

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING AGENDA
MONDAY, FEBRUARY 5, 2024**

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

7:00 pm

COUNCIL PRESIDENT'S STATEMENT

SALUTE TO THE FLAG

MOMENT OF SILENCE

- Veterans and Those Serving in the Military

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

PRESENTATION OF MAYOR'S PROCLAMATION

Health for Humanity Yogathon

RESOLUTION

#082-24 Closed Session Resolution

CLOSED SESSION

- C1. Attorney Client Privilege – Affordable Housing
- C2. Personnel Matters

2024 PROPOSED MUNICIPAL BUDGET

- B1. Senior Center
- B2. Access Transportation

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

ENGINEERING

- 1a. Authorizing Release of Guarantees Posted for Subdivision Mahwah NL Cedars Developers, LLC;
Masonic Road, Tree Farm Lane and Arbor Lane; Block 126, Lots 129.01–129.07 and 130.01–
130.03; Docket No. 524
- 1b. Written Status Report

ADMINISTRATION

- 2a. Issuance of Duplicate Tax Sale Certificate, Block 73 Lots 16 and 18
- 2b. Mayoral Appointments
 - 1. Historic Preservation Commission
 - 2. Environmental Commission
 - 3. Senior Advisory
- 2c. Employee Sick Time Extensions
- 2d. Sustainable Jersey Municipal Certification; Designation of Agent and Authorization to Complete Municipal Registration
- 2e. Authorizing Execution of 2024 Well Baby Interlocal Agreement; Borough of Waldwick
- 2f. Tax Appeal Settlement; Block 21.05, Lot 30
- 2g. Adjustment for Tax Appeal Settlement for 2023; Block 21.08, Lot 19
- 2h. Authorizing Professional Services Contract; O'Toole Scrivo LLC; Township Water/Sewer Utility Attorney
- 2i. Veteran Tax Exemption
- 2j. Authorization for RFP; Concession Stand Services at Continental Soldiers Park and Commodore Perry Field
- 2k. 2023 Recycling Tonnage Grant Application; Naming of Designee
- 2l. 2023 Recycling Certification
- 2m. Authorizing; BCIA Payment #25; DPW Project; MAST Construction Services
- 2n. Authorizing; BCIA Payment #26; DPW Project; DiGeronimo, PC

TOWNSHIP COUNCIL and MUNICIPAL CLERK

- 3a. Opposition to Assembly Bill No. 4/Senate Bill No. 50; Overhaul of Fair Housing Act

PUBLIC PORTION

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

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

APPROVAL OF MEETING MINUTES

Combined Work Session and Public Meeting Minutes of January 18, 2024

Closed Session Meeting Minutes of January 18, 2024

Township of Mahwah Combined Work Session and Public Meeting Agenda
February 5, 2024

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

REPORTS OF MAYOR and BUSINESS ADMINISTRATOR

PUBLIC PORTION

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ORDINANCE – INTRODUCTION

- #2024 Ordinance of the Township of Mahwah, County of Bergen, State of New Jersey, Amending Chapter 7, Traffic, of the Township Code to Modify Requirements for Road Construction/Maintenance Traffic Controls

ORDINANCES – PUBLIC HEARINGS

- #2022 Bond Ordinance Providing for Various Capital Improvements in and by the Township of Mahwah, in the County of Bergen, New Jersey, Appropriating \$2,733,500 Therefor and Authorizing the issuance of \$2,602,900 Bonds or Notes of the Township to Finance Part of the Cost Thereof
- #2023 Ordinance Amending Ordinance 1367 and Section 16-6a.7 of the Township Code Regarding Senior Citizens and Disabled Person Water Meter Discounts

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.

- * #083-24 Issuance of Duplicate Tax Sale Certificate, Block 73 Lots 16 and 18
- #084-24 Mayoral Appointment; Historic Preservation Commission and Environmental Commission
and Senior Advisory Board
- #085-24 Employee Sick Time Extensions
- #086-24 Sustainable Jersey Municipal Certification; Designation of Agent and Authorization to Complete Municipal Registration
- #087-24 Authorization; Execution of 2024 Well Baby Interlocal Agreement; Borough of Waldwick
- #088-24 Tax Appeal Settlement; Block 21.05, Lot 30
- #089-24 Adjustment for Tax Appeal Settlement for 2023; Block 21.08, Lot 19

Township of Mahwah Combined Work Session and Public Meeting Agenda
February 5, 2024

- #090-24 Authorization Professional Services Contract; O'Toole Scrivo LLC; Township Water/Sewer Utility Attorney
- #091-24 Veteran Tax Exemption
- #092-24 Authorization for RFP; Concession Stand Services at Continental Soldiers Park and Commodore Perry Field
- #093-24 2023 Recycling Tonnage Grant Application; Naming of Designee
- #094-24 2023 Recycling Certification
- #095-24 Authorization; Release of Guarantees Posted for Subdivision Mahwah NL Cedars Developers, LLC; Masonicus Road, Tree Farm Lane and Arbor Lane; Block 126, Lots 129.01–129.07 and 130.01–130.03; Docket No. 524
- #096-24 Authorization; BCIA Payment #25; DPW Project; MAST Construction Services
- #097-24 Authorization; BCIA Payment #26; DPW Project; DiGeronimo, PC
- * #098-24 **Opposition to Assembly Bill No. 4/Senate Bill No. 50; Overhaul of Fair Housing Act**

OLD BUSINESS

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

NEW BUSINESS

ADJOURNMENT

THIS AGENDA IS SUBJECT TO CHANGE

RESOLUTION

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

**RESOLUTION #082-24
DATE: February 5, 2024**

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

**RESOLUTION AUTHORIZING A CLOSED EXECUTIVE SESSION OF THE TOWNSHIP
COUNCIL OF THE TOWNSHIP OF MAHWAH**

WHEREAS, meetings of the Mahwah Township Council are subject to the requirements of the Open Public Meeting Act N.J.S.A. 10:4-6 et seq. ("OPMA"); and

WHEREAS, the OPMA provides that a public body may exclude the public from a portion of a meeting during which the public body discusses items enumerated by N.J.S.A. 10:4-12b, which items are recognized by the OPMA as requiring confidentiality; and

WHEREAS, it is necessary and appropriate for the Township Council to discuss certain matters in a meeting not open to the public in accordance with N.J.S.A. 10:4-12b.

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

1. The Township Council shall hold a closed meeting from which the public shall be excluded on February 5, 2024 at 7:00PM.
2. The general nature of the subjects to be discussed at said closed meeting shall be as follows:
 - a. Pursuant to N.J.S.A. 10:4-12(b)(7), matters falling within the attorney-client privilege relating to:
 - C1. Attorney Client Privilege – Affordable Housing
 - C2. Personnel Matters
3. The minutes of said closed meeting shall be made available for disclosure to the public when the items that are subject of the closed session discussion are resolved and a reason for confidentiality no longer exists, in accordance with the OPMA.

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 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President



Township Of Mahwah

DIVISION OF ENGINEERING
475 Corporate Drive
Mahwah, NJ 07430

la.

MICHAEL J. KELLY, P.E.
Township Engineer

Tel 201-529-5757 x 255
Fax 201-512-0537
mkelly@mahwahtwp.org

VIA EMAIL

January 25, 2024

Ms. Carolyn George
Municipal Clerk
Township of Mahwah
Municipal Building
475 Corporate Drive
Mahwah, New Jersey 07430

Re: Mahwah NL Cedars Developers, LLC
**Recommendation for Conditional Release of
Performance Guarantee and Review of
As-Built Survey**
Masonic Road, Tree Farm Lane and
Arbor Lane
Block 126, Lots 129.01-129.07 and
130.01-130.03
Township of Mahwah
Docket No. 524

Dear Ms. George:

We are in receipt of the following document relative to the above referenced project:

- a. As-Built Survey (1 sheet) entitled "Site As-Built, Tree Farm Lane & Arbor Lane, Township of Mahwah, Bergen County, New Jersey for Mahwah NL Cedars Developers, LLC," prepared by Conklin Associates, dated December 12, 2014, last revised, November 28, 2022.
- b. Retaining Wall Certification, prepared by Tibor Lantincics, P.E., dated December 12, 2023.
- c. Plan and Metes and Bounds Description of the Modified Drainage Easement on Lot 130.03, Block 126.

The Applicant for the above referenced project has requested the release of the Performance Guarantees posted for the completed items of the project. After reviewing the As-Built Plan, the approved plans on file and visiting the site, we offer the following comments:

Site Work Items

1. The street sign and post at the Masonic Road and Tree Farm Lane is not plumb and square. This must be addressed.

As-Built Plan Review

2. The As-Built Survey must be revised to reflect the modified Drainage Easement on Lot 130.03, Block 126.

Retaining Walls

3. We have received a Retaining Wall Certification from the Applicant's Engineer and take no exception to the Certifications, as submitted.

Drainage Easement on Block 126, Lot 130.03

4. We take no exception to the modified Drainage Easement, as submitted. The Applicant must provide our office with confirmation that this Easement has been filed with the County.

Performance Guarantee Release

5. In accordance with Township policy and the Municipal Land Use Law, this office has prepared a report recommending that the Council consider approval of a release of Guarantees file for this project, subject to the items noted below.
6. Representatives of this office have performed daily field inspections, monitored construction of the subject site and conducted office reviews of the associated support data for the purpose of verifying conformance of the construction completed to date to Township standards and the approved site plans.
7. Based on our inspection and reviews, our office has prepared the attached Engineer's Performance Guarantee Estimate. This estimate reflects that all work has been completed.
8. Our records indicate that the Applicant currently has the following guarantee posted with the Township:

Performance Guarantee

Cash Performance Guarantee	\$ 55,440.00
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Surety Performance Guarantee	\$498,960.00
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TOTAL	\$554,400.00
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9. Due to the amount of time the site improvements have been installed, we recommend that the Township waive the requirement for a two (2) year Maintenance Guarantee.
10. We respectfully request that this item be placed on the Township Council's Work Session Agenda for the meeting to be held on February 5, 2024.
11. We recommend that the Township Council consider the Performance Guarantee release, subject to the following:

Ms. Carolyn George
Township of Mahwah
January 25, 2024
Page 3

- a. The Applicant securing a letter from the Township's Finance Department verifying that sufficient escrow funds are available to cover any outstanding and all anticipated professional fees.
- b. The Applicant submitting a revised As-Built Survey and providing our office with confirmation that the amended Drainage Easement was properly filed with the County, as noted above.
- c. The street sign and post at Masonicus Road and Tree Farm Lane intersection must be properly installed.

Thank you for 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,



Michael J. Kelly, P.E.
Township Engineer

MJK/cb

Attachment

cc: Ben Kezmarsky, Township Business Administrator
Geri Entrup, Administrative Officer
Daniel Mairella, Construction Code Official
Christy Brown, Soil Movement Clerk
Glenn Dowson, DPW Director
Brian Vanderbeek, Water and Sewer Superintendent
Mahwah NL Cedars Development, LLC
Tibor Lantinesics, P.E., Conklin Associates

**MAHWAH NL CEDARS DEVELOPER, LLC
MASONICUS ROAD, TREE FARM LANE AND ARBOR LANE
BLOCK 126, LOTS 129.01-129.07 & 130.01-130.03
TOWNSHIP OF MAHWAH
DOCKET NUMBER 524**

**DATE: JANUARY 25, 2024
REDUCTION #1: DECEMBER 10, 2014
RELEASE: JANUARY 23, 2024**

**ENGINEER'S ESTIMATE
PERFORMANCE GUARANTEE**

ITEM NO.	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	ORIGINAL AMOUNT	% COMPLETED	AMOUNT REMAINING
1	CLEARING SITE	LS	1	\$20,000.00	\$20,000.00	100%	\$0.00
2	SOIL EROSION AND SEDIMENT CONTROL	LS	1	\$8,000.00	\$8,000.00	100%	\$0.00
3	COMMON SOIL MOVEMNT - EXCAVATION	CY	12,666	\$4.50	\$56,997.00	100%	\$0.00
4	COMMON SOIL MOVEMNT - FILL	CY	7,146	\$4.50	\$32,157.00	100%	\$0.00
5	BITUMINOUS CONCRETE SURFACE COURSE, MIX 1-5, 2" THICK	TON	400	\$70.00	\$28,000.00	100%	\$0.00
6	BITUMINOUS CONCRETE SURFACE COURSE, MIX 1-5, 4" THICK	TON	800	\$70.00	\$56,000.00	100%	\$0.00
7	DGA BASE COURSE, 8" THICK	CY	545	\$35.00	\$19,075.00	100%	\$0.00
8	GRANITE BLOCK CURB	LF	1,800	\$30.00	\$54,000.00	100%	\$0.00
9	6" PVC PIPE	LF	80	\$18.00	\$1,080.00	100%	\$0.00
10	8" PVC PIPE	LF	297	\$20.00	\$5,940.00	100%	\$0.00
11	10" PVC PIPE	LF	14	\$22.00	\$308.00	100%	\$0.00
12	12" PVC PIPE	LF	205	\$22.00	\$4,510.00	100%	\$0.00
13	15" RCP PIPE	LF	547	\$60.00	\$32,820.00	100%	\$0.00
14	15" HDPE PIPE	LF	174	\$25.00	\$4,350.00	100%	\$0.00
15	18" RCP PIPE	LF	290	\$75.00	\$21,750.00	100%	\$0.00
16	LAWN INLET	EA	5	\$500.00	\$2,500.00	100%	\$0.00
17	INLETS, TYPE E	EA	2	\$3,000.00	\$6,000.00	100%	\$0.00
18	INLETS, TYPE B	EA	9	\$2,200.00	\$19,800.00	100%	\$0.00
19	FLARED END SECTION	EA	5	\$800.00	\$4,000.00	100%	\$0.00
20	DIVERSION STRUCTURE	EA	1	\$3,000.00	\$3,000.00	100%	\$0.00
21	OUTLET CONTROL STRUCTURE	EA	1	\$5,000.00	\$5,000.00	100%	\$0.00
22	DETENTION BASIN	LS	1	\$50,000.00	\$50,000.00	100%	\$0.00
23	WATER QUALITY UNIT	EA	1	\$20,000.00	\$20,000.00	100%	\$0.00
24	RIP-RAP APRON	EA	5	\$2,000.00	\$10,000.00	100%	\$0.00
25	1" PVC SANITARY HOUSE SERVICE	LF	380	\$20.00	\$7,600.00	100%	\$0.00
26	2" SDR-11 HDPE PIPE	LF	1,045	\$25.00	\$26,125.00	100%	\$0.00
27	4" PVC, SCHEDULE 40 SANITARY SEWER PIPE	LF	503	\$20.00	\$10,060.00	100%	\$0.00
28	SANITARY SEWER MANHOLE	EA	6	\$2,500.00	\$15,000.00	100%	\$0.00
29	1" TYPE K COPPER PIPE	LF	420	\$8.00	\$3,360.00	100%	\$0.00
30	8" D.I.P. WATERMAIN AND APPURTENANCES	LF	2,143	\$45.00	\$96,435.00	100%	\$0.00
31	6" D.I.P. WATERMAIN AND APPURTENANCES	LF	18	\$36.00	\$648.00	100%	\$0.00
32	FIRE HYDRANT	EA	4	\$3,500.00	\$14,000.00	100%	\$0.00
33	4" BLACK VINYL CLAD CHAIN LINK FENCE	LF	383	\$15.00	\$5,745.00	100%	\$0.00
34	RUBBLE RETAINING WALL	SF	5,496	\$25.00	\$137,400.00	100%	\$0.00
35	STREET SIGNAGE	EA	3	\$250.00	\$750.00	100%	\$0.00
36	STREET LIGHTING	LS	1	\$20,000.00	\$20,000.00	100%	\$0.00
37	TOPSOIL & SEEDING	SY	9,500	\$4.00	\$38,000.00	100%	\$0.00
38	SHADE TREES	EA	33	\$400.00	\$13,200.00	100%	\$0.00
39	SURVEY MONUMENTS	EA	9	\$500.00	\$4,500.00	100%	\$0.00
40	WETLANDS DELINEATION	LS	1	\$3,800.00	\$3,800.00	100%	\$0.00
TOTAL ESTIMATED CONSTRUCTION COST					\$859,910.00		\$0.00
SAY					\$860,000.00		\$0.00
TOTAL PERFORMANCE GUARANTEE REQUIRED (30% OF ORIGINAL AMOUNT)					\$1,032,000.00		\$0.00
CASH PERFORMANCE GUARANTEE REQUIRED (10% OF TOTAL PERFORMANCE GUARANTEE)					\$103,200.00		\$0.00
SURETY PERFORMANCE GUARANTEE REQUIRED (90% OF TOTAL PERFORMANCE GUARANTEE)					\$928,800.00		\$0.00



lb.

Township Of Mahwah

DIVISION OF ENGINEERING
475 Corporate Drive
Mahwah, NJ 07430

MICHAEL J. KELLY, P.E.
Township Engineer

Tel 201-529-5757 x 255
Fax 201-512-0537
mkelly@mahwahtwp.org

MEMORANDUM

TO: The Honorable Mayor and Council – Township of Mahwah
FROM: Michael J. Kelly, P.E., Township Engineer
DATE: February 1, 2024
RE: Status Report for Work Session February 5, 2024
Our File No. MA-3056-03

The following is a brief summary of the status of various projects and matters with which our department is involved:

- MA-1727 Rehabilitation of Hearthstone/Janice Court Pump Station** *(Boswell)*
- Punch list items being addressed.
- MA-1780 Hillside Avenue, King Street and Siding Place Drainage Project** *(Boswell)*
- Currently evaluating various flood control methods.
- MA-1798 Well 18A Design Services** *(Boswell)*
- Since the Environmental Protection Agency (EPA) is lowering the acceptable PFAS levels permitted in drinking water, the Township has decided to add PFAS Treatment to this project at this time.
 - Design expected to be substantially completed by April 1, 2024 and NJDEP Permit Applications to be submitted by May 1, 2024.
- MA-1927 Mahwah Municipal Pool – Drainage Design** *(Boswell)*
- Bids received on September 27, 2023. Completion date April 15, 2024.
 - Project awarded at the October 2, 2023 Council Meeting.
 - Pre-construction meeting held on October 11, 2023.
 - Shop drawing review completed on November 6, 2023.
 - Drainage structures delivered the week of January 8, 2024.

- Contractor mobilized on February 1, 2024.

