com)

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I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.

Signature

Date

Printed Name

Title

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1901**

**CALENDAR YEAR 2020
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Township of Mahwah in the County of Bergen finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a one (1) % increase in the budget for said year, amounting to \$304,459.34 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Township of Mahwah, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Township of Mahwah shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by one (1)%, amounting to \$304,459.34 and that the CY 2020 municipal budget for the Township of Mahwah be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Notice is hereby given that a hearing on this ordinance will be held on April 16, 2020 at 7:00 p.m. at the Municipal Building.

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #172-20

Date: April 16, 2020

| Name | Motion | Second | Yes | No | Abstain | Absent |
|----------|--------|--------|-----|----|---------|--------|
| Ariemma | | | | | | |
| Ervin | | | | | | |
| Ferguson | | | | | | |
| Paz | | | | | | |
| Wong | | | | | | |
| Wysocki | | | | | | |
| May | | | | | | |

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Mahwah has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2020 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Mahwah that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the Township.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

I hereby certify that this resolution consisting of two pages was adopted at a meeting of the Township Council of the Township of Mahwah on the 16th day of April 2020.

Kathrine G. Coviello RMC/CMC/MMC
Municipal Clerk

David May
Council President


Township of Mahwah
BERGEN COUNTY, NEW JERSEY

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: March 20, 2020

By: 
Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e))

RESOLUTION
TOWNSHIP OF MAHWAH Resolution #173-20
P.O. BOX 733
MAHWAH, NJ 07430 Date: April 16, 2020

| Name | Motion | Second | Yes | No | Abstain | Absent |
|----------|--------|--------|-----|----|---------|--------|
| Ariemma | | | | | | |
| Ervin | | | | | | |
| Ferguson | | | | | | |
| Paz | | | | | | |
| Wong | | | | | | |
| Wysocki | | | | | | |
| May | | | | | | |

WHEREAS, N.J.S.A. 40A:4-8(2) requires the Governing Body to pass a resolution by not less than the majority of the full membership which shall declare that the Budget shall be read by its title and declare that the conditions set forth in N.J.S.A. 40A-8(1) have been met;

NOW THEREFORE, BE IT RESOLVED that the Municipal Clerk shall read the Budget by title only and that the Municipal Clerk has certified that copies of the Budget have been made available to the public at least one week prior to the date of the hearing and the Budget has been posted in a public place where public notices are customarily posted.

I hereby certify that this resolution consisting of one page was adopted at a meeting of the Township Council of the Township of Mahwah on April 16, 2020.

Kathrine G. Coviello RMC/CMC/MMC
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #174-20

Date: April 16, 2020

| Name | Motion | Second | Yes | No | Abstain | Absent |
|----------|--------|--------|-----|----|---------|--------|
| Ariemma | | | | | | |
| Ervin | | | | | | |
| Ferguson | | | | | | |
| Paz | | | | | | |
| Wong | | | | | | |
| Wysocki | | | | | | |
| May | | | | | | |

AMENDMENT TO 2020 APPROVED BUDGET

WHEREAS, the local municipal budget for the year 2020 was approved on the 16th day of April; and

WHEREAS, the public hearing on said municipal budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW THEREFORE, BE IT RESOLVED; by the governing body of the Township of Mahwah, County of Bergen that the following amendment to the approved budget of 2020 be made:

| | <u>FROM</u> | <u>TO</u> |
|--|-----------------|-----------------|
| CURRENT FUND - ANTICIPATED REVENUES | | |
| GENERAL REVENUES | | |
| 3. Miscellaneous Revenues - Section B: State Aid Without Offsetting Appropriations | | |
| Garden State Trust Fund | \$3,844.00 | \$5,930.00 |
| 4. Receipts from Delinquent Taxes | \$381,000.00 | \$378,194.00 |
| 5. Subtotal General Revenues (items 1,2,3 and 4) | \$14,881,195.11 | \$14,881,195.11 |
| 7. Total General Revenues | \$42,694,553.02 | \$42,694,553.02 |

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS

(A) Operations within "CAPS"

 DPW Streets and Roads And Maintenance:

| | | |
|------------------|--------------|--------------|
| Salaries & Wages | \$877,825.00 | \$852,825.00 |
| Other Expenses | \$710,190.00 | \$635,190.00 |

| | | |
|---|-----------------|-----------------|
| Total Operations {item 8(A)} within "CAPS" | \$28,056,644.00 | \$27,956,644.00 |
| Total Operations Including Contingent – within "CAPS" | \$28,061,644.00 | \$27,961,644.00 |
| Detail: | | |
| Salaries & Wages | \$14,413,295.00 | \$14,388,295.00 |
| Other Expenses (Including Contingent) | \$13,648,349.00 | \$13,573,349.00 |
| (H-1) Total General Appropriations for Municipal Purposes within "CAPS" | \$31,319,582.79 | \$31,219,582.79 |
| (A) Operations - Excluded from "CAPS" | | |
| Declared State of Emergency: Coronavirus | | |
| Response: N.J.S.A. 40A:4-45.45(b) and 40A:4-45.45(bb) | \$0.00 | \$100,000.00 |
| Total Other Operations - Excluded from "CAPS" | \$2,622,161.66 | \$2,722,161.66 |
| Total Operations - Excluded from "CAPS" | \$2,918,660.02 | \$3,018,660.02 |
| Detail: | | |
| Salaries & Wages | \$30,710.00 | \$30,710.00 |
| Other Expenses (Including Contingent) | \$2,887,950.02 | \$2,987,950.02 |
| (O) Total General Appropriations - Excluded from "CAPS" | \$8,348,194.14 | \$8,448,194.14 |
| (L) Subtotal General Appropriations {items (H-1) and (O)} | \$39,667,776.93 | \$39,667,776.93 |
| 9. Total General Appropriations | \$42,694,553.02 | \$42,694,553.02 |

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the offices of the Director of the Division of Local Government Services for their certification of the 2020 local municipal budget so amended.

I hereby certify that this resolution consisting of two pages was adopted at a meeting of the Township Council of the Township of Mahwah on the 16th day of April 2020.

Kathrine G. Coviello RMC/CMC/MMC
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #175-20

Date: April 16, 2020

| Name | Motion | Second | Yes | No | Abstain | Absent |
|----------|--------|--------|-----|----|---------|--------|
| Ariemma | | | | | | |
| Ervin | | | | | | |
| Ferguson | | | | | | |
| Paz | | | | | | |
| Wong | | | | | | |
| Wysocki | | | | | | |
| May | | | | | | |

NOTICE
2020 MUNICIPAL BUDGET
OF THE TOWNSHIP OF MAHWAH
COUNTY OF BERGEN
FOR THE CALENDAR YEAR 2020

REVENUE AND APPROPRIATION SUMMARY

SUMMARY OF REVENUES

| | <u>ANTICIPATED</u> | |
|---|---------------------------|------------------------|
| | <u>2020</u> | <u>2019</u> |
| 1. Surplus | \$5,100,000.00 | \$5,100,000.00 |
| 2. Total Miscellaneous Revenues | 9,402,281.11 | 9,704,882.78 |
| 3. Receipts from Delinquent Taxes | 378,914.00 | 462,000.00 |
| 4. a) Local Tax for Municipal Purposes | 25,433,996.25 | 24,471,106.39 |
| b) Additions to Local District School Tax | 0.00 | 0.00 |
| c) Minimum Library Tax | 2,379,361.66 | 2,014,970.96 |
| Total Amount to be Raised by Taxes for Support of Municipal Budget | 27,813,357.91 | 26,486,077.35 |
| Total General Revenues | <u>\$42,694,553.02</u> | <u>\$41,752,960.13</u> |

SUMMARY OF APPROPRIATIONS

| | <u>2020 BUDGET</u> | <u>2019 BUDGET</u> |
|---|---------------------------|---------------------------|
| 1. Operating Expenses: Salaries and Wages | \$14,419,005.00 | \$14,583,000.00 |
| Other Expenses | 16,561,299.02 | 15,367,166.99 |
| 2. Deferred Charges & Other Appropriations | 3,313,922.91 | 3,422,274.34 |
| 3. Capital Improvements | 465,000.00 | 430,850.00 |
| 4. Debt Service (Include for School Purposes) | 4,908,550.00 | 5,004,255.00 |
| 5. Reserve for Uncollected Taxes | 3,026,776.09 | 2,945,413.80 |
| Total General Appropriations | <u>\$42,694,553.02</u> | <u>\$41,752,960.13</u> |

2020 DEDICATED WATER UTILITY BUDGET

SUMMARY OF REVENUES

| | <u>ANTICIPATED</u> | |
|-----------------------------|-----------------------|-----------------------|
| | <u>2020</u> | <u>2019</u> |
| 1. Surplus | \$2,642,310.00 | \$2,642,310.00 |
| 2. Miscellaneous Revenues | 3,698,048.00 | 3,350,000.00 |
| 3. Deficit (General Budget) | 0.00 | 0.00 |
| Total Revenues | <u>\$6,340,358.00</u> | <u>\$5,992,310.00</u> |

SUMMARY OF APPROPRIATIONS

| | <u>2020 BUDGET</u> | <u>2019 BUDGET</u> |
|---|-----------------------|-----------------------|
| 1. Operating Expenses: Salaries and Wages | \$1,187,025.00 | \$1,017,500.00 |
| Other Expenses | 3,810,148.00 | 3,769,550.00 |
| 2. Capital Improvements | 116,000.00 | 116,000.00 |
| 3. Debt Service | 992,500.00 | 890,000.00 |
| 4. Deferred Charges & Other Appropriations | 234,685.00 | 199,260.00 |
| 5. Surplus (General Budget) | 0.00 | 0.00 |
| Total Appropriations | <u>\$6,340,358.00</u> | <u>\$5,992,310.00</u> |
| Total Number of Employees / Positions (Permanent) | 12 | 12 |

2020 DEDICATED SEWER UTILITY BUDGET

SUMMARY OF REVENUES

| | <u>ANTICIPATED</u> | |
|-----------------------------|-----------------------|-----------------------|
| | <u>2020</u> | <u>2019</u> |
| 1. Surplus | \$2,055,810.00 | \$2,055,810.00 |
| 2. Miscellaneous Revenues | 4,746,169.00 | 4,445,000.00 |
| 3. Deficit (General Budget) | 0.00 | 0.00 |
| Total Revenues | <u>\$6,801,979.00</u> | <u>\$6,500,810.00</u> |

