

**AGENDA**  
**WORK SESSION MEETING**  
**BOROUGH OF MONTVALE**  
**Mayor and Council Meeting**  
**May 29, 2018**  
**Meeting to Commence 7:30 PM**  
**Closed Executive Session to Commence 7:00PM**

**6:15 p.m. Elected Officials Training/Frank Covelli, Professional Insurance Associates**

**CLOSED/EXECUTIVE SESSION:**

Motion to move into Executive Session as provided for by Resolution No. 15-2018 adopted on January 1, 2018 and posted on the bulletin board in the Municipal Building:

The Mayor and Council will go into a Closed /Executive Session for the following:

C.O.A.H / Attorney/Client Privilege/Contract Negotiations/Litigation

- a. C.O.A.H (Council on Affordable Housing)
- b. Police Personnel/Employment/R.I.C.E. Notice
- c. Contract Negotiations PVDPW
- d. Culhane vs. Borough of Montvale

Minutes to be disclosed as per the Open Public Meetings Act and Resolution No. 15-2018 matters discussed will be disclosed to the public when such matters are finally determined and there is no reason to prohibit the public disclosure of information relating to such matters.

**ROLL CALL:**

Councilmember Arendacs	Councilmember Koelling
Councilmember Curry	Councilmember Lane
Councilmember Gloeggler	Councilmember Weaver

**Office of Emergency Management , Frank DiPalma / Donation Recognition**

**ORDINANCES:**

**PUBLIC HEARING ORDINANCE NO. 2018-1449** AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO ESTABLISH A BOROUGH-WIDE SET-ASIDE REQUIREMENT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

**PUBLIC HEARING ORDINANCE NO. 2018-1450** AN ORDINANCE RENAMING CHAPTER 2B OF THE CODE OF THE BOROUGH OF MONTVALE, "AFFORDABLE HOUSING REGULATIONS," AND REPLACING THE ENTIRE CONTENTS THEREOF TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

**PUBLIC HEARING ORDINANCE NO. 2018-1451** AN ORDINANCE AMENDING CHAPTER 57 THE LAND USE PROCEDURES ORDINANCE ARTICLE VII DEVELOPMENT FEES OF THE BOROUGH OF MONTVALE TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT

**PUBLIC HEARING ORDINANCE NO. 2018-1452** AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO RENAME SECTION 128-5.5 TO BE ENTITLED "OVERLAY DISTRICTS" AND TO ESTABLISH THE MIXED-USE INCLUSIONARY 1 (MI-1) OVERLAY DISTRICT, THE MIXED-USE INCLUSIONARY 2 (MI-2) OVERLAY DISTRICT, AND THE MIXED-USE INCLUSIONARY 3 (MI-3) OVERLAY DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

**INTRODUCTION OF ORDINANCE NO. 2018-1453** AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE BOROUGH CODE TO REVISE CERTAIN PROVISIONS CONCERNING THE EDUCATIONAL REQUIREMENTS FOR APPOINTMENT TO THE POLICE DEPARTMENT  
(Public Hearing 6/12/2018)

**MINUTES:**  
May 8, 2018

**MINUTES CLOSED/EXECUTIVE SESSION:**  
May 8, 2018

**RESOLUTIONS:**

- 121-2018 A Resolution Awarding a Contract to Lighthouse Computers, Inc. for the Provision of Goods & Services Related to the Montvale TV Access Studio
- 122-2018 Award Professional Service Contract /Environmental & Surveying Services/6 & 9 Pennsylvania Avenue/ Land Donation/Maser Consulting, LLC
- 123-2018 Authorize Execution Of Customer Audit Access Agreement with PSEG Direct Install Program/Willdan Energy Solutions/HVAC/Boiler/Motor & Lighting/Municipal Building 12 Mercedes Drive/Montvale Senior Community Center
- 124-2018 Award Professional Service Contract /Environmental Services/Block 1601 Lot 1/25 West Grand Avenue/Maser Consulting, LLC
- 125-2018 A Resolution Authorizing the Connection of Block 922, Lot 21 (Also Known As 76 Huff Terrace) in Upper Saddle River to the Montvale Sanitary Sewer System
- 126-2018 Authorize Refund of Recreation Programs
- 127-2018 Award Lease/Purchase Police Vehicle / Hertrich Fleet Services / Ford Motor Credit Company /State Contract # A88729
- 128-2018 Award Lease /Purchase Police Vehicle / Municipal Equipment Enterprises (DAY) / Ford Motor Credit Company State Contract # A89938
- 129-2018 Authorizing Refund of Redemption of Tax Sale Certificate #08-00002 for Block 712; Lot 7 71 Montvale Ave
- 130-2018 Resolution Adopting The 'Affirmative Marketing Plan' For The Borough Of Montvale
- 131-2018 Resolution Of Intent To Bond In The Event That There Is A Shortfall In Funding To Effectuate Certain Affordable Housing Mechanisms In Its Housing Element And Fair Share Plan
- 132-2018 Resolution Adopting The 'Sales Operating Manual', 'Rental Operating Manual' And 'Rehabilitation Operating Manual' For The Borough Of Montvale

**RESOLUTIONS: (CONSENT AGENDA\*)**

All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

None

**BILLS:**

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

- a. Proposed 2017 Funding Allocations/Montvale/BC Open Space Trust Fund/Hearing 6-14-18/LaTrenta Field Complex/Clay Infield Removal/Synthetic Turf Replacement/\$113,538.00
- b. Update HVAC/Lighting Upgrades/Municipal Complex/Senior Community Center/PSE& G Direct Install Program

**ATTORNEY REPORT:**

Joseph Voytus, Esq.

Report/Update

**UNFINISHED BUSINESS**

- a. Discussion items
  - Basketball Court – request to reserve specific times
  - Televisе all council meetings
  - Planning Board Agendas
  - Speed table on Memorial Drive

**NEW BUSINESS:**

- a. Special Election Date / Notice State of NJ Dept. Of Education Tuesday, October 2, 2018 Hours 2-8 p.m.
- b. Retirement Notification Marly Frasciello MPD Chief Secretary
- c. Request After Hour Work 6:00p.m - 2:00 a.m. T.D. Bank 33 S. Kinderkamack Rd. Montvale
- d. Proposed Draft Ordinance Discussion Of Prohibiting Vaping Shops & Marijuana Dispensary

**COMMUNICATION CORRESPONDENCE**

None

**MEETING OPEN TO THE PUBLIC:****HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:**

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

**MEETING CLOSED TO THE PUBLIC:****ADJOURNMENT:**

The next Meeting of the Mayor and Council will be held June 12, 2018 at 7:30 p.m.

**\*\*\*\*\*Disclaimer\*\*\*\*\*** All M & C Meeting Are Subject To Additions, Deletions and Amendments –

# MONTVALE PLANNING BOARD

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John DePinto, Chairman  
R. Lorraine Hutter, Land Use Administrator

## MEMORANDUM

TO: Mayor Ghassali and Council  
Maureen Iarossi-Alwan, Administrator

FROM: R. Lorraine Hutter, Land Use Administrator *R L Hutter*

RE: Ordinance 2018-1449, Ordinance 2018-1450, Ordinance 2018-1451, Ordinance 2018-1452

DATE: May 16, 2018

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Please be advised the Planning Board at last night's meeting reviewed the above Ordinances. The Planning Board has determined that the Ordinances will further the objectives of the Housing Element and Fair Share Plan and will be consistent with the Master Plan. A resolution was prepared for each Ordinance and adopted by the Planning Board and are all attached.

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Introduced By: *Ms O'Neill*

Seconded By: *Mr D'Agostino*

**BOROUGH OF MONTVALE**

**PLANNING BOARD**

**RESOLUTION**

**WHEREAS**, on May 8, 2018 the Mayor and Council introduced Ordinance No. 2018-1449 entitled, "An Ordinance Of The Borough Of Montvale Amending And Supplementing Chapter 128 Of The Code Of The Borough Of Montvale To Establish A Borough-Wide Set-Aside requirement And To Set Forth The Standards And Criteria Applicable Thereto"; and

**WHEREAS**, said Ordinance establishes Borough-wide set-aside requirements for affordable housing whereby any approval yielding five (5) or more new dwelling units shall be required to provide an affordable housing set-aside of fifteen (15%) percent if the affordable units will be for rental, or twenty (20%) percent if the affordable units will be for sale, which requirement will not apply to residential development on sites zoned for inclusionary development as set forth in the Housing Element and Fair Share Plan ("HE/FSP"); and

**WHEREAS**, on May 1, 2018, the Planning Board adopted the HE/FSP

which addresses issues in a Settlement Agreement between the Borough and Fair Share Housing Center ("FSHC"), which Settlement Agreement was approved by the Superior Court of New Jersey in the Borough's Declaratory Judgment action entitled, "In The Matter of The Application of The Borough of Montvale, County of Bergen", Docket No. BER-L-6141-15; and

**WHEREAS**, Ordinance No. 2018-1449 is intended to implement portions of the Settlement Agreement and HE/FSP and is further consistent with the Court Order approving the Settlement Agreement, which Order is dated February 12, 2018.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Montvale that the Board has reviewed Ordinance No. 2018-1449 and determined same to be consistent with the adopted HE/FSP and the Borough Master Plan; and

**BE IT FURTHER RESOLVED** that the Board recommends to the Mayor and Council the adoption of Ordinance No. 2018-1449; and

**BE IT FURTHER RESOLVED** that the Board Secretary/Land Use Administrator be and is hereby authorized and directed to provide a copy of this resolution to the Mayor and Council and Municipal Clerk.

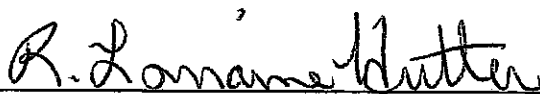


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**JOHN DE PINTO, Chairman**

**Dated: May 15, 2018**

Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its regular meeting on Tuesday, May 15, 2018.

  
**R. LORRAINE HUTTER, Secretary/Land  
Use Administrator**

Introduced By: *Mr. O'Neill*

Seconded By: *Mr. D'Agostino*

## **BOROUGH OF MONTVALE**

### **PLANNING BOARD**

#### **RESOLUTION**

**WHEREAS**, on May 8, 2018 the Mayor and Council introduced Ordinance No. 2018-1450 ("the Ordinance") entitled, "An Ordinance Renaming Chapter 2B Of The Code of The Borough Of Montvale, 'Affordable Housing Regulations', And Replacing The Entire Contents Thereof To Address The Requirements Of The Fair Housing Act And The Uniform Housing Affordability Controls (UHAC) Regarding Compliance With The Borough's Affordable Housing Obligations"; and

**WHEREAS**, the Ordinance amends Chapter 2B, Affordable Housing Regulations, in its entirety and is intended to implement the Housing Element and Fair Share Plan ("HE/FSP") adopted by the Planning Board on May 1, 2018, with the HE/FSP being consistent with the Settlement Agreement entered into between the Borough and Fair Share Housing Center ("FSHC"), which Settlement



Agreement was approved by the Honorable Menelaos W. Toskos in a Court Order dated February 12, 2018 ("the Court Order"); and

**WHEREAS,** the Ordinance establishes affordable housing requirements pertaining to monitoring of affordable units, monitoring use of the Affordable Housing Trust Funds, establishing standards for the Borough's Housing Rehabilitation Program, and the mechanisms embodied in the HE/FSP to satisfy the Borough's affordable housing obligation; and

**WHEREAS,** the Ordinance further details phasing for inclusionary zoning, the distribution of units as to moderate income, low income, and very low income and establishes restrictions on resale of units; and

**WHEREAS,** the Ordinance establishes the positions of Municipal Housing Liaison and Administrative Agent and details the duties and responsibilities of each position; and

**WHEREAS,** the Ordinance further establishes affirmative marketing requirements consistent with Uniform Housing Affordability Controls ("UHAC"), *N.J.A.C. 5:80-25.15*; and

**WHEREAS,** the Ordinance provides for the enforcement of affordable housing obligations, including penalties for parties who seek to breach the regulations governing affordable units; and

**WHEREAS,** the Planning Board has determined that the Ordinance will further the objectives of the HE/FSP, will be consistent with the Master Plan,

and in accordance with the Settlement Agreement and Court Order.

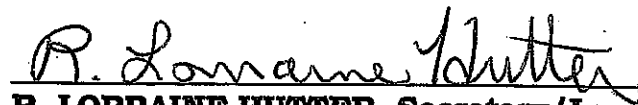
**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Montvale that it does hereby recommend to the Mayor and Council the adoption of Ordinance No. 2018-1450; and

**BE IT FURTHER RESOLVED** that the Board Secretary/Land Use Administrator be and is hereby authorized and directed to provide a copy of this resolution to the Mayor and Council and Municipal Clerk.

  
**JOHN DE PINTO, Chairman**

**Dated: May 15, 2018**

Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its regular meeting on Tuesday, May 15, 2018.

  
**R. LORRAINE HUTTER, Secretary/Land  
Use Administrator**

Introduced By: *Mr. Lintner*

Seconded By: *Mr. Culhane*

**BOROUGH OF MONTVALE**

**PLANNING BOARD**

**RESOLUTION**

**WHEREAS**, on May 8, 2018 the Mayor and Council introduced Ordinance No. 2018-1451 ("the Ordinance") entitled, "An Ordinance Amending Chapter 57 Of The Land Use Procedures Ordinance Article VII Development Fees Of The Borough Of Montvale To Provide For The Collection Of Development Fees In Support Of Affordable Housing As Permitted By The New Jersey Fair Housing Act"; and

**WHEREAS**, said Ordinance amends Chapter 57 of the Land Use Procedures Ordinance to provide for the collection of development fees in support of affordable housing; and

**WHEREAS**, on May 1, 2018, the Planning Board approved a Housing Element and Fair Share Plan ("HE/FSP") intended to implement portions of a Settlement Agreement between the Borough and Fair Share Housing Center

("FSHC"), which Settlement Agreement was approved by the Honorable Menelaos W. Toskos in a Court Order dated February 12, 2018 ("the Court Order"); and

**WHEREAS**, in addition to adopting the HE/FSP, on May 1, 2018 the Planning Board also approved an Affordable Housing Spending Plan which details anticipated revenue to be realized from development fees and describes the anticipated use of such affordable housing funds to be allocated for multiple purposes, including the Rehabilitation Program, new construction, alternate living arrangements, conversion of market units to affordable units, and affordability assistance; and

**WHEREAS**, the Spending Plan is intended to implement portions of the HE/FSP and the providing of affordable housing opportunities within the Borough; and

**WHEREAS**, the Ordinance sets forth requirements for residential and non-residential development fees, collection procedures, and the establishment of the Affordable Housing Trust Fund, and further references the purposes set forth in the Spending Plan for which such development fees may be utilized; and

**WHEREAS**, the Planning Board has determined that the Ordinance is consistent with the adopted HE/FSP, the Master Plan and the Settlement Agreement.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Montvale that it does hereby recommend to the Mayor and Council the

adoption of Ordinance No. 2018-1451; and

**BE IT FURTHER RESOLVED** that the Board Secretary/Land Use Administrator be and is hereby authorized and directed to provide a copy of this resolution to the Mayor and Council and Municipal Clerk.