MA-1988 Restoration of Watercourse behind Wanamaker Avenue (Boswell)

- Waiting on completed permit applications by Boswell Engineering. These were to be provided to our office by April 4, 2023.
- The Township has met with Property Owners to obtain Property Owner Certifications, still waiting on signatures from Property Owners.

**MA-2095 FY2022 NJDOT Local Aid Application (Boswell)
FY2022-2023 CDBG**

Grantor: FY2022 NJDOT Local Aid
Grant Amount: \$226,000.00
Location: Airmount Road

Grantor: FY2022-2023 CDBG
Grant Amount: \$79,590
Location: Snow Mountain Road

- Project substantially complete. Punchlist items being addressed.

MA-2132 Various Sanitary Sewer Pumping Station Improvements (Boswell)

- Boswell proposal for engineering design services approved at the Council Meeting held on October 7, 2021.
- Received draft set of plans for Improvements to Ridge Gardens Pump Station on January 9, 2023, provided Boswell with our comments on January 10, 2023.
- Received updated plans on November 27, 2023 and provided our comments to Boswell on November 30, 2023. Waiting on revised plans based on our comments.

MA-2160 2023 Road, Curb and Sidewalk Improvement Program

- Township was able to pave additional roads due to cost savings. These roads paved on November 1, 2023 and November 2, 2023.

- Remaining work includes upper lot at municipal complex and sealcoating at Norfolk Village. This work is to be completed in the Spring of 2024.

MA-2166 Well 19 PFC Treatment (*Boswell*)

- Procurement of the treatment units awarded at the meeting held on August 21, 2023.
- On August 25, 2023 received Application Deficiency Letter from the NJDEP. Boswell resubmitted application on September 21, 2023.
- Township received NJDEP Flood Hazard Area approval on January 18, 2024. Still waiting on NJDEP Freshwater Wetlands Permit (Not subject to 90-day Rule). NJDEP was unable to verify wetlands due to snow cover. We expect permit to be issued shortly after snow clears.
- Once the necessary NJDEP Permits are received the installation of the units will be advertised for bids.

MA-2178 East Ramapo Avenue and Franklin Turnpike -- Turn Prohibition

- Met with the County on January 19, 2024, they will prepare an Ordinance for an upcoming County Commissioner's Agenda. The Township will then have to adopt a concurring Resolution.

MA-2181 Bergen County Open Space Grant Application -- 2022 (*Boswell*)

Grantor: 2022 Bergen County Open Space Trust Fund
Grant Amount: \$47,000.00

- Township received a grant for funding of Reconstruction and Replacement of Bocce Courts at Continental Soldiers Park.
- Project advertised for bids on January 18, 2024. Bids to be received on February 9, 2024.

MA-3001 Campgaw Road and Seminary Drive Intersection

- All striping completed on November 8, 2023. DPW to install advance warning signs.

MA-3002 Improvements to Riverview Terrace

Grantor: Bergen County Community Development Block Grant FY 23/24
Grant Amount: \$100,834.00
Location: Riverview Terrace

- Expect project to be bid Q1 of 2024.

MA-3008 Continental Soldiers Park – LED Lighting Improvements

- Work completed. Musco to perform light study on February 1, 2024 to confirm light levels.

MA-59 Route 287 and Route 17 - General

- We are waiting on NJDOT to respond to our other concerns.

MA-3019 Ridge Road – Street Lighting

- Township executed Rockland Electric Application on December 4, 2023.
- Project currently being designed by Rockland Electric. Anticipate work being completed summer of 2024.

MA-3021 Mahwah River Shoal Removal Project

- NJDEP Permit received on November 20, 2023. Project Plans and Specifications being compiled at this time. Project to be bid shortly.

MA-3022 Silver Creek Dam – Wing Wall Repair

- Engineering Design Services awarded to SESI at the March 20, 2023 Council Meeting. Project Kickoff Meeting held with SESI on April 6, 2023.
- Plan and Specification have been completed. Should be able to obtain bid proposals shortly.

MA-3024 Wells 16 & 17 - PFAS and PFOA Treatment Project

- Met with H2M Associates, Inc to review design parameters. Received Engineering Design Proposal on January 10, 2024. Expect to review proposal with Council once budget has been approved and funding is available.

MA-3025 Darlington County Park and Mahwah Pool

- Met with the County on January 19, 2024. They agreed to revisit the installation of a break in the curbed island in Darlington Avenue at the Township Pool Driveway to allow vehicles to make a left out of the pool. We are having a plan prepared to provide to the County for their review and approval.

MA-3035 East Ramapo Avenue – Pedestrian Safety Improvements

Grantor: NJDOT (LTPF-FY23)
Grant Amount: \$76,500.00

- Plans and specifications to been completed by Boswell Engineering and approved by NJDOT.
- Expect project to be publicly bid shortly.

MA-3037 Fardale Avenue Culvert Replacement

Grantor: FY2023 Local Aid
Grant Amount: \$158,000.00

Grantor: FY2024 Local Aid
Grant Amount: \$207,710.00

- The Township received notice that a grant in the amount of \$207,710.00 will be received for this project.
- Preliminary Engineering design authorized at the Council Meeting on January 4, 2024. Field Survey work performed on January 23, 2024.

MA-3055 Improvements to Split Rock Road

Grantor: Bergen County Community Development Block Grant
 FY 2024
Amount Requested: \$157,200.00
Location: Split Rock Road

- Grant Application submitted on December 14, 2023.

MA-3057 2024 Road, Curb and Sidewalk Improvement Program

- All roads on the Master Road Improvements List have been evaluated. Data being compiled. Expect project to be advertised for bids on March 13, 2024 and anticipate receiving bids on April 11, 2024.

MA-10-159 NJ Transit, Mall Apartments and South Railroad Avenue

- NJ Transit continues to work on a solution to the blockage below the tracks in this area. They have personnel and inspectors monitor the situation daily. During weather events they have personnel on site to monitor pump to ensure the blocked culvert below the tracks does not cause a flooding condition for the Mall Apartments and to ensure flow does not back up pipes in South Railroad Avenue causing a flooding issue.

MJK/cb

cc: Benjamin Kezmarsky, Township Business Administrator
Janet Puzo, Assistant to the Business Administrator
Joanne Becker, Qualified Purchasing Agent
Carolyn George, Municipal Clerk
Leslie Wen, Deputy Clerk
Glenn Dowson, Director, Department of Public Works

2a.

Hector L Castillo
24 Shinnecock Trail
Franklin Lakes, NJ 07417

January 29, 2024

Dear Sir or Madam,

I Hector L Castillo, owner of Tax Sale Certificate # 002611 and 002612 regarding block 73 lot 16 & 18 also know as Hillside Ave and owned by Moor, Samatha, The Tax Sale Certificates were issued on March 21, 2012.

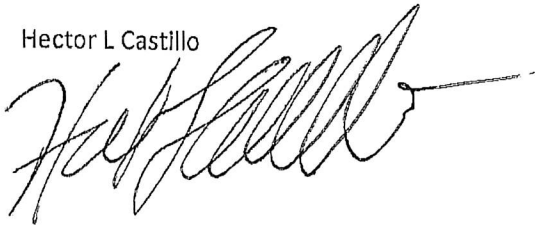
These Certificates have recently been redeemed.

I hereby testify that Tax Sale Certificate # 002611 and 002612 have been lost. I am requesting that duplicate Tax Sale Certificates be issued in lieu of the originals. I understand that the fee is \$ 100.00 per duplicate Certificate.

Please advise when the Resolution for the Duplicate Certificate is approved. Thank you

Sincerely,

Hector L Castillo



Sworn and subscribed to
Before me this 29th day
Of January, 2024

Anne Cirrito
Notary Public

Anne F. Cirrito
NOTARY PUBLIC
State of New Jersey
ID # 50169100
My Commission Expires 8/19/2026

CERTIFICATE OF SALE

FOR UNPAID MUNICIPAL LIENS

CERTIFICATE

No. 002612

I, Elizabeth Villano, COLLECTOR OF TAXES of the taxing district of the
the COUNTY of BERGEN TOWNSHIP of MAHWAH in
the 21st day of March, 2012
delinquent municipal liens, pursuant to the Revised Statutes of New Jersey, 1937, Title 54, Chapter 5, and the amendments and supplements
thereto I sold to HECTOR L CASTILLO at a public sale of lands for

whose address is 994 MADISON AVENUE APT#2, PATERSON, NJ 07501

for One Thousand Five Hundred Sixty dollars and Sixty Seven cents, the land
in said taxing district described as Block No. 73 Lot No. 18
and known as NORTH HILLSIDE AVENUE
duplicate thereof and assessed thereon to MOOR, SAMANTHA % I RUBENSTEIN, on the tax

THE AMOUNT OF THE SALE WAS MADE UP OF THE FOLLOWING ITEMS:

	AMOUNT	INTEREST	TOTAL
Taxes For: 2011	1,422.00	108.07	1,530.07
Assessments For Improvements			
Total Cost of Sale	30.60		30.60
Total			1,560.67
Premium (if any) Paid	0.00		

Said sale is subject to redemption on repayment of the amount of sale, together with interest at the rate of
18.00 per centum per annum from the date of sale, and the costs incurred by the purchaser as defined by
statute. The sale is subject to municipal charges accruing after December 31, 2011;
municipal authority charges accruing after December 31, 2011 and assessment
installments not yet due, amounting to 0.00 dollars and interest thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28th day of March, 2012

STATE OF NEW JERSEY
COUNTY OF: BERGEN

Elizabeth Villano
Elizabeth Villano

COLLECTOR OF TAXES

BE IT REMEMBERED, that on this 28th day of March, 2012 before me a
Notary Public of New Jersey, personally appeared Elizabeth Villano
the Collector of Taxes of the taxing district of TOWNSHIP OF MAHWAH in the County of BERGEN,
who, I am satisfied, is the individual described herein, and who executed the above Certificate of Sale; and I having made known to him the
contents thereof, he thereupon acknowledged to me that he signed, sealed and delivered the same as his voluntary act and deed, for the uses and
purposes therein expressed.

Prepared By: Elizabeth Villano
Elizabeth Villano

PREPARER

Kathrine G. Coletta
Kathrine G. Coletta

NOTARY PUBLIC

NOTE: NJSA 46:15-3 requires that all signatures appearing on the certificate, those of the collector, the Notary Public who takes this
acknowledgement, and the preparer shall be printed, typed or stamped underneath such signature the name of the person that signed.

CERTIFICATE OF SALE

FOR UNPAID MUNICIPAL LIENS

CERTIFICATE

No. 002611

I, Elizabeth villano, COLLECTOR OF TAXES of the taxing district of the
the COUNTY of BERGEN TOWNSHIP of MAHWAH in
the 21st day of March, 2012, at a public sale of lands for
delinquent municipal liens, pursuant to the Revised Statutes of New Jersey, 1937, Title 54, Chapter 5, and the amendments and supplements
thereto I sold to HECTOR L. CASTILLO

whose address is 994 MADISON AVENUE APT#2, PATERSON, NJ 07501

for One Thousand Five Hundred Seventy Eight dollars and One cents, the land
in said taxing district described as Block No. 73 Lot No. 16
and known as NORTH HILLSIDE AVENUE
duplicate thereof and assessed thereon to MOOR, SAMANTHA % I RUBENSTEIN, on the tax

THE AMOUNT OF THE SALE WAS MADE UP OF THE FOLLOWING ITEMS:

	AMOUNT	INTEREST	TOTAL
Taxes For: 2011	1,437.80	109.27	1,547.07
Assessments For Improvements			
Total Cost of Sale	30.94		30.94
Total			1,578.01
Premium (if any) Paid	0.00		

Said sale is subject to redemption on repayment of the amount of sale, together with interest at the rate of
18.00 per centum per annum from the date of sale, and the costs incurred by the purchaser as defined by
statute. The sale is subject to municipal charges accruing after
municipal authority charges accruing after December 31, 2011
installments not yet due, amounting to 0.00 December 31, 2011 and assessment
dollars and interest thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28th day of March, 2012

STATE OF NEW JERSEY
COUNTY OF: BERGEN

Elizabeth Villano
Elizabeth Villano, COLLECTOR OF TAXES

BE IT REMEMBERED, that on this 28th day of March, 2012, before me a
Notary Public of New Jersey, personally appeared Elizabeth Villano
the Collector of Taxes of the taxing district of TOWNSHIP OF MAHWAH in the County of BERGEN
who, I am satisfied, is the individual described herein, and who executed the above Certificate of Sale; and I having made known to him the
contents thereof, he thereupon acknowledged to me that he signed, sealed and delivered the same as his voluntary act and deed, for the uses and
purposes therein expressed.

Prepared By: Elizabeth Villano
Elizabeth Villano, PREPARER
Kathrine G. Coletta
Kathrine G. Coletta, NOTARY PUBLIC

NOTE: NJSA 46:15-3 requires that all signatures appearing on the certificate, those of the collector, the Notary Public who takes this
acknowledgement, and the preparer shall be printed, typed or stamped underneath such signature the name of the person that signed.

Interlocal Service Agreement

WHEREAS, N.J.S.A. 40A:8A-1, known as the "Interlocal Services Act," authorizes agreements between local units for any services which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Township of Mahwah and the Borough of Waldwick, along with their respective Boards of Health, have determined that it is in their best interest to enter into an Interlocal Service Agreement for providing certain services to infant and pre-school children as mandated by the Public Health Council of the State of New Jersey; and

WHEREAS, this Agreement has been duly authorized by appropriate Resolutions of each municipality.

NOW, THEREFORE, the parties hereto, based upon the mutual covenants and considerations herein contained agree as follows:

1. Mahwah and Waldwick along with their respective Boards of Health and Governing bodies hereby agree to enter into the within Agreement to provide public health services through the Waldwick Well-Baby Clinic to Mahwah residents with infants and pre-school children.
2. Waldwick shall be deemed as the lead agency for purposes of this agreement.
3. Waldwick and its Board of Health shall provide services to include immunizations to pre-school and school age children for protection against disease in accordance with current recommendations of the New Jersey Department of Health; provide important information forms (consent forms) for individual receiving State issued vaccine according to State directives; conferences and examinations of infants and pre-school children with particular emphasis on the medically indigent, based upon the current Department of Health Publication, "Guidelines for the Child Health Conference". Services shall also include all those as may be required as set forth in N.J.A.C. 8:52-5.1 entitled "Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey" (Title 8-Chapter 52), New Jersey Administrative Code as revised by the Public Health Council of the New Jersey State Department of Health effective January 1, 1987.
4. The Waldwick Well-Baby Clinic shall provide the foregoing services in accordance with the minimum standards of performance for local Boards of Health in New Jersey as stipulated and mandated by State regulations as set forth in New Jersey Administrative Code, Title 8-Chapter 52, as set forth by the Public Health Council of the New Jersey State Department of Health.

5. In consideration of the services to be performed herein, Mahwah shall be assessed **a one-time administrative fee of \$125, payable upon execution of the contract,** a \$35 per child fee for examinations and a \$20 per child fee for immunizations only, to be billed directly by the medical provider.
6. This Agreement shall become effective upon adoption of the respective Resolutions of Mahwah and Waldwick and Resolutions of the respective Boards of Health. This Contract shall remain in full force and effect from date of execution until December 31, 2024.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals opposite their respective signatures.

ATTEST:

TOWNSHIP OF MAHWAH

Mayor

ATTEST:

MAHWAH BOARD OF HEALTH

Kathryn Hagan, Secretary

Adam Matysiak, President

ATTEST:

BOROUGH OF WALDWICK

Kelley Halewicz, RMC/CMC

Thomas A. Giordano, Mayor

ATTEST:

WALDWICK BOARD OF HEALTH

January 18, 2024
10:47 AM

TOWNSHIP OF MAHWAH
Tax Account Detail Inquiry

29.

Page No: 1

BLQ: 21.08 19.
Owner Name: ZEMLINANOV, ALEXANDER & EKATERINA

Tax Year: 2023 to 2024
Property Location: 76 WALSH DRIVE

Tax Year: 2023		Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:		5,669.50	5,669.50	5,968.50	6,118.00	23,425.50
Payments:		5,669.50	5,669.50	5,968.50	6,118.00	23,425.50
Balance:		0.00	0.00	0.00	0.00	0.00

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2023 Prin Balance
		Description								
		Original Billed								23,425.50
01/31/23	1	Payment	001		CK	40513	220 EMV	5,669.50	0.00	17,756.00
		660 Wire transfer								
04/27/23	2	Payment	001		CK	41269	229 EMV	5,669.50	0.00	12,086.50
		Corelogic Wire transfer								
08/02/23	3	Payment	001		CK	42127	221 KW	5,968.50	0.00	6,118.00
		CORELOGIC/660 WIRE TRSF								
11/02/23	4	Payment	001		CK	43027	222 KWM-660	6,118.00	0.00	0.00
		CORELOGIC INSTALLMNT 4								

Tax Year: 2024		Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:		5,856.38	5,856.37	0.00	0.00	11,712.75
Payments:		0.00	0.00	0.00	0.00	0.00
Balance:		5,856.38	5,856.37	0.00	0.00	11,712.75

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2024 Prin Balance
		Description								
		Original Billed								11,712.75

Total Principal Balance for Tax Years in Range: 11,712.75

$$1,150,000 \times .02037 = 23,425.50$$

$$450,000 \times .02037 = 9,166.50$$

4074.00 Difference

Tax Account Maintenance

Block: 21.08 ☐ Lot: 19

Qualifier:

Owner: ZEMLINANOV, ALEXANDER & EKATERINA ☐ Redacted Name:

Prop Loc: 76 WALSH DRIVE ☐ Account Id: 00009586 ☐

Notes Exist

General	Assessed Value	Additional	Billing	Deductions	Balance	All Charges	Add/Omit	Notes										
<div style="display: flex; justify-content: space-between;"> <div> <p>2023</p> <p>Land Value: 491,500</p> <p>Impr Value: 658,500</p> <p>Limited Exemptions</p> <table border="1"> <thead> <tr> <th>Code</th> <th>Amount</th> </tr> </thead> <tbody> <tr><td>1</td><td>0</td></tr> <tr><td>2</td><td>0</td></tr> <tr><td>3</td><td>0</td></tr> <tr><td>4</td><td>0</td></tr> </tbody> </table> <p>Net Value: 1,150,000</p> </div> <div> <p>Special Tax Codes</p> <p>1: <input type="text"/></p> <p>2: <input type="text"/></p> <p>3: <input type="text"/></p> <p>4: <input type="text"/></p> </div> </div>									Code	Amount	1	0	2	0	3	0	4	0
Code	Amount																	
1	0																	
2	0																	
3	0																	
4	0																	
<div style="display: flex; justify-content: space-between;"> <div> <p>2024</p> <p>Land Value: 491,500</p> <p>Impr Value: 658,500</p> <p>Limited Exemptions</p> <table border="1"> <thead> <tr> <th>Code</th> <th>Amount</th> </tr> </thead> <tbody> <tr><td>1</td><td>0</td></tr> <tr><td>2</td><td>0</td></tr> <tr><td>3</td><td>0</td></tr> <tr><td>4</td><td>0</td></tr> </tbody> </table> <p>Net Value: 1,150,000</p> </div> <div> <p>Special Tax Codes</p> <p>1: <input type="text"/></p> <p>2: <input type="text"/></p> <p>3: <input type="text"/></p> <p>4: <input type="text"/></p> </div> </div>									Code	Amount	1	0	2	0	3	0	4	0
Code	Amount																	
1	0																	
2	0																	
3	0																	
4	0																	

$$\begin{array}{r}
 1,150,000 \times 2.037 = 23425.50 \\
 950,000 \times 2.037 = 19351.50 \\
 \hline
 4074.00 \text{ Difference}
 \end{array}$$

2h.