SUMMARY OF APPROPRIATIONS

| | <u>2020 BUDGET</u> | <u>2019 BUDGET</u> |
|---|-----------------------|-----------------------|
| 1. Operating Expenses: Salaries and Wages | \$793,450.00 | \$629,300.00 |
| Other Expenses | 4,621,784.00 | 4,512,600.00 |
| 2. Capital Improvements | 628,000.00 | 628,000.00 |
| 3. Debt Service | 16,450.00 | 0.00 |
| 4. Deferred Charges & Other Appropriations | 142,295.00 | 130,910.00 |
| 5. Surplus (General Budget) | 600,000.00 | 600,000.00 |
| Total Appropriations | <u>\$6,801,979.00</u> | <u>\$6,500,810.00</u> |
| Total Number of Employees / Positions (Permanent) | 7 | 7 |

2020 OPEN SPACE TRUST FUND

SUMMARY OF REVENUES

| | <u>ANTICIPATED</u> | |
|---------------------------------|---------------------|---------------------|
| | <u>2020</u> | <u>2019</u> |
| 1. Amount to be Raised by Taxes | \$578,161.07 | \$577,835.91 |
| 2. Reserve Funds | 0.00 | 0.00 |
| Total Revenues | <u>\$578,161.07</u> | <u>\$577,835.91</u> |

SUMMARY OF APPROPRIATIONS

| | <u>2020 BUDGET</u> | <u>2019 BUDGET</u> |
|---------------------------|---------------------|---------------------|
| 1. Reserve for Future Use | \$578,161.07 | \$577,835.91 |
| Total Appropriations | <u>\$578,161.07</u> | <u>\$577,835.91</u> |

BALANCE OF OUTSTANDING PERMANENT DEBT

| | <u>General</u> | <u>Water Utility</u> | <u>Sewer Utility</u> | <u>Sewer Assessment</u> |
|---------------------|-----------------------|--------------------------|--------------------------|-----------------------------|
| Interest | \$580,200.00 | \$0.00 | \$0.00 | \$0.00 |
| Principal | 6,380,000.00 | 0.00 | 0.00 | 0.00 |
| | <u>\$6,960,200.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$0.00</u> |
| Outstanding Balance | <u>\$6,960,200.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$0.00</u> |

Notice is hereby given that the budget and tax resolution was approved by the Council of the Township of Mahwah, County of Bergen, on March 19, 2020.

A hearing on the budget and tax resolution will be held at Town Hall on April 16, 2020 at 7:00 o'clock P.M. at which time and place objections to said budget and tax resolution for the year 2020 may be presented by taxpayers or other interested persons.

Copies of the budget are available in the office of Kathrine G. Coviello, Township Clerk, at the Municipal Building, 475 Corporate Drive, Mahwah, New Jersey, 201-529-5757 x230 during the hours of 8:00 A.M. to 4:00 P.M.

I hereby certify that this resolution consisting of three pages was adopted at a meeting of the Township Council of the Township of Mahwah on the 16th day of April 2020.

Kathrine G. Coviello RMC/CMC/MMC
Municipal Clerk

David May
Council President

SUMMARY OF APPROPRIATIONS

| | | |
|---|--------|------------------|
| 5. GENERAL APPROPRIATIONS: | XXXXXX | XXXXXXXXXXXXXX |
| <u>Within "CAPS"</u> | XXXXXX | XXXXXXXXXXXXXX |
| (a & b) Operations Including Contingent | 34-201 | \$ 27,961,644.00 |
| (e) Deferred Charges and Statutory Expenditures - Municipal | 34-209 | \$ 3,257,938.79 |
| (g) Cash Deficit | 46-885 | \$ - |
| <u>Excluded from "CAPS"</u> | XXXXXX | XXXXXXXXXXXXXX |
| (a) Operations - Total Operations Excluded from "CAPS" | 34-305 | \$ 3,018,660.02 |
| (c) Capital Improvements | 44-999 | \$ 465,000.00 |
| (d) Municipal Debt Service | 45-999 | \$ 4,908,550.00 |
| (e) Deferred Charges - Municipal | 46-999 | \$ 55,984.12 |
| (f) Judgments | 37-480 | \$ - |
| (n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3) | 29-405 | \$ - |
| (g) Cash Deficit | 46-885 | \$ - |
| (k) For Local District School Purposes | 29-410 | \$ - |
| (m) Reserve for Uncollected Taxes | 50-899 | \$ 3,026,776.09 |
| 6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13) | 07-195 | |
| Total Appropriations | 34-499 | \$ 42,694,553.02 |

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 16th day of April, 2020. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2020 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 16th day of April, 2020, _____, Clerk
Signature

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1905**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS IN AND BY THE TOWNSHIP OF
MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY,
APPROPRIATING \$4,888,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$4,645,000 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Mahwah, in the County of Bergen, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$4,888,000, and further including the aggregate sum of \$243,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby

authorized to be issued in the principal amount of \$4,645,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| Purpose | Appropriation & Estimated Cost | Estimated Maximum Amount of Bonds & Notes | Period of Usefulness |
|---|--------------------------------|---|----------------------|
| a) <u>Streets and Roads Department</u> | | | |
| 1) The acquisition of equipment, including, but not limited to, a stump grinder, a dump/hook lift and a loader and further including all related costs and expenditures incidental thereto. | \$516,000 | \$490,000 | 15 years |
| 2) The 2020 Road Program, all as set forth on a list on file in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto. | \$1,938,000 | \$1,845,000 | 10 years |
| 3) Drainage improvements, including, but not limited to, Hillside Avenue drainage and further including all work and materials | \$710,000 | \$676,000 | 10 years |

[illegible]

| | | | |
|---|-----------|-----------|----------|
| | | | |
| <p>d) <u>Emergency Services - Building and Grounds Department</u> Various improvements, including, but not limited to, improvements to the door at Fire Company #5 and further including all related costs and expenditures incidental thereto.</p> | \$82,000 | \$78,000 | 10 years |
| <p>e) <u>Recycling Department</u> The acquisition of equipment, including but not limited to, a tubgrinder and a cardboard compactor/container for recycling yard and further including all related costs and expenditures incidental thereto.</p> | \$759,000 | \$721,000 | 15 years |
| <p>f) <u>Fire Department</u> The acquisition of equipment, including, but not limited to, turnout gear, equipment for fire engines and a washer and dryer and further including all related costs and expenditures incidental thereto.</p> | \$123,000 | \$115,000 | 5 years |
| <p>2) The acquisition of vehicles, including, but not limited to an all-terrain vehicle with trailer and further including all related costs and expenditures incidental thereto.</p> | \$41,000 | \$39,000 | 5 years |

| | | | |
|--|---------------------------|---------------------------|----------|
| | | | |
| g) <u>Pool Department</u> Preliminary planning, design and related expenses in connection with the pool grounds drainage project, including all related costs and expenditures incidental thereto. | \$152,000 | \$144,000 | 15 years |
| h) <u>Sanitation Department</u> The acquisition of vehicles, including, but not limited to, a packer truck and further including all related costs and expenditures incidental thereto. | <u>\$253,000</u> | <u>\$240,000</u> | 5 years |
| Total | <u>\$4,888,000</u> | <u>\$4,645,000</u> | |

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

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 real 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.

Re: TOWNSHIP OF MAHWAH
\$4,888,000/\$4,645,000 BOND ORDINANCE
VARIOUS CAPITAL IMPROVEMENTS

- | | |
|-----------|--|
| <u>31</u> | Certified copy of the Supplemental Debt Statement prepared as of the date of introduction of the bond ordinance, together with the electronic confirmation of filing provided by the Division of Local Government Services and evidence of filing in the Clerk's Office. |
| <u>32</u> | Down Payment Certificate. |
| <u>33</u> | Certified copy of the minutes of the meeting of the Township Council held on __/__/__ showing introduction of the bond ordinance. |
| <u>34</u> | Affidavit of Publication in local newspaper following introduction of the bond ordinance. |
| <u>35</u> | Certified copy of the minutes of the meeting of the Township Council held on __/__/__ showing public hearing and final adoption of the bond ordinance. |
| <u>36</u> | Affidavit of Publication in local newspaper following final adoption of the bond ordinance. |
| <u>37</u> | Clerk's Certificate executed no sooner than 21 days following final publication of the bond ordinance. |

BELOW FOR McMANIMON, SCOTLAND & BAUMANN, LLC USE ONLY

Posted: __/__/__ Useful Life: 11.12 years Reviewed By: _____

Section 20 Costs: \$250,000 Mayor's Approval: ___/___/___

Amends/Amended By: Ord. # _____ F/A: ____ / ____ / ____

Amendment: _____

Supplements/Supplemented By: Ord. # _____ F/A: ____/____/____

Original Appropriation/Authorization: \$ _____ /\$ _____

Authorization for CFO to Sell Notes: X Yes No

Resolution Authorizing CFO to Sell Notes: F/A / /

Grant Moneys Expected: N/A

[illegible]

DEBT STATEMENT CERTIFICATE

I, Kathrine Coviello, Clerk of the Township of Mahwah, in the County of Bergen, New Jersey (herein called the "Township"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Township that was prepared as of _____, 2020 by Joseph Kovalcik, who was then chief financial officer of the Township and filed in my office on _____, 2020, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of Local Government Services of the State of New Jersey on _____, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Township this _____ day of _____, 2020.

Kathrine Coviello, Clerk

(SEAL)

CERTIFICATE OF DOWN PAYMENT

I, Joseph Kovalcik, Chief Financial Officer of the Township of Mahwah, in the County of Bergen, New Jersey (the "Township") HEREBY CERTIFY that prior to the final adoption on _____, 2020 of a bond ordinance entitled:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$4,888,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,645,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF,

there was available as a down payment for the purposes authorized by the bond ordinance the sum of \$243,000, which amount was appropriated as a down payment by the bond ordinance and was made available from the following sources (strike out inapplicable language):

- a. by provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes;
- b. from moneys then actually held by the Township and previously contributed for such purpose other than by the Township; or
- c. by emergency appropriation.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2020.