  
**JOHN DE PINTO, Chairman**

**Dated: May 15, 2018**

Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its regular meeting on Tuesday, May 15, 2018.

  
**R. LORRAINE HUTTER, Secretary/Land Use Administrator**

Introduced By: *Mr. Lintner*

Seconded By: *Mr. Teagno*

## **BOROUGH OF MONTVALE**

### **PLANNING BOARD**

#### **RESOLUTION**

**WHEREAS**, on May 8, 2018 the Mayor and Council introduced Ordinance No. 2018-1452 ("the Ordinance") entitled, "An Ordinance Of The Borough Of Montvale Amending And Supplementing Chapter 128 Of The Code Of The Borough Of Montvale To Rename Section 128-5.5 To Be Entitled 'Overlay Districts' And To Establish The Mixed-Use Inclusionary 1 (MI-1) Overlay District, The Mixed-Use Inclusionary 2 (MI-2) Overlay District, And The Mixed-Use Inclusionary 3 (MI-3) Overlay District And To Set Forth The Standards And Criteria Applicable Thereto"; and

**WHEREAS**, the Ordinance establishes three (3) Overlay Districts within the Borough; and

**WHEREAS**, the Borough has entered into a Settlement Agreement with Fair Share Housing Center ("FSHC") in connection with the Borough's

Declaratory Judgment action entitled, "In The Matter of The Application of The Borough of Montvale, County of Bergen", Docket No. BER-L-6141-15; and

**WHEREAS**, the Settlement Agreement was approved by the Honorable Menelaos W. Toskos in a Court Order dated February 12, 2018 ("the Court Order");

**WHEREAS**, the Planning Board has adopted a Housing Element and Fair Share Plan ("HE/FSP") which is intended to implement the Settlement Agreement and comply with the Court Order; and

**WHEREAS**, the Ordinance has been referred to the Planning Board for review.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Montvale the following findings are made:

1. The Ordinance creates three (3) Overlay Districts designated as MI-1 Mixed-Use Inclusionary 1 Overlay District, MI-2 Mixed-Use Inclusionary 2 Overlay District, and MI-3 Mixed-Use Inclusionary 3 Overlay District (collectively "the Overlay Districts").

2. The Overlay Districts permit, in addition to the uses permitted in the B-1 District as applicable to the properties designated in the Overlay Districts, multi-family residential development with required set-asides for affordable units of twenty (20%) percent if for sale and fifteen (15%) percent if for rental.

3. The Ordinance establishes bulk standards for each of the Overlay Districts.

4. The Ordinance establishes various architectural requirements, parking, and other standards and signage regulations.

5. The Board determines that the Ordinance is intended to implement the HE/FSP and further finds that the Ordinance will be consistent therewith, as well as with the Borough Master Plan. In addition, the Ordinance is intended to meet the Borough's obligations under the Settlement Agreement with FSHC and the Borough's constitutional obligation to provide affordable housing.

**BE IT FURTHER RESOLVED** by the Planning Board of the Borough of Montvale that based upon the above findings, that it does hereby recommend to the Mayor and Council the adoption of the Ordinance; and

**BE IT FURTHER RESOLVED** that the Board Secretary/Land Use Administrator, be and is hereby authorized and directed to provide a copy of this resolution to the Mayor and Council and Municipal Clerk.



**JOHN DE PINTO, Chairman**

**Dated: May 15, 2018**



Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its regular meeting on Tuesday, May 15, 2018.

R. Lorraine Hutter  
**R. LORRAINE HUTTER, Secretary/Land  
Use Administrator**

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO. 2018-1449**

**NOTICE IS HEREBY GIVEN** that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 8th day of May 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 29th day of May 2018 at 7:30 pm, or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi Alwan, Municipal Clerk  
Borough of Montvale

**AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO ESTABLISH A BOROUGH-WIDE SET-ASIDE REQUIREMENT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO**

**WHEREAS**, the Borough Council of the Borough of Montvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

**WHEREAS**, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in *In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (201) ("Mt. Laurel IV")* seeking approval of a Housing Element and Fair Share Plan that satisfied the Borough's obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

**WHEREAS**, after a Fairness Hearing held on January 25, 2018, by Order dated February 12, 2018, Hon. Menelaos W. Toskos, J.S.C. approved a series of settlement agreements between the Borough of Montvale, Fair Share Housing Center, and three developer-intervenors intended to establish the Borough's affordable housing obligations; and

**WHEREAS**, pursuant to the requirements of the February 12, 2018 Order, the Borough of Montvale intends to supplement its Zoning Ordinance to include provisions addressing Montvale's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, the Montvale Planning Board has adopted a Housing Element and Fair Share Plan dated April 17, 2018 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are required when certain types of applications are approved; and

**WHEREAS**, this Ordinance is intended to implement the above-referenced Housing Element and Fair Share Plan, which has been endorsed by the Governing Body.

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Montvale, as follows:

**Section 1.** Chapter 128 of the Code of the Borough of Montvale, Article IX, entitled "Miscellaneous District Regulations," Section 9.2, is hereby amended and supplemented by renaming the section "Borough-Wide Set-Aside Requirements," and amending and supplementing said section to read as follows:

**§128-9.2 Borough-Wide Set-Aside Requirements.**

- A. Any property in the Borough of Montvale that receives a zoning change, density variance, use variance or approval of a redevelopment or rehabilitation plan to permit multi-family residential development, which multi-family residential development will yield five (5) or more new dwelling units, shall provide a minimum affordable housing set-aside of:
  - 1. fifteen (15%) percent if the affordable units will be for rent; or
  - 2. twenty (20%) percent set-aside if the affordable units will be for sale.
- B. This requirement shall not apply to residential development on sites that are zoned for inclusionary residential development as part of the Borough's Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning.
- C. This requirement does not, and shall not be construed to, grant any property owner or developer the right to any rezoning, variance or other relief, nor does this requirement establish any obligation on the part of the Borough of Montvale to grant any such rezoning, variance or other relief.
- D. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement.
- E. All affordable units created pursuant to this Section shall be governed by the provisions of Chapter 2B, "Affordable Housing Regulations"

**Section 2.** Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 3.** Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 4.** Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 5.** Effective Date.

This ordinance shall become effective upon adoption and publication as required by law.

MICHAEL GHASSALI, MAYOR

ATTEST:

MAUREEN IAROSHI-ALWAN, RMC  
Municipal Clerk

INTRODUCED: 5/08/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

ADOPTED: 5/29/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO. 2018-1450**

**NOTICE IS HEREBY GIVEN** that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 8th day of May 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 29th day of May 2018 at 7:30 pm, or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi Alwan, Municipal Clerk  
Borough of Montvale

**AN ORDINANCE RENAMING CHAPTER 2B OF THE CODE OF THE BOROUGH OF MONTVALE, "AFFORDABLE HOUSING REGULATIONS," AND REPLACING THE ENTIRE CONTENTS THEREOF TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Borough of Montvale has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region's need for affordable housing; and

**WHEREAS**, the Borough Council of the Borough of Montvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

**WHEREAS**, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mt. Laurel IV") seeking approval of a Housing Element and Fair Share Plan that satisfies the Borough's obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

**WHEREAS**, after a Fairness Hearing held on January 25, 2018, by Order dated February 12, 2018, Hon. Menelaos W. Toskos, J.S.C. approved a series of settlement agreements between the Borough of Montvale, Fair Share Housing Center and three developer-intervenors, which were intended to establish the Borough's affordable housing obligations; and

**WHEREAS**, the Montvale Planning Board has adopted a Housing Element and Fair Share Plan dated April 17, 2018 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, the Borough is desirous of amending and supplementing the Borough Code to implement the above-referenced Housing Element and Fair Share Plan, which has been endorsed by the Governing Body, and include provisions addressing Montvale's constitutional obligation to provide for its fair share of low and moderate income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

**Section 1.** Montvale Borough Code Chapter 2B, is hereby renamed "Affordable Housing Regulations" and replaced in its entirety, as follows:

## **CHAPTER 2B**

### **AFFORDABLE HOUSING REGULATIONS**

#### **Article I**

#### **Affordable Housing Requirements**

- §2B-1 Purpose.**
- §2B-2 Monitoring requirements.**
- §2B-3 Definitions.**
- §2B-4 Applicability.**
- §2B-5 Rehabilitation Program.**
- §2B-6 Alternative living arrangements.**
- §2B-7 Inclusionary zoning.**
- §2B-8 Phasing schedule for inclusionary zoning.**
- §2B-9 Fractional units.**
- §2B-10 New construction.**
- §2B-11 Utilities.**
- §2B-12 Occupancy standards.**
- §2B-13 Control periods for restricted ownership units and enforcement measures.**
- §2B-14 Price restrictions for restricted ownership units, homeowner association fees and resale prices.**
- §2B-15 Buyer income eligibility.**
- §2B-16 Limitations on indebtedness secured by ownership unit; subordination.**
- §2B-17 Capital improvements to ownership units.**
- §2B-18 Control periods for restricted units.**
- §2B-19 Rent Restrictions for Rental Units; Leases**
- §2B-20 Tenant income eligibility.**

#### **Article II**

#### **Municipal Housing Liaison**

- §2B-21 Municipal Housing Liaison**

#### **Article III**

#### **Administrative Agent**

- §2B-22 Administrative Agent.**

**Article IV**  
**Affirmative Marketing Requirements**

**§2B-23**      **Affirmative marketing requirements.**

**Article V**  
**Enforcement**

**§2B-24**      **Enforcement of affordable housing regulations.**  
**§2B-25**      **Appeals.**

**Article I**  
**Affordable Housing Requirements**

**§2B-1**      **Purpose.**

- A.      The purpose of this Chapter is to provide for and regulate affordable housing in the Borough of Montvale. This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income individuals and households shall occupy these units.
- B.      The Borough of Montvale Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan has been endorsed by the Borough Council. The Fair Share Plan describes the ways the Borough of Montvale shall address its fair share for low- and moderate-income housing as determined by the New Jersey Superior Court and documented in the Housing Element.
- C.      This Ordinance implements and incorporates the Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as it may be amended and supplemented.

**§2B-2**      **Monitoring requirements.**

- A.      On the first anniversary of the entry of the Order granting Montvale a Final Judgment of Compliance and Repose in IMO Application of the Borough of Montvale, Docket No.: BER-L-6141-15, and every anniversary thereafter through the end of 2025, the Borough shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs (DCA), Council on Affordable Housing (COAH), Local Government Services (LGS) or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the DCA, COAH or LGS.

- B. On the first anniversary of the entry of the Order granting Montvale a Final Judgment of Compliance and Repose in IMO Application of the Borough of Montvale, Docket No.: BER-L-6141-15, and every anniversary thereafter through the end of 2025, the Borough shall provide annual reporting of the status of all affordable housing activity within the Borough through posting on the municipal website, with copies provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Court-appointed Special Master and FSHC. In addition to the foregoing, the Borough may also post such activity on the CTM system and/or file a copy of its report with COAH or its successor agency at the State level.
- C. For the midpoint realistic opportunity review, due on July 6, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough shall post on its municipal website, with copies provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the Borough, with copies provided to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may, by motion, request a hearing before the Court regarding these issues.
- D. For the review of very-low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Order granting Montvale a Final Judgment of Compliance and Repose in IMO Application of the Borough of Montvale, Docket No.: BER-L-6141-15, and every third year thereafter, the Borough will post on its municipal website, with copies provided to FSHC, a status report as to its satisfaction of its very-low income requirements, including the family very-low income requirements referenced in the Settlement Agreement. Such posting shall invite any interested party to submit comments to the Borough, with copies provided to FSHC, on the issue of whether the Borough has complied with its very-low income housing obligation under the terms of the Settlement Agreement.

### **§2B-3 Definitions.**

The following terms when used in this Chapter shall have the meanings given herein:

#### **ACT**

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

#### **ADAPTABLE**

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

#### **ADMINISTRATIVE AGENT**

The entity designated by the Borough to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).



**AFFIRMATIVE MARKETING**

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

**AFFORDABILITY AVERAGE**

The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

**AFFORDABLE**

A sales price or rent level that is within the means of a low or moderate income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as it may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as it may be amended and supplemented.

**AFFORDABLE HOUSING DEVELOPMENT**

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

**AFFORDABLE HOUSING PROGRAM(S)**

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

**AFFORDABLE UNIT**

A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

**AGENCY**

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

**AGE-RESTRICTED UNIT**

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80% of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

**ALTERNATIVE LIVING ARRANGEMENTS**

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

**ASSISTED LIVING RESIDENCE**

A facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

**CERTIFIED HOUSEHOLD**

A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

**COAH**

The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), or any successor agency charged with the administration of the Act.

**COURT**

The Superior Court of New Jersey, Law Division, Bergen County.

**DCA**

The State of New Jersey Department of Community Affairs.

**DEFICIENT HOUSING UNIT**

A housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

**DEVELOPER**

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT**

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

**INCLUSIONARY DEVELOPMENT**

A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

**LOW-INCOME HOUSEHOLD**

A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

**LOW INCOME UNIT**

A restricted unit that is affordable to a low-income household.

**MAJOR SYSTEM**

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

**MARKET-RATE UNITS**

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

**MEDIAN INCOME**

The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

**MODERATE-INCOME HOUSEHOLD**

A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

**MODERATE-INCOME UNIT**

A restricted unit that is affordable to a moderate-income household.

**MULTIFAMILY UNIT**

A structure containing five or more dwelling units.

**NON-EXEMPT SALE**

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

**RANDOM SELECTION PROCESS**

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

**REGIONAL ASSET LIMIT**

The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

**REHABILITATION**

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

**RENT**

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

**RESTRICTED UNIT**

A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

**UHAC**

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

**VERY-LOW INCOME HOUSEHOLD**

A household with a total gross annual household income equal to 30% or less of the regional median household income by household size.

**VERY-LOW INCOME UNIT**

A restricted unit that is affordable to a very-low income household.

**WEATHERIZATION**

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

**§2B-4      Applicability.**

- A. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Montvale pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.

- B. Moreover, this Ordinance shall apply to all developments that contain low and moderate income housing units, including any currently anticipated future developments that will provide low- and moderate-income housing units.