O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY

JAMES DIGIULIO

jdigiulio@oslaw.com

December 15, 2023

Via Hand Delivery

Mr. Benjamin Kezmarsky
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430

Re: Township of Mahwah Counsel Services – Utility Counsel

Dear Mr. Kezmarsky:

Thank you for considering O'Toole Scrivo, LLC ("OS" or "Firm") as Utility Counsel for the Township of Mahwah (the "Township"). Pursuant to the Request for Qualifications, below is the information required by the Township.

Key Contact:

Holly Schepisi, Partner
O'Toole Scrivo, LLC
14 Village Park Road
Cedar Grove, New Jersey 07009
(973) 239-5700 (phone)
(973) 239-3400 (fax)
hschepisi@oslaw.com

Qualifications and Experience:

OS is located in Cedar Grove, New Jersey and was founded in 2017 by Kevin J. O'Toole and Thomas P. Scrivo. OS is a full-service law firm. The professionals at OS have years of experience successfully representing public entities in a wide variety of contexts, including civil litigation (civil rights, tort claims act), labor and employment, and administrative matters.

OS has extensive experience representing local government clients. OS attorneys have, for several years, served as the municipal attorneys for municipalities throughout New Jersey and special counsel to many other municipal corporations, various boards, agencies, and counties. OS has dealt with a variety of issues including, but not limited to, drafting and adopting resolutions and ordinances; drafting public questions; real estate; zoning and planning; land use; public

14 Village Park Road Cedar Grove, NJ 07009 | (973) 239-5700 | Facsimile: (973) 239-3400 | oslaw.com

535 Fifth Avenue, Fourth Floor, New York, NY 10017 | (888) 663-1117

bidding; contracting and related procurements; eminent domain and condemnation; construction; public and tax-exempt financing; tax appeals and revaluations; tort claims; civil service; cable television systems; labor relations and employment; public sector arbitration; education; affordable housing; tax appeals; urban redevelopment; utilities; relationships among the local municipal corporation and other local, county, and state governments; property taxes; elections; referendums; and issues affecting local administration.

OS often deals with, and is uniquely qualified in, the statutory and regulatory schemes governing the aforementioned areas of law, including the Local Public Contracts Law, Open Public Meetings Act, Open Public Records Act, Local Lands and Building Law, Municipal Land Use Law, Local Redevelopment and Housing Law, Local Budget Law, Local Fiscal Affairs Law, Local Government Ethics Law, Interlocal Services Act, and Tort Claims Act, to name only a few.

OS has extensive experience in governmental and municipal law, land use, corporate, and environmental matters. The Firm can perform the tasks needed in a timely fashion, including staffing and familiarity with the subject matter of representation. Specifically, the Firm has experience in providing legal advice and assistance on all issues relating to the operation of the Township's Utility, including handling personnel and union contract issues, New Jersey Department of Environmental Protection and Federal EPA matters, customer dispute issues, contracting and legal assistance with hired contractors, electric and water utility rate matters, matters related to the municipal water supply contract with an adjoining town, and environmental contamination matters. The Firm is available to provide ongoing phone consultation to the Director of Operations and the Township for any issues that may arise, including attending any monthly meetings as needed..

Representative matters include acquisitions of businesses and commercial properties, commercial loans, redevelopment projects for mixed-use zoning approval, restaurant acquisitions and related land use approvals, self-storage facilities, acquisitions of environmentally sensitive and contaminated properties, and outside counsel to long-term care facilities.

The following is a representative list of matters the Firm has handled:

- Represented candidates for New Jersey State Senate and General Assembly in action to require County Clerk to re-draw ballot positions. (Superior Court of New Jersey, Appellate Division, on appeal from Bergen County, Law Division)
- *Miskowitz v. Union County Utilities Auth.*, 336 N.J. Super. 183 (App. Div. 2001)
- *Muirfield Const. Co. v. Essex County Improvement Auth.*, 336 N.J. Super. 126 (App. Div. 2000)
- *Rumana v. County of Passaic*, 397 N.J. Super. 157 (App. Div. 2007)

- *Waste Management of New Jersey, et al. v. Morris County Municipal Utilities Authority, et al.*, 433 N.J. Super. 455, 80 A. 3d 1169 (App. Div. 2013)
- *Kathleen A. Donovan, County Executive of Bergen County v. Bergen County Board of Chosen Freeholders*, 436 N.J. Super. 91 (Law Div. 2012), *aff'd*, 436 N.J. Super. 1 (App. Div. 2014)
- *62-64 Main St., L.L.C. v. Mayor & Council of City of Hackensack*, 221 N.J. 129 (2015)
- Successfully argued emergent interlocutory appeal regarding the attorney-client privilege in *Hedden v. Kean University*, 434 N.J. Super. 1 (App. Div. 2013)
- *City of Paterson and Paterson Police PBA 1, et al.*, PERC Dkt. No. CO-2019-191, D.U.P. No. 2019-6 (successfully argued for dismissal of unfair practice charge alleging violations of the Employer-Employee Relations Act in connection with selection of police chaplains)
- *City of Paterson and Paterson Police PBA 1, et al.*, PERC Dkt. No. CO-2022-049, I.R. No. 2022-8 (successfully argued for dismissal of Order to Show Cause that sought to prevent prosecution of disciplinary charges against police officer who was subject to parallel criminal charges)
- *James A. McCall v. City of East Orange*, GRC Complaint No. 2016-126 (successfully argued for dismissal of denial of access complaint related to police dash cam video footage)

The Firm has consistently completed these and all projects within the prescribed schedule and budget, which is best re-enforced by our long-term and continuous representation of clients, including municipalities and other government entities.

Primary Staffing:

A. Holly T. Schepisi, Partner

Holly Schepisi has more than twenty-five years of experience in corporate, land use and real estate law, complex financial transactions, and government service. She served as a member of the N.J. General Assembly from 2012 until March 25, 2021, when she was sworn in as a member of the N.J. State Senate. She represents the 39th Legislative District, which includes twenty-eight municipalities in Bergen county. She serves as a member of the Health, Human Services, and Senior Citizens Committee and the Community and Urban Affairs Committee and has been selected as the Conference Leader. While in the Assembly, she has sat on the Environment and Solid Waste, Judiciary, Housing, and Appropriations Committees.

Before joining the Firm, Ms. Schepisi started her own firm, Schepisi Consulting & Law, LLC. She was also a Managing Director and Investment Review Committee member of an

affiliated group of private equity and venture capital funds with a national focus on small businesses and the social benefits of supporting entrepreneurs and enhancing local job creation.

Most recently, Ms. Schepisi served as Vice President of Holy Name Medical Center and President of its Foundation. Experienced in public issues, she currently serves as counsel to the Park Ridge Board of Public Utilities and previously served as the public defender for the Borough of Oakland and the township attorney for River Vale, where she successfully helped the municipality acquire the River Vale Country Club. She is an executive committee board member of the Bergen Community College Foundation, a board member for the Adler Aphasia Center, the prior President of the Fordham Law Alumni Association, New Jersey Chapter, and served as an advisory board member of Provident Bank, SB One Bank and Interchange Bank.

B. Christopher A. Ferriero, Associate

Christopher Ferriero assists the firm's clients in navigating complex commercial litigation, real estate, and land use and redevelopment matters. During law school, he was a member of the civil litigation clinic and assisted with the representation of numerous clients on a variety of issues. Prior to law school, he worked as a paralegal in a New York law firm, where he gained valuable experience on complex commercial litigation matters.

Mr. Ferriero joined the firm following a clerkship with the Honorable Anthony V. D'Elia in Hudson County. He attended DePaul University and received his J.D. from DePaul University College of Law.

References:

Paul Longo
Director of Park Ridge Board of Public Utilities
(201) 822-3139

Brian P. Stack
Mayor for City of Union City
3715 Palisade Avenue
Union City, NJ 07087

Dahlia Vertreese
Mayor of Hillside Township
(848) 666-0176

W. Reed Gusciora
Mayor of Trenton
(609) 989-3030

Township of Mahwah
December 15, 2023
Page 5

Joseph Tempesta, Jr.
Mayor of West Caldwell Township
jtempesta@westcaldwell.com

Cost Details:

The Firm proposes to be compensated at a monthly flat fee of \$5,000.00 with a total amount-not-to-exceed \$80,000.00, without the written authorization of the Governing Body and the Chief Financial Officer has certified that funds are available.

Additional Pertinent Information:

There are no judgments in the last three years in which the Firm has been adjudicated liable for professional malpractice. The Firm is not now nor has been involved in any bankruptcy or reorganization proceedings in the last ten years. The Firm's Principals have no familial relationship with any employees or elected official of the Township.

Please let us know if you require any additional information.

Very truly yours,

/s/James DiGiulio
James DiGiulio

Township of Mahwah
December 15, 2023
Page 6

Attachments to O'Toole Scrivo, LLC RFQ Response

Exhibit A	Certificate of Employee Information Report
Exhibit B	Business Registration Certificate
Exhibit C	Attorney Biographies

EXHIBIT A

CERTIFICATE OF EMPLOYEE INFORMATION REPORT Certification 41901
RENEWAL

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of 15-May-2022 to 15-May-2025

OTOOLE SCRIVO LLC
14 VILLAGE PARK ROAD
CEDAR GROVE

NJ 07009





ELIZABETH MAHER MUOIO
State Treasurer

EXHIBIT B

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

DEPARTMENT OF TREASURY/
DIVISION OF REVENUE
PO BOX 252
TRENTON, NJ 08846-0252

TAXPAYER NAME:

O'TOOLE SCRIVO, LLC

TRADE NAME:

ADDRESS:

14 VILLAGE PARK ROAD
CEDAR GROVE NJ 07009

EFFECTIVE DATE:

04/23/08

SEQUENCE NUMBER:

1404806

ISSUANCE DATE:

06/12/19

James J. Quinn
Director
New Jersey Division of Revenue

FORM-BRC

104-081. D205846V

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.

EXHIBIT C

O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY



Holly T. Schepisi
Partner

(973) 559-9807

hschepisi@oslaw.com

Holly Schepisi has more than twenty-five years of experience in corporate, land use and real estate law, complex financial transactions, and government service. Clients regularly turn to her to provide attentive counsel on a wide range of acquisitions, general corporate matters, zoning, regulatory matters, and land use issues.

Holly Schepisi served as a member of the New Jersey General Assembly from 2012 until March 25, 2021, when she was sworn in as a member of the New Jersey State Senate. Senator Schepisi represents the 39th Legislative District, which includes twenty-eight municipalities in Bergen County. She serves as a member of the Health, Human Services, and Senior Citizens Committee and the Community and Urban Affairs Committee and has been selected as the Conference Leader. While in the Assembly, she has sat on the Environment and Solid Waste, Judiciary, Housing, and Appropriations Committees.

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Oakland and the township attorney for River Vale, where she successfully helped the municipality acquire the River Vale Country Club. She is an executive committee board member of the Bergen Community College Foundation, a board member for the Adler Aphasia Center, the prior President of the Fordham Law Alumni Association, New Jersey Chapter, and served as an advisory board member of Provident Bank, SB One Bank, and Interchange Bank.

Matters

- Represented municipality in acquisition of country club and adjacent five-acre parcel for development.
- Represented developer in acquisition and zoning board approval for a D-1 Variance of an inpatient drug and alcohol facility in Mahwah, New Jersey located in the Highlands Preservation Zone.
- Obtained zoning board approval for a D-1 variance of a 60,000 square foot self-storage facility in Westwood, New Jersey.
- General counsel for assisted living facility.
- Outside general counsel for local utility.
- Land use and financing counsel for developer of 100% affordable housing projects.
- Represented developer in acquisition of operational Marina in Edgewater, New Jersey.
- Lead counsel on joint venture among Fortune 100 companies for the exploration of new telecommunications technology.
- Recapitalization and roll-up of auto maintenance franchises on behalf of acquiring entities.

Honors & Awards

- Woodcliff Lake Republicans Club 25th Lincoln Award (2021)
- Assemblywoman of the Year by N.J. Conference of Mayors (2018)
- CarePlus Courage Award for Mental Health Advocacy (2017)
- Carol Murphy Award from the Women's Political Caucus of New Jersey (2016)
- The Lucy Gorant Republican Woman of the Year Award (2015)
- Outstanding Women in Government Award from The New Jersey League of Municipalities (2014)
- Woodcliff Lake Republicans Club Lincoln Award (2013)
- Archibald R. Murray Public Service Award and the Fordham Student Sponsored Fellowship Award from Fordham Law (1997)

Government Service

- New Jersey State Senator, 39th District; 2021 – Present
- New Jersey State Assemblywoman, 39th District; 2012 - 2021

Practices

- Corporate
- Labor & Employment
- Land Use & Redevelopment

Industries

- Cannabis
- Construction
- Consumer & Retail
- Financial Services
- Food, Beverage, and Hospitality
- Government
- Healthcare
- Insurance
- Non-Profit
- Private Client Services
- Professional Services
- Real Estate

Education

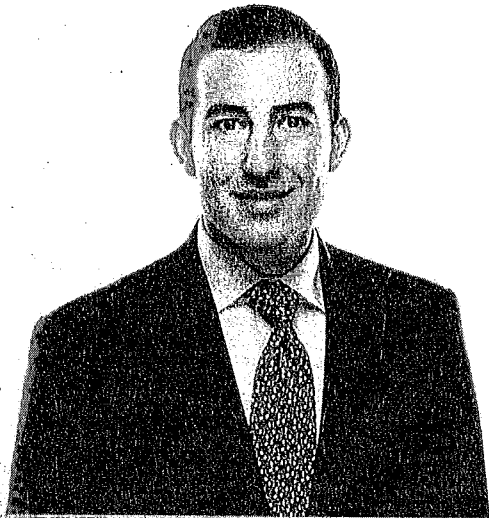
- Fordham University School of Law, J.D.
- Catholic University of America, B.A., Politics/Psychology, High Honors in Psychology

Admission

- New Jersey

O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY



Christopher A. Ferriero
Associate

(973) 559-0979

cferriero@oslaw.com

Christopher Ferriero assists the firm's clients in navigating complex commercial litigation, real estate, and land use and redevelopment matters.

During law school, Mr. Ferriero was a member of the civil litigation clinic and assisted with the representation of numerous clients on a variety of issues. Prior to law school, he worked as a paralegal in a New York law firm, where he gained valuable experience on complex commercial litigation matters.

Mr. Ferriero joined the firm following a clerkship with the Honorable Anthony V. D'Elia in Hudson County.

Clerkship

- Hon. Anthony V. D'Elia J.S.C., Hudson County, 2021-2022

Practices

- Appellate
- Commercial Litigation
- Corporate
- Litigation
- Land Use & Redevelopment

Industries

- Cannabis

- Construction
- Government
- Real Estate

Education

- DePaul University College of Law, J.D.
- DePaul University, Liberal Arts and Social Sciences, Political Science

Admissions

- New Jersey
- U.S. District Court, District of New Jersey
- U.S. Court of Appeals, Third Circuit

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

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

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

1. CLAIMANT NAME

James M. Cadet

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

2. DWELLING LOCATION

5 Ivy Lane, Mahwah, NJ 07430

Street Address of claimant owner's principal residence

Phone #

Email

Bergen

Township of Mahwah

County

Municipality

120

104.03

Block

Lot

Qualifier

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

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

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

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

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

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

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

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

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

Corporation Name of Co-operative or Mutual Housing Corporation _____

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

Municipality _____

☐ Co-op

☐ MHC

Number of Shares for Unit _____

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

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

6. **CITIZEN & RESIDENT** (Complete A or B)

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

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

[Signature]
Signature of claimant

January 29, 2024

Date

USE ONLY – Block <u>170</u>	Lot <u>104.03</u>	Qualifier _____	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disallowed
Assessor <u>[Signature]</u>	Date <u>1/30/24</u>			



DEPARTMENT OF VETERANS AFFAIRS

January 27, 2024

James Maximillien Cadet
5 Ivy Ln
Mahwah, NJ 07430

In Reply Refer to:
[REDACTED]

Dear Mr. Cadet:

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as state or local property or vehicle tax relief, civil service preference, to obtain housing entitlements, free or reduced state park annual memberships, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter is considered an official record of your VA entitlement.

Our records contain the following information:

Personal Claim Information

[REDACTED]
You are the Veteran.

Military Information

Your most recent, verified periods of service (up to three) include:

Branch of Service	Character of Service	Entered Active Duty	Released/Discharged
[REDACTED]			

(There may be additional periods of service not listed above.)

VA Benefit Information

You have one or more service-connected disabilities:

Your combined service-connected evaluation is:

You are considered to be totally and permanently disabled due solely to your service-connected disabilities:

The effective date of when you became totally and permanently disabled due to your service-connected disabilities:

You are in receipt of special monthly compensation due to the type and severity of your service-connected disabilities:

21.