Joseph Kovalcik, Chief Financial Officer

EXTRACT from the minutes of a _____ meeting of the Township Council of the Township of Mahwah, in the County of Bergen, New Jersey held at the _____ in the Township on _____, 2020 at _____ o'clock _____.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Kathrine Coviello, Clerk of the Township of Mahwah, in the County of Bergen, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on _____, 2020 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2020.

Kathrine Coviello, Clerk

(SEAL)

EXTRACT from the minutes of a _____ meeting of the Township Council of the Township of Mahwah, in the County of Bergen, New Jersey held at the _____ in the Township on _____, 2020 at _____ o'clock _____.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Kathrine Coviello, Clerk of the Township of Mahwah, in the County of Bergen, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on _____, 2020 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2020.

Kathrine Coviello, Clerk

(SEAL)

CLERK'S CERTIFICATE

I, Kathrine Coviello, Clerk of the Township of Mahwah, in the County of Bergen, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Clerk of the Township of Mahwah, in the County of Bergen, State of New Jersey (herein called the "Township"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all ordinances and resolutions of the Township. The representations made herein are based upon the records of the Township.

2. Attached hereto is a true and complete copy of a bond ordinance passed by the governing body of the Township on _____, 2020 and finally adopted by the governing body on _____, 2020 and, where necessary, approved by the Mayor on _____, 2020.

3. On _____, 2020, a copy of the bond ordinance and a notice that copies of the bond ordinance would be made available to the members of the general public of the Township who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body, was posted in the principal municipal building of the Township at the place where public notices are customarily posted. Copies of the bond ordinance were made available to all who requested them.

4. Upon passage on first reading, the bond ordinance, or a summary thereof, was duly published on _____, 2020.

5. A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services.

6. After final passage, the bond ordinance, a copy of which is attached hereto, was duly published on _____, 2020. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body or to me or filed in my office within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2020.

Kathrine Coviello, Clerk

[SEAL]

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Mahwah, in the County of Bergen, State of New Jersey, on _____, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the _____, in the Township on _____, 2020 at _____ o'clock ____m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$4,888,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,645,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Purposes:

| <u>Purpose</u> | <u>Appropriation & Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds & Notes</u> | <u>Period of Usefulness</u> |
|---|---|--|-----------------------------|
| a) <u>Streets and Roads Department</u> | | | |
| 1) The acquisition of equipment, including, but not limited to, a stump grinder, a dump/hook lift and a loader and further including all related costs and expenditures incidental thereto. | \$516,000 | \$490,000 | 15 years |
| 2) The 2020 Road Program, all as set forth on a list on file in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto. | \$1,938,000 | \$1,845,000 | 10 years |
| 3) Drainage improvements, including, but not limited to, Hillside Avenue drainage and further including all work and materials necessary therefor and incidental thereto. | \$710,000 | \$676,000 | 10 years |

| | | | |
|---|-----------|----------|----------|
| <p>b) <u>Parks and Playgrounds Department</u> Improvements to Winter's Park, including all work and materials necessary therefor and incidental thereto.</p> | \$102,000 | \$97,000 | 15 years |
| <p>c) <u>Buildings and Grounds Department</u> 1) Various improvements, including, but not limited to, improvements to the jail cells, and further including all work and materials necessary therefor and incidental thereto.</p> <p>2) Town Hall improvements, including, but not limited to, improvements to the heating, ventilation and air conditioning system, alarm system and security system and repairs to the caboose and further including all work and materials necessary therefor and incidental thereto.</p> <p>3) The acquisition and installation of file and storage cabinets, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.</p> | \$85,000 | \$80,000 | 10 years |
| <p>d) <u>Emergency Services - Building and Grounds Department</u> Various improvements, including, but not limited to, improvements to the door at Fire Company #5 and further including all related costs and expenditures incidental thereto.</p> | \$82,000 | \$78,000 | 10 years |

| | | | |
|--|--------------------|--------------------|----------|
| <p>e) <u>Recycling Department</u> The acquisition of equipment, including but not limited to, a tubgrinder and a cardboard compactor/container for recycling yard and further including all related costs and expenditures incidental thereto.</p> | \$759,000 | \$721,000 | 15 years |
| <p>f) <u>Fire Department</u> The acquisition of equipment, including, but not limited to, turnout gear, equipment for fire engines and a washer and dryer and further including all related costs and expenditures incidental thereto.</p> <p>2) The acquisition of vehicles, including, but not limited to an all-terrain vehicle with trailer and further including all related costs and expenditures incidental thereto.</p> | \$123,000 | \$115,000 | 5 years |
| <p>g) <u>Pool Department</u> Preliminary planning, design and related expenses in connection with the pool grounds drainage project, including all related costs and expenditures incidental thereto.</p> | \$152,000 | \$144,000 | 15 years |
| <p>h) <u>Sanitation Department</u> The acquisition of vehicles, including, but not limited to, a packer truck and further including all related costs and expenditures incidental thereto.</p> | <u>\$253,000</u> | <u>\$240,000</u> | 5 years |
| Total | <u>\$4,888,000</u> | <u>\$4,645,000</u> | |

Appropriation: \$4,888,000

Bonds/Notes Authorized: \$4,645,000

Grant Appropriated: N/A

Section 20 Costs: \$250,000

Useful Life: 11.12 years

Kathrine Coviello, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Mahwah, in the County of Bergen, State of New Jersey on _____, 2020 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$4,888,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,645,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Purposes:

| Purpose | Appropriation & Estimated Cost | Estimated Maximum Amount of Bonds & Notes | Period of Usefulness |
|---|--------------------------------|---|----------------------|
| a) <u>Streets and Roads Department</u> | | | |
| 1) The acquisition of equipment, including, but not limited to, a stump grinder, a dump/hook lift and a loader and further including all related costs and expenditures incidental thereto. | \$516,000 | \$490,000 | 15 years |
| 2) The 2020 Road Program, all as set forth on a list on file in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto. | \$1,938,000 | \$1,845,000 | 10 years |
| 3) Drainage improvements, including, but not limited to, Hillside Avenue drainage and further including all work and materials necessary therefor and incidental thereto. | \$710,000 | \$676,000 | 10 years |

| | | | |
|---|--|--|--|
| <p>b) <u>Parks and Playgrounds Department</u> Improvements to Winter's Park, including all work and materials necessary therefor and incidental thereto.</p> | \$102,000 | \$97,000 | 15 years |
| <p>c) <u>Buildings and Grounds Department</u> 1) Various improvements, including, but not limited to, improvements to the jail cells, and further including all work and materials necessary therefor and incidental thereto.</p> <p>2) Town Hall improvements, including, but not limited to, improvements to the heating, ventilation and air conditioning system, alarm system and security system and repairs to the caboose and further including all work and materials necessary therefor and incidental thereto.</p> <p>3) The acquisition and installation of file and storage cabinets, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.</p> | <p>\$85,000</p> <p>\$110,000</p> <p>\$17,000</p> | <p>\$80,000</p> <p>\$104,000</p> <p>\$16,000</p> | <p>10 years</p> <p>10 years</p> <p>5 years</p> |
| <p>d) <u>Emergency Services - Building and Grounds Department</u> Various improvements, including, but not limited to, improvements to the door at Fire Company #5 and further including all related costs and expenditures incidental thereto.</p> | \$82,000 | \$78,000 | 10 years |

| | | | |
|--|--------------------|--------------------|----------|
| <p>e) <u>Recycling Department</u> The acquisition of equipment, including but not limited to, a tubgrinder and a cardboard compactor/container for recycling yard and further including all related costs and expenditures incidental thereto.</p> | \$759,000 | \$721,000 | 15 years |
| <p>f) <u>Fire Department</u> The acquisition of equipment, including, but not limited to, turnout gear, equipment for fire engines and a washer and dryer and further including all related costs and expenditures incidental thereto.</p> <p>2) The acquisition of vehicles, including, but not limited to an all-terrain vehicle with trailer and further including all related costs and expenditures incidental thereto.</p> | \$123,000 | \$115,000 | 5 years |
| <p>2) The acquisition of vehicles, including, but not limited to an all-terrain vehicle with trailer and further including all related costs and expenditures incidental thereto.</p> | \$41,000 | \$39,000 | 5 years |
| <p>g) <u>Pool Department</u> Preliminary planning, design and related expenses in connection with the pool grounds drainage project, including all related costs and expenditures incidental thereto.</p> | \$152,000 | \$144,000 | 15 years |
| <p>h) <u>Sanitation Department</u> The acquisition of vehicles, including, but not limited to, a packer truck and further including all related costs and expenditures incidental thereto.</p> | <u>\$253,000</u> | <u>\$240,000</u> | 5 years |
| Total | <u>\$4,888,000</u> | <u>\$4,645,000</u> | |

Appropriation: \$4,888,000

Bonds/Notes Authorized: \$4,645,000

Grant Appropriated: N/A

Section 20 Costs: \$250,000

Useful Life: 11.12 years

Kathrine Coviello, Clerk

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1906**

BOND ORDINANCE PROVIDING FOR VARIOUS
IMPROVEMENTS TO THE SEWER UTILITY IN AND BY
THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF
BERGEN, NEW JERSEY, APPROPRIATING \$1,160,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$1,160,000 BONDS OR NOTES OF THE TOWNSHIP TO
FINANCE 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 several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Mahwah, in the County of Bergen, New Jersey (the "Township"). For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,160,000. No down payment is required as the purposes authorized herein are deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the several improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,160,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| <u>Purpose</u> | <u>Appropriation & Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds & Notes</u> | <u>Period of Usefulness</u> |
|---|---|--|-----------------------------|
| a) The sewer utility's 50% share of the acquisition of a sewer jetting/hydro excavating truck, including all related costs and expenditures incidental thereto. | \$270,000 | \$270,000 | 5 years |
| b) Repairs of settled sewer laterals at various locations, including all work and materials necessary therefor and incidental thereto. | \$90,000 | \$90,000 | 40 years |
| c) Various repairs, including, but not limited to, repairs of safety support/fall protection grates in wet wells at various locations and further including all work and materials necessary therefor and incidental thereto. | \$500,000 | \$500,000 | 15 years |
| d) Repairs to pumping stations, including, but not limited to, the Hearthstone/Janice Court Pumping Station and further including all work and | \$300,000 | \$300,000 | 15 years |

| | | | | | |
|-----------------------------------|--------------------------------|--------------------|--|--------------------|--|
| materials therefor thereto. | necessary and incidental | | | | |
| Total: | | <u>\$1,160,000</u> | | <u>\$1,160,000</u> | |

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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Township may lawfully undertake as self-liquidating purposes of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 14.61 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 \$1,160,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 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 purposes or improvements.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Township pursuant to N.J.S.A. 40A:2-44(c).