**§2B-5      Rehabilitation Program.**

- A. Montvale's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
- B. Both owner-occupied and renter-occupied units shall be eligible for rehabilitation funds.
- C. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
- D. The Borough of Montvale shall dedicate a maximum of \$20,000 for each unit to be rehabilitated through this program.
- E. The Borough of Montvale shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Borough.
- F. The Borough of Montvale shall designate, subject to the approval of the Court, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner-occupancy rehabilitation program and a rehabilitation manual for the rental-occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Court. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- G. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
  - 1. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
  - 2. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
  - 3. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.

4. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

**§2B-6            Alternative living arrangements.**

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
  1. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by COAH or the Court.
  2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by COAH or the Court.
  1. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

**§2B-7            Inclusionary zoning.**

To implement the fair share plan in a manner consistent with the terms of the Settlement Agreement executed on November 14, 2017, ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning shall be permitted on the following properties consistent with the provisions of the Borough of Montvale's Housing Plan Element and Fair Share Plan, and the terms of the settlement agreement:

- A. For-Sale Developments. Inclusionary zoning in Planning Area 1 permits residential development at a presumptive minimum gross density of eight units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development. The Borough's affordable housing zones, including those adopted as a result of settlement agreements with prospective developers, are set forth in Chapter 128, "Zoning."
- B. Rental Developments. Inclusionary zoning permits a presumptive minimum density of 12 units per acre and a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development and the zoning provides for at least 10 percent of the affordable units to be affordable to households earning 30 percent or less of the area median income for the COAH region. The Borough's affordable housing zones, including those adopted as a

result of settlement agreements with prospective developers, are set forth in Chapter 128, "Zoning."

**§2B-8            Phasing schedule for inclusionary zoning.**

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

**§2B-9            Fractional units.**

Inclusionary developments that result in an affordable housing obligation that is fractional shall round up and provide the additional affordable unit.

**§2B-10          New construction.**

- A.    Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
1.    The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13% of all restricted rental units shall be very-low income units (affordable to a household earning 30% or less of median income). The very-low income units shall be counted as part of the required number of low income units within the development.
  2.    At least 25% of the obligation shall be met through rental units, including at least half in rental units available to families.
  3.    A maximum of 25% of the Borough's obligation may be met with age restricted units. At least half of all affordable units in the Borough's Plan shall be non-restricted.
  4.    In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low income units.
  5.    Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
    - a.    The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;

- b. At least 30% of all low- and moderate-income units shall be two-bedroom units;
  - c. At least 20% of all low- and moderate-income units shall be three-bedroom units; and
  - d. The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
6. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. The Borough shall not be permitted to claim credit to satisfy its obligations under the Settlement Agreement for age-restricted units that exceed 25% of all units developed.

**B. Accessibility Requirements**

- 1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multi-story buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- 2. All restricted townhouse dwelling units and all restricted units in other multi-story buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - a. An adaptable toilet and bathing facility on the first floor; and
  - b. An adaptable kitchen on the first floor; and
  - c. An interior accessible route of travel on the first floor; and
  - d. An adaptable room that can be used as a bedroom, with a door or casing for the installation of a door, on the first floor; and
  - e. If not all of the foregoing requirements in (2)(a) through (2)(d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs (2)(a) through (2)(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
  - f. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that Montvale has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:



- i. Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
- ii. To this end, the builder of restricted units shall deposit funds within the Borough of Montvale's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
- iii. The funds deposited under paragraph (f)(2) above shall be used by the Borough of Montvale for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- iv. The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Montvale for the conversion of adaptable to accessible entrances.
- v. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- vi. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

C. Design.

1. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
2. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to very-low income households, earning 30% or less of the regional median household income, with such very-low income units counted the low-income housing requirement.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
  - a. A studio shall be affordable to a one-person household;
  - b. A one-bedroom unit shall be affordable to a one and one-half person household;
  - c. A two-bedroom unit shall be affordable to a three-person household;
  - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
  - e. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- a. A studio shall be affordable to a one-person household;
  - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
  - c. A two-bedroom unit shall be affordable to a two-person household or two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as it may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as it may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as it may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as it may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

**§2B-11**

**Utilities.**

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for its Section 8 program.

**§2B-12      Occupancy standards.**

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A.     Provide an occupant for each bedroom;
- B.     Provide children of different sexes with separate bedrooms;
- C.     Provide separate bedrooms for parents and children; and
- D.     Prevent more than two persons from occupying a single bedroom.

**§2B-13      Control periods for restricted ownership units and enforcement measures.**

- A.     Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.5, as it may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Montvale takes action to release the unit from such requirements; prior to such action, a restricted ownership unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as it may be amended and supplemented.
- B.     The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C.     Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D.     At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E.     The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F.     A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal

of the restrictions provided under N.J.A.C. 5:80-26.5(a), as it may be amended and supplemented.

**§2B-14      Price restrictions for restricted ownership units, homeowner association fees and resale prices.**

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.1, as it may be amended and supplemented, including:

- A.     The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B.     The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C.     The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- D.     The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See §2B-17.

**§2B-15      Buyer income eligibility.**

- A.     Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as it may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income, and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B.     Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit moderate-income purchasers to buy low income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate income households shall retain the required pricing and pricing restrictions for low income units.
- C.     A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit.
- D.     The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low income household or a moderate

income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's eligible monthly income.

**§2B-16            Limitations on indebtedness secured by ownership unit; subordination.**

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

**§2B-17            Capital improvements to ownership units.**

- A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

**§2B-18 Control periods for restricted units.**

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80- 26.11, as it may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Montvale takes action to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as it may be amended and supplemented.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very-low, low- or moderate-income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
  - 1. Sublease or assignment of the lease of the unit;
  - 2. Sale of other voluntary transfer of the ownership of the unit; or
  - 3. The entry and enforcement of any judgement of foreclosure on the property containing the unit.

**§2B-19 Rent restrictions for rental units; leases.**

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

**§2B-20**

**Tenant income eligibility.**

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as it may be amended and supplemented, and shall be determined as follows:
1. Very-low income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
  2. Low income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
  3. Moderate income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as it may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
1. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  2. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  3. The household is currently in substandard or overcrowded living conditions;
  4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in A(1) through B(5) above with the Administrative Agent, who shall counsel the household on budgeting.



**Article II**  
**Municipal Housing Liaison**

**§2B-21      Municipal Housing Liaison.**

- A. The Borough of Montvale shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee.
- B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Montvale, including the following responsibilities which may not be contracted out to the Administrative Agent:
  - 1. Serving as Montvale's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
  - 2. Monitoring the status of all restricted units in Montvale's Fair Share Plan;
  - 3. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
  - 4. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
  - 5. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- C. Subject to the approval of the Court, the Borough of Montvale shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).
- D. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.

**Article III**  
**Administrative Agent**

**§2B-22      Administrative Agent.**

The Administrative Agent shall be an independent entity serving under contract to and reporting to the Borough. For new sale and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resales, single family homeowners and condominium homeowners shall be required to pay three percent of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, .16 and .18 thereof, which include:

- A. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Montvale and the provisions of N.J.A.C. 5:80-26.15; and
- B. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- C. Household Certification:
  - 1. Soliciting, scheduling, conducting and following up on interviews with interested households;
  - 2. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  - 3. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
  - 4. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
  - 5. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
  - 6. Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Montvale when referring households for certification to affordable units.

**D. Affordability Controls:**

1. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
2. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
3. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
4. Communicating with lenders regarding foreclosures; and
5. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

**E. Sales and Re-rentals:**

1. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
2. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

**F. Processing Requests from Unit Owners:**

1. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Chapter;
2. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
3. Notifying the Borough of an owner's intent to sell a restricted unit; and
4. Making determinations on requests by owners of restricted units for hardship waivers.

**G. Enforcement:**

1. Securing annually from the Borough a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
2. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
3. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
5. Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and
6. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

**H. Additional Responsibilities:**

1. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
2. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
3. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

**Article IV**  
**Affirmative Marketing Requirements**

**§2B-23 Affirmative Marketing Requirements.**

- A. The Borough of Montvale shall adopt by resolution an Affirmative Marketing Plan, subject to the approval of the Court that is compliant with N.J.A.C. 5:80-25.15, as it may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, as a result of the Settlement Agreement with FSHC, the Affirmative Marketing Plan shall require the notification of the FSHC, New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Bergen Urban League and the Bergen County Housing Coalition of affordable housing opportunities. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties.
- D. The Borough has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Borough of Montvale shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the Bergen County Administration Building, the Passaic County Administration Building, Hudson County Administration Building, County of Sussex (Newton), Montvale Free Public Library, Sussex County Main Library, Hudson County Library, Johnson Free Public Library (Hackensack), the Danforth Memorial Library (Paterson), the Montvale Municipal Building and the developer's rental office. Pre-applications may be emailed to prospective applicants upon request. Otherwise, hard copies are available from the Borough's Municipal Housing Liaison.
- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

## **Article V Enforcement**

### **§2B-24      Enforcement of Affordable Housing Regulations.**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the Borough shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the Borough may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  - 1. The Borough may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
    - a. A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Montvale Affordable Housing Trust Fund of the gross amount of rent illegally collected;

- b. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- 2. The Borough may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit:
  - a. The judgment shall be enforceable, at the option of the Borough, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the Borough, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
  - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Borough for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Borough in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Borough in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Borough for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the Borough for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the Borough. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Borough, whether such balance shall be paid to the Owner or forfeited to the Borough.

- c. Foreclosure by the Borough due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low and moderate income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- e. Failure of the low and moderate income unit to be either sold at the Sheriff's sale or acquired by the Borough shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the Borough, with such offer to purchase being equal to the maximum resale price of the low and moderate income unit as permitted by the regulations governing affordable housing units.
- f. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

## **§2B-25 Appeals.**

Appeals from all decisions of an Administrative Agent appointed pursuant to this Chapter shall be filed in writing with the Executive Director of COAH or with the Superior Court, Bergen County Vicinage.

## **Section 2. Repeal of Inconsistent Ordinances.**

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.



**Section 3.** Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 4.** Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 5.** Effective Date.

This ordinance shall become effective upon adoption and publication as required by law and upon approval of same by the Superior Court after a duly-noticed Compliance Hearing.

ATTEST:

\_\_\_\_\_  
MICHAEL GHASSALI, Mayor

\_\_\_\_\_  
MAUREEN IAROSSE-ALWAN, RMC  
Municipal Clerk

INTRODUCED: 5/08/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

ADOPTED: 5/29/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO. 2018-1451**

**NOTICE IS HEREBY GIVEN** that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 8th day of May 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 29th day of May 2018 at 7:30 pm, or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi Alwan, Municipal Clerk  
Borough of Montvale

**AN ORDINANCE AMENDING CHAPTER 57 THE LAND USE PROCEDURES ORDINANCE ARTICLE VII DEVELOPMENT FEES OF THE BOROUGH OF MONTVALE TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT**

**WHEREAS**, in Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH); and

**WHEREAS**, pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans, and municipalities that were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan may retain fees collected from non-residential and residential development; and

**WHEREAS**, the Borough of Montvale has prepared a Spending Plan to submit to Hon. Menelaos W. Toskos, J.S.C. in connection with its pending declaratory judgment action concerning the Borough's affordable housing obligations, which incorporates the residential and non-residential development fees set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

**Section 1.** Chapter 57 of the Borough Code, entitled "Land Use Procedures," Article VII, entitled "Development Fees," is hereby deleted in its entirety and replaced to read as follows:

## **Article VII Development Fees**

<b>§57-50</b>	<b>Purpose.</b>
<b>§57-51</b>	<b>Court approval required.</b>
<b>§57-52</b>	<b>Definitions.</b>
<b>§57-53</b>	<b>Residential Development Fees.</b>
<b>§57-54</b>	<b>Non-Residential Development Fees.</b>
<b>§57-55</b>	<b>Collection procedures.</b>
<b>§57-56</b>	<b>Affordable Housing Trust Fund.</b>
<b>§57-58</b>	<b>Monitoring.</b>
<b>§57-59</b>	<b>On-going collection of fees.</b>

### **§57-50 Purpose.**

This Article establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Article shall be used for the purpose of providing very-low, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

### **§57-51 Court approval required.**

- A. This Article shall not be effective unless and until approved by the Superior Court in connection with the Borough of Montvale's declaratory judgment action concerning its Third Round affordable housing obligations, Docket No. BER-L-6141-15.
- B. The Borough of Montvale shall not spend development fees collected pursuant to this Article unless and until the Superior Court has approved a Spending Plan for such fees.

### **§57-52 Definitions.**

The following terms, as used in this Article, shall have the following meanings:

#### **AFFORDABLE HOUSING DEVELOPMENT**

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipally-sponsored construction project or a 100% affordable housing development.

#### **COAH OR THE COUNCIL**

The New Jersey Council on Affordable Housing established under the Fair Housing Act, or any successor agency.

**DEVELOPMENT FEE**

Money paid by a developer for the improvement of property as authorized by Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and regulated by applicable COAH Rules.

**DEVELOPER**

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

**EQUALIZED ASSESSED VALUE**

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).

**GREEN BUILDING STRATEGIES**

Strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

**§57-53 Residential Development Fees.****A. Imposition of Fees.**

1. Within the Borough of Montvale, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
2. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

**B. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments.**

1. Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance or by Agreement with the Borough of Montvale, shall be exempt from the payment of development fees.
2. Developments that have received preliminary or final site plan approval prior to the adoption of this Ordinance shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a Zoning Permit and/or Construction Permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the Construction Permit is issued.
3. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
4. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirements. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

**§57-54 Non-Residential Development Fees.**

**A. Imposition of Fees.**

1. Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, and such calculation shall be made at the time a final Certificate of Occupancy is issued. If the calculation required under this Section results in a negative number, the non-residential development fee shall be zero.

**B. Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development.**

1. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
2. The 2.5% development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.
5. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this Section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Montvale as a lien against the real property of the owner.

**§57-55 Collection procedures.**

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a Construction Permit shall notify the Borough Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.

- D. Within 90 days of receipt of such notification, the Borough Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
- E. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Borough of Montvale fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c.46 (C.40:55D-8.6).
- H. Except as provided in §57-54A(3) hereinabove, 50% of the initially calculated development fee shall be collected at the time of issuance of the Construction Permit. The remaining portion shall be collected at the time of issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the Construction Permit and that determined at the time of issuance of the Certificate of Occupancy.
- I. Appeal of Development Fees.
  - 1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Montvale. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - 2. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Montvale. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**§57-56 Affordable Housing Trust Fund.**

- A. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Borough of Montvale for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
1. Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Borough of Montvale;
  2. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
  3. Rental income from municipally operated units;
  4. Repayments from affordable housing program loans;
  5. Recapture funds;
  6. Proceeds from the sale of affordable units; and
  7. Any other funds collected in connection with Montvale's affordable housing program.
- C. In the event of a failure by the Borough of Montvale to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Montvale, or, if not practicable, then within the County.
- Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
- D. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.