2023

	2022	2023					
MONTH	#TONS	#TONS	PER TON	TOTAL	PER TON	REC. TAX TTL	TOTAL
JANUARY	767.99	803.57	\$ 78.00	\$ 62,678.46	\$ 3.00	\$ 2,410.71	\$ 65,089.17
FEBRUARY	701.89	632.51	\$ 78.00	\$ 49,335.78	\$ 3.00	\$ 1,897.53	\$ 51,233.31
MARCH	779.18	740.82	\$ 78.00	\$ 57,783.96	\$ 3.00	\$ 2,222.46	\$ 60,006.42
1ST QTR.	2249.06	2176.90		\$ 169,798.20		\$ 6,530.70	\$ 176,328.90
APRIL	830.84	710.88	\$ 78.00	\$ 55,448.64	\$ 3.00	\$ 2,132.64	\$ 57,581.28
MAY	860.00	811.04	\$ 78.00	\$ 63,261.12	\$ 3.00	\$ 2,433.12	\$ 65,694.24
JUNE	947.48	816.01	\$ 78.00	\$ 63,648.78	\$ 3.00	\$ 2,448.03	\$ 66,096.81
2ND QTR.	2638.32	2337.93		\$ 182,358.54		\$ 7,013.79	\$ 189,372.33
JULY	802.95	793.80	\$ 78.00	\$ 61,916.40	\$ 3.00	\$ 2,381.40	\$ 64,297.80
AUGUST	870.83	800.53	\$ 78.00	\$ 62,441.34	\$ 3.00	\$ 2,401.59	\$ 64,842.93
SEPTEMBER	865.73	767.70	\$ 80.00	\$ 61,416.00	\$ 3.00	\$ 2,303.10	\$ 63,719.10
3RD QTR.	2539.51	2362.03		\$ 185,773.74		\$ 7,086.09	\$ 192,859.83
OCTOBER	812.83	790.41	\$ 80.00	\$ 63,232.80	\$ 3.00	\$ 2,371.23	\$ 65,604.03
NOVEMBER	834.00	771.94	\$ 80.00	\$ 61,755.20	\$ 3.00	\$ 2,315.82	\$ 64,071.02
DECEMBER	813.40	801.83	\$ 80.00	\$ 64,146.40	\$ 3.00	\$ 2,405.49	\$ 66,551.89
4TH QTR.	2460.23	2364.18		\$ 189,134.40		\$ 7,092.54	\$ 196,226.94
				\$ -		\$ -	\$ -
TOTAL YEAR	9887.12	9241.04		\$ 727,064.88		\$ 27,723.12	\$ 754,788.00
							TOTAL
							COST

2m.

THE BERGEN COUNTY IMPROVEMENT AUTHORITY
\$22,600,000 COUNTY GUARANTEED LEASE REVENUE BONDS, SERIES 2021
Township of Mahwah Project

LEASE AND AGREEMENT REQUISITION FOR PAYMENT

VIA ELECTRONIC MAIL

Manufacturers and Traders Trust Company
Corporate Trust Administration
99 Wood Avenue South
Iselin, New Jersey 08830

REQUISITION REF. NO. 2021- 25

I, the undersigned Chief Financial Officer of the Township of Mahwah, in the County of Bergen (the "Municipality") DO HEREBY CERTIFY that I am an Authorized Municipal Representative duly designated by the Municipality to execute and deliver this certificate on behalf of the Municipality. I DO HEREBY FURTHER CERTIFY pursuant to and in accordance with the terms of the Lease and Agreement between the Bergen County Improvement Authority (the "Authority") and the Municipality dated as of August 1, 2021 (the "Lease") as follows:

1. This requisition is Requisition Ref. No. 2021-25 (Disbursement from BCIA Mahwah DPW 2021 Project Account number 148951-001.)
2. The name and address of the person, firm or corporation to whom payment is due is:
MAST Construction Services, Inc.
3. The amount to be paid to such person, firm or corporation (MAST Construction Services, Inc.) is \$18,750.00.
4. The Project Costs to which this Requisition relates is Township of Mahwah DPW Project.
5. Each obligation, item of cost or expense mentioned herein has been properly incurred, is an item of Cost and is a proper charge against the Project Fund and has not been the basis of any previous withdrawal.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to such terms in the Lease. This requisition is authorized to be executed in counterparts by the parties set forth below.

DATED: _____

TOWNSHIP OF MAHWAH

Authorized Municipal Representative

Name: Corinne Hockman

Title: CFO

The undersigned, on behalf of the Bergen County Improvement Authority, hereby acknowledges the above Requisition based on the certifications set forth above.

DATED: _____

BERGEN COUNTY IMPROVEMENT AUTHORITY

Authorized Authority Representative

Name: Mauro Raguseo

Title: Executive Director

SCHEDULE A

Check disbursement instructions:

Payee Name: MAST Construction Services, Inc.

Address: 96 East Main Street
Little Falls, NJ 07424
Attn: Ted Domuracki

Amount: \$ \$ 18,750.00

Date: February 5, 2024

Wiring Instructions:

Bank name:

Bank ABA:

Payee account number:

Payee account name:

For further credit (if necessary):

Attached Description of Product/Service: see below

MAST Construction Services, Inc.	Invoice 354-04-1023	\$9,375.00
MAST Construction Services, Inc.	Invoice 354-05-1123	\$9,375.00

[ATTACH BILLING/PAGES AS NECESSARY]

MAST CONSTRUCTION SERVICES, INC.

October 31, 2023

Benjamin Kezmarsky
Business Administrator
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430

Re: Statement of Services
Pre - Construction Management Phase of New DPW
Invoice 354-04-1023

For Construction Management (CM) Service

Pre-Construction:	CM Fee	October 2023		
Contract	Contract Amount	Billed to Date	This Requisition	Total Remaining
6/1/2023 Construction	\$112,500.00	\$28,125.00	\$9,375.00	\$75,000.00
6/1/2023 Construction	\$304,200.00	\$0.00	\$0.00	\$304,200.00
6/1/2023 Close-Out	\$25,350.00	\$0.00	\$0.00	\$25,350.00
	\$442,050.00	\$28,125.00	\$9,375.00	\$404,550.00

TOTAL INVOICE

\$9,375.00

Remit to: Ted Domuracki
MAST Construction Services, Inc.
96 East Main Street
Little Falls, NJ 07424

MAST CONSTRUCTION SERVICES, INC.

November 30, 2023

Benjamin Kezmarsky
Business Administrator
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430

Re: Statement of Services

Pre - Construction Management Phase of New DPW

Invoice 354-05-1123

For Construction Management (CM) Service

Pre-Construction:

CM Fee

November 2023

Contract	Contract Amount Billed to Date This Requisition			Total Remaining
6/1/2023 Construction	\$112,500.00	\$37,500.00	\$9,375.00	\$65,625.00
6/1/2023 Construction	\$304,200.00	\$0.00	\$0.00	\$304,200.00
6/1/2023 Close-Out	\$25,350.00	\$0.00	\$0.00	\$25,350.00
	\$442,050.00	\$37,500.00	\$9,375.00	\$395,175.00

TOTAL INVOICE

\$9,375.00

Remit to:

Ted Domuracki
MAST Construction Services, Inc.
96 East Main Street
Little Falls, NJ 07424

2n.

THE BERGEN COUNTY IMPROVEMENT AUTHORITY
\$22,600,000 COUNTY GUARANTEED LEASE REVENUE BONDS, SERIES 2021
Township of Mahwah Project

LEASE AND AGREEMENT REQUISITION FOR PAYMENT

VIA ELECTRONIC MAIL

Manufacturers and Traders Trust Company
Corporate Trust Administration
99 Wood Avenue South
Iselin, New Jersey 08830

REQUISITION REF. NO. 2021- 26

I, the undersigned Chief Financial Officer of the Township of Mahwah, in the County of Bergen (the "Municipality") DO HEREBY CERTIFY that I am an Authorized Municipal Representative duly designated by the Municipality to execute and deliver this certificate on behalf of the Municipality. I DO HEREBY FURTHER CERTIFY pursuant to and in accordance with the terms of the Lease and Agreement between the Bergen County Improvement Authority (the "Authority") and the Municipality dated as of August 1, 2021 (the "Lease") as follows:

1. This requisition is Requisition Ref. No. 2021-26 (Disbursement from BCIA Mahwah DPW 2021 Project Account number 148951-001.)
2. The name and address of the person, firm or corporation to whom payment is due is:
DiGeronimo PC- 650 From Road Suite 275, Paramus, NJ 07652.
3. The amount to be paid to such person, firm or corporation (DiGeronimo PC) is \$ 108,484.00.
4. The Project Costs to which this Requisition relates is Township of Mahwah DPW Project.
5. Each obligation, item of cost or expense mentioned herein has been properly incurred, is an item of Cost and is a proper charge against the Project Fund and has not been the basis of any previous withdrawal.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to such terms in the Lease. This requisition is authorized to be executed in counterparts by the parties set forth below.

DATED: _____

TOWNSHIP OF MAHWAH

Authorized Municipal Representative

Name: Corinne Hockman

Title: CFO

The undersigned, on behalf of the Bergen County Improvement Authority, hereby acknowledges the above Requisition based on the certifications set forth above.

DATED: _____

BERGEN COUNTY IMPROVEMENT AUTHORITY

Authorized Authority Representative

Name: Mauro Raguseo

Title: Executive Director

SCHEDULE A

Check disbursement Instructions:

Payee Name: DiGeronimo PC

Address: 650 From Road, Suite 275
Paramus, NJ 07652

Amount: \$ \$ 108,484.00

Date: February 5, 2024

Wiring Instructions:

Bank name:

Bank ABA:

Payee account number:

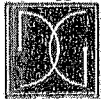
Payee account name:

For further credit (if necessary):

Attached Description of Product/Service: see below

DiGeronimo PC	Invoice # 4190	\$54,250.00
DiGeronimo PC	Invoice # 4193	\$54,234.00

[ATTACH BILLING/PAGES AS NECESSARY]



DIGERONIMO PC

Suzanne DiGeronimo, FAIA | Louis A. DiGeronimo, AIA

Ben Kezmarsky
Business Administrator
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430
Via: Email
bkezmarsky@mahwahwp.org

Invoice: 4190
Date: 11/27/2023

PROJECT

DiGeronimo Project #2610 Vendor ID #3233
Architectural Services for New DPW Building 100% & Final Design Development
and management of Site Work
Purchase Order #2237

Fixed Fee

Architecture Services
Professional Services Contract for New DPW Facility RES 147-22 4/7/22
Construction Documents, Bidding, and Construction Administration Services

PHASE	CONTRACT AMOUNT	PREVIOUSLY BILLED	% OF CONTRACT COMPLETE	AMOUNT DUE THIS INVOICE	BALANCE ON CONTRACT
Phase 1, Management of Site Work	\$542,500.00	\$434,016.00	90.00%	\$54,250.00	\$54,234.00
Concept Plan and Design Report Approved	\$250,000.00	\$250,000.00	100.00%		\$0.00
Design Development (30%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Design Development (60%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Design Development (90%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Design Development (100%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Final Design in Compliance Regulations	\$128,500.00	\$128,500.00	100.00%		\$0.00
Construction Documents (60%)	\$133,875.00	\$133,875.00	100.00%		\$0.00
Construction Documents (90%)	\$133,875.00	\$133,875.00	100.00%		\$0.00
Issued for BID Construction Documents	\$133,875.00	\$133,875.00	100.00%		\$0.00
Bidding Package	\$44,625.00	\$0.00	0.00%		\$44,625.00
Construction Administration	\$148,750.00	\$0.00	0.00%		\$148,750.00
	\$2,030,000.00	\$1,728,141.00	85.13%	\$54,250.00	\$247,609.00

Amount Due this Invoice:

\$54,250.00

Summary	
Contract Amount:	\$2,030,000.00
Balance not to Exceed:	\$2,030,000.00
Previously Billed:	\$1,728,141.00
Amount Due this Invoice:	\$54,250.00
Balance of Contract:	\$247,609.00

Federal ID: 22-3159002

201-634-1100 Voice
201-634-1138 Fax

650 From Road STE 275
Paramus NJ 07652

mail@digeronimo-pc.com
www.digeronimo-pc.com



DIGERONIMO PC

Suzanne Digeronimo, FAIA | Louis A. Digeronimo, AIA

Ben Kezmarsky
Business Administrator
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430
Via: Email
bkezmarsky@mahwahwp.org

Invoice: 4193
Date: 12/29/2023

PROJECT

Digeronimo Project #2610 Vendor ID #3233
Architectural Services for New DPW Building 100% & Final Design Development
and management of Site Work
Purchase Order #2237

Fixed Fee

Architecture Services
Professional Services Contract for New DPW Facility RES 147-22 4/7/22
Construction Documents, Bidding, and Construction Administration Services

PHASE	CONTRACT AMOUNT	PREVIOUSLY BILLED	% OF CONTRACT COMPLETE	AMOUNT DUE THIS INVOICE	BALANCE ON CONTRACT
Phase 1. Management of Site Work	\$642,500.00	\$488,266.00	100.00%	\$54,234.00	\$0.00
Concept Plan and Design Report Approved	\$250,000.00	\$250,000.00	100.00%		\$0.00
Design Development (30%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Design Development (60%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Design Development (90%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Design Development (100%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Final Design in Compliance Regulations	\$128,500.00	\$128,500.00	100.00%		\$0.00
Construction Documents (60%)	\$133,875.00	\$133,875.00	100.00%		\$0.00
Construction Documents (90%)	\$133,875.00	\$133,875.00	100.00%		\$0.00
Issued for BID Construction Documents	\$133,875.00	\$133,875.00	100.00%		\$0.00
Bidding Package	\$44,625.00	\$0.00	0.00%		\$44,625.00
Construction Administration	\$148,750.00	\$0.00	0.00%		\$148,750.00
	\$2,030,000.00	\$1,782,391.00	87.80%	\$54,234.00	\$193,375.00

Amount Due this Invoice:

\$54,234.00

Summary	
Contract Amount:	\$2,030,000.00
Balance not to Exceed:	\$2,030,000.00
Previously Billed:	\$1,782,391.00
Amount Due this Invoice:	\$54,234.00
Balance of Contract:	\$193,375.00

Federal ID: 22-3169002

201-634-1100 Voice
201-634-1138 Fax

650 From Road STE 275
Paramus NJ 07652

mail@digeronimo-pc.com
www.digeronimo-pc.com

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2024**

**ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE
OF NEW JERSEY, AMENDING CHAPTER 7, TRAFFIC, OF THE TOWNSHIP CODE
TO MODIFY REQUIREMENTS FOR ROAD CONSTRUCTION/MAINTENANCE
TRAFFIC CONTROLS**

WHEREAS, Section 7-19.2 of the Code of the Township of Mahwah regulates traffic controls for street and highway construction and maintenance operations; and

WHEREAS, to ensure public health, safety and welfare, the Mahwah Police Department has recommended amendments to the regulations regarding approval of traffic control plans and use of civilian flaggers.

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

SECTION 1. Chapter 7, Traffic, § 7-19, Traffic Controls for Street and Highway Construction and Maintenance Operations, § 7-19.2, General Regulations, of the Code of the Township of Mahwah is hereby amended to read as follows:

§ 7-19.2. General Regulations.
[Ord. #1338, § 1]

- a. Pre-Construction Meetings. It shall be the responsibility of the person, contractor, or public utility wishing to conduct work on, under or above the roadway to contact the Traffic Bureau of the Mahwah Police Department in order to submit plans for the safe movement of traffic during such period of construction work. Any person, contractor, or utility who fails to comply with this section prior to the start of such work or whose plans are not approved by the Traffic Bureau of the Mahwah Police Department is in violation of this section.
- b. Hazardous Conditions. The person, contractor, or utility shall provide the Traffic Bureau with at least two emergency contact phone numbers to be called in case of emergency problems at the construction or maintenance site prior to the start of any work. If for any reason emergency contacts cannot be reached, or if the emergency contact does not respond to the call from the Police Department to correct a hazardous condition, the Township may respond to correct such hazardous condition. The reasonable fees for such emergency service by the Township shall be charged to the person, contractor, or utility responsible for such condition.
- c. Hours. There shall be no construction, maintenance operations or utility work under, on or above any roadway before the hour of 9:00 a.m. or after 4:00 p.m. This time limit may be adjusted to permit work before 9:00 a.m. or after 4:00 p.m. by the officer in charge of the Traffic Bureau of the Mahwah Police Department. If it is determined by the officer in charge of the Traffic Bureau of the Mahwah Police Department that the construction or

maintenance operations prior to 9:00 a.m. or after 4:00 p.m. on any roadway would substantially delay traffic or cause a safety or health hazard, the work shall then be permitted only between 9:00 a.m. and 4:00 p.m.

- d. Road/Lane Closings and Detours. Road/lane closings and/or traffic detours shall not be permitted unless previously approved in writing by the Traffic Bureau of the Mahwah Police Department. It shall be the responsibility of the person/contractor/utility to provide a detailed plan of the proposed road/lane closure and traffic detour to the Traffic Bureau for consideration and approval.
- e. Traffic Director Control Officer. For the purposes of this section, a Traffic Director Control Officer is a Mahwah Police Officer responsible for traffic control at a roadway construction/maintenance site. A Traffic Control Officer shall be posted at all construction/maintenance sites as deemed necessary by the Traffic Bureau of the Mahwah Police Department for safe and expeditious movement of traffic.
 - 1. Civilian Flaggers shall not be used unless the Mahwah Police Department (a) is unable to provide Traffic Director Control Officers with emergency vehicles and has approved such use, or (b) has otherwise approved such use. Civilian flaggers shall not be used in any work/maintenance zone that contains an intersection with a traffic control device, or where such use causes an impact/delay creating unsafe travel at any intersection within the Township of Mahwah. In those cases, a Traffic Director Control Officer is required.
 - 2. Civilian flaggers must meet all qualifications set forth in Section 6E of the New Jersey Manual on Uniform Traffic Control Devices for Streets and Highways and be certified as a flagger by Rutgers University or a comparable organization. Civilian flaggers must be in possession of their certifications when working in any construction/work/ maintenance zone and be able to present them upon request.
- f. Stop Work. The Traffic Bureau of the Mahwah Police Department shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, back filling of open excavations and/or other related work, in order to abate any nuisance and/or safety hazard or for any violation of this section.
- g. Site Preparation. It is to be expressly understood that no materials, vehicles, or equipment are to be placed in the roadway or sidewalk area until all construction signs, lights, devices, and pavement markings are installed in compliance with the provisions of the M.U.T.C.D.
- h. Emergency Construction. In the case of emergency repair work where construction, maintenance operations or emergency utility work must be performed that will obstruct, interfere with, or detour traffic on any roadway in the Township, the person, contractor, or utility performing such operation shall notify the Mahwah Police Department of such emergency operation. The person, contractor, or utility shall disclose the nature of the emergency, location and hours of operation.