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 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 purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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 real 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.

Re: TOWNSHIP OF MAHWAH
\$1,160,000/\$1,160,000 BOND ORDINANCE
VARIOUS IMPROVEMENTS TO THE SEWER UTILITY

- | | |
|-----------|--|
| <u>21</u> | Certified copy of the Supplemental Debt Statement prepared as of the date of introduction of the bond ordinance, together with the electronic confirmation of filing provided by the Division of Local Government Services and evidence of filing in the Clerk's Office. |
| <u>22</u> | Certified copy of the minutes of the meeting of the Township Council held on ___/___/___ showing introduction of the bond ordinance. |
| <u>23</u> | Affidavit of Publication in local newspaper following introduction of the bond ordinance. |
| <u>24</u> | Certified copy of the minutes of the meeting of the Township Council held on ___/___/___ showing public hearing and final adoption of the bond ordinance. |
| <u>25</u> | Affidavit of Publication in local newspaper following final adoption of the bond ordinance. |
| <u>26</u> | Clerk's Certificate executed no sooner than 21 days following final publication of the bond ordinance. |

BELOW FOR McMANIMON, SCOTLAND & BAUMANN, LLC USE ONLY

Posted: __/__/__ Useful Life: 14.61 years Reviewed By: _____

Section 20 Costs: \$200,000 Mayor's Approval: ___ / ___ /

Amends/Amended By: Ord. # F/A: / /

Amendment: _____

Supplements/Supplemented By: Ord. # _____ F/A: ____ / ____ / ____

Original Appropriation/Authorization: \$ _____ / \$ _____

Authorization for CFO to Sell Notes: X Yes No

Resolution Authorizing CFO to Sell Notes: F/A / /

Grant Moneys Expected: N/A

[illegible]

DEBT STATEMENT CERTIFICATE

I, Kathrine Coviello, Clerk of the Township of Mahwah, in the County of Bergen, New Jersey (herein called the "Township"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Township that was prepared as of _____, 2020 by Joseph Kovalcki, who was then chief financial officer of the Township and filed in my office on _____, 2020, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of Local Government Services of the State of New Jersey on _____, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Township this _____ day of _____, 2020.

Kathrine Coviello, Clerk

(SEAL)

EXTRACT from the minutes of a _____ meeting of the Township
Council of the Township of Mahwah, in the County of Bergen, New Jersey held at the
_____ in the Township on _____, 2020 at _____
o'clock _____.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Kathrine Coviello, Clerk of the Township of Mahwah, in the County of Bergen, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on _____, 2020 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2020.

Kathrine Coviello, Clerk

(SEAL)

EXTRACT from the minutes of a _____ meeting of the Township Council of the Township of Mahwah, in the County of Bergen, New Jersey held at the _____ in the Township on _____, 2020 at _____ o'clock _____.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Kathrine Coviello, Clerk of the Township of Mahwah, in the County of Bergen, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on _____, 2020 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2020.

Kathrine Coviello, Clerk

(SEAL)

CLERK'S CERTIFICATE

I, Kathrine Coviello, Clerk of the Township of Mahwah, in the County of Bergen, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Clerk of the Township of Mahwah, in the County of Bergen, State of New Jersey (herein called the "Township"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all ordinances and resolutions of the Township. The representations made herein are based upon the records of the Township.

2. Attached hereto is a true and complete copy of a bond ordinance passed by the governing body of the Township on first reading on _____, 2020 and finally adopted by the governing body on _____, 2020 and, where necessary, approved by the Mayor on _____, 2020.

3. On _____, 2020, a copy of the bond ordinance and a notice that copies of the bond ordinance would be made available to the members of the general public of the Township who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body, was posted in the principal municipal building of the Township at the place where public notices are customarily posted. Copies of the bond ordinance were made available to all who requested them.

4. A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services.

5. After final passage, the bond ordinance, a copy of which is attached hereto, was duly published on _____, 2020. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body or to me or filed in my office within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2020.

Kathrine Coviello, Clerk

[SEAL]

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Mahwah, in the County of Bergen, State of New Jersey, on _____, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the _____, in the Township on _____, 2020 at _____ o'clock ____m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE SEWER UTILITY IN AND BY THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,160,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

Purposes:

| <u>Purpose</u> | <u>Appropriation & Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds & Notes</u> | <u>Period of Usefulness</u> |
|--|---|--|-----------------------------|
| a) The sewer utility's 50% share of the acquisition of a sewer jetting/hydro excavating truck, including all related costs and expenditures incidental thereto. | \$270,000 | \$270,000 | 5 years |
| b) Repairs of settled sewer laterals at various locations, including all work and materials necessary therefor and incidental thereto. | \$90,000 | \$90,000 | 40 years |
| c) Various repairs, including, but not limited to, repairs of safety support/fall protection grates in wet wells at various locations and further including all work and materials | \$500,000 | \$500,000 | 15 years |

| | | | |
|---|--------------------|--------------------|----------|
| necessary therefor and incidental thereto. | | | |
| d) Repairs to pumping stations, including, but not limited to, the Hearthstone/Janice Court Pumping Station and further including all work and materials necessary therefor and incidental thereto. | \$300,000 | \$300,000 | 15 years |
| Total: | <u>\$1,160,000</u> | <u>\$1,160,000</u> | |

Appropriation: \$1,160,000

Bonds/Notes Authorized: \$1,160,000

Grant Appropriated: N/A

Section 20 Costs: \$200,000

Useful Life: 14.61 years

Kathrine Coviello, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Mahwah, in the County of Bergen, State of New Jersey on _____, 2020 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE SEWER UTILITY IN AND BY THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,160,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

Purpose:

| <u>Purpose</u> | <u>Appropriation & Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds & Notes</u> | <u>Period of Usefulness</u> |
|---|---|--|-----------------------------|
| a) The sewer utility's 50% share of the acquisition of a sewer jetting/hydro excavating truck, including all related costs and expenditures incidental thereto. | \$270,000 | \$270,000 | 5 years |
| b) Repairs of settled sewer laterals at various locations, including all work and materials necessary therefor and incidental thereto. | \$90,000 | \$90,000 | 40 years |
| c) Various repairs, including, but not limited to, repairs of safety support/fall protection grates in wet wells at various locations and further including all work and materials necessary therefor and incidental thereto. | \$500,000 | \$500,000 | 15 years |

| | | | |
|---|--------------------|--------------------|----------|
| | | | |
| d) Repairs to pumping stations, including, but not limited to, the Hearthstone/Janice Court Pumping Station and further including all work and materials necessary therefor and incidental thereto. | \$300,000 | \$300,000 | 15 years |
| Total: | <u>\$1,160,000</u> | <u>\$1,160,000</u> | |

Appropriation: \$1,160,000

Bonds/Notes Authorized: \$1,160,000

Grant Appropriated: N/A

Section 20 Costs: \$200,000

Useful Life: 14.61 years

Kathrine Coviello, Clerk

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1907**

BOND ORDINANCE PROVIDING FOR VARIOUS
IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE
TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN,
NEW JERSEY, APPROPRIATING \$892,000 THEREFOR
AND AUTHORIZING THE ISSUANCE OF \$892,000 BONDS
OR NOTES OF THE TOWNSHIP TO FINANCE 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 several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Mahwah, in the County of Bergen, New Jersey (the "Township"). For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$892,000. No down payment is required as the purposes authorized herein are deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the several improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$892,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| <u>Purpose</u> | <u>Appropriation & Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds & Notes</u> | <u>Period of Usefulness</u> |
|---|---|--|-----------------------------|
| a) The water utility's 50% share of the acquisition of a sewer jetting/hydro excavating truck, including all related costs and expenditures incidental thereto. | \$270,000 | \$270,000 | 5 years |
| b) Well improvements, including, but not limited to, improvements to Well 18A and further including all work and materials necessary therefor and incidental thereto. | \$200,000 | \$200,000 | 40 years |
| c) The acquisition of vehicles, including, but not limited to, utility truck with plow and further including all related costs and expenditures incidental thereto. | \$56,000 | \$56,000 | 5 years |
| d) The acquisition of tools and related equipment, including all related costs and expenditures incidental thereto. | \$6,000 | \$6,000 | 15 years |

| | | | |
|--|------------------|------------------|----------|
| | | | |
| e) The acquisition of vehicles, including, but not limited to, a mason dump truck with plow and further including all related costs and expenditures incidental thereto. | \$80,000 | \$80,000 | 5 years |
| f) Pump upgrades, including, but not limited to, Tudor Rose pump upgrades and further including all work and materials necessary therefor and incidental thereto. | \$280,000 | \$280,000 | 15 years |
| Total: | <u>\$892,000</u> | <u>\$892,000</u> | |

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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Township may lawfully undertake as self-liquidating purposes of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 16.05 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 \$892,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$130,000 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 purposes or improvements.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Township pursuant to N.J.S.A. 40A:2-44(c).

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 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 purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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 real 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.

Re: TOWNSHIP OF MAHWAH
\$892,000/\$892,000 BOND ORDINANCE
VARIOUS IMPROVEMENTS TO THE WATER UTILITY

- 11 Certified copy of the Supplemental Debt Statement prepared as of the date of introduction of the bond ordinance, together with the electronic confirmation of filing provided by the Division of Local Government Services and evidence of filing in the Clerk's Office.
- 12 Certified copy of the minutes of the meeting of the Township Council held on ___/___/___ showing introduction of the bond ordinance.
- 13 Affidavit of Publication in local newspaper following introduction of the bond ordinance.
- 14 Certified copy of the minutes of the meeting of the Township Council held on ___/___/___ showing public hearing and final adoption of the bond ordinance.
- 15 Affidavit of Publication in local newspaper following final adoption of the bond ordinance.
- 16 Clerk's Certificate executed no sooner than 21 days following final publication of the bond ordinance.