**§57-57 Use of Funds.**

- A. The expenditure of all funds shall conform to a Spending Plan approved by the Superior Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Borough of Montvale's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan.
- B. Funds shall not be expended to reimburse the Borough of Montvale for past housing activities.
- C. At least 30% of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of the median income for Housing Region 1, in which Montvale is located.
  - 1. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
  - 2. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The specific programs to be used for very-low income affordability assistance shall be identified and described within the Spending Plan.
  - 3. Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Borough of Montvale, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Borough of Montvale may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.

- E. No more than 20% of all revenues collected from development fees may be expended on administration, including but not limited to salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.
1. In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20% of collected development fees that may be expended on administration.
  2. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or actions are not eligible uses of the Affordable Housing Trust Fund.

#### **§57-58 Monitoring.**

The Borough of Montvale shall provide annual reporting of Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, COAH and Local Government Services or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, COAH or Local Government Services.

#### **§57-59 Ongoing collection of fees.**

- A. The ability of the Borough of Montvale to impose, collect and expend development fees shall be permitted through the expiration of the repose period covered by its Judgment of Compliance and shall continue thereafter so long as the Borough of Montvale has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
- B. If the Borough of Montvale is not pursuing authorization to impose and collect development fees after the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).
- C. After the expiration of the Judgment of Compliance, if the Borough does not pursue or obtain continued authorization, the Borough of Montvale shall not impose a residential development fee on a development that receives preliminary or final site plan approval, retroactively impose a development fee on such a development, or expend any of its collected development fees.

**Section 2.** Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 3.** Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 4.** Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 5.** Effective Date.

This ordinance shall become effective upon adoption and publication as required by law and upon approval of same by the Superior Court after a duly-noticed Compliance Hearing.

MICHAEL GHASSALI, MAYOR

ATTEST:

MAUREEN IAROSI-ALWAN, RMC  
Municipal Clerk

INTRODUCED: 5/08/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

ADOPTED: 5/29/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO. 2018-1452**

**NOTICE IS HEREBY GIVEN** that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 8th day of May 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 29th day of May 2018 at 7:30 pm, or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi Alwan, Municipal Clerk  
Borough of Montvale

**AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO RENAME SECTION 128-5.5 TO BE ENTITLED "OVERLAY DISTRICTS" AND TO ESTABLISH THE MIXED-USE INCLUSIONARY 1 (MI-1) OVERLAY DISTRICT, THE MIXED-USE INCLUSIONARY 2 (MI-2) OVERLAY DISTRICT, AND THE MIXED-USE INCLUSIONARY 3 (MI-3) OVERLAY DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO**

**WHEREAS**, the Borough of Montvale has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region's need for affordable housing; and

**WHEREAS**, the Borough Council of the Borough of Montvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

**WHEREAS**, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mt. Laurel IV") seeking approval of a Housing Element and Fair Share Plan that satisfies the Borough's obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

**WHEREAS**, after a Fairness Hearing held on January 25, 2018, by Order dated February 12, 2018, Hon. Menelaos W. Toskos, J.S.C. approved a series of settlement agreements between the Borough of Montvale, Fair Share Housing Center and three developer-intervenors, which were intended to establish the Borough's affordable housing obligations; and

**WHEREAS**, pursuant to the requirements of the February 12, 2018 Order, the Borough of Montvale intends to supplement its Zoning Ordinance to include provisions addressing Montvale's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, the Montvale Planning Board has adopted a Housing Element and Fair Share Plan dated April 17, 2018 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, this Ordinance is intended to implement the above-referenced Housing Element and Fair Share Plan, which has been endorsed by the Governing Body; and

**WHEREAS**, the Borough Council has determined that certain lands comprised of Block 703, Lot 7 within the B-1 Business District are suited for overlay zoning to permit mixed-use inclusionary residential development (the "Mixed-Use Inclusionary 1 (MI-1) Overlay District"); and

**WHEREAS**, the Borough Council has determined that certain lands comprised of Block 1601, Lots 1, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23 (partial) and 24 (partial), Block 1603, Lot 1, and Block 2401, Lots 2, 3 and 4, within the B-1 Business District are suited for overlay zoning to permit mixed-use inclusionary development (the "Mixed-Use Inclusionary 2 (MI-2) Overlay District"); and

**WHEREAS**, the Borough Council has determined that certain lands comprised of Block 1604, Lots 1 and 2, Block 1605, Lots 1 and 2, Block 1606, Lots 1, 2, 3, 4 and 5, Block 2402, Lots 1, 2, 3, 5, 6, 7, 8 and 9, Block 2403, Lot 1, Block 2404, Lot 1, Block 2405, Lots 1, 2, 3, 4, 25 and 26, Block 2406, Lots 1, 2 and 3, and Block 2408, Lots 2 and 3 within the B-1 Business District are suited for overlay zoning to permit mixed-use inclusionary development (the "Mixed-Use Inclusionary 3 (MI-3) Overlay District"); and

**WHEREAS**, the locations of these sites are proximate to other multi-family housing developments.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Montvale in the County of Bergen and the State of New Jersey as follows:

**Section 1.** Chapter 128 of the Code of the Borough of Montvale, Section 128-2.1, "Classes of districts" is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

**§ 128-2.1      Classes of districts.**

MI-1 Mixed-Use Inclusionary 1 Overlay District

MI-2 Mixed-Use Inclusionary 2 Overlay District

MI-3 Mixed-Use Inclusionary 3 Overlay District

**Section 2.** Chapter 128 of the Code of the Borough of Montvale, Section 128-3.1 "Definitions," subsection B, is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

## **INDOOR RECREATION**

A recreational land use conducted entirely within a building, including but not limited to an arcade, rock climbing, bowling alley, community center, gymnasium, swimming pool or tennis courts.

## **PERSONAL SERVICE ESTABLISHMENT**

Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal service establishments include, but are not limited to, cleaning and garment services, clothing rental, carpet and upholstery cleaning, photograph studios, beauty shops, barbershops, tailors, travel agents, shoe repair, funeral services and domestic services.

**Section 3.** Chapter 128 of the Code of the Borough of Montvale is hereby amended and supplemented by renaming Section 128-5.5 "Overlay Districts," and amending and supplementing said section to read as follows:

### **§ 128-5.5      Overlay Districts**

- A. The Borough of Montvale has established the following Overlay Districts within the Borough of Montvale:
  1.      MI-1 Mixed-Use Inclusionary 1 Overlay District
  2.      MI-2 Mixed Use Inclusionary 2 Overlay District
  3.      MI-3 Mixed Use Inclusionary 3 Overlay District
- B. Mixed-Use Inclusionary 1 ("MI-1") Overlay District. The following standards shall apply to development within the MI-1 Overlay District. When the standards herein conflict with other provisions of Chapter 128, the standards herein shall apply.
  1.      Purpose. The purpose of the MI-1 Overlay District is to provide a realistic opportunity for the construction of affordable housing as part of a mixed-use inclusionary development. The MI-1 Overlay District shall be applied as an overlay zone to the underlying B-1 District. This approach provides property owners and developers with the opportunity to utilize either set of zoning regulations as they deem preferable.
  2.      Permitted principal uses. In the MI-1 Overlay District, the following uses shall be permitted:
    - a.      Restaurants. However, no drive-thru, drive-in or curb-service restaurants shall be permitted.

- b. Retail stores where goods are sold or services are rendered and where nothing is fabricated or manufactured or converted or altered except for such retail trade. Specifically excepted from the foregoing are any uses which involve the repair and/or maintenance of vehicles, which are prohibited.
- c. Offices, banks and financial institutions, including medical and professional offices.
- d. Personal service establishments.
- e. Child-care centers.
- f. Multi-family residential units above the ground floor.
- g. A mixture or combination of the above uses.

3. Permitted accessory uses.

- a. Tenant amenities including but not limited to recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.
- b. Outdoor dining, associated with permitted restaurant uses, subject to the following conditions:
  - i. Tables shall be located on private property and not in the public right-of-way.
  - ii. Fencing, bollards or planters shall be used to define the outdoor dining area.
  - iii. No outdoor dining shall be permitted after 12:00 a.m.
  - iv. All lighting shall be downward-facing and shall be turned off no later than 12:30 a.m.
  - v. Outdoor dining shall not include an outdoor bar or any other similar outdoor accessory use that serves only beverages, nor does it include any drive-through or take-out windows.
  - vi. Approval shall not be construed as approval by the Borough Council for extension and/or renewal of any license under ABC jurisdiction.
  - vii. No amplified music shall be permitted.
  - viii. Outdoor seating shall count for purposes of calculating parking requirements.
- c. Waste and recycling receptacles.

- d. Surface parking and parking incorporated into the building design.
  - e. Any use customary and incidental to a permitted principal use.
  - f. Signs.
  - g. Fences and walls.
4. Bulk area and other dimensional standards.
- a. Minimum lot area – 4 acres
  - b. Minimum front yard – 100 feet (measured from street center line)
  - c. Minimum side yard – 20 feet
  - d. Minimum rear yard – 60 feet
  - e. Maximum building coverage – 60%
  - f. Maximum lot coverage – 85%
  - g. Maximum density – 12 units per acre
  - h. Maximum building height – 3 stories and 40 feet
  - i. Retaining walls, sidewalks, walkways, fences, above-ground and underground utilities shall be permitted within the setbacks.
5. Affordable Housing requirements
- a. 20% of all for-sale units in the MI-1 Overlay District shall be set aside for affordable households.
  - b. 15% of all rental units in the MI-1 Overlay District shall be set aside for affordable households.
  - c. Affordable units shall be governed by deed restrictions ensuring long-term affordability controls in accordance with Chapter 2B, "Affordable Housing Regulations."
  - d. The development, unit distribution and marketing of all affordable units shall be undertaken consistent with Chapter 2B, "Affordable Housing Regulations," the Uniform Housing Affordability Controls, and all other applicable laws, rules and regulations, including applicable COAH regulations, the Fair Housing Act and its requirement that at least 13% of all affordable units associated with this project be made affordable to very-low income households.



- e. The Developer shall be responsible for all costs associated with the initial sale or rental of the affordable units, and for the continuing administration of the affordable units and the preservation of the creditworthiness of the units.

6. Architecture

- a. Long, monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
  - i. The maximum spacing between building wall offsets shall be 50 feet.
  - ii. The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
  - iii. The maximum spacing between roof offsets shall be 50 feet.
  - iv. Projecting balconies are prohibited along front or side façades. Where located along a rear façade, projecting balconies may encroach up to 3 feet into a required rear yard setback.
- b. The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building facing a public street shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- c. Fenestration
  - i. Windows shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
  - ii. All ground-level restaurant, retail and service uses shall have clear glass on at least 60% of their façades (applicable to all façades visible from the public street) between 3 and 8 feet above grade.

7. Parking. Any structured or stilted parking area beneath a building must be disguised or obscured with no less than 50% of the ground floor frontage occupied by an active use (residential lobbies included), and the remainder shall have window openings to match the floors above and evergreen foundation plantings no less than 3 feet in height to soften the impact of the wall.

8. Entrances.

- a. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, canopies, overhangs, railings, etc.
- b. Residential units must be accessed by a secure lobby separate from any other uses taking place within the building.

9. Mechanicals and utilities.

- a. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall not be visible from the public right-of-way except where required by the public utility. The requirements of §128-6.4, regarding satellite antennas, shall apply.
- b. All rooftop mechanical equipment, inclusive of solar equipment, shall be screened from view from all vantage points at grade or below the roof.
- c. Placement of any packaged terminal air conditioner units within the façade is prohibited.

10. Sidewalks and landscaping. Sidewalks and landscaped beds fronting any building shall be no less than 8 feet in depth combined.

11. Refuse and Recycling.

- a. Regulations of §128-7.8 apply for mixed-use structures with residential units.
- b. Refuse and recycling must be located either:
  - i. Interior to a building in a designated refuse storage area, or
  - ii. Located in a side or rear yard setback area, no closer than 5 feet to any adjacent lot line, enclosed on all four sides, and screened using durable materials.

12. Landscaping. Pervious areas shall be landscaped with a mix of deciduous and evergreen trees and low ground cover or grass.

13. Parking.

- a. Parking areas shall be subject to landscaping requirements per §128-7.1(K).

- b. Parking areas between the street line and front façade must provide a sidewalk providing a safe pedestrian connection between the public right-of-way and the building entrance(s). Such sidewalk must be a minimum of 5 feet wide, buffered by 2 feet of landscaping on each side where adjacent to a parking area, driveway, or drive aisle.
  - c. Minimum parking requirements.
    - i. Retail uses, offices including medical and professional uses, banks, financial institutions, and personal services uses: one off-street parking space for each 200 square feet of floor area.
    - ii. Restaurants and any establishment which engages in the serving of food and/or beverages for consumption on and/or off the premises: one off-street parking space for every three seats provided and, in addition thereto, one parking space for every ten square feet of floor area made available to customers for off-premises consumption services.
    - iii. Child care centers: one off-street parking space for each 300 feet of floor area.
    - iv. Residential uses: as required by RSIS.
  - d. Location of parking
    - i. All structured or stilted parking shall be accessed only from the rear or side of the site. No parking garage egress shall be available from the front of the building.
    - ii. Surface parking between buildings and the street line is permitted, in accordance with §128-7.1.
  - e. Additional parking requirements. Where uses share access to parking spaces, the required ratios above may be lowered by the Planning Board, based upon a shared parking analysis, which demonstrates to the reasonable satisfaction of the Planning Board that the combined peak parking demand can be satisfied for those shared parking facilities at a lower combined ratio.
- C. Mixed-Use Inclusionary 2 ("MI-2") Overlay District. The following standards shall apply to development within the MI-2 Overlay District. When the standards herein conflict with other provisions of Chapter 128, the standards herein shall apply.
- 1. Purpose. The purpose of the MI-2 Overlay District is to provide a realistic opportunity for the construction of affordable housing as part of a mixed-use inclusionary development. The MI-2 Overlay District shall be applied as an overlay zone to the underlying B-1 District. This approach provides property owners and developers with the opportunity to utilize either set of zoning regulations as they deem preferable.

2. Permitted principal uses. In the MI-2 Overlay District, the following uses shall be permitted:

- a. Restaurants. However, no drive-thru, drive-in or curb-service restaurants shall be permitted.
- b. Retail stores where goods are sold or services are rendered and where nothing is fabricated or manufactured or converted or altered except for such retail trade. Specifically excepted from the foregoing are any uses which involve the repair and/or maintenance of vehicles, which are prohibited.
- c. Offices, banks and financial institutions, including medical and professional offices.
- d. Personal service establishments.
- e. Child-care centers.
- f. Indoor recreation.
- g. Multi-family residential units above the ground floor.
- h. A mixture or combination of the above uses.