All emergency construction and maintenance operations shall be performed with full regard to traffic safety and conducted in such a manner as to keep traffic interference to an absolute minimum. During such emergency repair work the person, contractor, or utility shall comply with the provisions of the M.U.T.C.D. while performing such emergency repair work.

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

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

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

Introduced:

Adopted:

Effective Date:

TOWNSHIP OF MAHWAH

Robert M. Ferguson III, Council President

ATTEST:

Carolyn George, RMC
Municipal Clerk

TOWNSHIP OF MAHWAH

ORDINANCE NO. 2022

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MAHWAH, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$2,733,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,602,900 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 \$2,733,500, and further including the aggregate sum of \$130,600 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 \$2,602,900 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) 2024 Road Improvement Program, including repaving various roads throughout the Township, culvert improvements and other related work, including all work and materials necessary therefor and incidental thereto.	\$2,200,000	\$2,095,000	10 years
b) Acquisition of sport utility vehicles, including all related costs and expenditures incidental thereto.	\$264,000	\$251,400	5 years
c) Acquisition of an ambulance, including all related costs and expenditures incidental thereto.	<u>\$269,500</u>	<u>\$256,500</u>	5 years
Totals:	<u>\$2,733,500</u>	<u>\$2,602,900</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.

(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 9.02 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,602,900, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$248,500 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.

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 or improvements

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 or improvements 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 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.

Introduction: 1/18/24

Public Hearing:

Effective:

Attest

Robert M. Ferguson, III

Council President

Carolyn George, RMC

Municipal Clerk

CERTIFICATION

I, Carolyn George, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the day of _____, 2024.

Carolyn George, RMC

Municipal Clerk

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2023**

**ORDINANCE AMENDING ORDINANCE 1367 AND SECTION 16-6A.7 OF THE
TOWNSHIP CODE REGARDING SENIOR CITIZEN AND DISABLED PERSON
WATER METER DISCOUNTS**

WHEREAS, Section 16-6 of the Township of Mahwah Code establishes water rents and charges for all customers; and

WHEREAS, the Mayor and Council have determined that it in the best interest of the Township to increase the current 15% discount for senior citizens and disabled persons occupying certain residential units to 25%.

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

SECTION 1. Chapter 16, Water, Section 16-6, Water Rents and Charges, subsection a.7. of the Township Code is hereby amended to read as follows:

There shall be a discount for senior citizens and disabled persons of 25% on the base charge established above. This discount will apply only to: (a) single unit residential units that are individually metered, and owned and occupied by a senior citizen or disabled person; and (b) to residential units that are individually metered, and rented to and occupied by a senior citizen or disabled person. For purposes of this subsection, a "senior citizen" is a person who is at least 65 years of age. "Disabled persons" shall mean persons permanently and totally disabled as defined in N.J.S.A. 40A:31-10.1.

SECTION 2. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

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

Introduced: 1/18/24

Adopted:

Effective Date:

TOWNSHIP OF MAHWAH

Robert M. Ferguson III, Council President

ATTEST:

Carolyn George, RMC
Municipal Clerk

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #083-24
DATE: February 5, 2024

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

RESOLUTION of the Township of Mahwah, County of Bergen, State of New Jersey, Authorizing the Issuance of a Duplicate Tax Sale Certificate pursuant to Chapter 99 of the Public Laws of 1997

WHEREAS, the Tax Collector of this municipality has previously issued Tax Sale Certificates to Mr. Hector Castillo, which certificates are dated March 21, 2012, covering premises commonly known and referred to as Block 73, Lots 16, and 18 as set out on the municipal tax map then in use which bears certificate numbers 002611 and 002612; and

WHEREAS, the purchaser of the aforesaid tax sale certificates has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificates and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Mahwah, County of Bergen, State of New Jersey, that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$100.00 per certificate, to issue appropriate duplicate tax sale certificates to the said purchaser covering the certificates lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED, that a copy of this resolution and the Loss Affidavit be attached to the duplicate certificates to be issued to said purchaser and that said duplicate certificates shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

Certification

I hereby certify that this resolution consisting of one page(s) was adopted at a meeting of the Township Council of the Township of Mahwah, on the 5th day of February, 2024

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson III
Council President

Hector L. Castillo
24 Shinnecock Trail
Franklin Lakes, NJ 07417

January 29, 2024

Dear Sir or Madam,

I Hector L. Castillo, owner of Tax Sale Certificate # 002611 and 002612 regarding block 73 lot 16 & 18 also know as Hillside Ave and owned by Moor, Samatha, The Tax Sale Certificates were Issued on March 21, 2012.

These Certificates have recently been redeemed.

I hereby testify that Tax Sale Certificate # 002611 and 002612 have been lost. I am requesting that duplicate Tax Sale Certificates be Issued in lieu of the originals. I understand that the fee is \$ 100.00 per duplicate Certificate.

Please advise when the Resolution for the Duplicate Certificate is approved. Thank you

Sincerely,

Hector L. Castillo



Sworn and subscribed to
Before me this 29th day
Of January, 2024

Anne Cinto
Notary Public

Anne F. Cinto
NOTARY PUBLIC
State of New Jersey
ID # 50169100
My Commission Expires 8/19/2026

CERTIFICATE OF SALE

FOR UNPAID MUNICIPAL LIENS

CERTIFICATE

No. 002611

I, Elizabeth villano, COLLECTOR OF TAXES of the taxing district of the
the COUNTY of BERGEN TOWNSHIP of MAHWAH in
the 21st day of March, 2012 and State of New Jersey, do hereby certify that on
delinquent municipal liens, pursuant to the Revised Statutes of New Jersey, 1937, Title 54, Chapter 5, and the amendments and supplements
thereto I sold to HECTOR L CASTILLO at a public sale of lands for

whose address is 994 MADISON AVENUE APT#2, PATERSON, NJ 07501

for One Thousand Five Hundred Seventy Eight dollars and One cents, the land
in said taxing district described as Block No. 73 Lot No. 16
and known as NORTH HILLSIDE AVENUE
duplicate thereof and assessed thereon to MOOR, SAMANTHA % I RUBENSTEIN, on the tax

THE AMOUNT OF THE SALE WAS MADE UP OF THE FOLLOWING ITEMS:

	AMOUNT	INTEREST	TOTAL
Taxes For: 2011	1,437.80	109.27	1,547.07
Assessments For Improvements			
Total Cost of Sale	30.94		30.94
Total			1,578.01
Premium (if any) Paid	0.00		

Said sale is subject to redemption on repayment of the amount of sale, together with interest at the rate of
18.00 per centum per annum from the date of sale, and the costs incurred by the purchaser as defined by
statute. The sale is subject to municipal charges accruing after
municipal authority charges accruing after December 31, 2011
installments not yet due, amounting to 0.00 December 31, 2011 and assessment
dollars and interest thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28th day of March, 2012

STATE OF NEW JERSEY
COUNTY OF: BERGEN

Elizabeth Villano
Elizabeth Villano, COLLECTOR OF TAXES

BE IT REMEMBERED, that on this 28th day of March 2012 before me a
Notary Public of New Jersey, personally appeared Elizabeth Villano
the Collector of Taxes of the taxing district of TOWNSHIP OF MAHWAH in the County of BERGEN
who, I am satisfied, is the individual described herein, and who executed the above Certificate of Sale; and I having made known to him the
contents thereof, he thereupon acknowledged to me that he signed, sealed and delivered the same as his voluntary act and deed, for the uses and
purposes therein expressed.

Prepared By: Elizabeth Villano
Elizabeth Villano

PREPARER

Kathrine G. Coletta
Kathrine G. Coletta

NOTARY PUBLIC

NOTE: NJSA 46:15-3 requires that all signatures appearing on the certificate, those of the collector, the Notary Public who takes this
acknowledgement, and the preparer shall be printed, typed or stamped underneath such signature the name of the person that signed.

CERTIFICATE OF SALE

FOR UNPAID MUNICIPAL LIENS

CERTIFICATE

No. 002612

I, Elizabeth Villano, COLLECTOR OF TAXES of the taxing district of the
the COUNTY of BERGEN TOWNSHIP of MAHWAH in
the 21st day of March, 2012 at a public sale of lands for
delinquent municipal liens, pursuant to the Revised Statutes of New Jersey, 1937, Title 54, Chapter 5, and the amendments and supplements
thereto I sold to HECTOR L CASTILLO

whose address is 994 MADISON AVENUE APT#2, PATERSON, NJ 07501

for One Thousand Five Hundred sixty dollars and Sixty Seven cents, the land
in said taxing district described as Block No. 73 Lot No. 18
and known as NORTH HILLSIDE AVENUE
duplicate thereof and assessed thereon to MOOR, SAMANTHA % I RUBENSTEIN, on the tax

THE AMOUNT OF THE SALE WAS MADE UP OF THE FOLLOWING ITEMS:

	AMOUNT	INTEREST	TOTAL
Taxes For: 2011	1,422.00	108.07	1,530.07
Assessments For Improvements			
Total Cost of Sale	30.60		30.60
Total			1,560.67
Premium (if any) Paid	0.00		

Said sale is subject to redemption on repayment of the amount of sale, together with interest at the rate of
18.00 per centum per annum from the date of sale, and the costs incurred by the purchaser as defined by
statute. The sale is subject to municipal charges accruing after December 31, 2011;
municipal authority charges accruing after December 31, 2011 and assessment
installments not yet due, amounting to 0.00 dollars and interest thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28th day of March, 2012

STATE OF NEW JERSEY
COUNTY OF: BERGEN

Elizabeth Villano
Elizabeth Villano, COLLECTOR OF TAXES

BE IT REMEMBERED, that on this 28th day of March 2012 before me a
Notary Public of New Jersey, personally appeared Elizabeth Villano
the Collector of Taxes of the taxing district of TOWNSHIP OF MAHWAH in the County of BERGEN,
who, I am satisfied, is the individual described herein, and who executed the above Certificate of Sale; and I having made known to him the
contents thereof, he thereupon acknowledged to me that he signed, sealed and delivered the same as his voluntary act and deed, for the uses and
purposes therein expressed.

Prepared By: Elizabeth Villano, PREPARER
Kathrine G. Coletta, NOTARY PUBLIC

NOTE: NJSA 46:15-3 requires that all signatures appearing on the certificate, those of the collector, the Notary Public who takes this
acknowledgement, and the preparer shall be printed, typed or stamped underneath such signature the name of the person that signed.

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #084-24
DATE: February 5, 2024

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

BE IT RESOLVED that the Mayor hereby appoints the following individuals to the following Boards and Commissions:

Board or Commission	Individual	Term
Environmental Commission	Rose Ellen Lorber-Termaat	February 5, 2024-December 31, 2026
Historic Preservation Commission	Heather Alesio, Class A replacing unexpired term of Carol Greene	February 5, 2024-December 31, 2024
	Jack Pfister, Class B	February 5, 2024-December 31, 2027
	David Warshaw, Alternate 1, replacing unexpired term of Heather Alesio	February 5, 2024-December 31, 2024
	Tom Heller, Alternate 2, replacing unexpired term of Jack Pfister	February 5, 2024-December 31, 2024
Senior Advisory Board	Karen Conlon-Riser	February 5, 2024-December 31, 2025

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 5h day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #085-24
DATE: February 5, 2024

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

BE IT RESOLVED that the Township Council of the Township of Mahwah hereby grants both employee 010040 and employee 009935 an additional 30 Sick Days to be used during the Calendar Year 2024; and

BE IT RESOLVED, that the unused sick time during this period will be surrendered; and

NOW THEREFORE BE IT FURTHER RESOLVED that Municipal Clerk shall forward a copy of this resolution to the Business Administrator, CFO, and Marianne Poland, who will in turn forward it to the two employees.

Certification

I hereby certify that this resolution consisting of one page(s) was adopted at a meeting of the Township Council of the Township of Mahwah, on the 5th day of February, 2024

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #086-24
DATE: February 5, 2024

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

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Mahwah strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Township of Mahwah hereby acknowledges that the residents of Mahwah desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Mahwah wishes to support a model government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path Mahwah is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of Mahwah, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community,

NOW, THEREFORE, BE IT RESOLVED that to focus attention and effort within Mahwah on matters of sustainability the Township Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED by the Township Council of the Township of Mahwah that we do hereby authorize the Environmental Commission to serve as Mahwah's agent for the Sustainable Jersey Municipal Certification process and authorize the Environmental Commission to complete the Municipal Registration on behalf of the Township of Mahwah.

I hereby certify that this resolution consisting of one page was adopted at a meeting of the Township Council of the Township of Mahwah, 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

Resolution #087-24
Date: February 5, 2024

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

BE IT RESOLVED, by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute the Inter-local Service Agreement between the Township of Mahwah and the Borough of Waldwick for Preventive Health Care for Children for the year 2024.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be provided to the Borough of Waldwick, Board of Health, 63 Franklin Turnpike, Waldwick, New Jersey, 07643 and copies to the Mayor, Business Administrator, QPA, Assistant to the Business Administrator, CMFO, and Mahwah Board of Health.

CERTIFICATION

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

Interlocal Service Agreement

WHEREAS, N.J.S.A. 40A:8A-1, known as the "Interlocal Services Act," authorizes agreements between local units for any services which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Township of Mahwah and the Borough of Waldwick, along with their respective Boards of Health, have determined that it is in their best interest to enter into an Interlocal Service Agreement for providing certain services to infant and pre-school children as mandated by the Public Health Council of the State of New Jersey; and

WHEREAS, this Agreement has been duly authorized by appropriate Resolutions of each municipality.

NOW, THEREFORE, the parties hereto, based upon the mutual covenants and considerations herein contained agree as follows:

1. Mahwah and Waldwick along with their respective Boards of Health and Governing bodies hereby agree to enter into the within Agreement to provide public health services through the Waldwick Well-Baby Clinic to Mahwah residents with infants and pre-school children.
2. Waldwick shall be deemed as the lead agency for purposes of this agreement.
3. Waldwick and its Board of Health shall provide services to include immunizations to pre-school and school age children for protection against disease in accordance with current recommendations of the New Jersey Department of Health; provide important information forms (consent forms) for individual receiving State issued vaccine according to State directives; conferences and examinations of infants and pre-school children with particular emphasis on the medically indigent, based upon the current Department of Health Publication, "Guidelines for the Child Health Conference". Services shall also include all those as may be required as set forth in N.J.A.C. 8:52-5.1 entitled "Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey" (Title 8-Chapter 52), New Jersey Administrative Code as revised by the Public Health Council of the New Jersey State Department of Health effective January 1, 1987.
4. The Waldwick Well-Baby Clinic shall provide the foregoing services in accordance with the minimum standards of performance for local Boards of Health in New Jersey as stipulated and mandated by State regulations as set forth in New Jersey Administrative Code, Title 8-Chapter 52, as set forth by the Public Health Council of the New Jersey State Department of Health.

5. In consideration of the services to be performed herein, Mahwah shall be assessed a one-time administrative fee of \$125, payable upon execution of the contract, a \$35 per child fee for examinations and a \$20 per child fee for immunizations only, to be billed directly by the medical provider.
6. This Agreement shall become effective upon adoption of the respective Resolutions of Mahwah and Waldwick and Resolutions of the respective Boards of Health. This Contract shall remain in full force and effect from date of execution until December 31, 2024.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals opposite their respective signatures.

ATTEST:

TOWNSHIP OF MAHWAH

Mayor

ATTEST:

MAHWAH BOARD OF HEALTH

Kathryn Hagan, Secretary

Adam Matysiak, President

ATTEST:

BOROUGH OF WALDWICK

Kelley Halewicz, RMC/CMC

Thomas A. Giordano, Mayor

ATTEST:

WALDWICK BOARD OF HEALTH

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #088-24
DATE: February 5, 2024

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

WHEREAS, Jeffrey and Angela Cohen are the owners and/or taxpayers of property located at 9 Heller Court, also known as Block 21.05, Lot 30; and

WHEREAS, the taxpayers have filed tax appeals for the tax years 2020, 2021, 2022 and 2023 against the Township of Mahwah in matters entitled Cohen, Jeffrey & Angela v. Township of Mahwah, which are presently pending in the Tax Court; and

WHEREAS, it has been recommended by the Tax Appeal Attorney, the Township Appraiser and the Township Assessor that the matter be settled at this time, and that such settlement is in the best interests of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Township Council of the Township of Mahwah that the Tax Appeal Attorney be and is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Cohen, Jeffrey & Angela v. Township of Mahwah, so that for the tax years 2020 and 2021, the assessment of \$1,180,000 will remain the same; and so that for the tax years 2022 and 2023, the assessment of \$1,180,000 will be reduced to \$950,000; resulting in a total estimated tax credit owed to the taxpayer in the amount of \$9,220.70.

BE IT FURTHER RESOLVED that the taxpayer shall accept a tax credit of \$9,220.70 for the settlement of tax years 2022 through 2023, which shall be applied to the next quarter taxes owed following the issuance of Judgments and thereafter applied to future tax quarter payments owed, until the total credit has been issued.

BE IT FURTHER RESOLVED that the governing body acknowledges the Tax Assessor's agreement to set the 2024 assessment at \$900,000.

BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon a waiver of any and all pre-judgment interest by the taxpayer, as long as the tax credits are applied within 60 days of the issuance of Tax Court Judgments.

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 Mayor; Business Administrator; Township Attorney; Township Tax Collector and Township Tax Assessor.

I hereby certify that this resolution consisting of two page(s) was adopted at a meeting of the Township Council of the Township of Mahwah on the 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

Resolution #089-24
Date: February 5, 2024

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

WHEREAS, a request to reduce the taxes on Block 21.08, Lot 19 was received from the Township Tax Collector on January 18, 2024; and

WHEREAS, due to an oversight, the calculated assessment was incorrectly computed because the preliminary tax duplicate was closed at the time of the agreement; and

WHEREAS, the Township Tax Assessor recommends the assessment be decreased from \$115,000.00 to \$95,000.00; and

WHEREAS, the recommendation of the Tax Assessor to decrease the assessment would result in a credit of \$4074.00 on the to be reimbursed to the homeowner; and

WHEREAS, the Tax Collector has requested a resolution be adopted by the Governing Body to cancel \$4074.00 on Block 21.08, Lot 19.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah that \$4,074.00 shall be cancelled on the 4th Quarter Property Taxes for Block 21.08, Lot 19.