BELOW FOR McMANIMON, SCOTLAND & BAUMANN, LLC USE ONLY

Posted: __/__/__ Useful Life: 16.05 years Reviewed By: _____

Section 20 Costs: \$130,000 Mayor's Approval: ___/___/___

Amends/Amended By: Ord. # _____ F/A: ____ / ____ / ____

Amendment: _____

Supplements/Supplemented By: Ord. # _____ F/A: ____ / ____ / ____

Original Appropriation/Authorization: \$ _____ / \$ _____

Authorization for CFO to Sell Notes: X Yes No

Resolution Authorizing CFO to Sell Notes: F/A / /

Grant Moneys Expected: N/A

[illegible]

DEBT STATEMENT CERTIFICATE

I, Kathrine Coviello, Clerk of the Township of Mahwah, in the County of Bergen, New Jersey (herein called the "Township"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Township that was prepared as of _____, 2020 by Joseph Kovalcki, who was then chief financial officer of the Township and filed in my office on _____, 2020, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of Local Government Services of the State of New Jersey on _____, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Township this _____ day of _____, 2020.

Kathrine Coviello, Clerk

(SEAL)

EXTRACT from the minutes of a _____ meeting of the Township Council of the Township of Mahwah, in the County of Bergen, New Jersey held at the _____ in the Township on _____, 2020 at _____ o'clock _____.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Kathrine Coviello, Clerk of the Township of Mahwah, in the County of Bergen, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on _____, 2020 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2020.

Kathrine Coviello, Clerk

(SEAL)

EXTRACT from the minutes of a _____ meeting of the Township Council of the Township of Mahwah, in the County of Bergen, New Jersey held at the _____ in the Township on _____, 2020 at _____ o'clock _____.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Kathrine Coviello, Clerk of the Township of Mahwah, in the County of Bergen, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on _____, 2020 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2020.

Kathrine Coviello, Clerk

(SEAL)

CLERK'S CERTIFICATE

I, Kathrine Coviello, Clerk of the Township of Mahwah, in the County of Bergen, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Clerk of the Township of Mahwah, in the County of Bergen, State of New Jersey (herein called the "Township"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all ordinances and resolutions of the Township. The representations made herein are based upon the records of the Township.

2. Attached hereto is a true and complete copy of a bond ordinance passed by the governing body of the Township on first reading on _____, 2020 and finally adopted by the governing body on _____, 2020 and, where necessary, approved by the Mayor on _____, 2020.

3. On _____, 2020, a copy of the bond ordinance and a notice that copies of the bond ordinance would be made available to the members of the general public of the Township who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body, was posted in the principal municipal building of the Township at the place where public notices are customarily posted. Copies of the bond ordinance were made available to all who requested them.

4. A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services.

5. After final passage, the bond ordinance, a copy of which is attached hereto, was duly published on _____, 2020. No protest signed by any person

against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body or to me or filed in my office within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2020.

Kathrine Coviello, Clerk

[SEAL]

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Mahwah, in the County of Bergen, State of New Jersey, on _____, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the _____, in the Township on _____, 2020 at _____ o'clock __.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$892,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$892,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

Purposes:

| Purpose | Appropriation & Estimated Cost | Estimated Maximum Amount of Bonds & Notes | Period of Usefulness |
|---|--------------------------------|---|----------------------|
| a) The water utility's 50% share of the acquisition of a sewer jetting/hydro excavating truck, including all related costs and expenditures incidental thereto. | \$270,000 | \$270,000 | 5 years |
| b) Well improvements, including, but not limited to, improvements to Well 18A and further including all work and materials necessary therefor and incidental thereto. | \$200,000 | \$200,000 | 40 years |
| c) The acquisition of vehicles, including, but not limited to, utility truck with plow and further including all related costs and expenditures incidental thereto. | \$56,000 | \$56,000 | 5 years |

| | | | |
|--|------------------|------------------|----------|
| d) The acquisition of tools and related equipment, including all related costs and expenditures incidental thereto. | \$6,000 | \$6,000 | 15 years |
| e) The acquisition of vehicles, including, but not limited to, a mason dump truck with plow and further including all related costs and expenditures incidental thereto. | \$80,000 | \$80,000 | 5 years |
| f) Pump upgrades, including, but not limited to, Tudor Rose pump upgrades and further including all work and materials necessary therefor and incidental thereto. | \$280,000 | \$280,000 | 15 years |
| Total: | <u>\$892,000</u> | <u>\$892,000</u> | |

Appropriation: \$892,000

Bonds/Notes Authorized: \$892,000

Grant Appropriated: N/A

Section 20 Costs: \$130,000

Useful Life: 16.05 years

Kathrine Coviello, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Mahwah, in the County of Bergen, State of New Jersey on _____, 2020 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$892,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$892,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

Purposes:

| Purpose | Appropriation & Estimated Cost | Estimated Maximum Amount of Bonds & Notes | Period of Usefulness |
|---|--------------------------------|---|----------------------|
| a) The water utility's 50% share of the acquisition of a sewer jetting/hydro excavating truck, including all related costs and expenditures incidental thereto. | \$270,000 | \$270,000 | 5 years |
| b) Well improvements, including, but not limited to, improvements to Well 18A and further including all work and materials necessary therefor and incidental thereto. | \$200,000 | \$200,000 | 40 years |
| c) The acquisition of vehicles, including, but not limited to, utility truck with plow and further including all related costs and expenditures incidental thereto. | \$56,000 | \$56,000 | 5 years |

| | | | |
|--|------------------|------------------|----------|
| d) The acquisition of tools and related equipment, including all related costs and expenditures incidental thereto. | \$6,000 | \$6,000 | 15 years |
| e) The acquisition of vehicles, including, but not limited to, a mason dump truck with plow and further including all related costs and expenditures incidental thereto. | \$80,000 | \$80,000 | 5 years |
| f) Pump upgrades, including, but not limited to, Tudor Rose pump upgrades and further including all work and materials necessary therefor and incidental thereto. | \$280,000 | \$280,000 | 15 years |
| Total: | <u>\$892,000</u> | <u>\$892,000</u> | |

Appropriation: \$892,000

Bonds/Notes Authorized: \$892,000

Grant Appropriated: N/A

Section 20 Costs: \$130,000

Useful Life: 16.05 years

Kathrine Coviello, Clerk

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1897**

**AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, AMENDING AND
SUPPLEMENTING CHAPTER XXIV "ZONING" OF THE LAND DEVELOPMENT CODE
TO ESTABLISH BULK STANDARDS FOR THE MULTI-FAMILY 1 AND 2 HOUSING
DISTRICTS**

WHEREAS, Mahwah Township has a constitutionally-mandated requirement to provide affordable housing; and

WHEREAS, the Township Council desires to create opportunities for the creation of affordable housing within the Township; and

WHEREAS, the Township Council has previously adopted ordinance creating the Multi-Family 1 and 2 Housing Districts; and

WHEREAS, the associated Schedule of Regulations was inadvertently omitted from the previously adopted ordinances creating the Multi-Family 1 and 2 Housing Districts; and

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah as follows:

Section 1. The Land Development Code, Chapter XXIV "Zoning", Subsection §24-4.1 "Schedules of Regulations" is hereby amended and supplemented with the following new underlined as shown in the attached Zoning Schedule of Area, Bulk and Yard Requirements, which is attached to the end of this document.