3. Permitted accessory uses.

- a. Tenant amenities including but not limited to recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.
- b. Outdoor dining, associated with permitted restaurant uses, subject to the following conditions:
  - i. Tables shall be located on private property and not in the public right-of-way.
  - ii. Fencing, bollards or planters shall be used to define the outdoor dining area.
  - iii. No outdoor dining shall be permitted after 12:00 a.m.
  - iv. All lighting shall be downward-facing and shall be turned off no later than 12:30 a.m.
  - v. Outdoor dining shall not include an outdoor bar or any other similar outdoor accessory use that serves only beverages, nor does it include any drive-through or take-out windows.
  - vi. Approval shall not be construed as approval by the Borough Council for extension and/or renewal of any license under ABC jurisdiction.
  - vii. No amplified music shall be permitted.

viii. Outdoor seating shall count for purposes of calculating parking requirements.

- c. Waste and recycling receptacles.
- d. Surface parking.
- e. Any use customary and incidental to a permitted principal use.
- f. Signs.
- g. Fences and walls.

4. Bulk area and other dimensional standards.

- a. Minimum lot area – 7,500 square feet
- b. Minimum lot width – 75 feet
- c. Minimum front yard – 5 feet (measured from property line)
- d. Maximum front yard – 10 feet (measured from property line)
- e. Minimum side yard – 5 feet (one); 15 feet (aggregate)
- f. Minimum rear yard – 30 feet
- g. Maximum building coverage – 60%
- h. Maximum lot coverage – 90%
- i. Maximum density – 12 units per acre
- j. Maximum building height – 3 stories and 40 feet
- k. Retaining walls, sidewalks, walkways, fences, above-ground and underground utilities shall be permitted within the setbacks.

5. Affordable Housing requirements

- a. 20% of all for-sale units in the MI-2 Overlay District shall be set aside for affordable households.
- b. 15% of all rental units in the MI-2 Overlay District shall be set aside for affordable households.
- c. Affordable units shall be governed by deed restrictions ensuring long-term affordability controls in accordance with Chapter 2B, "Affordable Housing Regulations."

- d. The development, unit distribution and marketing of all affordable units shall be undertaken consistent with Chapter 2B, "Affordable Housing Regulations," the Uniform Housing Affordability Controls, and all other applicable laws, rules and regulations, including applicable COAH regulations, the Fair Housing Act and its requirement that at least 13% of all affordable units associated with this project be made affordable to very-low income households.
- e. The Developer shall be responsible for all costs associated with the initial sale or rental of the affordable units, and for the continuing administration of the affordable units and the preservation of the creditworthiness of the units.

6. Architecture

- a. Long, monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
  - i. The maximum spacing between building wall offsets shall be 40 feet.
  - ii. The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
  - iii. The maximum spacing between roof offsets shall be 40 feet.
  - iv. Projecting balconies are prohibited along front or side façades. Where located along a rear façade, projecting balconies may encroach up to 3 feet into a required rear yard setback.
- b. The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building facing a public street shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- c. Fenestration
  - i. Windows shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
  - ii. All ground-level restaurant, retail and service uses shall have clear glass on at least 60% of their façades (applicable to all façades visible from the public street) between 3 and 8 feet above grade.

7. Entrances.

- a. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, canopies, overhangs, railings, etc.
- b. Residential units must be accessed by a secure lobby separate from any other uses taking place within the building.

8. Mechanicals and utilities.

- a. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall not be visible from the public right-of-way except where required by the public utility. The requirements of §128-6.4, regarding satellite antennas, shall apply.
- b. All rooftop mechanical equipment, inclusive of solar equipment, shall be screened from view from all vantage points at grade or below the roof.
- c. Placement of any packaged terminal air conditioner units within the façade is prohibited.

9. Sidewalks and landscaping. Sidewalks and landscaped beds fronting any building shall be no less than 8 feet in depth combined.

10. Refuse and Recycling.

- a. Regulations of §128-7.8 apply for mixed-use structures with residential units.
- b. Refuse and recycling must be located either:
  - i. Interior to a building in a designated refuse storage area, or
  - ii. Located in a side or rear yard setback area, no closer than 5 feet to any adjacent lot line, enclosed on all four sides, and screened using durable materials.

11. Landscaping. Pervious areas shall be landscaped with a mix of deciduous and evergreen trees and low ground cover or grass.

12. Parking.

- a. Parking areas shall be subject to landscaping requirements per §128-7.1(K).
- b. Minimum parking requirements.

- i. Retail uses, offices including medical and professional uses, banks, financial institutions, and personal services uses: one off-street parking space for each 200 square feet of floor area.
    - ii. Restaurants and any establishment which engages in the serving of food and/or beverages for consumption on and/or off the premises: one off-street parking space for every three seats provided and, in addition thereto, one parking space for every ten square feet of floor area made available to customers for off-premises consumption services.
    - iii. Child care centers: one off-street parking space for each 300 feet of floor area.
    - iv. Indoor recreation: one space per 200 square feet of floor area
    - v. Residential uses: as required by RSIS.
  - c. Location of parking. All parking shall be located to the side or rear of a building. Said parking shall be well-screened to a minimum height of four feet by the use of appropriate plantings of sufficient height and density so as to obscure the view of such parking areas from all streets. Where a parking lot abuts a residential zone, no parking shall be located closer than 15 feet to said zone boundary.
  - d. In cases where adjacent property owners agree to provide a shared access driveway, the following applies:
    - i. Minimum one-way driveway width: 12 feet
    - ii. Minimum two-way driveway width: 24 feet
    - iii. Maximum driveway width: 30 feet
    - iv. Driveways may be centered on the shared lot line or offset to any degree as agreed to by the property owners.
    - v. A permanent easement for shared access to rear parking areas shall be filed with the property deeds.
  - e. Parking shall be subject to additional requirements per §128-7.1 and loading per §128-7.6.
- D. Mixed-Use Inclusionary 3 ("MI-3") Overlay District. The following standards shall apply to development within the MI-3 Overlay District. When the standards herein conflict with other provisions of Chapter 128, the standards herein shall apply.



1. Purpose. The purpose of the MI-3 Overlay District is to provide a realistic opportunity for the construction of affordable housing as part of a mixed-use inclusionary development. The MI-3 Overlay District shall be applied as an overlay zone to the underlying B-1 District. This approach provides property owners and developers with the opportunity to utilize either set of zoning regulations as they deem preferable.
2. Permitted principal uses. In the MI-3 Overlay District, the following uses shall be permitted:
  - a. Restaurants. However, no drive-thru, drive-in or curbside restaurants shall be permitted.
  - b. Retail stores where goods are sold or services are rendered and where nothing is fabricated or manufactured or converted or altered except for such retail trade. Specifically excepted from the foregoing are any uses which involve the repair and/or maintenance of vehicles, which are prohibited.
  - c. Offices, banks and financial institutions, including medical and professional offices.
  - d. Personal service establishments.
  - e. Child-care centers.
  - f. Multi-family residential units above the ground floor.
  - g. A mixture or combination of the above uses.
3. Permitted accessory uses.
  - a. Tenant amenities including but not limited to recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.
  - b. Outdoor dining, associated with permitted restaurant uses, subject to the following conditions:
    - i. Tables shall be located on private property and not in the public right-of-way.
    - ii. Fencing, bollards or planters shall be used to define the outdoor dining area.
    - iii. No outdoor dining shall be permitted after 12:00 a.m.
    - iv. All lighting shall be downward-facing and shall be turned off no later than 12:30 a.m.

- v. Outdoor dining shall not include an outdoor bar or any other similar outdoor accessory use that serves only beverages, nor does it include any drive-through or take-out windows.
  - vi. Approval shall not be construed as approval by the Borough Council for extension and/or renewal of any license under ABC jurisdiction.
  - vii. No amplified music shall be permitted.
  - viii. Outdoor seating shall count for purposes of calculating parking requirements.
  - c. Waste and recycling receptacles.
  - d. Surface parking.
  - e. Any use customary and incidental to a permitted principal use.
  - f. Signs.
  - g. Fences and walls.
4. Bulk area and other dimensional standards.
- a. Minimum lot area – 7,500 square feet
  - b. Minimum lot width – 75 feet
  - c. Minimum front yard – 5 feet (measured from property line)
  - d. Maximum front yard – 10 feet (measured from property line)
  - e. Minimum side yard – 5 feet (one); 15 feet (aggregate)
  - f. Minimum rear yard – 30 feet
  - g. Maximum building coverage – 60%
  - h. Maximum lot coverage – 90%
  - i. Maximum density – 15 units per acre
  - j. Maximum building height – 3 stories and 40 feet
  - k. Retaining walls, sidewalks, walkways, fences, above-ground and underground utilities shall be permitted within the setbacks.

5. Affordable Housing requirements

- a. 20% of all for-sale units in the MI-3 Overlay District shall be set aside for affordable households.
- b. 15% of all rental units in the MI-3 Overlay District shall be set aside for affordable households.
- c. Affordable units shall be governed by deed restrictions ensuring long-term affordability controls in accordance with Chapter 2B, "Affordable Housing Regulations."
- d. The development, unit distribution and marketing of all affordable units shall be undertaken consistent with Chapter 2B, "Affordable Housing Regulations," the Uniform Housing Affordability Controls, and all other applicable laws, rules and regulations, including applicable COAH regulations, the Fair Housing Act and its requirement that at least 13% of all affordable units associated with this project be made affordable to very-low income households.
- e. The Developer shall be responsible for all costs associated with the initial sale or rental of the affordable units, and for the continuing administration of the affordable units and the preservation of the creditworthiness of the units.

6. Architecture

- a. Long, monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
  - i. The maximum spacing between building wall offsets shall be 40 feet.
  - ii. The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
  - iii. The maximum spacing between roof offsets shall be 40 feet.
  - iv. Projecting balconies are prohibited along front or side façades. Where located along a rear façade, projecting balconies may encroach up to 3 feet into a required rear yard setback.

- b. The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building facing a public street shall be architecturally designed to be consistent with regard to style, materials, colors and details.
  - c. Fenestration
    - i. Windows shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
    - ii. All ground-level restaurant, retail and service uses shall have clear glass on at least 60% of their façades (applicable to all façades visible from the public street) between 3 and 8 feet above grade.
- 7. Entrances.
  - a. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, canopies, overhangs, railings, etc.
  - b. Residential units must be accessed by a secure lobby separate from any other uses taking place within the building.
- 8. Mechanicals and utilities.
  - a. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall not be visible from the public right-of-way except where required by the public utility. The requirements of §128-6.4, regarding satellite antennas, shall apply.
  - b. All rooftop mechanical equipment, inclusive of solar equipment, shall be screened from view from all vantage points at grade or below the roof.
  - c. Placement of any packaged terminal air conditioner units within the façade is prohibited.
- 9. Sidewalks and landscaping. Sidewalks and landscaped beds fronting any building shall be no less than 8 feet in depth combined.
- 10. Refuse and Recycling.
  - a. Regulations of §128-7.8 apply for mixed-use structures with residential units.
  - b. Refuse and recycling must be located either:
    - i. Interior to a building in a designated refuse storage area, or

- ii. Located in a side or rear yard setback area, no closer than 5 feet to any adjacent lot line, enclosed on all four sides, and screened using durable materials.
- 11. Landscaping. Pervious areas shall be landscaped with a mix of deciduous and evergreen trees and low ground cover or grass.
- 12. Parking.
  - a. Parking areas shall be subject to landscaping requirements per §128-7.1(K).
  - b. Minimum parking requirements.
    - i. Retail uses, offices including medical and professional uses, banks, financial institutions, and personal services uses: one off-street parking space for each 200 square feet of floor area.
    - ii. Restaurants and any establishment which engages in the serving of food and/or beverages for consumption on and/or off the premises: one off-street parking space for every three seats provided and, in addition thereto, one parking space for every ten square feet of floor area made available to customers for off-premises consumption services.
    - iii. Child care centers: one off-street parking space for each 300 feet of floor area.
    - iv. Residential uses: as required by RSIS.
  - c. Location of parking. All parking shall be located to the side or rear of a building. Said parking shall be well-screened to a minimum height of four feet by the use of appropriate plantings of sufficient height and density so as to obscure the view of such parking areas from all streets. Where a parking lot abuts a residential zone, no parking shall be located closer than 15 feet to said zone boundary.
  - d. In cases where adjacent property owners agree to provide a shared access driveway, the following applies:
    - i. Minimum one-way driveway width: 12 feet
    - ii. Minimum two-way driveway width: 24 feet
    - iii. Maximum driveway width: 30 feet
    - iv. Driveways may be centered on the shared lot line or offset to any degree as agreed to by the property owners.
    - v. A permanent easement for shared access to rear parking areas shall be filed with the property deeds.

- e. Parking shall be subject to additional requirements per §128-7.1 and loading per §128-7.6.

**Section 4.** Signs in non-residential districts. Chapter 128 of the Code of the Borough of Montvale is hereby amended and supplemented by revising §128-9.7A.6 "Signs in nonresidential districts" by adding the underlined text as follows:

§ 128-9.7A.6 Signs in non-residential districts.

- A. In the instance of any use permitted in any non-residential zoning district, there shall be permitted the location of one sign to be erected on any parcel or lot on which there is a building, which sign may be freestanding or affixed to said structure as hereinafter provided.
- (1) If attached to a building, the horizontal linear dimensions of such sign shall not exceed 30% of the width of the building wall to which it is to be affixed. The maximum height of such sign shall not exceed two feet if the building wall is 40 feet or less in width; 2 1/2 feet if the building wall is more than 40 feet but less than 80 feet in width; and three feet if the building wall is 80 feet or more in width.
  - (2) Any freestanding sign in the OR-1, OR-2, OR-3 and SED Zoning Districts, which sign may be two-sided, shall not be located more than 2 1/2 feet above the lowest grade elevation below it. The height of the sign shall not exceed six feet, nor shall its width exceed 12 linear feet. The maximum area of any such sign shall not exceed 32 square feet
  - (3) Any freestanding sign in the B-1 and B-2 Zoning Districts and in the MI-1, MI-2 and MI-3 Overlay Districts, which sign may be two-sided, shall be located not more than 4 1/2 feet above the lowest grade elevation below it. The height of the sign shall not exceed 9 1/2 feet. The maximum area of such freestanding sign shall not exceed 20 square feet, provided that in the event there exists on the premises to which such sign is to be located more than 15 business units, then in such event the area of such sign may be increased by one square foot for each such business unit, which area as extended shall nevertheless not exceed 25 square feet.
- B. Where a developed tract or parcel on which there is a building is bordered along front and back property lines by parallel roads, streets, avenues or highways, there shall be permitted two freestanding or affixed signs, one oriented to the back of the property and one oriented to the front of the property. Should application be made for erection of two signs pursuant to this provision, approval shall be contingent upon a showing of total conformance to bulk, color and location requirements detailed and provided in Subsection A above.
- C. In the B-1 and B-2 Districts, and in the MI-1, MI-2 and MI-3 Overlay Districts, in addition to any sign or signs permitted pursuant to this section, a sign or signs, limited to demonstrate or evidence membership in a retail or professional organization or credit card or credit association or plan or to show manufacturers' or required licenses or advertisements referable to sales within, shall be permitted to be attached to windows on the interior of the business use, provided that the aggregate area employed for such purpose shall not exceed 20% of the total window area.