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

CERTIFICATION

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 5th of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

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

**RESOLUTION #090-24
DATE: February 5, 2024**

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

WHEREAS, the Township of Mahwah has a need to procure Professional Legal Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4, et seq (the “Pay-to-Play Law”); and

WHEREAS, the Mayor has appointed O’Toole Scrivo L.L.C. as Township Water/Sewer Utility Attorney for the year 2024; and

WHEREAS, the Township Council of the Township of Mahwah has reviewed the merits and abilities of Holly Schepisi of O’Toole Scrivo, LLC. and is desirous of awarding a professional services contract to Holly Schepisi, as Township Water/Sewer Utility Attorney for the period of February 1, 2024 through December 31, 2024; and

WHEREAS, the QPA has determined and certified that the value of this contract will exceed \$17,500.00; and

WHEREAS, Holly Schepisi has completed and submitted a Business Entity Disclosure Certification which certifies that O’Toole Scrivo L.L.C. has not made any reportable contributions to a political or candidate committee in the Township of Mahwah in the previous one year, and that it is prohibited from making any reportable contributions through the term of the contract; and

WHEREAS, the CMFO has provided a Certification as to Availability of Funds in Accounts #05-201-55-502-204 (Water Utility Professional Services), (\$30,000); #07-201-55-502-204 (Sewer Utility Professional Services) (\$30,000);

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah that the Township Council consents to the Mayor's appointment of Holly Schepisi, of O'Toole Scrivo L.L.C., as Township Utility Attorney; and

BE IT FURTHER RESOLVED, that a contract be and is hereby awarded to Holly Schepisi, of O'Toole Scrivo L.L.C. for Legal Services as Township Utility Attorney for the period of February 1, 2024 through December 31, 2024 with annual basic retainer services at the rate of \$5,000 per month; and

BE IT FURTHER RESOLVED, that said Contract is being awarded pursuant to N.J.S.A. 40A:11-5(1)(a)(i) because the practice of Professional Legal Services is regulated by law and because it has been determined that the personnel of O'Toole Scrivo L.L.C are authorized by law to practice said profession; and

BE IT FURTHER RESOLVED, that the contract amounts shall not exceed \$60,000 per year, without further authorization of the Governing Body and the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk be and are hereby authorized and directed to execute the aforesaid Contract in form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED, that a notice of this action be printed in the official newspaper of the Township of Mahwah; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification and Determination of Value shall be placed on file and made available for inspection with this Resolution by the Township Clerk in the office of the Township Clerk and who shall forward a copy of this Resolution to the Business Administrator; CMFO; QPA; Assistant to the Business Administrator, and Holly Schepisi at O'Toole Scrivo L.L.C, 14 Village Park Road, Cedar Grove, NJ 07009

CERTIFICATION

I hereby certify that this resolution consisting of two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson III
Council President

O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY

JAMES DIGIULIO
jdigiulio@oslaw.com

December 15, 2023

Via Hand Delivery

Mr. Benjamin Kezmarsky
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430

Re: Township of Mahwah Counsel Services – Utility Counsel

Dear Mr. Kezmarsky:

Thank you for considering O'Toole Scrivo, LLC ("OS" or "Firm") as Utility Counsel for the Township of Mahwah (the "Township"). Pursuant to the Request for Qualifications, below is the information required by the Township.

Key Contact:

Holly Schepisi, Partner
O'Toole Scrivo, LLC
14 Village Park Road
Cedar Grove, New Jersey 07009
(973) 239-5700 (phone)
(973) 239-3400 (fax)
hschepisi@oslaw.com

Qualifications and Experience:

OS is located in Cedar Grove, New Jersey and was founded in 2017 by Kevin J. O'Toole and Thomas P. Scrivo. OS is a full-service law firm. The professionals at OS have years of experience successfully representing public entities in a wide variety of contexts, including civil litigation (civil rights, tort claims act), labor and employment, and administrative matters.

OS has extensive experience representing local government clients. OS attorneys have, for several years, served as the municipal attorneys for municipalities throughout New Jersey and special counsel to many other municipal corporations, various boards, agencies, and counties. OS has dealt with a variety of issues including, but not limited to, drafting and adopting resolutions and ordinances; drafting public questions; real estate; zoning and planning; land use; public

14 Village Park Road Cedar Grove, NJ 07009 | (973) 239-5700 | Facsimile: (973) 239-3400 | oslaw.com

535 Fifth Avenue, Fourth Floor, New York, NY 10017 | (888) 663-1117

bidding; contracting and related procurements; eminent domain and condemnation; construction; public and tax-exempt financing; tax appeals and revaluations; tort claims; civil service; cable television systems; labor relations and employment; public sector arbitration; education; affordable housing; tax appeals; urban redevelopment; utilities; relationships among the local municipal corporation and other local, county, and state governments; property taxes; elections; referendums; and issues affecting local administration.

OS often deals with, and is uniquely qualified in, the statutory and regulatory schemes governing the aforementioned areas of law, including the Local Public Contracts Law, Open Public Meetings Act, Open Public Records Act, Local Lands and Building Law, Municipal Land Use Law, Local Redevelopment and Housing Law, Local Budget Law, Local Fiscal Affairs Law, Local Government Ethics Law, Interlocal Services Act, and Tort Claims Act, to name only a few.

OS has extensive experience in governmental and municipal law, land use, corporate, and environmental matters. The Firm can perform the tasks needed in a timely fashion, including staffing and familiarity with the subject matter of representation. Specifically, the Firm has experience in providing legal advice and assistance on all issues relating to the operation of the Township's Utility, including handling personnel and union contract issues, New Jersey Department of Environmental Protection and Federal EPA matters, customer dispute issues, contracting and legal assistance with hired contractors, electric and water utility rate matters, matters related to the municipal water supply contract with an adjoining town, and environmental contamination matters. The Firm is available to provide ongoing phone consultation to the Director of Operations and the Township for any issues that may arise, including attending any monthly meetings as needed..

Representative matters include acquisitions of businesses and commercial properties, commercial loans, redevelopment projects for mixed-use zoning approval, restaurant acquisitions and related land use approvals, self-storage facilities, acquisitions of environmentally sensitive and contaminated properties, and outside counsel to long-term care facilities.

The following is a representative list of matters the Firm has handled:

- Represented candidates for New Jersey State Senate and General Assembly in action to require County Clerk to re-draw ballot positions. (Superior Court of New Jersey, Appellate Division, on appeal from Bergen County, Law Division)
- *Miskowitz v. Union County Utilities Auth.*, 336 N.J. Super. 183 (App. Div. 2001)
- *Muirfield Const. Co. v. Essex County Improvement Auth.*, 336 N.J. Super. 126 (App. Div. 2000)
- *Rumana v. County of Passaic*, 397 N.J. Super. 157 (App. Div. 2007)

- *Waste Management of New Jersey, et al. v. Morris County Municipal Utilities Authority, et al.*, 433 N.J. Super. 455, 80 A. 3d 1169 (App. Div. 2013)
- *Kathleen A. Donovan, County Executive of Bergen County v. Bergen County Board of Chosen Freeholders*, 436 N.J. Super. 91 (Law Div. 2012), *aff'd*, 436 N.J. Super. 1 (App. Div. 2014)
- *62-64 Main St., L.L.C. v. Mayor & Council of City of Hackensack*, 221 N.J. 129 (2015)
- Successfully argued emergent interlocutory appeal regarding the attorney-client privilege in *Hedden v. Kean University*, 434 N.J. Super. 1 (App. Div. 2013)
- *City of Paterson and Paterson Police PBA 1, et al.*, PERC Dkt. No. CO-2019-191, D.U.P. No. 2019-6 (successfully argued for dismissal of unfair practice charge alleging violations of the Employer-Employee Relations Act in connection with selection of police chaplains)
- *City of Paterson and Paterson Police PBA 1, et al.*, PERC Dkt. No. CO-2022-049, I.R. No. 2022-8 (successfully argued for dismissal of Order to Show Cause that sought to prevent prosecution of disciplinary charges against police officer who was subject to parallel criminal charges)
- *James A. McCall v. City of East Orange*, GRC Complaint No. 2016-126 (successfully argued for dismissal of denial of access complaint related to police dash cam video footage)

The Firm has consistently completed these and all projects within the prescribed schedule and budget, which is best re-enforced by our long-term and continuous representation of clients, including municipalities and other government entities.

Primary Staffing:

A. Holly T. Schepisi, Partner

Holly Schepisi has more than twenty-five years of experience in corporate, land use and real estate law, complex financial transactions, and government service. She served as a member of the N.J. General Assembly from 2012 until March 25, 2021, when she was sworn in as a member of the N.J. State Senate. She represents the 39th Legislative District, which includes twenty-eight municipalities in Bergen county. She serves as a member of the Health, Human Services, and Senior Citizens Committee and the Community and Urban Affairs Committee and has been selected as the Conference Leader. While in the Assembly, she has sat on the Environment and Solid Waste, Judiciary, Housing, and Appropriations Committees.

Before joining the Firm, Ms. Schepisi started her own firm, Schepisi Consulting & Law, LLC. She was also a Managing Director and Investment Review Committee member of an

affiliated group of private equity and venture capital funds with a national focus on small businesses and the social benefits of supporting entrepreneurs and enhancing local job creation.

Most recently, Ms. Schepisi served as Vice President of Holy Name Medical Center and President of its Foundation. Experienced in public issues, she currently serves as counsel to the Park Ridge Board of Public Utilities and previously served as the public defender for the Borough of Oakland and the township attorney for River Vale, where she successfully helped the municipality acquire the River Vale Country Club. She is an executive committee board member of the Bergen Community College Foundation, a board member for the Adler Aphasia Center, the prior President of the Fordham Law Alumni Association, New Jersey Chapter, and served as an advisory board member of Provident Bank, SB One Bank and Interchange Bank.

B. Christopher A. Ferriero, Associate

Christopher Ferriero assists the firm's clients in navigating complex commercial litigation, real estate, and land use and redevelopment matters. During law school, he was a member of the civil litigation clinic and assisted with the representation of numerous clients on a variety of issues. Prior to law school, he worked as a paralegal in a New York law firm, where he gained valuable experience on complex commercial litigation matters.

Mr. Ferriero joined the firm following a clerkship with the Honorable Anthony V. D'Elia in Hudson County. He attended DePaul University and received his J.D. from DePaul University College of Law.

References:

Paul Longo
Director of Park Ridge Board of Public Utilities
(201) 822-3139

Brian P. Stack
Mayor for City of Union City
3715 Palisade Avenue
Union City, NJ 07087

Dahlia Vertreese
Mayor of Hillside Township
(848) 666-0176

W. Reed Gusciora
Mayor of Trenton
(609) 989-3030

Township of Mahwah
December 15, 2023
Page 5

Joseph Tempesta, Jr.
Mayor of West Caldwell Township
jtempesta@westcaldwell.com

Cost Details:

The Firm proposes to be compensated at a monthly flat fee of \$5,000.00 with a total amount-not-to-exceed \$80,000.00, without the written authorization of the Governing Body and the Chief Financial Officer has certified that funds are available.

Additional Pertinent Information:

There are no judgments in the last three years in which the Firm has been adjudicated liable for professional malpractice. The Firm is not now nor has been involved in any bankruptcy or reorganization proceedings in the last ten years. The Firm's Principals have no familial relationship with any employees or elected official of the Township.

Please let us know if you require any additional information.

Very truly yours,

/s/James DiGiulio
James DiGiulio

Attachments to O'Toole Scrivo, LLC RFO Response

Exhibit A	Certificate of Employee Information Report
Exhibit B	Business Registration Certificate
Exhibit C	Attorney Biographies

EXHIBIT A

Certification 41901
CERTIFICATE OF EMPLOYEE INFORMATION REPORT RENEWAL

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of 15-May-2022 to 15-May-2025

OTOOLE SCRIVO LLC
14 VILLAGE PARK ROAD
CEDAR GROVE NJ 07009





ELIZABETH MAHER MUOIO
State Treasurer

EXHIBIT B

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

DEPARTMENT OF TREASURY/
DIVISION OF REVENUE
PO BOX 252
TRENTON, N.J. 08646-0252

TAXPAYER NAME:

O'TOOLE SCRIVO, LLC

TRADE NAME:

ADDRESS:

14 VILLAGE PARK ROAD
CEDAR GROVE NJ 07009

EFFECTIVE DATE:

04/23/08

SEQUENCE NUMBER:

1404806

ISSUANCE DATE:

06/12/19

James J. Gusmano
Director
New Jersey Division of Revenue

FORM-BRC

104-081. D203846V

EXHIBIT C

O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY



Holly T. Schepisi
Partner

(973) 559-9807

hschepisi@oslaw.com

Holly Schepisi has more than twenty-five years of experience in corporate, land use and real estate law, complex financial transactions, and government service. Clients regularly turn to her to provide attentive counsel on a wide range of acquisitions, general corporate matters, zoning, regulatory matters, and land use issues.

Holly Schepisi served as a member of the New Jersey General Assembly from 2012 until March 25, 2021, when she was sworn in as a member of the New Jersey State Senate. Senator Schepisi represents the 39th Legislative District, which includes twenty-eight municipalities in Bergen County. She serves as a member of the Health, Human Services, and Senior Citizens Committee and the Community and Urban Affairs Committee and has been selected as the Conference Leader. While in the Assembly, she has sat on the Environment and Solid Waste, Judiciary, Housing, and Appropriations Committees.

Before joining the firm, Ms. Schepisi started her own firm, Schepisi Consulting & Law, LLC. She was also a Managing Director and Investment Review Committee member of an affiliated group of private equity and venture capital funds with a national focus on small businesses and the social benefits of supporting entrepreneurs and enhancing local job creation.

Most recently, Ms. Schepisi served as Vice President of Holy Name Medical Center and President of its Foundation.

Experienced in public issues, Ms. Schepisi currently serves as counsel to the Park Ridge Board of Public Utilities and previously served as the public defender for the Borough of

Oakland and the township attorney for River Vale, where she successfully helped the municipality acquire the River Vale Country Club. She is an executive committee board member of the Bergen Community College Foundation, a board member for the Adler Aphasia Center, the prior President of the Fordham Law Alumni Association, New Jersey Chapter, and served as an advisory board member of Provident Bank, SB One Bank, and Interchange Bank.

Matters

- Represented municipality in acquisition of country club and adjacent five-acre parcel for development.
- Represented developer in acquisition and zoning board approval for a D-1 Variance of an inpatient drug and alcohol facility in Mahwah, New Jersey located in the Highlands Preservation Zone.
- Obtained zoning board approval for a D-1 variance of a 60,000 square foot self-storage facility in Westwood, New Jersey.
- General counsel for assisted living facility.
- Outside general counsel for local utility.
- Land use and financing counsel for developer of 100% affordable housing projects.
- Represented developer in acquisition of operational Marina in Edgewater, New Jersey.
- Lead counsel on joint venture among Fortune 100 companies for the exploration of new telecommunications technology.
- Recapitalization and roll-up of auto maintenance franchises on behalf of acquiring entities.

Honors & Awards

- Woodcliff Lake Republicans Club 25th Lincoln Award (2021)
- Assemblywoman of the Year by N.J. Conference of Mayors (2018)
- CarePlus Courage Award for Mental Health Advocacy (2017)
- Carol Murphy Award from the Women's Political Caucus of New Jersey (2016)
- The Lucy Gorant Republican Woman of the Year Award (2015)
- Outstanding Women in Government Award from The New Jersey League of Municipalities (2014)
- Woodcliff Lake Republicans Club Lincoln Award (2013)
- Archibald R. Murray Public Service Award and the Fordham Student Sponsored Fellowship Award from Fordham Law (1997)

Government Service

- New Jersey State Senator, 39th District; 2021 – Present
- New Jersey State Assemblywoman, 39th District; 2012 - 2021

Practices

- Corporate
- Labor & Employment
- Land Use & Redevelopment

Industries

- Cannabis
- Construction
- Consumer & Retail
- Financial Services
- Food, Beverage, and Hospitality
- Government
- Healthcare
- Insurance
- Non-Profit
- Private Client Services
- Professional Services
- Real Estate

Education

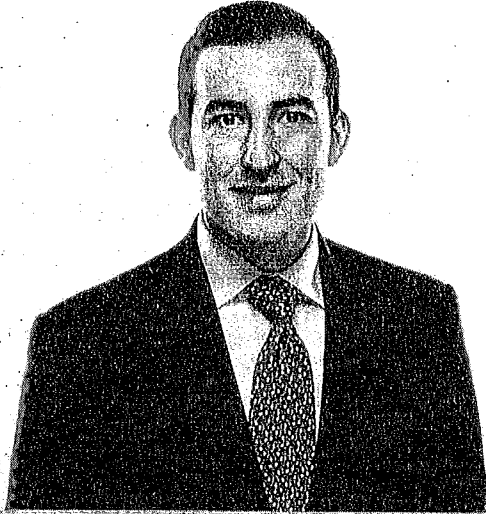
- Fordham University School of Law, J.D.
- Catholic University of America, B.A., Politics/Psychology, High Honors in Psychology

Admission

- New Jersey

O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY



Christopher A. Ferriero
Associate

(973) 559-0979

cferriero@oslaw.com

Christopher Ferriero assists the firm's clients in navigating complex commercial litigation, real estate, and land use and redevelopment matters.

During law school, Mr. Ferriero was a member of the civil litigation clinic and assisted with the representation of numerous clients on a variety of issues. Prior to law school, he worked as a paralegal in a New York law firm, where he gained valuable experience on complex commercial litigation matters.

Mr. Ferriero joined the firm following a clerkship with the Honorable Anthony V. D'Elia in Hudson County.

Clerkship

- Hon. Anthony V. D'Elia J.S.C., Hudson County, 2021-2022

Practices

- Appellate
- Commercial Litigation
- Corporate
- Litigation
- Land Use & Redevelopment

Industries

- Cannabis

- Construction
- Government
- Real Estate

Education

- DePaul University College of Law, J.D.
- DePaul University, Liberal Arts and Social Sciences, Political Science

Admissions

- New Jersey
- U.S. District Court, District of New Jersey
- U.S. Court of Appeals, Third Circuit

TOWNSHIP OF MAHWAH

REQUEST FOR CERTIFICATE OF FUNDS

ORIGINAL

DATE: 1/29/24

TO: CORINNE HOCKMAN, CFO

FROM: JANET PUZO, ASSISTANT TO THE BUSINESS ADMINISTRATOR

RE: CERTIFICATION OF FUNDS for a 2024 Annual Professional Service Contract with O'Toole Scrivo LLC, Township Utility Attorney, in an amount not-to-exceed \$60,000.00 for Water/Sewer Utility Counsel Services.