Section 2. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

ZONING SCHEDULE OF AREA, BULK AND YARD REQUIREMENTS

TOWNSHIP OF MAHWAH

| Zone | District | Minimum Area Requirements | | | Maximum Bulk Requirements | | | | Minimum Yard Requirements | | | |
|-------------|---------------------------|---------------------------|-----------|------------|---|--------------|--------------------------|------------|---------------------------|-------------------------|---------------|--------------------|
| | | Lot Area | Lot Width | Lot Depth | Improved Lot Coverage | Lot Coverage | Bldg. Ht. Principal** | Front Yard | Side Yard | | | |
| | | (Sq. Ft.) | (Ft.) | (Ft.) | (%) | (%) | Feet | Story | (Ft.) | One (Ft.) | Both (Ft.) | Rear Yard (Ft.) |
| C-200 | Conservation | | | | See Schedule of Area, Bulk and Yard Requirements for C-200 Conservation District. | | | | | | | |
| R-80 | One-Family | 80,000 | 200 | 300 | 20 | 10 | 35 | 2 1/2 | 60 | 40 | 80 | 50 |
| R-40 | One-Family | 40,000 | 150 | 175 | 30 | 15 | 35 | 2 1/2 | 40 | 30 | 60 | 40 |
| R-20 | One-Family | 20,000 | 100 | 150 | 40 | 20 | 35 | 2 1/2 | 35 | 20 | 40 | 35 |
| R-15 | One-Family | 15,000 | 90 | 125 | 40 | 20 | 35 | 2 1/2 | 30 | 10 | 25 | 30 |
| R-10 | One-Family | 10,000 | 75 | 100 | 40 | 25 | 35 | 2 1/2 | 30 | 10 | 25 | 30 |
| R-5 | One-Family | 5,000 | 50 | 100 | 40 | 30 | 35 | 2 1/2 | 25 | 6 | 18 | 25 |
| R-11 | One-Family | 5,000 | 50 | 100 | 40 | 30 | 35 | 2 1/2 | 25 | 6 | 18 | 25 |
| | Two-Family | 11,000 | 80 | 100 | 50 | 30 | 35 | 2 1/2 | 25 | 10 | 25 | 25 |
| GA-200 | One-Family | 10,000 | 75 | 100 | 40 | 25 | 35 | 2 1/2 | 30 | 10 | 25 | 30 |
| | Garden Apt. | 200,000 | 300 | 400 | 70 | 30 | 35 | 2 1/2 | 50 | 30 | 60 | 75 |
| PRD-4 | One-Family | 20,000 | 100 | 150 | 40 | 20 | 35 | 2 1/2 | 35 | 20 | 40 | 35 |
| | Other Uses (PRD) | | | | See subsection 24-6.10. | | | | | | | |
| PRD-6 | One-Family | 20,000 | 100 | 150 | 40 | 20 | 35 | 2 1/2 | 35 | 20 | 40 | 35 |
| | Other Uses (PRD) | | | | See subsection 24-6.10. | | | | | | | |
| RM-6 | One-Family | 20,000 | 100 | 150 | 40 | 20 | 35 | 2 1/2 | 35 | 20 | 40 | 35 |
| | Mobile Homes | 400,000 | 400 | 500 | 50 | 30 | 35 | 2 1/2 | | See subsection 24-6.3. | | |
| B-200 | Shopping Center | 200,000 | 300 | 400 | 80 | 40 | 40 | 3 | 75 | 40 | 75 | 75 |
| B-40 | Highway Business | 40,000 | 150 | 200 | 80 | 40 | 40 | 3 | 75 | 20 | 40 | 40 |
| B-12 | General Business | 12,000 | 80 | 100 | 80 | 40 | 40 | 3 | 40 | 15 | 30 | 40 |
| B-10 | Neighborhood Business | 10,000 | 50 | 100 | 80 | 50 | 40 | 3 | 10 | 10 | 20 | 40 |
| OP-200 | Office Park | 200,000 | 300 | 400 | 60 | 30 | 300 | 25 | | See subsection 24-5.3f. | | |
| IP-120 | Industrial Park | 120,000 | 300 | 400 | 70 | 35 | 40 | 3 | 60 | 40 | 75 | 65 |
| GI-80 | General Industry | 80,000 | 200 | 300 | 80 | 40 | 40 | 3 | 50 | 25 | 50 | 65 |
| CEM | Cemetery | 200,000 | 300 | 400 | -- | 35 | 35 | -- | | See subsection 24-6.9. | | |
| FP | Flood Plain | | | | See subsection 24-6.1h. | | | | | | | |
| CED/R-40 | Cont. Econ. Dev't. | | | | See Ordinance 462. | | | | | | | |
| BZ | Buffer Zone | | | | See subsection 24-6.11. | | | | | | | |
| PRD-4S | Adult/Patio Housing | | | | See subsection 24-6.10. | | | | | | | |
| *L.O.D. | Limited Office District | 80,000 | 200 | 200 | 30 | 5 | 35 | 2 | 60 | 30 | 60 | 40 |
| CB | Community Business | 90,000 | 360 | 400 | 70 | 25 | 40 | 3 | 75 | 40 | 80 | 75 |
| PED | Public Education District | 87,120 (2 acres) | 150 | 300 | 65 | 30 | 35 | 2 1/2 | 35 | 25 | 50 | 35 |
| <u>MF-1</u> | <u>Multi-Family-1</u> | <u>4.5 acres</u> | <u>-</u> | <u>-</u> | <u>60</u> | <u>30</u> | <u>38</u> | <u>3</u> | <u>25</u> | <u>15</u> | <u>30</u> | <u>25</u> |
| <u>MF-2</u> | <u>Multi-Family-2</u> | <u>21,780</u> | <u>75</u> | <u>100</u> | <u>70</u> | <u>35</u> | <u>35</u> | <u>3</u> | <u>25</u> | <u>10</u> | <u>20</u> | <u>25</u> |

* One parking space required for each 125 square feet.

** See subsection 24-5.2 concerning height limits in the OP-200 Zone.

(Ord. #574; Ord. #622; Ord. #815; Ord. #860; Ord. #883; 1976 Code Ch. 179; Ord. #955, §5; Ord. #1036, §III; Ord. #1161; Ord. #1211, §III; Ord. #1252, §1; Ord. #1298; Ord. #1324, §§I, II; Ord. #1448)

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TOWNSHIP OF MAHWAH
ORDINANCE NO. 1900

AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, AMENDING AND
SUPPLEMENTING CHAPTER XXIV "ZONING" OF THE LAND DEVELOPMENT
CODE TO ESTABLISH A NEW MUD-2 MIXED-USE DEVELOPMENT ZONE AND TO
SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, in compliance with the New Jersey Supreme Court's decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 8, 2015, the Township filed an action with the Superior Court of New Jersey ("Court"), entitled In the Matter of the Application of the Township of Mahwah, a Municipal Corporation of the State of New Jersey, Docket No. BER-L-6281-15, seeking a Judgment of Compliance and Response approving its Affordable Housing Plan (as defined herein), in addition to related relief (the "Compliance Action"); and

WHEREAS, the owner of the real property known and designated as Block 26, Lot 2, Block 26, 2, COOO3 and Block 183, Lot 1 intervened in the Compliance Action and subsequently entered into a Settlement Agreement with the Township of Mahwah on March 29, 2018; and

WHEREAS, the property consists of approximately 137 acres; and

WHEREAS, the Housing Element and Fair Share Plan includes this property, as an inclusionary mixed-use development at a density of 800 residential units, including 15 percent set aside for affordable housing and a non-residential development of up to 300,000 square feet consistent with the Township's B-40 Zoning District; and

WHEREAS, this ordinance is intended to effectuate the terms of the Settlement Agreement, along with the Housing Element and Fair Share Plan.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah as follows:

Section 1. The Land Development Code, Chapter XXIV "Zoning", Subsection §24-2.2 "Definitions" is hereby amended and supplemented with the following new underlined text inserted alphabetically:

Big box retail shall mean single-retail establishment having no less than 100,000 square feet of gross floor area. Business may have supplemental in-store services including but not limited to

medical offices, vision centers, snack bars, and auto service and repair. A big box retail facility may include an exterior fuel dispensing station.

Multi-family housing shall mean a building containing three or more dwelling units that share common horizontal and vertical separations.

Restaurant shall mean a building or structure designed, used or intended for use in which either food or beverage or both are sold and consumed primarily within the confines of an enclosed structure on the site. A "restaurant" shall not include refreshment stands commonly called snack or dairy bars. A "restaurant" shall also include pickup or delivery services wherein food is prepared on the premises for off-premises consumption.

Snack bar shall mean a food establishment where service is provided from a counter and consumption takes place outside of the structure or in a common food court area.

Section 2. The Land Development Code, Chapter XXIV "Zoning", Subsection §24-3.1 "Districts Designated" is hereby amended and supplemented with the following new underlined text inserted alphabetically:

MUD-2 – Mixed-Use Development 2

Section 3. The Land Development Code, Chapter XXIV "Zoning", Subsection §24-5.3 "Yard Regulations" is hereby amended and supplemented with the following new underlined text:

- e. Side Yard Requirements in the B-40, B-200, MUD-2, OP-200, IP-120, GI-80 and GI-200 Zones.

No building or group of attached buildings shall have an aggregate front building wall in excess of seventy-five (75%) percent of the actual lot width in the B-40, B-200, MUD-2, OP-200, IP-120, GI-80 and GI-200 Zones.

Section 4. The Land Development Code, Chapter XXIV "Zoning", Subsection §24-5.7 "Number of Buildings Restricted" is hereby amended and supplemented with the following new underlined text:

- a. There shall be no more than one (1) principal building on each zone lot in any district, except as permitted elsewhere in the Township Code for Planned Development Groups, CB-360 permitted uses, OP-200 permitted uses, MUD-2 permitted uses, and as permitted in Section 24-6 herein.

Where more than one (1) building is provided on a site outside the OP-200 District, there shall be a minimum distance of twenty-five (25) feet separating buildings from one another or as otherwise regulated by said zone standards.

Section 5. The Land Development Code, Chapter XXIV "Zoning", Subsection §24-6.8 "Regulations Governing Certain Accessory Uses" is hereby amended and supplemented with the following new underlined text:

a. Accessory Structures.

1. Accessory Structures in Residential Districts. Accessory structures which are not attached to a principal structure may be erected on a residential lot provided that:

- (f) The maximum area of any accessory structure in a residential zone, except for storage sheds, shall be one thousand (1,000) square feet. The maximum height of any accessory structure other than a storage shed shall be twenty (20') feet and shall not exceed the height of the principal structure. These standards shall not apply to the MUD-2 District.

e. Private Tennis Courts. Private tennis courts are permitted as an accessory use in the R-80, MUD-2, and C-80 zones only, provided that:

Section 6. The Land Development Code, Chapter XXIV "Zoning", Subsection §24-6.11 "Buffer Zone and General Landscaping Requirements" is hereby amended and supplemented with the following new underlined text:

a. Buffer Zone Requirements.

1. All commercial, industrial and apartment uses adjoining or abutting a residential zone or institutional or public use shall provide a buffer strip or buffer zone on the side or sides facing said use or zone in accordance with the following table.

Buffer Zone Requirements

| Zone District | Buffer Zone (feet) | | 50 | 100 |
|------------------|-----------------------------|---------|----|-----|
| | Minimum | Maximum | | |
| GA-200 | 10% of lot depth or width | | | |
| B-200 | on the side or sides facing | | | |
| IP-120 | such use or residential | | | |
| RM-6 | zone | | | |
| ORP 200 | | | | |

| | | | |
|-------|---|----|-----|
| MUD-2 | | 50 | 100 |
| B-40 | 7 1/2% of lot depth or width | 25 | 50 |
| GI-80 | on the side or sides facing such use or residential zone | | |
| B-10 | 5% of the lot depth or width | 10 | 25 |
| | on the side or sides facing such use or residential zone | | |

Section 7. The Land Development Code, Chapter XXIV "Zoning" is hereby amended and supplemented with the following new underlined text:

§24-4.1.2 MUD-2 Mixed-Use Development Zone Regulations

- a. Purpose. The Mixed-Use Development Zone is intended to develop an underutilized site by constructing a mixed-use development that simultaneously provides credits towards the Township's affordable housing obligation. The zone will have three distinct areas. The first would be a hotel/office area. The second would be a multi-family area that may include some commercial space. The third would be a commercial area. The MUD-2 Zone regulations are intended to capitalize on the zone's unique location.
- b. Permitted Uses.
 1. Office park uses on a minimum of 30 acres, as further defined in subsection c.1. below.
 2. Business/retail uses on a minimum of 30 acres as further defined in subsection d.1. below.
 3. Mixed uses on a minimum of 58 acres, as further defined in subsection e.1. below.
- c. Office park use standards and regulations.
 1. Principal, conditional, and accessory uses shall be limited to those listed for the OP-200 Zone.
 2. Area, bulk, and yard standards shall be as follows:
 - (a) Maximum improved lot coverage -- 60%
 - (b) Maximum lot coverage -- 30%
 - (c) Maximum building height -- 300 feet and 25 stories

- (d) Minimum front, side and rear yard building setback -- 50 feet, which shall be measured from the development area boundary and not the true lot line.

d. Business/retail use standards and regulations

1. Principal uses shall include the following:

- (a) Any B-40 Zone permitted principal use under the same bulk requirements as prescribed therein.