**Section 5.** The Official Zoning Map shall be changed for the following Blocks and Lots to add the following overlay zoning designations to the underlying B-1 District zoning:

MI-1 Overlay District: Block 703, Lot 7

MI-2 Overlay District:           Block 1601, Lots 1, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23 (partial)  
  and 24 (partial)  
  Block 1603, Lot 1  
  Block 2401, Lots 2, 3 and 4

MI-3 Overlay District: Block 1604, Lots 1 and 2  
  Block 1605, Lots 1 and 2  
  Block 1606, Lots 1, 2, 3, 4 and 5  
  Block 2402, Lots 1, 2, 3, 5, 6, 7, 8 and 9  
  Block 2403, Lot 1  
  Block 2404, Lot 1  
  Block 2405, Lots 1, 2, 3, 4, 25 and 26  
  Block 2406, Lots 1, 2 and 3  
  Block 2408, Lots 2 and 3

**Section 6.** Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 7.** Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 8.** Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 9.** Effective Date.

This ordinance shall become effective upon adoption and publication as required by law and upon approval of same by the Superior Court after a duly-noticed Compliance Hearing.

MICHAEL GHASSALI, MAYOR

ATTEST:

MAUREEN IAROSSO-ALWAN, RMC  
Municipal Clerk

INTRODUCED: 5/08/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

ADOPTED: 5/29/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		



**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO. 2018-1453**

**NOTICE IS HEREBY GIVEN** that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 29th day of May 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 12th day of June 2018 at 7:30 pm, or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi Alwan, Municipal Clerk  
Borough of Montvale

**AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN,  
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 84  
OF THE BOROUGH CODE TO REVISE CERTAIN PROVISIONS CONCERNING  
THE EDUCATIONAL REQUIREMENTS FOR APPOINTMENT TO THE POLICE  
DEPARTMENT**

**WHEREAS**, the Borough of Montvale Police Department strives to provide a hiring process that allows for a wide range of applicants while still ensuring that said applicants meet stringent standards in order to be eligible for appointment to the Police Department; and

**WHEREAS**, the Chief of Police has recommended revising and updating departmental educational requirements to expand the range of qualifications that allow for an individual to participate in the hiring process for the position of Borough of Montvale Police Officer, including the recognition of an individual's service in the Armed Forces as relevant experience; and

**WHEREAS**, the Borough Council is desirous of effectuating the changes recommended by the Chief of Police.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

**Section 1.** The following sections of Chapter 84 of the Code of the Borough of Montvale are hereby amended and supplemented by adding the underlined text and deleting the [bracketed] text, as follows:

**§ 84-19. Duties of all Department members; qualifications; appointments.**

- A. It shall be the duty of every member of the Police Department of the Borough of Montvale to acquaint himself or herself at all times with the ordinances of the Borough, the rules and regulations governing the Department and the general orders; to closely examine all cases where he may have reasons to suspect that an ordinance or a state law may be violated; and to report the same to the Chief of Police or, during his absence, the commanding officer in charge of the Department. Failure on the part of any

member of the Department to comply with the requirements of this section shall be sufficient grounds for penalties that may be prescribed or, as the case may be, for immediate dismissal.

- B. All officers and members of the Police Department shall have, possess and exercise all of the powers of a constable and peace officer. They shall also be empowered to serve and execute all processes issuing out of a Police Court, Magistrate's Court or Justice's Court, by whatever the same may be known, of the Borough of Montvale, New Jersey.
- C. Qualifications. No person or persons shall be appointed an officer or member of the Police Department who has been convicted of a crime involving moral turpitude which would be, in the judgment of the appointing power, prejudicial to the morale of the Department.
- D. Appointment.
  - (1) Not less than four weeks' notice of the examination for appointment to the Police Department must be published at least once a week in a newspaper circulating in the municipality.
  - (2) Said appointment shall be subject to the provisions of N.J.S.A. 40A:14-122 et seq.
  - (3) Any person or persons appointed after the passage of this ordinance must be at least 18 years of age and have obtained an A.A.S. degree in criminal justice or police science with prior police experience, or a Bachelors of Arts or Science degree from an accredited college or university, or received an Honorable Discharge from one of the branches of the United States Armed Forces (Army, Navy, Air Force, Marines or Coast Guard) after serving two (2) or more years of active duty and having obtained 30 or more credits towards a degree from an accredited college or university. [or a B.S. in criminal justice or police science or a related field such as sociology or psychology from an accredited college or university.] [He] Such person must be of good moral character, sound in body and in good health and able to read and write the English language intelligently. It shall be lawful for the Mayor and Council to employ officers and persons [men] temporarily in case of emergency or for parts of a year in cases where their services are not required throughout the entire year and discharge them at the expiration of said temporary employment. At all times, all officers must be citizens of the United States.

## **Section 2. Repeal of Inconsistent Ordinances.**

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 3. Savings Clause.**

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 4. Severability.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 5. Effective Date.**

This ordinance shall become effective upon adoption and publication as required by law.

\_\_\_\_\_  
MICHAEL GHASSALI, Mayor

ATTEST:

\_\_\_\_\_  
MAUREEN IAROSSO-ALWAN, RMC  
Municipal Clerk

INTRODUCED: 5/29/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

ADOPTED: 6/12/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

PUBLIC MEETING  
MINUTES

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:30PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Mayor for the Day, Cody Jones, led the Pledge of Allegiance to the Flag, and roll call was taken.

**OPEN PUBLIC MEETING STATEMENT**

Adequate notice of this meeting was provided to The Bergen Record and/or The Ridgewood News, informing the public of the time and place according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

Also Present: Mayor Mike Ghassali; Borough Attorney, Phil Boggia; Borough Engineer, Andrew Hipolit; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

**ROLL CALL:**

Councilmember Arendacs  
Councilmember Curry - absent  
Councilmember Gloeggler

Councilmember Koelling  
Councilmember Lane  
Councilmember Weaver

**MAYOR FOR THE DAY:** Cody Jones

**RESOLUTION:****118-2018 A Resolution Endorsing the Housing Element and Fair Share Plan and Adopting the Spending Plan Prepared by Darlene Green, PP, AICP and Approved by the Montvale Planning Board on May 1, 2018**

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court issued its decision in a case captioned *In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (201) ("Mt. Laurel IV")*, holding that due to the failure of the New Jersey Council on Affordable Housing ("COAH") to adopt Third Round Rules concerning the affordable housing obligations of New Jersey municipalities, the enforcement and administration of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA") would vest in the New Jersey Superior Court; and

**WHEREAS**, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in *Mt. Laurel IV*, seeking approval of a Housing Element and Fair Share Plan and Spending Plan that satisfied the Borough's obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

**WHEREAS**, the Borough Council of the Borough of Montvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

**WHEREAS**, after a Fairness Hearing held on January 25, 2018, by Order dated February 12, 2018, Hon. Menelaos W. Toskos, J.S.C. approved a series of settlement agreements between the Borough of Montvale, Fair Share Housing Center, and three developer-intervenors intended to establish the Borough's affordable housing obligations; and

**WHEREAS**, pursuant to the requirements of the February 12, 2018 Order, the Borough of Montvale intends to supplement its Zoning Ordinance in accordance with a newly-adopted Housing Element and Fair Share Plan ("HEFSP") and Spending Plan to include provisions addressing Montvale's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented,

N.J.A.C. 5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, the Montvale Planning Board at its meeting held on May 1, 2018, adopted a HEFSP and an associated Spending Plan dated April 17, 2018, prepared by Darlene A. Green, P.P., AICP, pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, *et seq.*; and

**WHEREAS**, the HEFSP and Spending Plan implement the settlements approved by the February 12, 2018 Order and address the requirements of N.J.A.C. 5:93-1, *et seq.*, as amended and supplemented, N.J.A.C.5:80-26.1, *et seq.* as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, a copy of the Planning Board's approving resolution is attached hereto; and

**WHEREAS**, the Mayor and Council are desirous of endorsing the HEFSP and adopting the Spending Plan and authorizing the Borough's professionals to file the HEFSP and Spending Plan with the Court in connection with the Declaratory Judgment action to seek approval of these documents from the Court at the Compliance Hearing currently scheduled for July 18, 2018.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale as follows:

1. The Housing Element and Fair Share Plan prepared by Darlene Green, PP, AICP, and adopted by the Planning Board on May 1, 2018, are hereby endorsed by the Borough Council.
2. The Spending Plan prepared in conjunction with the HEFSP and adopted by the Planning Board on May 1, 2018, is hereby adopted by the Borough Council.
3. The Borough Attorney and Special Counsel for Affordable Housing are hereby directed, authorized and empowered to file the HEFSP and Spending Plan with the Superior Court and seek approval of same in connection with the Borough's Declaratory Judgment action.
4. All appropriate Borough officials and employees are directed, authorized and empowered to take all steps necessary to effectuate the purposes of this Resolution.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - a roll call was taken, Councilmembers Lane, Gloeggler and Koelling voted yes and Councilmembers Arendacs and Weaver voted no

Councilmember Weaver asked for clarification for the amendments that were submitted by the Planning Board; the amendments reflect the Housing Element as well as the Fair Share Plan; mentioned that the Planner is not in attendance to answer questions; the Planner will attend the May 29<sup>th</sup> meeting for the public hearings of the ordinances. On page 43, the reference to 32 units is that for Summit Ave that the borough purchase the homes, the homes were purchase for the ramp; he asked if the 32 units will be inclusive, no they will not;

#### **ORDINANCES:**

**INTRODUCTION OF ORDINANCE NO. 2018-1449** AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO ESTABLISH A BOROUGH-WIDE SET-ASIDE REQUIREMENT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

(Public hearing 5/29/18)

A motion to Introduce Ordinance **2018-1449** for first reading was made by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Koelling - A roll call was taken, Councilmembers Arendacs and Weaver voted No and Councilmembers Gloeggler, Koelling and Lane voted Yes

**INTRODUCTION OF ORDINANCE NO. 2018-1450** AN ORDINANCE RENAMING CHAPTER 2B OF THE CODE OF THE BOROUGH OF MONTVALE, "AFFORDABLE HOUSING REGULATIONS," AND REPLACING THE ENTIRE CONTENTS THEREOF TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS  
(Public Hearing 5/29/18)

A motion to Introduce Ordinance **2018-1450** for first reading was made by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Koelling - A roll call was taken, Councilmembers Arendacs and Weaver voted No and Councilmembers Gloeggler, Koelling and Lane voted Yes

**INTRODUCTION OF ORDINANCE NO. 2018-1451** AN ORDINANCE AMENDING CHAPTER 57 THE LAND USE PROCEDURES ORDINANCE ARTICLE VII DEVELOPMENT FEES OF THE BOROUGH OF MONTVALE TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT  
(Public Hearing 5/29/18)

A motion to Introduce Ordinance **2018-1451** for first reading was made by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Koelling - A roll call was taken - all ayes  
Councilmember Lane explained that this is a provision that allows the borough to set aside funds to use for certain expenditures.

**INTRODUCTION OF ORDINANCE NO. 2018-1452** AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO RENAME SECTION 128-5.5 TO BE ENTITLED "OVERLAY DISTRICTS" AND TO ESTABLISH THE MIXED-USE INCLUSIONARY 1 (MI-1) OVERLAY DISTRICT, THE MIXED-USE INCLUSIONARY 2 (MI-2) OVERLAY DISTRICT, AND THE MIXED-USE INCLUSIONARY 3 (MI-3) OVERLAY DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO  
(Public Hearing 5/29/18)

A motion to Introduce Ordinance **2018-1452** for first reading was made by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Koelling - A roll call was taken, Councilmembers Arendacs and Weaver voted No and Councilmembers Gloeggler, Koelling and Lane voted Yes

**PUBLIC HEARING ORDINANCE NO. 2018-1447** BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,662,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MONTVALE, 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 Borough of Montvale, in the County of Bergen, New Jersey (the "Borough") 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 \$1,750,000, and further including the aggregate sum of \$87,500 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 \$1,662,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation & Estimated Cost	Estimated Maximum Amount of Bonds & Notes	Period of Usefulness
Improvements to various roads as listed on file in the office of the Clerk, including all work and materials necessary therefor and incidental thereto.	\$1,000,000	\$950,000	10 years
Sanitary Sewer System improvements, including all work and materials necessary therefor and incidental thereto.	\$250,000	\$237,500	40 years
Various improvements to buildings and grounds, including all work and materials necessary therefor and incidental thereto.	<u>\$500,000</u>	<u>\$475,000</u>	15 years
TOTALS:	<u>\$1,750,000</u>	<u>\$1,662,500</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 Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough 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 Borough 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 15.71 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 Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,662,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

**Section 7.** The Borough hereby declares the intent of the Borough 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 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 Borough 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 Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough 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 Borough 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 Borough fails to comply with its undertaking, the Borough 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 Borough 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 Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough 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.

Ordinance No. **2018-1447** was introduced for second reading by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only;

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Koelling - all ayes

**NO PUBLIC COMMENT**

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Koelling - all ayes

Motion to adopt on Second and Final Reading in Ridgewood News by Councilmember Lane; seconded by Councilmember Koelling; Clerk read by title only ----- A roll call vote was taken --- all ayes  
Councilmember Weaver asked for clarification regarding sanitary sewer repairs, Councilmember Lane explained that maintenance to the system needs to be done regardless of whether the borough has intentions of selling the system; Councilmember Weaver asked if other municipalities have sold their system; the engineer explained that if the borough decides to sell the system, the borough will be reimburse for any monies spent on repairs; Councilmember Weaver asked what is the process of privatization; the engineer stated it's a long process, public meetings need to be had, advertising, evaluating the system, prepare bid specs; Councilmember Gloeggler asked if we sold the system to a private company it would work like our water (Suez) company

**PUBLIC HEARING ORDINANCE NO. 2018-1448** ORDINANCE AMENDING ORDINANCE NUMBER 2016-1413 OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, FINALLY ADOPTED MAY 10, 2016 IN ORDER TO AMEND SECTION 3b).

**BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF MONTVALE IN THE COUNTY OF BERGEN, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

**Section One.** Section 3b) of Ordinance numbered 2016-1413 of the Borough of Montvale finally adopted May 10, 2016 is hereby amended to read as follows: "Sanitary Sewer System Improvements, including all work and materials necessary therefor and incidental thereto."

**Section Two.** The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

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

Ordinance No. **2018-1448** was introduced for second reading by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only;

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Koelling - all ayes

**NO PUBLIC COMMENT**

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Koelling - all ayes

Motion to adopt on Second and Final Reading in Ridgewood News by Councilmember Lane; seconded by Councilmember Koelling; Clerk read by title only ----- A roll call vote was taken --- all ayes

**MEETING OPEN TO PUBLIC:**

Agenda Items Only

Motion to open meeting to the public by Councilmember Koelling; seconded by Councilmember Lane - all ayes

**Paul Walsh, 12 Ellsworth Terrace**

As a result of Akers Ave no parking, now the problem moved onto the surrounding streets; the Mayor explained that the permit parking on Akers is a pilot program and the police have been collecting data; Councilmember Weaver stated the Superintendent thought the borough wanted the gate closed, now the gate is unlocked;

**Rachele Campana, 27 Sheppard Drive**

Working with the High School to promote students on how to deal with stress; she is asking for a discounted rate for the high school students on stress relief programs that are offered by recreation; after a brief discussion, a motion to provide a resident rate for students by Councilmember Weaver; seconded by Councilmember Arendacs - all ayes

**Bob Zitelli**

What about issuing a warning to the people parking on the streets informing them to park in the lot;

Motion to close meeting to the public by Councilmember Koelling; seconded by Councilmember Lane - all ayes

**MEETING CLOSED TO PUBLIC:**

Agenda Items Only

**MINUTES:**

**April 24, 2018**

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Gloeggler - all ayes with the exception of Councilmembers Arendacs and Weaver abstaining; Councilmember Weaver asked for clarification on the response to Jim Gallucci's comments in the public portion of the minutes; it was a rhetorical comment, no response was given.

**MINUTES CLOSED/EXECUTIVE SESSION:**

April 24, 2018

A motion to accept minutes by Councilmember Gloeggler; seconded by Councilmember Lane – all ayes with the exception of Councilmembers Arendacs, Weaver Lane and Koelling abstaining

**RESOLUTIONS:****110-2018 Authorizing Tax Sale Premium to Escheat to the Municipality**

**WHEREAS**, the Borough of Montvale issued a Certificate of Sale for unpaid municipal property taxes, #15-00001 on Block 2405, Lot 25 located at 5 Wayne Street at tax sale held on October 20, 2016; and

**WHEREAS**, a premium of \$11,600.00 was bid and paid by the successful bidder and held in a trust account in the Borough of Montvale; and

**WHEREAS**, per N.J.S.A. 54:5-33 such premiums shall escheat after five years of non-redemption and be turned over to the treasurer of the municipality and become part of the funds of the municipality; and

**WHEREAS**, the Tax Collector has been notified that the lienholder which holds the certificate #15-00001 has foreclosed on the above mentioned property; and

**WHEREAS**, the Final Judgment was received and recorded on March 5, 2018 by the Bergen County Clerk in which the lienholder, John Finan, is vested with an absolute and indefeasible estate of inheritance in fee simple to the premises; and

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with N.J.S.A. 54:5-33 that the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to forward the funds listed below to the CFO.

**Certificate #15-00001, Block 2405, Lot 25; in the amount of \$11,600.00**

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes

The tax collector explained, per NJ statutes, when a lienholder bids a premium at a tax sale then forecloses on the property, he forfeits the premium and the borough keeps it as surplus.

**111-2018 Authorize Tax Court Settlement / Block 2802, Lot 4 / 14 Philips Parkway, LLC**

**WHEREAS**, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by 14 Philips Parkway, LLC (hereinafter the "Tax Appeal"), under Docket Numbers 009326-2014 and 001757-2015, 004061-2016, 006071-2017 and 002170-2018 and;

**WHEREAS**, the subject property is located at 14 Philips Parkway, and is otherwise identified as Block 2802 Lot 4 on the Tax Assessment maps of the Borough, and;

**WHEREAS**, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Borough Appraiser and the Borough Tax Assessor, and;

**WHEREAS**, the terms of the proposed settlement are set forth in the attached Schedule "A" included herein, and;

**WHEREAS**, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement, and;

**WHEREAS**, it is in the best interest of the Borough of Montvale to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, that the settlement of the aforesaid Tax Appeal be hereby approved, in accordance with the terms set forth in the attached Schedule "A", and;

**BE IT FURTHER RESOLVED** that with respect to same, the Mayor, Borough Administrator, Borough Tax Attorney and/or any other appropriate Borough official are hereby authorized to perform any act necessary to effectuate the purpose set forth in this Resolution.

## SCHEDULE "A"

A. The terms of the aforesaid tax appeal settlement shall consist as follows:

2014 Tax Assessment: Withdrawn  
2015 Tax Assessment: \$5,300,000  
2016 Tax Assessment: \$5,450,000  
2017 Tax Assessment: \$5,350,000  
2018 Tax Assessment: \$5,350,000

B. The provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes

**112-2018 Transfer and Development Agreement (Bergen County United Way Madeline Housing Partners, LLC)**

**WHEREAS**, the Borough of Montvale is the owner of certain property known as Block 1002, Lots 3 and 5 as depicted on the Borough tax assessment map, being more commonly known as 161 and 159 Summit Avenue, respectively ("the property", "the premises" or "the parcel"); and

**WHEREAS**, the Planning Board of the Borough of Montvale has adopted a Housing Element and Fair Share Plan ("HE/FSP") intended to address the Borough's constitutional obligation to provide its fair share of the region's need for low and moderate income housing; and

**WHEREAS**, the HE/FSP has been endorsed by the Mayor and Council; and

**WHEREAS**, a Settlement Agreement has been entered into between the Borough and Fair Share Housing Center ("FSHC") which was approved by Order of the Honorable Menelaos W. Toskos dated February 12, 2018; and

**WHEREAS**, the HE/FSP provides for the construction of thirty-two (32) affordable units on the property, with approval having been granted by resolution of the Planning Board dated July 15, 2014; and

**WHEREAS**, for the past year the Borough has been addressing the development of the property through an Agreement with Bergen County United Way Madeline Housing Partners, LLC ("United Way") whereby United Way would construct the thirty-two (32) affordable units as provided in the HE/FSP; and

**WHEREAS**, it is the intent of the HE/FSP that United Way obtain ownership of the property to construct the thirty-two (32) affordable units consistent with the HE/FSP; and

**WHEREAS**, N.J.S.A. 40A:12-21(l) permits a municipality to convey land not needed for municipal purposes, for a nominal consideration, to a duly incorporated non-profit housing corporation for the purpose of constructing housing for low or moderate income persons or families; and

**WHEREAS**, the applicant qualifies as a non-profit housing corporation experienced in the development of housing for low and moderate income persons; and

**WHEREAS**, the applicant intends to construct such housing in accordance with the aforementioned approvals and requirements.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that it does hereby authorize a private sale for a nominal consideration of the aforementioned property to United Way for the express purpose of constructing the affordable housing units as above described; and

**BE IT FURTHER RESOLVED** that in accordance with the aforementioned statute, the conveyance of the parcels is restricted to the construction of the affordable housing units previously approved by the Planning Board in accordance with the terms and conditions as detailed in the resolution of the Board; and

**BE IT FURTHER RESOLVED** by the Planning Board of the Borough of Montvale that the Deed of conveyance shall contain a restriction as to the development and use of the property for affordable

housing and should the lots not be used in accordance with such limitations, title to the parcels shall revert to the Borough; and

**BE IT FURTHER RESOLVED** that Mayor Michael Ghassali and Borough Clerk/Administrator Maureen Iarossi Alwan be and are hereby authorized to execute a Deed of conveyance, Affidavit of Title, and such other documents as may be necessary to effectuate the terms and provisions of this resolution.

Introduced by: Councilmember Lane; seconded by Councilmember Gloeggler - All ayes  
Councilmember Weaver asked if the property is currently zoned or will it need a variance; the mayor stated it is included with the master plan.

**113-2018 Authorize Release of Escrow / Block 2802/Lot 2/Ultimate Living III LLC**

**WHEREAS**, Ultimate Living III, LLC ( European Wax Center), 66 Hemlock Terrace, Wayne, NJ 07470 has requested release of escrow for Block 2802; Lot 2, for escrow posted for their location at The Shoppes at DePiero Farm, Montvale, NJ ; and

**WHEREAS**, the Borough Engineer and other Borough professionals take no exception to the release; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale the amount of \$168.00 is hereby released to Ultimate Living III, LLC; and

**BE IT FURTHER RESOLVED**, the Treasurer shall receive a copy of this resolution for processing.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes

**114-2018 Authorize Release of Escrow / Block 2002/Lot 14/Tonelli Development Corp.**

**WHEREAS**, Tonelli Development, Corp., 44 Highland Road, Montvale , NJ 07470 has requested release of escrow for Block 2002; Lot 14, for escrow posted 20 Spring Valley Road, Montvale, NJ ; and

**WHEREAS**, the Borough Engineer and other Borough professionals take no exception to the release; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale the amount of \$47,164.38 is hereby released to Tonelli Development Corporation; and

**BE IT FURTHER RESOLVED**, the Treasurer shall receive a copy of this resolution for processing.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes

**115-2018 Revise Resolution of Appointment/Tax Assessor Resolution 65-2018 /Raymond Tighe**

**WHEREAS**, the Borough of Montvale appointed Raymond Tighe Tax Assessor in February 2018; and

**WHEREAS**, N.J.S.A. 40A-9-148 dictates a Municipal Tax Assessor shall hold for a term of 4 years from the first day of July, following their selection; and

**WHEREAS**, Raymond Tighe has meet the qualifications for this position and agrees to the terms and conditions of employment; and

**WHEREAS**, this appointment is for a four year term effective February 20, 2018 and will end on June 30, 2022. Upon re-appointment on July 1, 2022, Mr. Tighe will be eligible for tenure; and

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above named individual is hereby appointed in the position of Tax Assessor for the Borough of Montvale.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes

**116-2018 Resolution Authorizing a Change Order to the Contract With Waste Management to Include The Reserve at Montvale Pursuant to the Borough's Obligations Under the Condo Services Act**

**WHEREAS**, in 2015, after duly advertising for and receiving public bids, the Borough of Montvale (the "Borough") entered into a contract with Waste Management of New Jersey (the "Contractor") to perform solid waste and recyclable materials collection and disposal services in the Borough for three (3) years; and

**WHEREAS**, said contract was extended for two additional years by Resolution adopted on April 24, 2018; and

**WHEREAS**, the Borough and the Contractor are desirous of amending the contract to include The Reserve at Montvale to the existing collection and disposal services pursuant to the Borough's obligations under the Condo Services Act, N.J.S.A. 40:67-23.2 et seq.; and

**WHEREAS**, the annual increase in contract price shall be as set forth below; and

**WHEREAS**, all other terms and conditions shall remain substantially the same; and

**WHEREAS**, the Chief Financial Officer has provided a certification of available funds for this change order to the contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council hereby authorize an amendment to the contract with Waste Management to add collection and disposal services for The Reserve at Montvale as follows:

	Contract Year	rate per unit per mo.	# units	Monthly Cost	Start Date	End Date	Annual Billing for The Reserve
Cost to add The Reserve at Montvale	YEAR 3	\$18.50	80	\$1,480.00	6/1/2018	8/31/2018	\$4,440.00
	YEAR 4	\$18.87	80	\$1,509.60	9/1/2018	8/31/2019	\$18,115.20
	YEAR 5	\$19.25	80	\$1,540.00	9/1/2019	8/30/2020	\$18,480.00

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk hereby directed, authorized and empowered to execute an amendment to the above-mentioned agreement in order to effectuate the provisions of this Resolution, subject to approval by the Borough Attorney.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes

**117-2018 Authorize Refund of Recreation Programs**

**BE IT RESOLVED**, the below individuals are hereby granted refunds for:

Tennis Lessons - \$166.81 – Maryam Hassimi

Yoga - \$80.00 – Debra Stefanelli

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes

**119-2018 Authorize Hiring /Fire Prevention Inspector / John Kurz**

**WHEREAS**, the Uniform Fire Safety Act, (P.L. 1983, c.383) was enacted for the purpose of establishing a system for the enforcement of fire safety standards throughout the State of New Jersey; and

**WHEREAS**, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement and to establish local enforcement agencies for that purpose; and

**WHEREAS**, the Borough of Montvale has opted to have the Uniform Fire Safety Act enforced locally; and

**WHEREAS**, the Fire Official shall carry out the duties in accordance with the Uniform Fire Safety Act and the NJ Administrative Code.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that John Kurz is hereby appointed Fire Inspector, effective May 8, 2018

Introduced by: Councilmember Koelling; seconded by Councilmember Lane - All ayes

**120-2018 A Resolution Approving a Change Order to the Contract with Tele-Measurements to Add and Remove Certain Equipment from the Contract**

**WHEREAS**, the Borough did previously solicit bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., under the title "Provision and Installation of New Audio/Visual Equipment for the Montvale Public Access TV Control Room"; and

**WHEREAS**, a contract was subsequently awarded to Tele-Measurements, Inc. in the amount of \$179,056.00; and

**WHEREAS**, the Borough is desirous of approving a Change Order to add and remove certain equipment from the Contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Montvale that the above-referenced Contract is hereby amended by removing the following line items from the Contract for a total reduction of \$15,177.00:

Model	MFG	Description	Qty	Unit Price	Total Price
DN-500BDMK11	Denon	Blu Ray	1	(373.00)	(373.00)
G5302	Winsted	4 bay console - Freight incl	1	(5,339.00)	(5,339.00)
CG-300TC Kit	Datavideo	CG SoftwareCG Kit	1	(1,689.00)	(1,689.00)
TOMSHSTU01	Atomos	shotgun	1	(2,719.00)	(2,719.00)
ATOMCAB017	Atomos	Break out cable	1	(135.00)	(135.00)
ATOMS2H002	Atomos	Coneverter	1	(199.00)	(199.00)
0G05221	G Tech	Master Caddy	2	(343.00)	(686.00)
0G05218	G Tech	Master Caddy	2	(105.00)	(210.00)
0G05217	G Tech	Master caddy Reader	2	(105.00)	(210.00)
999-5600-000	Vaddio	Camara Control Console	1	(3,617.00)	(3,617.00)
<b>TOTAL</b>					<b>(\$15,177.00)</b>