Please certify that the following accounts have sufficient funds for a Contract not-to-exceed \$60,000.00.

Account: 05-201-55-502-204

Amount: \$30,000.00

U/B: Upon Approval of

Account: 07-201-55-502-204

Amount: \$30,000.00

Anticipated 2024 Budget

This contract does exceed \$17,500.00


DEPARTMENT HEAD

DO NOT WRITE BELOW THIS LINE

TOWNSHIP COUNCIL

Pursuant to N.J.A.C. 5:30 – 1.10, I hereby certify that as of _____,

the free and unencumbered balance in the appropriation account (s) entitled

_____ see above _____ is \$ _____ see above _____ and that there are

adequate funds available for the proposed contract noted above.


Corinne Hockman, CFO

Resolution No.: 090-24

Ordinance No.: _____

This is to certify that the required funds needed in connection with the above are available in Account:
_____ see above _____.

Dated: 1/26/24


Benjamin Kezmarsky
Business Administrator

RESOLUTION

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

**RESOLUTION #091-24
DATE: February 5, 2024**

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

WHEREAS, Mr. James Cadet, Owner of Block 120 Lot 104.03, known as 5 Ivy Lane in the Township has been qualified per the Township Tax Assessor, as a Permanently and Totally Disabled Veteran in accordance with NJSA 54:4-3.30 et seq.; and

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

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

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

I hereby certify that this resolution consisting one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah on the 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

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

**RESOLUTION #092-24
DATE: February 5, 2024**

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

RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS TO GRANT THE LICENSE TO OPERATE FOOD CONCESSION STANDS AT CONTINENTAL SOLDIERS PARK AND COMMODORE PERRY FIELD

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., defines “concession” as the granting of a license or right to act for or on behalf of the contracting unit, or to provide a service requiring the approval or endorsement of the contracting unit, and which may or may not involve a payment or exchange, or provision of services by or to the contracting unit; and

WHEREAS, the Township of Mahwah has need for a food concessionaire at Continental Soldiers Park and Commodore Perry Field; and

WHEREAS, such services may be procured through the Competitive Contracting process under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-4.1(j) Concessions; and

WHEREAS, the Township desires to enter into a contract for up to a five (5) year period that will satisfy the needs of the Township;

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

The Qualified Purchasing Agent is hereby authorized to commence a Competitive Contracting procurement for the license to operate a food concession stand as allowable under the New Jersey Local Public Contracts Law; 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 provide a copy of this Resolution to the Mayor, Business Administrator, QPA, Director of Public Works, DPW Buildings and Grounds Foreman and Recreation Director.

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

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 this 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #093-24
DATE: February 5, 2024

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

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED be the Township Council of the Township of Mahwah that the Township of Mahwah hereby endorses the submission of the 2023 Recycling

Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Louis Warnet, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust to be used solely for the purposes of recycling.

CERTIFICATION

I hereby certify that this resolution consisting of two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #094-24
DATE: February 5, 2024

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

WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Township of Mahwah that the Township of Mahwah hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, Chapter 311, in 2023 in the amount of \$ 27,723.12. Documentation supporting this submission is available at 142 North Railroad Avenue, Mahwah, New Jersey and shall be maintained for no less than five years from this date.

CERTIFICATION

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

2023

	2022	2023					
MONTH	#TONS	#TONS	PER TON	TOTAL	PER TON	REC. TAX TTL	TOTAL
JANUARY	767.99	803.57	\$ 78.00	\$ 62,678.46	\$ 3.00	\$ 2,410.71	\$ 65,089.17
FEBRUARY	701.89	632.51	\$ 78.00	\$ 49,335.78	\$ 3.00	\$ 1,897.53	\$ 51,233.31
MARCH	779.18	740.82	\$ 78.00	\$ 57,783.96	\$ 3.00	\$ 2,222.46	\$ 60,006.42
1ST QTR.	2249.06	2176.90		\$ 169,798.20		\$ 6,530.70	\$ 176,328.90
APRIL	830.84	710.88	\$ 78.00	\$ 55,448.64	\$ 3.00	\$ 2,132.64	\$ 57,581.28
MAY	860.00	811.04	\$ 78.00	\$ 63,261.12	\$ 3.00	\$ 2,433.12	\$ 65,694.24
JUNE	947.48	816.01	\$ 78.00	\$ 63,648.78	\$ 3.00	\$ 2,448.03	\$ 66,096.81
2ND QTR.	2638.32	2337.93		\$ 182,358.54		\$ 7,013.79	\$ 189,372.33
JULY	802.95	793.80	\$ 78.00	\$ 61,916.40	\$ 3.00	\$ 2,381.40	\$ 64,297.80
AUGUST	870.83	800.53	\$ 78.00	\$ 62,441.34	\$ 3.00	\$ 2,401.59	\$ 64,842.93
SEPTEMBER	865.73	767.70	\$ 80.00	\$ 61,416.00	\$ 3.00	\$ 2,303.10	\$ 63,719.10
3RD QTR.	2539.51	2362.03		\$ 185,773.74		\$ 7,086.09	\$ 192,859.83
OCTOBER	812.83	790.41	\$ 80.00	\$ 63,232.80	\$ 3.00	\$ 2,371.23	\$ 65,604.03
NOVEMBER	834.00	771.94	\$ 80.00	\$ 61,755.20	\$ 3.00	\$ 2,315.82	\$ 64,071.02
DECEMBER	813.40	801.83	\$ 80.00	\$ 64,146.40	\$ 3.00	\$ 2,405.49	\$ 66,551.89
4TH QTR.	2460.23	2364.18		\$ 189,134.40		\$ 7,092.54	\$ 196,226.94
				\$ -		\$ -	\$ -
TOTAL YEAR	9887.12	9241.04		\$ 727,064.88		\$ 27,723.12	\$ 754,788.00
							TOTAL
							COST

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #095-24
DATE: FEBRUARY 5, 2024

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

WHEREAS, Mahwah NL Cedars Developers, LLC has requested a release of their Performance Guarantee amounting to \$55,440 (cash) and \$498,960 (surety) for property located at Masonicus Road, Tree Farm Lane and Arbor Lane, Block 126, Lots 129.01-129.07 and 130.01-130.03 in the Township of Mahwah; and

WHEREAS, the Township Engineer has reviewed said request and recommends the approval of a Conditional Release of Guarantees as noted in his letter dated January 25, 2024.

WHEREAS, the Township Engineer recommends the Township waive the requirement for a two (2) year Maintenance Guarantee due to the amount of time the site improvements have been installed.

NOW, THEREFORE, BE IT RESOLVED, that the guarantees shall be released conditioned upon:

1. Mahwah NL Cedars Developers, LLC secure a letter from the Township's Finance Department verifying that sufficient escrow funds are available to cover any outstanding and all anticipated professional fees.
2. Mahwah NL Cedars Developers, LLC submits a revised As-Built Survey and providing the Township Engineer with confirmation that the amended Drainage Easement was properly filed with the County.
3. The street sign and post at Masonicus Road and Tree Farm Lane intersection must be properly installed.

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, Township Engineer, CMFO, Escrow Clerk and Mahwah NL Cedars Developers, LLC.

I certify that this resolution consisting of one page was adopted at a meeting of the Township Council of the Township of Mahwah, on the 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #096-24
DATE: February 5, 2024

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

A RESOLUTION APPROVING THE DISBURSEMENT OF FUNDS FROM THE BCIA DPW PROJECT PAYMENT #25

WHEREAS, pursuant to Section 510 (C) of that certain Lease Purchasing Agreement dated as of August 1, 2011 (the "Original Lease Agreement") by and between the Bergen County Improvement Authority (the "Authority") and the Township of Mahwah, New Jersey, and (ii) Section 5.02 of the Authority's bond resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE OF COUNTY GUARANTEED LEASE REVENUE BONDS OF THE BERGEN COUNTY IMPROVEMENT AUTHORITY" duly adopted by the Authority on June 3, 2021 collectively, the "Lease Revenue Bond Resolution", M&T Trust Company, as Trustee for the holders of the captioned bonds (the "Bonds"), is hereby requested to pay from moneys on deposit in the Acquisition Fund bills associated with the Township of Mahwah DPW Project in Mahwah, New Jersey, and

WHEREAS, Requisition Number #25 in the amount of \$ 18,750.00 is payable to MAST Construction Services, Inc. and is being sent to M&T Bank on February 5, 2024 by the MAYOR AND COUNCIL, Business Administrator and the CFO of the Township of Mahwah.

THEREFORE, BE IT RESOLVED that the action of the CFO in submitting the bill for payment, to the Trustee M&T Bank, as approved by the CFO is hereby approved.

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 Mayor, Business Administrator, QPA, CFO, and Assistant to the Business Administrator.

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

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 this 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

THE BERGEN COUNTY IMPROVEMENT AUTHORITY
\$22,600,000 COUNTY GUARANTEED LEASE REVENUE BONDS, SERIES 2021
Township of Mahwah Project

LEASE AND AGREEMENT REQUISITION FOR PAYMENT

VIA ELECTRONIC MAIL

Manufacturers and Traders Trust Company
Corporate Trust Administration
99 Wood Avenue South
Iselin, New Jersey 08830

REQUISITION REF. NO. 2021- 25

I, the undersigned Chief Financial Officer of the Township of Mahwah, in the County of Bergen (the "Municipality") DO HEREBY CERTIFY that I am an Authorized Municipal Representative duly designated by the Municipality to execute and deliver this certificate on behalf of the Municipality. I DO HEREBY FURTHER CERTIFY pursuant to and in accordance with the terms of the Lease and Agreement between the Bergen County Improvement Authority (the "Authority") and the Municipality dated as of August 1, 2021 (the "Lease") as follows:

1. This requisition is Requisition Ref. No. 2021-25 (Disbursement from BCIA Mahwah DPW 2021 Project Account number 148951-001.)
2. The name and address of the person, firm or corporation to whom payment is due is:
MAST Construction Services, Inc.
3. The amount to be paid to such person, firm or corporation (MAST Construction Services, Inc.) is \$18,750.00.
4. The Project Costs to which this Requisition relates is Township of Mahwah DPW Project.
5. Each obligation, item of cost or expense mentioned herein has been properly incurred, is an item of Cost and is a proper charge against the Project Fund and has not been the basis of any previous withdrawal.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to such terms in the Lease. This requisition is authorized to be executed in counterparts by the parties set forth below.

DATED: _____

TOWNSHIP OF MAHWAH

Authorized Municipal Representative

Name: Corinne Hockman

Title: CFO

The undersigned, on behalf of the Bergen County Improvement Authority, hereby acknowledges the above Requisition based on the certifications set forth above.

DATED: _____

BERGEN COUNTY IMPROVEMENT AUTHORITY

Authorized Authority Representative

Name: Mauro Raguseo

Title: Executive Director

SCHEDULE A

Check disbursement Instructions:

Payee Name: MAST Construction Services, Inc.

Address: 96 East Main Street
Little Falls, NJ 07424
Attn: Ted Domuracki

Amount: \$ \$ 18,750.00

Date: February 5, 2024

Wireing Instructions:

Bank name:

Bank ABA:

Payee account number:

Payee account name:

For further credit (If necessary):

Attached Description of Product/Service: see below

MAST Construction Services, Inc.	Invoice 354-04-1023	\$9,375.00
MAST Construction Services, Inc.	Invoice 354-05-1123	\$9,375.00

[ATTACH BILLING/PAGES AS NECESSARY]

MAST CONSTRUCTION SERVICES, INC.

October 31, 2023

Benjamin Kezmarsky
Business Administrator
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430

Re: Statement of Services
Pre - Construction Management Phase of New DPW
Invoice 354-04-1023

For Construction Management (CM) Service

Pre-Construction:	CM Fee	October 2023		
Contract	Contract Amount Billed to Date This Requisition			Total Remaining
6/1/2023 Construction	\$112,500.00	\$28,125.00	\$9,375.00	\$75,000.00
6/1/2023 Construction	\$304,200.00	\$0.00	\$0.00	\$304,200.00
6/1/2023 Close-Out	\$25,350.00	\$0.00	\$0.00	\$25,350.00
	\$442,050.00	\$28,125.00	\$9,375.00	\$404,550.00

TOTAL INVOICE

\$9,375.00

Remit to: Ted Domuracki
MAST Construction Services, Inc.
96 East Main Street
Little Falls, NJ 07424

MAST CONSTRUCTION SERVICES, INC.

November 30, 2023

Benjamin Kezmarsky
Business Administrator
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430

Re: Statement of Services
Pre - Construction Management Phase of New DPW
Invoice 354-05-1123

For Construction Management (CM) Service

Pre-Construction:	CM Fee	November 2023		
Contract	Contract Amount Billed to Date This Requisition			Total Remaining
6/1/2023 Construction	\$112,500.00	\$37,500.00	\$9,375.00	\$65,625.00
6/1/2023 Construction	\$304,200.00	\$0.00	\$0.00	\$304,200.00
6/1/2023 Close-Out	\$25,350.00	\$0.00	\$0.00	\$25,350.00
	\$442,050.00	\$37,500.00	\$9,375.00	\$395,175.00

TOTAL INVOICE

\$9,375.00

Remit to: Ted Domuracki
MAST Construction Services, Inc.
96 East Main Street
Little Falls, NJ 07424

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #097-24
DATE: February 5, 2024

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

A RESOLUTION APPROVING THE DISBURSEMENT OF FUNDS FROM THE BCIA DPW PROJECT PAYMENT #26

WHEREAS, pursuant to Section 510 (C) of that certain Lease Purchasing Agreement dated as of August 1, 2011 (the "Original Lease Agreement") by and between the Bergen County Improvement Authority (the "Authority") and the Township of Mahwah, New Jersey, and (ii) Section 5.02 of the Authority's bond resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE OF COUNTY GUARANTEED LEASE REVENUE BONDS OF THE BERGEN COUNTY IMPROVEMENT AUTHORITY" duly adopted by the Authority on June 3, 2021 collectively, the "Lease Revenue Bond Resolution", M&T Trust Company, as Trustee for the holders of the captioned bonds (the "Bonds"), is hereby requested to pay from moneys on deposit in the Acquisition Fund bills associated with the Township of Mahwah DPW Project in Mahwah, New Jersey, and

WHEREAS, Requisition Number #26 in the amount of \$ 108,484.00 is payable to DiGeronimo, PC and is being sent to M&T Bank on February 5, 2024 by the MAYOR AND COUNCIL, Business Administrator and the CFO of the Township of Mahwah.

THEREFORE, BE IT RESOLVED that the action of the CFO in submitting the bill for payment, to the Trustee M&T Bank, as approved by the CFO is hereby approved.

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 Mayor, Business Administrator, QPA, CFO, and Assistant to the Business Administrator.

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

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 this 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

THE BERGEN COUNTY IMPROVEMENT AUTHORITY
\$22,600,000 COUNTY GUARANTEED LEASE REVENUE BONDS, SERIES 2021
Township of Mahwah Project

LEASE AND AGREEMENT REQUISITION FOR PAYMENT

VIA ELECTRONIC MAIL

Manufacturers and Traders Trust Company
Corporate Trust Administration
99 Wood Avenue South
Iselin, New Jersey 08830

REQUISITION REF. NO. 2021- 26

I, the undersigned Chief Financial Officer of the Township of Mahwah, in the County of Bergen (the "Municipality") DO HEREBY CERTIFY that I am an Authorized Municipal Representative duly designated by the Municipality to execute and deliver this certificate on behalf of the Municipality. I DO HEREBY FURTHER CERTIFY pursuant to and in accordance with the terms of the Lease and Agreement between the Bergen County Improvement Authority (the "Authority") and the Municipality dated as of August 1, 2021 (the "Lease") as follows:

1. This requisition is Requisition Ref. No. 2021-26 (Disbursement from BCIA Mahwah DPW 2021 Project Account number 148951-001.)
2. The name and address of the person, firm or corporation to whom payment is due is:
DiGeronimo PC- 650 From Road Suite 275, Paramus, NJ 07652.
3. The amount to be paid to such person, firm or corporation (DiGeronimo PC) is \$ 108,484.00.
4. The Project Costs to which this Requisition relates is Township of Mahwah DPW Project.
5. Each obligation, item of cost or expense mentioned herein has been properly incurred, is an item of Cost and is a proper charge against the Project Fund and has not been the basis of any previous withdrawal.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to such terms in the Lease. This requisition is authorized to be executed in counterparts by the parties set forth below.

DATED: _____

TOWNSHIP OF MAHWAH

Authorized Municipal Representative

Name: Corinne Hockman

Title: CFO

The undersigned, on behalf of the Bergen County Improvement Authority, hereby acknowledges the above Requisition based on the certifications set forth above.