- (b) Big box retail.

2. Accessory uses shall include the following:

- (a) Off-street parking and loading facilities.

- (b) Signs.

- (c) Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises.

- (d) Fuel dispensing stations (which shall mean a retail facility for the dispensing of vehicular fuels and no other uses) in connection with, accessory to, and operated by a permitted Big Box Retail establishment. No fueling of tractor trailers shall be permitted. A fuel dispensing facility is not subject to the location requirements of the Township Code Section 24-6.7a.

3. Conditional uses shall include the following:

- (a) Outdoor storage subject to subsection 24-6.8, paragraph c.

- (b) Essential services subject to subsection 24-6.9, paragraph b.

4. Area, Bulk and Yard Requirements.

- (a) Bulk requirements shall be measured from the development area boundary and not the true lot line.

- (b) Development shall include new rights-of-way, either public or private, for building access and site circulation.

- (c) Buildings shall be set back from one another a minimum of fifty (50') from all building facades.
 - (d) Buildings shall be set back a minimum of fifteen (15') feet from parking areas. This requirement does not apply to driveways, loading areas or service bays.
 - (e) Buildings shall be set back a minimum of fifty (50') from the development area boundary.
 - (f) No parking shall be permitted within twenty (20') of a lot line.
5. Affordable Housing. Projects must comply with the State-wide Non-residential Fee Act.
6. Circulation and Off-Street Parking Requirements.
- (a) Off-Street Parking and Loading facilities and standards shall be in accordance with the Township Off-street and Loading Ordinance, Section 24-7.
 - (b) All parking spaces shall measure no less than nine (9') feet in width by eighteen (18') feet in length.
 - (c) All lighting for off-street parking areas shall be so arranged and shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets, residential zones and residential uses.
 - (d) Parking lot lighting shall provide a maintained minimum average of one-half (0.5) footcandles.
 - (e) Within surface parking lots one (1) landscape island shall be provided for every twenty (20) parking spaces. Said landscape island shall contain a minimum of one hundred sixty (160) square feet. At least half of the landscape islands shall contain a shade tree and other landscaping; the remainder shall contain shrubs.
 - (f) Right-of-Way Requirements.
 - (1) The right-of-way and pavement widths of all internal streets, roads and vehicle-traveled ways, whether public or private, shall be determined from sound planning and engineering standards in conformity to the estimated needs of the full proposed development and the traffic to be generated thereby. They shall be adequate in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting and police vehicles.

- (2) Sidewalks shall be required along all streets and roads, whether dedicated public streets or privately owned and maintained, or any combination thereof. Sidewalks shall have a minimum width of four (4) feet.
- (3) All streets and roads, either dedicated public streets or privately owned and maintained, or any combination thereof, shall be subject to all Township ordinances as well as the laws of the State of New Jersey with regard to construction. The developer's private internal road network shall comply with RSIS.
- (4) The Planning Board shall be guided by the following criteria of street grades but shall have the authority to modify same where exceptional circumstances warrant: six (6%) percent for major and arterial streets and ten (10%) percent for collector and local streets. Exceptions to these limitations shall be made after review and written approval by the Township Engineer and Planning Consultant.
- (5) When deemed necessary by the Planning Board, the applicant shall provide a continuous street circulation system with adjoining land areas.
- (6) Where an Official Map or Master Plan, or both, have been adopted, the proposed street system shall conform to the proposals and conditions shown thereon except as may be modified by the Planning Board or governing body, as provided by law.
- (g) Right-of-Way improvements.
 - (1) Monuments, street names and other traffic control devices, shade trees, streetlights, sidewalks, curbs, fire hydrants and all aspects of street construction as well as other improvements shall be subject to local regulations and Township Engineer approval.
 - (2) Shade trees along all public and private rights-of-way shall be provided in accordance with the Township's Tree Preservation Ordinance, Section 14-10.

7. Building Design.

- (a) Buildings are encouraged to incorporate such building elements as entrances, corners, graphic panels, display windows, etc., as a means to provide a visually attractive environment.
- (b) A "human scale" of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.

- (c) Multi-tenant buildings shall provide varied storefronts and such elements as noted above for all ground floor tenants.
- (d) Design emphasis should be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint and such details as piers, columns, and framing should be utilized to reinforce verticality.
- (e) The architectural treatment of a façade shall be completely continued around all street-facing façades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.
- (f) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
- (g) A variety of materials may be appropriate. Masonry, which works well at the base of a building, can vary in size, color and texture and enables the provision of a decorative pattern or bend.
- (h) The use of fabric or metal canopies is to be encouraged, especially over storefronts, at entrances, or over display windows.
- (i) Integration of large-scale graphics into the façade, where appropriate, is encouraged. Logos and trademarks shall be considered signage for the purposes of this ordinance.
- (j) Outdoor dumpsters shall be enclosed with a six (6') foot high wood fence or masonry wall.

8. Landscaping

- (a) All landscaping is subject to compliance with the Township's Landscaping and Buffer requirements, Section 22-6.5.
- (b) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered.
- (c) Site entrances and unique areas shall have special landscaping treatment. Flowerbed displays are encouraged.

- (d) A minimum of thirty (30%) percent of the plantings proposed shall be indigenous to the region.
 - (e) Foundation plantings shall be provided at all buildings. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.
- e. Mixed uses standards and regulations.
- 1. Permitted uses within the mixed uses area shall include the following:
 - (a) Multi-family residential buildings, however, a minimum of two hundred (200) and a maximum of two hundred and sixteen (216) of the units shall be age-restricted. Age-restricted units shall have a head of household with a minimum age of 55 years old, subject to compliance with federal law, except that no more than two (2) age-restricted residential units may be occupied by employees of the developer or the operating entity for the development, who are employed as superintendents for the development and members of their household under the age of 18 who reside in the development.
 - (b) Home Occupations subject to Section 24-6.8g.
 - 2. Conditionally permitted uses within the mixed uses area include mixed-use multi-family residential buildings, subject to the following conditions:
 - (a) Non-residential uses shall be limited to the B-200 Zone permitted uses.
 - (b) For each 10,000 gross square feet of non-residential space, one additional acre shall be added to the required minimum lot size.
 - (c) A maximum of 75,000 square feet of non-residential space shall be provided.
 - (d) Non-residential space is limited to the first floor.
 - (e) Parking for the non-residential uses shall be required as outlined in Section 24-7.
 - 3. Accessory uses permitted within the mixed uses area include:
 - (a) Parks, playgrounds, open space, dog parks, and tenant recreation facilities including but not limited to clubhouses, swimming pools and tennis courts, subject to 24-6.8a and 24-6.8b. This is a requirement per Section 24-6.12e.5, below.

- (b) Fences and walls subject to Section 24-6.11b.
 - (c) Surface, garage, and structured parking subject to Section 24-7.
 - (d) Leasing and maintenance offices to support residential use.
 - (e) Community rooms and amenity spaces for the use of building owners and/or tenants.
 - (f) Signs, subject to Section 24-6.8f.
4. Area, Bulk and Yard Requirements.
- (a) The maximum improved lot coverage shall be 65%
 - (b) The maximum lot coverage shall be 35%.
 - (c) The maximum building height shall be 65 feet and 5 stories. This is limited to four residential floors over one floor of parking. Or in the case of the conditionally-permitted use, four residential floors over one floor of non-residential.
 - (d) More than one (1) structure shall be permitted on a single tract.
 - (e) In accordance with Section 24-5.1(g), bulk and other requirements shall be measured from the development area boundary and not the true lot line.
 - (f) Development shall include new rights-of-way, either public or private, for building access and site circulation.
 - (g) Setbacks
 - (1) Buildings shall be set back a minimum of fifteen (15') feet from driveways and parking areas. This requirement does not include access drives into buildings.
 - (2) Buildings shall be set back from one another a minimum of fifty (50') feet from all building facades.
 - (3) Buildings shall be set back a minimum of fifty (50') from the development area boundary.
 - (4) No parking shall be permitted within fifty (50') of a lot line.

- (h) Density. Maximum density shall not exceed fourteen (14) units per acre, based on a minimum of fifty-eight (58) acres within the area. In no instance shall the total number of units exceed 800.
- (i) Buffer Areas and Landscaping.
 - (1) Buffer provisions of 24-6.11 apply. Such buffer zone shall be kept in its natural state where wooded; and when natural vegetation is sparse or nonexistent, the landowner may be required to provide a year-round visual screen as determined by the Planning Board.
 - (2) No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Planning Board may, upon a finding of reasons therefor, permit a portion of a buffer area to be used for utility easements or streets to ensure access to or from adjacent property.
 - (3) The area shall provide a minimum of 20 acres of open space, running parallel to the Ramapo River.
- 5. Amenities. In accordance with the permitted accessory uses, recreational space is permitted, and shall be herein required as follows. Applicant must provide a minimum six thousand (6,000) square foot clubhouse(s) and two thousand (2,000) square foot pool for the use of residents and their guests. By the time a final certificate of occupancy is issued for the one hundredth (100th) residential unit, the developer shall construct four thousand (4,000) square feet of clubhouse space. The remaining two thousand (2,000) square feet of clubhouse space and the pool shall be constructed by the time a certificate of occupancy is issued for the three hundredth (300th) residential unit.
- 6. Market-rate residential unit standards.
 - (a) Market-rate residential units shall have the following minimum unit sizes:
 - (1) One (1) bedroom – seven hundred (700) square feet
 - (2) Two (2) bedroom – eight hundred fifty (850) square feet
 - (b) No three (3) bedroom market-rate units are permitted.
- 7. Affordable Housing.
 - (a) Fifteen (15%) percent of the total residential units shall be reserved for, and affordable to, low and moderate income households. The units shall be rental and meet the low/moderate income split required by the Uniform Housing Affordability Controls and provide at least thirteen (13%) percent of the units as very-low income units within each bedroom distribution. Affordable housing

units shall be included within the age-restricted component of the development and shall include at least 30 age-restricted affordable units, but no more than 32 age-restricted affordable units.

- (b) The affordable units shall have a minimum thirty (30) year deed restriction. Any such affordable unit shall comply with UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
- (c) The units shall meet the bedroom distribution for family and age-restricted units as required by the Uniform Housing Affordability Controls.
- (d) The low and moderate income rental units required to be provided by the developer, as noted herein, shall be distributed among the buildings proposed.
- (e) The developer shall be responsible for retaining a qualified Administrative Agent, as approved by the Township, at the developer's sole cost and expense.

8. Circulation and Off-Street Parking Requirements.

- (a) Tandem parking is permitted under the building when dedicated and/or reserved. However, no more than sixty (60%) percent of the parking space under any one building may be tandem.
- (b) Off-Street Parking and Loading facilities and standards shall be in accordance with the Township Off-street and Loading Ordinance, Section 24-7.
- (c) All parking spaces shall measure no less than nine (9') feet in width by eighteen (18') feet in length.
- (d) All lighting for off-street parking areas shall be so arranged and shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets, single-family detached residential zones and single-family detached homes.
- (e) Parking lot lighting shall provide a maintained minimum average of one-half (0.5) footcandles.
- (f) Within surface parking lots one (1) landscape island shall be provided for every twenty (20) parking spaces. Said landscape island shall contain a minimum of one hundred sixty (160) square feet. At least half of the landscape islands shall contain a shade tree and other landscaping; the remainder shall contain shrubs.
- (g) Right-of-Way Requirements.
 - (1) For the non-residential component of the area, the right-of-way and pavement widths of all internal streets, roads and vehicle-traveled ways, whether public or

private, shall be determined from sound planning and engineering standards in conformity to the estimated needs of the full proposed development and the traffic to be generated thereby. They shall be adequate in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting and police vehicles.

- (2) For the residential component of the area, all streets and roads, either dedicated public streets or privately owned and maintained, or any combination thereof, shall be subject to all Township ordinances as well as the laws of the State of New Jersey with regard to construction. The developer's private internal road network shall comply with RSIS.
 - (3) The Planning Board shall be guided by the following criteria of street grades but shall have the authority to modify same where exceptional circumstances warrant: six (6%) percent for major and arterial streets and ten (10%) percent for collector and local streets. Exceptions to these limitations shall be made after review and written approval by the Township Engineer and Planning Consultant.
 - (4) When deemed necessary by the Planning Board, the applicant shall provide a continuous street circulation system with adjoining land areas.
 - (5) For the non-residential component of the area, sidewalks shall be required along all streets and roads, whether dedicated public streets or privately owned and maintained, or any combination thereof. Sidewalks shall have a minimum width of four (4) feet.
 - (6) Where an Official Map or Master Plan, or both, have been adopted, the proposed street system shall conform to the proposals and conditions shown thereon except as may be modified by the Planning Board or governing body, as provided by law.
- (h) Right-of-Way improvements.
- (1) Monuments, street names and other traffic control devices, shade trees, streetlights, sidewalks, curbs, fire hydrants and all aspects of street construction as well as other improvements shall be subject to local ordinance requirements and Township Engineer approval.
 - (2) Shade trees along all public and private rights-of-way shall be provided in accordance with the Township's Tree Preservation Ordinance, 14-10.

9. Building Design.

- (a) No single building shall have a streetfront length of more than two hundred seventy (270') feet.

- (b) Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than fifty (50') feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.
- (c) The maximum spacing between such vertical offsets shall be forty (40') feet. The minimum projection or depth of any individual vertical offset shall not be less than eight (8") inches.
- (d) Vertical offsets can include pilasters, projecting bays, changes in façade materials and balconies.
- (e) The architectural treatment of a façade shall be completely continued around all street-facing façades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.
- (f) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
- (g) Roofline offsets shall be provided along any gable roof measuring more than fifty (50') feet in length.
- (h) All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades and other such elements, where appropriate.
- (i) Building façades visible from any street shall consist of durable, long-lasting materials such as brick, stone, cast stone, Hardie plank or other high-quality material.
- (j) Tenant refuse collection systems shall be inside all residential buildings. Outdoor dumpsters are permitted so long as they are screened on three (3) sides by a masonry wall and the gate(s) is composed of a sturdy, solid material.

10. Landscaping

- (a) All landscaping is subject to compliance with the Township's Landscaping and Buffer requirements, Section 22-6.5.
- (b) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in

size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered.

- (c) Site entrances and unique areas shall have special landscaping treatment. Flowerbed displays are encouraged.
 - (d) A minimum of thirty (30%) percent of the plantings proposed shall be indigenous to the region.
 - (e) Foundation plantings shall be provided at all buildings. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.
11. Traffic Improvement and Recreational Fee. The developer(s) of MUD-2 District shall pay the Township a total of six million dollars (\$6,000,000) for off-tract traffic improvements and recreation improvements to be made within the Township. Half of this fee shall be allocated to the non-residential component and half of this fee shall be allocated to the residential component. A pro rata amount of the fee shall be paid by the developer to the Township when a building permit and certificate of occupancy is issued for residential units or for the tenant fit out of non-residential square footage. Fifty percent (50%) shall be due when building permits are issued, and fifty percent (50%) shall be due when certificates of occupancy are issued. By way of example, when building permits are issued for 80 residential units, the developer will be obligated to pay 5% (five percent) of the fee (50% of 80 divided by 800), and when certificates of occupancy are issued for 80 residential units, the developer will be obligated to pay another five percent (5%). The contributions by the developer(s) to pay this fee shall be in addition to any traffic improvement required by the New Jersey Department of Transportation for the inclusionary mixed-use development, which the developer shall install at its own cost and expense. The Township shall have the discretion to allocate the fee between traffic improvements and recreational improvements within the Township.
12. Site access. Vehicular access to and from the MUD-2 District shall be subject to the review and approval of the Township Police Chief. No vehicular access shall be permitted on the bridge located to the east of the District.

Section 8. . Whereas, upon adoption of this Ordinance, the Township Planner is directed to amend the official Zoning Map of the Township of Mahwah to illustrate the location of the Mixed-Use Development 2 (MUD-2) District.

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1902**

**AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE
NO. 1839 AND CHAPTER II "ADMINISTRATION" SECTION 2-16
"REGULATIONS AND MEMBERSHIP OF POLICE DEPARTMENT"
SUBSECTION 2-16.2 "PERSONNEL APPOINTMENT"**

WHEREAS, the Township Council of the Township of Mahwah desires to modify the ranks and positions of the Township of Mahwah Police Department to provide for one additional Lieutenant and to maintain the total authorized members of the Police Department.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah that Chapter II "Administration" Section 2-16 "Regulations and Membership of Police Department" Subsection 2-16.2 "Personnel Appointment" is hereby amended and supplemented in its entirety as follows:

Section 1.

Section 2-16.2 Personnel, Appointment

a. The Police Department shall consist of as many police officers as shall be authorized by the Township Council from time to time, all of whom shall act and be known as police officers for the Township and members of the Police Department of the Township of the Township.

b. The Mahwah Police Department shall consist of the following positions.

- (i) One (1) Chief of Police;
- (ii) Two (2) Captains;
- (iii) One (1) Detective Lieutenant;
- (iv) Five (5) Lieutenants;
- (v) One (1) Detective Sergeant;
- (vi) Four (4) Sergeants;
- (vii) Three (3) Detectives;
- (vii) Thirty-six (36) Police Officers;
- (viii) In addition, there may be a one-to-one relationship of police officers who are training to take positions of existing police officers who have given notice of a specific retirement date, which is not greater than six (6) months from the date the replacement officer is hired.

c. In addition, the Police Department may employ personnel and other employees in order to assist its officers in preserving peace and good order in the Township.

d. The positions set forth herein are intended to be a maximum number of positions. Nothing contained in this Section shall require the Township Council to fill each position to the maximum as same shall be left to the sole discretion of the Township Council.

Section II. All other parts, portions and provisions of Section 2-16 of the Mahwah Code be and the same are hereby ratified and confirmed, except where inconsistent with the terms hereof. In the event of any such inconsistency, the terms of this ordinance shall be deemed to govern.

Section III. The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #176-20

Date: April 16, 2020

| Name | Motion | Second | Yes | No | Abstain | Absent |
|----------|--------|--------|-----|----|---------|--------|
| Ariemma | | | | | | |
| Ervin | | | | | | |
| Ferguson | | | | | | |
| Paz | | | | | | |
| Wong | | | | | | |
| Wysocki | | | | | | |
| May | | | | | | |

BE IT RESOLVED, that the Township Council of the Township of Mahwah hereby authorizes the Mayor and Municipal Clerk to execute the Developer's Agreement between the Township and Bolla Operating NJ Corp. for property located at 62 Franklin Turnpike, Block 68, Lots 14 and 14.01 in the Township of Mahwah. Said Developer's Agreement is subject to the filing of the required securities being approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall forward a copy of this resolution to the Mayor, Township Engineer, Township Attorney, Business Administrator, Director of Planning and Zoning, and Bolla Operating NJ Corp.

I hereby certify that this resolution consisting of one page was adopted at a meeting of the Township Council of the Township of Mahwah on the 16th day of April 2020.

Kathrine Coviello RMC/CMC/MMC
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #177-20

Date: April 16th, 2020

| Name | Motion | Second | Yes | No | Abstain | Absent |
|----------|--------|--------|-----|----|---------|--------|
| Ariemma | | | | | | |
| Ervin | | | | | | |
| Ferguson | | | | | | |
| Paz | | | | | | |
| Wong | | | | | | |
| Wysocki | | | | | | |
| May | | | | | | |

WHEREAS, Mahwah employee # 241 went on sick leave on January 16, 2020; and

WHEREAS, according to the Contract Agreement between the Township of Mahwah and the employee's union, when an employee's injury, illness or disability extends beyond three months, the matter must be referred to the Township Council for their approval or disapproval.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council approves an extension of sick time for employee # 241 through May 10, 2020; and

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, HR Manager, and the Chief of Police.

I hereby certify that this resolution consisting of one page was adopted at a meeting of the Township Council of the Township of Mahwah, on the 16th day of April, 2020.

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

David May
Council President