DATED: _____

BERGEN COUNTY IMPROVEMENT AUTHORITY

Authorized Authority Representative

Name: Mauro Raguseo

Title: Executive Director

SCHEDULE A

Check disbursement Instructions:

Payee Name: DiGeronimo PC

Address: 650 From Road, Suite 275
Paramus, NJ 07652

Amount: \$ \$ 108,484.00

Date: February 5, 2024

Wiring Instructions:

Bank name:

Bank ABA:

Payee account number:

Payee account name:

For further credit (if necessary):

Attached Description of Product/Service: see below

DiGeronimo PC	Invoice # 4190	\$54,250.00
DiGeronimo PC	Invoice # 4193	\$54,234.00

[ATTACH BILLING/PAGES AS NECESSARY]



DiGERONIMO PC

Suzanne DiGeronimo, FAIA | Louis A. DiGeronimo, AIA

Ben Kezmarsky
Business Administrator
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430
Via: Email
bkezmarsky@mahwahtwp.org

Invoice: 4190
Date: 11/27/2023

PROJECT

DiGeronimo Project #2610 Vendor ID #3233
Architectural Services for New DPW Building 100% & Final Design Development
and management of Site Work
Purchase Order #2237

Fixed Fee

Architecture Services

Professional Services Contract for New DPW Facility RES 147-22 4/7/22
Construction Documents, Bidding, and Construction Administration Services

PHASE	CONTRACT AMOUNT	PREVIOUSLY BILLED	% OF CONTRACT COMPLETE	AMOUNT DUE THIS INVOICE	BALANCE ON CONTRACT
Phase 1. Management of Site Work	\$542,500.00	\$434,016.00	90.00%	\$54,250.00	\$54,234.00
Concept Plan and Design Report Approved	\$250,000.00	\$250,000.00	100.00%		\$0.00
Design Development (30%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Design Development (60%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Design Development (90%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Design Development (100%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Final Design in Compliance Regulations	\$128,500.00	\$128,500.00	100.00%		\$0.00
Construction Documents (60%)	\$133,875.00	\$133,875.00	100.00%		\$0.00
Construction Documents (90%)	\$133,875.00	\$133,875.00	100.00%		\$0.00
Issued for BID Construction Documents	\$133,875.00	\$133,875.00	100.00%		\$0.00
Bidding Package	\$44,625.00	\$0.00	0.00%		\$44,625.00
Construction Administration	\$148,750.00	\$0.00	0.00%		\$148,750.00
	\$2,030,000.00	\$1,728,141.00	85.13%	\$54,250.00	\$247,609.00

Amount Due this Invoice:

\$54,250.00

Summary	
Contract Amount:	\$2,030,000.00
Balance not to Exceed:	\$2,030,000.00
Previously Billed:	\$1,728,141.00
Amount Due this Invoice:	\$54,250.00
Balance of Contract:	\$247,609.00

Federal ID: 22-3159002

201-634-1100 Voice
201-634-1138 Fax

650 From Road STE 275
Paramus NJ 07652

mail@digeronimo-pc.com
www.digeronimo-pc.com



DIGERONIMO PC

Suzanne DiGerónimo, FAIA | Louis A. DiGerónimo, AIA

Ben Kezmarsky
Business Administrator
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430
Via: Email
bkezmarsky@mahwahtwp.org

Invoice: 4193
Date: 12/29/2023

PROJECT

DiGerónimo Project #2610 Vendor ID #3233
Architectural Services for New DPW Building 100% & Final Design Development
and management of Site Work
Purchase Order #2237

Fixed Fee

Architecture Services
Professional Services Contract for New DPW Facility RES 147-22 4/7/22
Construction Documents, Bidding, and Construction Administration Services

PHASE	CONTRACT AMOUNT	PREVIOUSLY BILLED	% OF CONTRACT COMPLETE	AMOUNT DUE THIS INVOICE	BALANCE ON CONTRACT
Phase 1: Management of Site Work	\$642,500.00	\$488,266.00	100.00%	\$54,234.00	\$0.00
Concept Plan and Design Report Approved	\$250,000.00	\$250,000.00	100.00%		\$0.00
Design Development (30%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Design Development (60%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Design Development (90%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Design Development (100%)	\$128,500.00	\$128,500.00	100.00%		\$0.00
Final Design in Compliance Regulations	\$128,500.00	\$128,500.00	100.00%		\$0.00
Construction Documents (60%)	\$133,875.00	\$133,875.00	100.00%		\$0.00
Construction Documents (90%)	\$133,875.00	\$133,875.00	100.00%		\$0.00
Issued for BID Construction Documents	\$133,875.00	\$133,875.00	100.00%		\$0.00
Bidding Package	\$44,625.00	\$0.00	0.00%		\$44,625.00
Construction Administration	\$148,750.00	\$0.00	0.00%		\$148,750.00
	\$2,030,000.00	\$1,782,391.00	87.80%	\$54,234.00	\$193,375.00

Amount Due this Invoice:

\$54,234.00

Summary	
Contract Amount:	\$2,030,000.00
Balance not to Exceed:	\$2,030,000.00
Previously Billed:	\$1,782,391.00
Amount Due this Invoice:	\$54,234.00
Balance of Contract:	\$193,375.00

Federal ID: 22-3159002

201-634-1100 Voice
201-634-1138 Fax

650 From Road STE 275
Paramus NJ 07652

mail@digeronimo-pc.com
www.digeronimo-pc.com

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #098-24
DATE: FEBRUARY 5, 2024

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

RESOLUTION OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN OPPOSING ASSEMBLY BILL NO. 4/SENATE BILL NO. 50, WHICH PROPOSES TO OVERHAUL THE FAIR HOUSING ACT ("FHA") IN A WAY THAT IMPOSES UNREALISTIC OBLIGATIONS WITH UNREALISTIC DEADLINES BASED UPON ONEROUS STANDARDS.

WHEREAS, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II, wherein it created an easy standard for developers to satisfy to secure a "builder's remedy" and also established standards to provide general guidance to the newly appointed Mount Laurel judges as to an appropriate fair share formula; and

WHEREAS, the State exploded with builder's remedy lawsuits in the wake of Mount Laurel II seriously depriving many municipalities of their home rule power to zone and control their destiny; and

WHEREAS, in 1984, Judge Serpentelli decided the AMG case in which he established a fair share formula that generated high fair share responsibilities that were widely regarded as grossly excessive; and

WHEREAS, the combination of the avalanche of builder's remedy lawsuits precipitated by Mount Laurel II and the grossly excessive fair share responsibilities generated by the AMG formula fueled a movement for a legislative response to the Mount Laurel doctrine; and

The Fair Housing Act of 1985

WHEREAS, a week after Judge Serpentelli issued the AMG decision, committees of the Legislature started to meet to develop affordable housing legislation; and

WHEREAS, the legislators on both sides of the aisle recognized that any legislation had to be bi-partisan to work; and

WHEREAS, those efforts culminated in the adoption of the Fair Housing Act ("FHA") by both houses early in 1985; and

WHEREAS, on July 2, 1985 -- less than a year after Judge Serpentelli decided the AMG case -- former Governor Kean signed the New Jersey Fair Housing Act ("FHA") into law to curb the excesses caused by Mount Laurel II and to restore balance to legitimate public purposes; and

WHEREAS, more specifically, the Legislature enacted the FHA to restore home rule, to bring the fair share numbers back to reality and to reduce the burdens of Mount Laurel compliance; and

WHEREAS, more specifically, the FHA sought *to restore home rule* by imposing a moratorium on the builder's remedy and by providing an administrative process that municipalities could voluntarily pursue wherein they would be insulated from developers seeking builder's remedies to try to compel them to capitulate their zoning demands; and

WHEREAS, the FHA sought *to bring the fair share numbers back to reality* by among other things defining the prospective need as the need "based on development and growth which is reasonably likely to occur" and by calling for the fair share to be adjusted to a number lower than the fair share formula generated if the municipality lacked sufficient land to satisfy the obligation generated by the fair share formula; and

WHEREAS, the FHA sought *to reduce the burdens on municipalities* by prohibiting any requirement for municipalities to expend their own resources to comply; and

The New Jersey Council on Affordable Housing

WHEREAS, the FHA created COAH and conferred "primary jurisdiction" on COAH to administer the FHA and to implement the affordable housing policies of our State; and

WHEREAS, FSHC argued "that COAH's enabling legislation established such a delicate balance of control, as evidenced not only by its use of the phrase "in but not of," but also by its detailed attention to the composition of its Council. Accordingly, the Legislature could not have intended to allow the Governor to unilaterally disrupt that balance" *In re Plan for Abolition of Council on Affordable Hous.*, 424 N.J. Super. 410, 419-420(App.Div.2012) 419-420; and

WHEREAS, COAH adopted regulations for Round 1 in 1986 and for Round 2 in 1994 to implement the FHA and processed applications by municipalities for approval of their affordable housing plans in accordance with the regulations it adopted; and

WHEREAS, all acknowledged -- even Fair Share Housing Center ("FSHC") -- that COAH functioned just fine in Rounds 1 and 2; and

WHEREAS, the regulations COAH adopted in Round 2 made the obligations for Rounds 1 and 2 cumulative and adjusted the cumulative number downwards because the State did not grow as much as was anticipated in Round 1; and

WHEREAS, COAH's new construction obligation for Rounds 1 and 2 **averaged 5,034.5 units per year**, or 50,345 units for every 10 years as noted in 36 N.J.R. 5748(a) (November 22, 2004), COAH's comment regarding 5:94: Appendix A; and

WHEREAS, COAH's Round 1 and/or 2 regulations permitted a 1-for-1 rental bonus credit for up to 25% of the obligations and provided flexible standards for adjustments predicated upon lack of adequate vacant developable land; and

WHEREAS, the same expert who calculated the Round 2 obligations provided a technical appendix in 2014 when COAH proposed regulations for Round 3; and

WHEREAS, COAH's expert in 2014 calculated a prospective need obligation (then 2014-2024) of less than 40,000 units for the 10-year cycle, plus roughly an additional 23,000 units for the "gap" which were to be phased in between 2014-2034 due to concerns over what could be reasonably anticipated as a result of market absorption; and

WHEREAS, housing advocates attacked the regulations COAH adopted for Round 3 the first time it adopted them in 2004, the second time it adopted them in 2008 and the third time it proposed them in 2014, thereby crippling COAH's ability to certify the plans that municipalities petitioned COAH to approve because the FHA required that COAH only certify municipalities consistent with its regulations; and

WHEREAS, COAH's inability to certify Round 3 plans severely limited the production of affordable housing in Round 3 because COAH found itself fending off attacks instead of certifying affordable housing plans that municipalities could implement; and

Mount Laurel IV

WHEREAS, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts; and

WHEREAS, in Mount Laurel IV, the Supreme Court returned the task of implementing the doctrine back to the Courts because COAH had failed to do its job; and

WHEREAS, notwithstanding the foregoing, the Court emphasized that it preferred the administrative remedy created by the FHA to a judicial one and hoped that one day COAH would be effective so that towns could comply once again through the administrative process created by the FHA; and

WHEREAS, transferring the implementation of the doctrine from COAH back to the courts deprived the citizens of our State of an evenly balanced administrative body with four representatives of municipalities and four representatives of low- and moderate-income ("LMI") households adopting regulations consistent with the FHA and processing petitions for substantive certification; and

WHEREAS, the Court process proved to be far more expensive than the COAH process and was ill-suited for resolving comprehensive planning disputes over affordable housing; and

WHEREAS, even municipalities that complied voluntarily in the newly minted court process were subject to intervention from developers, who were then able to leverage the process, litigate the municipalities into the ground, and often obtain site-specific rezoning contrary to one of the overriding public purposes of the FHA; and

WHEREAS, the judicial process the Supreme Court fashioned in Mount Laurel IV required municipalities to spend municipal resources not only on their own attorneys and planners, but also on Court appointed masters in a litigation process that was much more expensive than the administrative process the legislature established in the FHA; and

WHEREAS, as if that was not bad enough, FSHC routinely demanded that municipalities make a payment to them; and

WHEREAS, the Round 3 process was a disaster with judges pressing municipalities to comply before even establishing the obligations with which they must comply; and

WHEREAS, ultimately, on March 8, 2018, after a 41-day trial in Mercer County, Judge Jacobson issued an opinion in which she set forth a fair share methodology; and

WHEREAS, in that trial and in various other instances throughout the state, FSHC took the position that the Statewide obligation should exceed 300,000 affordable units to be produced between 2015 and 2025; and

WHEREAS, municipalities, through Dr. Robert Powell, presented evidence that the State could only absorb less than 40,000 affordable units, in a best case scenario, and thus argued that FSHC's calculations was not grounded in reality whatsoever; and

WHEREAS, the Court, having been constrained by the Supreme Court to prescriptively utilize a formula from 1993, ultimately concluded that the Statewide obligation to be constructed between 2015-2025 was roughly 153,000 units; and

The 354 Settlements with FSHC

WHEREAS, FSHC reports that it entered 354 settlements in Round 3; and

WHEREAS, many municipalities are reeling under the burden of satisfying their obligations under those settlements entered between 2015 and 2023; and

WHEREAS, Round 4 is set to begin in 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

WHEREAS, indeed, the A4/S50 Bill fails to consider the impact from affordable housing projects that were approved during the Third Round, but are still not yet under construction, as said projects, as well as additional future projects, will impact legitimate public concerns like infrastructure, the environment, schools, traffic, parking and open space; and

WHEREAS, the Round 3 process destroyed the balance achieved by the Fair Housing Act in 1985; and

A-4/S-50

WHEREAS, against the above backdrop, on December 19, 2023, the Housing Committee of the Assembly unveiled the Legislation (A-4) that it stated it had been working on for a long time and scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

WHEREAS, on December 19, 2023, the Administrative Office of the Courts wrote to the Legislature and made clear that it could not structure the bill in the manner set forth in the proposed legislation; and

WHEREAS, notwithstanding the foregoing, the Housing Committee of the Assembly voted the bill out of Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

WHEREAS, the bill was not rammed through in the lame duck session and on January 16, 2024, the Legislature released a new version of the bill, Assembly Bill No. 4/Senate Bill No. 50 (hereinafter the "A4/S50" or "the Bill"); and

WHEREAS, A4/S50 Bill seeks to abolish the Council on Affordable Housing ("COAH") and purports to reform municipal responsibilities concerning the provision of affordable housing and

WHEREAS, the Bill would purportedly reduce litigation and municipal expenses; and

WHEREAS, A4/S50 details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

WHEREAS, the Bill is premised on the proposition that 40 percent of all households qualify as low or moderate; and

WHEREAS, A4/S50 calls for the determination of the prospective need by subtracting the number of households reported in the 2010 Decennial Census from the number of households reported in the 2020 Decennial Census and multiplying that figure by 40 percent; and

WHEREAS, we calculate that number to be 84,690;

WHEREAS, A4/S50 calls for that number to be adjusted by the number of conversions and demolitions; and

WHEREAS, the statewide fair share would be increased from 84,690 to 96,780, if we assume the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3; and

WHEREAS, the 96,780 fair share compares to the roughly 211,000 COs issued between 2010 and 2020; and

WHEREAS, the 96,780 fair number divided by 211,000 COs equals roughly 46 percent (45.867 percent to be more precise); and

WHEREAS, all municipalities should be able to cure any violations of the prohibition against exclusionary zoning with inclusionary zoning; and

WHEREAS, traditional inclusionary zoning ordinances generally require no more than 20 percent of the units to be affordable; and

WHEREAS, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and

WHEREAS, while this mathematical error conceptually may have existed at COAH, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

WHEREAS, in addition, COAH's Round 2 regulations had flexible standards, Regional Contribution Agreements (RCAs), an achievable bonus structure, waivers and other flexible standards to further mitigate the problem; and

WHEREAS, had COAH not mitigated the problem, it is likely that the regulations would have been challenged by municipalities; and

WHEREAS, A4/S50 also, systemically, calcifies the Court process and indeed makes critical changes which severely prejudice municipal interests and undercut the incentive to comply voluntarily; and

WHEREAS, in stark contrast to current laws that preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", A4/S50 creates multiple opportunities to strip municipalities of immunity and expose them to litigation; and

WHEREAS A4/S50 subjects municipalities to litigation not only as they seek approval of their Housing Element and Fair Share Plans, but also even after they secure approval of those plans; and

WHEREAS, more specifically, while A4/S50 provides municipalities a "compliance certification" if the municipality secures approval of its affordable housing plan, that certification only protects municipalities from builder's remedy lawsuits-not from exclusionary zoning lawsuits by FSHC or anyone else who is not seeking a builder's remedy; and

WHEREAS, in stark contrast to the goal of A4/S50 to reduce litigation, A4/S50 dramatically proliferates litigation by providing many opportunities to sue the subject municipality and through other means; and

WHEREAS, even if a municipality, via the adoption of a resolution, accepts the Fourth Round affordable housing obligation numbers that will be promulgated by the Department of Community Affairs (the "DCA") under the A4/S50 Bill, there is still a risk that the affordable housing obligation numbers will increase during the subsequent process required by the bill, as both housing advocates like FSHC and developers can subsequently challenge the fair share number the municipality accepts; and

WHEREAS, the A4/S50 Bill creates a judicial entity made up of 3-7 retired Mount Laurel judges called "The Program", which, unlike COAH, is not comprised of an equal number of municipal and housing representatives, and is not made up of an equal number of Republicans and Democrats, thereby depriving the citizens of our State of the carefully crafted COAH Board that included a diversity of interests and that was the centerpiece of the FHA adopted in 1985; and

WHEREAS, the A4/S50 Bill does not require the promulgation of affordable housing obligations, or the adoption of substantive regulations, in a way that utilizes an open and transparent process that COAH used and that gave all interested parties an opportunity to comment and receive COAH's response to their comments; and

WHEREAS, the A4/S50 Bill reduces, and in some cases completely eliminates affordable housing bonus credits, and creates an overcomplicated and difficult process to obtain the bonus credits that are still available under the bill; and

WHEREAS, the initial version of the A4/S50 Bill allowed for municipalities to utilize age-restricted affordable units to satisfy up to thirty-three percent (33%) of its Fourth Round obligation in recognition that roughly 33 percent of the demand for affordable housing came from this age group; however, the current version of A4/S50 unfairly and unceremoniously reduced the cap on age-restricted housing down to twenty-five (25%); and

WHEREAS, the Legislature previously capped the fair share of any municipality down to 1,000 in recognition that any obligation above 1,000 would be “onerous”; A4/S50 applies the 1,000-unit cap only to a component of the municipality’s fair share -- the prospective need – and authorizes the imposition of an obligation that is onerous; and

WHEREAS, the A4/S50 Bill creates unfair requirements and ambiguity when it comes to the Vacant Land Adjustment process, which could lead to municipalities that lack sufficient vacant land being required to produce more affordable housing units than is practical; and

WHEREAS, the A4/S50 Bill includes many other provisions and changes to the FHA that are impractical and devoid of any consideration of the burdens created by the statute; and

WHEREAS, the Office of Legislative Services (OLS) has not evaluated the formula required by the A4/S50 Bill for calculating a municipality’s Fourth Round or Prospective Need Obligation for its magnitude or reasonableness; and

NOW, THEREFORE, BE IT RESOLVED, that for all of the above reasons, the Township Council of the Township of Mahwah, objects to and opposes Assembly Bill No. 4/Senate Bill No. 50, and requests that the bill be tabled, re-written and re-introduced in way that imposes achievable obligations and facilitates the ability of the municipality to satisfy its obligations.

A certified copy of this resolution shall be sent to the Legislators in the State Assembly and Senate representing our District.

I hereby certify that this resolution consisting of eight (8) page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 5th day of February, 2024.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson III
Council President