**BE IT FURTHER RESOLVED** that the above-referenced contract is hereby amended by adding the following line items to the Contract for a total addition of \$13,247.00:

Model	MFG	Description	Qty	Unit Price	Total Price
BMD-HYPERD/ST/Pro2	Black Majic	Hyperdeck Studio Pro	2	2,423.00	4,846.00
SASSDXPS480	Scan Disk	480G Drive	6	279.00	1,674.00
PCRM300	Datavideo	Switcher KIT	1	4,804.00	4,804.00
999-5700-000	Vaddio	Camera Control Console	1	1,923.00	1,923.00
<b>TOTAL</b>					<b>\$13,247.00</b>

**BE IT FURTHER RESOLVED** that as a result of the addition and removal of the above items from the Contract, the amended Contract price shall be \$177,126.00 and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk hereby directed, authorized and empowered to execute an amendment to the above-mentioned agreement in order to effectuate the provisions of this Resolution, subject to approval by the Borough Attorney.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes

**BILLS:** Municipal Clerk read the Bill Report.

Motion to pay bills by Councilmember Lane; seconded by Councilmember Koelling - All ayes

Councilmember Weaver asked for clarification for the purchase of a commissioner jacket by the Police Chief

**REPORT OF REVENUE:** Municipal Clerk read the Report of Revenue – April

**COMMITTEE REPORTS:**

**Councilmember Gloeggler**

**TV Access**

Interviewed Marie Dineen, President of the Senior Club and Frank DiPalma OEM coordinator;

**Local Board of Ed**

Adopted their annual budget with an increase to Montvale residents of \$135.20; the budget will be posted to the BOE website

Attended a swearing in of US Citizens held at the Westwood Public Library

**Council President Koelling**

**Tri-Boro**

Montvale logged: 34 calls; 442 miles; 30 crew hours

**Police**

Monthly report included in original minutes

**Environmental Commission**

Montvale clean-up day was held on April 28 which included approximately 80 volunteers

**Councilmember Arendacs**

**DPW**

Currently in litigation and thanked Woodcliff Lake DPW for helping on Saturday's with the recycle center

**Recreation/Special Events**

Day in the Park is scheduled for June 16, with rain date of June 17; summer camp has 240 campers registered; adult co-ed soccer April 22 through May 13 on Sundays 5-7pm; tennis badges are now available;

**Engineering**

Shady Lane and Valemont will be paved the week of May 21; Upper Saddle River Road will be paved the week of June 4; Fieldstone turf installation is now complete;

**Councilmember Lane**

**Fire Dept**

28 fire calls; 2 drills; 2 extra credits; Firehouse is near completion

**Finance**

The municipal portion of the annual budget is lower than the surrounding towns;



**MAYOR**

**Library**

Circulation 8,698; 4,990 patron visits; 22 cards issued; many thanks to all who dined at Davey's for the Friends of the Library fundraiser;

**Report**

Attended the State Mayor's conference, some of the discussions were regarding the Opioid crisis, legalizing marijuana and the Governor signed a bill for Charitable contribution to offset property taxes; the state now has the task of setting guidelines for municipalities to follow and also the State is waiting to hear if the IRS will allow such a deduction; Bergen County will be honoring the SRO Officer who saved a student from choking at the high school.

Councilmember Arendacs read a Proclamation on Click It or Ticket included in the original minutes

**Councilmember Weaver**

**Regional School**

Annual budget meeting was televised and is also on their website; an decrease of \$9.34 to Montvale residents;

**Swim club site**

At the last meeting, a unanimous agreement with all groups involved stated, the need for a community center; the engineer stated the next step would be, have a discussion as to what do you want there; Councilmember Weaver stated they are looking for a large space areas, possible courts, classrooms etc; the Mayor stated he will be scheduling a town hall meeting in June, he will add this to the agenda;

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

Fieldstone is open, but there are a few items that need to be addressed; will have proposal for 2018 road program; Upper Saddle River Road will be paved in the next few weeks; Shady Trail and Valemont will also be paved next week; Councilmember Weaver asked about the maintenance of the new turf, the engineer stated it should be brushed every couple of months.

**ATTORNEY REPORT:**

Phil Boggia, Esq.

Report/Update

No Report

**UNFINISHED BUSINESS:**

Councilmember Weaver mentioned a few items to be further discussed at the next workshop meeting:

- the borough is investing in new studio equipment, we should televise both council meetings;
- Planning board should post its full agenda on the website; televise planning board meetings as well;
- Installing speed tables on Memorial Drive
- Use of basketball courts

Councilmember Weaver stated that he has volunteered countless hours with the MAL serving on the board and being a part of activities that do not involve his children, then to have the borough attorney ask him to step down off the dais because of his interest was only spurred by the involvement of his children is very offensive. Councilmember Weaver went on the further state that he welcomed the opportunity to

Speak with Mr. Voytus and Mr. Voytus reference his email response. Councilmember Weaver stated he will be filing an attorney ethics grievance.

**NEW BUSINESS:****a. 6 and 9 Pennsylvania Ave Donation of Property**

The engineer stated that the owner of 6 and 9 Pennsylvania Ave. wants to donate their property to the borough; normally when you take possession of a property you conduct a search to make sure it is not contaminated, plus a survey needs to be done; the proposal will cost \$23,500; they Mayor asked what would the benefit be to the borough; it would be considered open space;

**b. 25 West Grand Ave**

"Ali Property", the borough is buying this property, recommends an environmental study as soon as possible, the cost will be \$7,000; a motion not to exceed \$7,000 to conduct the study by Councilmember Lane; seconded by Councilmember Koelling – all ayes

**COMMUNICATION CORRESPONDENCE:**

None

**MEETING OPEN TO THE PUBLIC:****HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:**

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Koelling - all ayes

**Carole Adams**

Reminded everyone that it is Teacher appreciation day and week; showed pictures of the recycle center having piles of recycled items; mentioned last year about the Hoving Home, they will be having their annual fundraiser at Florentine Gardens on May 10th, The Walter Hoving Home, is a home that helps women to rebuild their lives from drug and alcohol abuse, prostitution and incarceration; a new facility has been opened in Oxford, New Jersey. Suggested, to think about having a town wide garage sale.

**Jarret Schumacher**

As another topic at the town hall discussion could be, shared services with other towns like infrastructure and to consider all possible shared services.

**Bob Zitelli**

Asked for an explanation as to what caused RiverVale to pull out of the DPW shared services; the Mayor stated he cannot say much because of the litigation but RiverVale asked for additional funds due to the last snow storm, in the contract a process needs to be followed; Mr. Zitelli asked how much has the borough saved by this service, the mayor responded approximately \$150,000 - \$300,00;

Jeff Ballanco

Thanked all for their support; will be planning the building dedication, he is asking for help with the invites

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Koelling  
- all ayes

**ADJOURNMENT**

Motion to adjourn Public Meeting by Councilmember Lane; seconded by Councilmember Koelling  
- all ayes

Meeting was adjourned at 10:30pm

The next Workshop Session of the Mayor and Council will be held May 29, 2018 at 7:30 p.m.

**Respectfully submitted, Fran Scordo, Deputy Municipal Clerk**

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 121-2018**

**RE: A Resolution Awarding a Contract to Lighthouse Computers, Inc. for the Provision of Goods and Services Related to the Montvale TV Access Studio**

**Whereas**, the Borough of Montvale is in the process of replacing and upgrading the equipment in the Montvale TV Access studio; and

**Whereas**, the Borough has a need to acquire certain goods and services including the Master Control used for transmission to FiOS and Cablevision as well as streaming to the Montvale Web Site, equipment used to run the Community Bulletin Board and a scheduler to run Montvale programing; and

**Whereas**, in addition, the vendor will be required to test and train Montvale staff on all equipment and provide archiving services for existing content, including video on demand; and

**Whereas**, the Borough of Montvale received two competitive quotations for these goods and services, consistent with N.J.S.A. 40A:11-6.1; and

**Whereas**, the lowest proposal received was from Lighthouse Computers, Inc. ("Lighthouse") dated November 14, 2017, Quote 17-0408-MON, in the total amount of \$25,085.00; and

**Whereas**, the Borough is satisfied that Lighthouse is capable of providing the goods and services required; and

**Whereas**, because the total amount of this contract exceeds the Pay-to-Play threshold, Lighthouse has completed and filed with the Borough a Business Entity disclosure form and all other appropriate documentation; and

**Whereas**, the Borough Chief Financial Officer has certified that funds are available and have been appropriated for this purpose.

**Now, Therefore, Be It Resolved** that a contract is awarded as follows:

<b>Contractor</b>	<b>Amount</b>
Lighthouse Computers, Inc. 62 18 <sup>th</sup> Avenue Sea Cliff, New York 11579	\$25,085.00, as per proposal

**Be It Further Resolved** that the Mayor, Borough Clerk and all other appropriate officials are hereby authorized and empowered to execute all documents necessary to effectuate the purposes of this resolution, subject to approval as to form by the Borough Attorney.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Arendacs						
Curry						
Gloeggler						
Koelling						
Lane						
Weaver						

**Adopted: May 29, 2018**

**ATTEST:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

**APPROVED:**

\_\_\_\_\_  
Michael Ghassali  
Mayor

**Lighthouse Computers, Inc.**  
 Digital Signage and PEG Channel Systems  
 Sea Cliff, New York - Piscataway, New Jersey

**QUOTE**

**Order Desk:**  
 62 18th Ave., Sea Cliff, NY 11579  
 PH: 516.671.2999 EM: info@LighthouseComputers.com

QUOTE 17-0408-MON  
 DATE: MAY 21, 2018

TO

**Borough of Montvale**  
**12 Mercedes Drive**  
**Montvale, NJ 07645**



SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
W. Fort			Pre Paid- Add		Net 30	

QTY	PART #	DESCRIPTION	LINE TOTAL
<b>PEG System HD Leightronix Upgrade</b>			
1	ULTRA-HD	Leightronix Ultra Nexus HD	\$ 13,995.00
1	LGX-2TBR-LX	Leightronix 2 Terabyte RAID Array	\$ 1,800.00
1	LGX-NAS	NAS Storage Interface for Leightronix and Video Editing System	\$ 1,600.00
1	AJA-KUMO	Leightronix Approved SDI AV Router	\$ 1,590.00
1	LGX-GES-8	Leightronix 8 Port 1 Gb Switch (NAS Connection)	\$ 495.00
1	VIEBIT-VOD	1-Year: Leightronix Video On-Demand Hosting	\$ 2,380.00
1	TECHSRVCS	<b>Technical Services</b> - On-Site LGX Ultra HD Setup and Network Configuration - On-Site & Web Based Training - Post Install Remote Support (10 Hours)	\$ 3,000.00
		<b>Estimated Shipping/Insurance:</b>	<b>\$ 225.00</b>
		<b>Quotation Total:</b>	<b>\$ 25,085.00</b>

Please contact Bill Fort, New Jersey office, for additional information.  
 New Jersey Office PH: (732) 485-8900 Email: [bill.fort@LighthouseComputers.com](mailto:bill.fort@LighthouseComputers.com)

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 Video Servers • Television Automation

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 122-2018**

**RE: Award Professional Service Contract /Environmental & Surveying Services/6 & 9 Pennsylvania Avenue/ Land Donation/Maser Consulting, LLC**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of a Phase I Environmental Site Assessment & a NJ Compliant Preliminary Assessment prior to the acceptance of a land donation of Block 1505 Lot 1 and Block 713 Lot 12 within the Borough of Montvale; and

**WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

**WHEREAS**, Maser Consulting, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated May 8, 2018 to provide the environmental and surveying services which are detailed and attached to the original of this resolution, and

**WHEREAS**, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

**NOW, THEREFORE BE IT RESOLVED** by the Borough of Montvale as follows:

- 1) That the proposal for the scope of environmental and surveying services is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Due Diligence Environmental Services and Surveying Services;
- 3) The cost not to exceed the total amount of \$23, 500.00. Environmental Services \$14,000.00 and Surveying \$9,500.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Arendacs						
Curry						
Gloeggler						
Koelling						
Lane						
Weaver						

**Adopted: May 29, 2018**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor



Engineers  
Planners  
Surveyors  
Landscape Architects  
Environmental Scientists

*Handwritten signature*

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

May 8, 2018

**VIA EMAIL**

Maureen Iarossi-Alwan  
Borough Clerk/Borough Administrator  
Borough of Montvale  
12 Mercedes Drive  
Montvale, NJ 07645

Re: Proposal for Environmental and Surveying Services  
Pennsylvania Avenue Property Acquisition  
Block 1505, lot 1 & Block 713, lot 12  
6 and 9 Pennsylvania Avenue  
Borough of Montvale, Bergen County, NJ  
MC Project No. MVB-546P

Dear Ms. Iarossi-Alwan:

Maser Consulting P.A. (Maser Consulting) is pleased to present this proposal for environmental and surveying services related to the acquisition of property located on Block 1505, lot 1 and Block 713, lot 12, Pennsylvania Avenue, Montvale, New Jersey.

**Project Background**

The Borough has been approached to accept the land donation of Block 1505, Lot 1 and Block 713, Lot 12, from Charlotte Kaczala, contingent upon the Borough and/or its professionals conducting due diligence regarding title, environmental or any other issue that may affect the Borough's acceptance and ownership of the properties and receiving adequate assurance that the properties are free from any judgments, liens or other title issues, and from any environmental or other deleterious substances.

Maser Consulting is presenting this proposal as part of due diligence for this acquisition as follows:

**PHASE 1.0 ENVIRONMENTAL SERVICES**

Maser Consulting recommends that both a Phase One Environmental Site Assessment and a NJ-Compliant Preliminary Assessment of each of the properties be conducted. With both these Assessments, the Borough receives innocent purchaser protection under Superfund and the NJ Spill Act. The reports will identify potential or existing environmental contamination liabilities on each one of the properties, addressing both the underlying land as well as physical improvements on each of the two properties.



Maureen Iarossi-Alwan  
MC Project No. MVB-546P  
May 8, 2018  
Page 2 of 2

## **PHASE 2.0 SURVEYING SERVICES**

Maser Consulting will prepare an ALTA boundary survey of each of the properties, set up to ten (10) property corners and prepare metes and bounds descriptions for the two parcels located on either side of Pennsylvania Avenue. Note that this does not include topographic information, tree locations or preparation of the survey to Green Acres standards.

## **FEE PROPOSAL**

For your convenience, we have broken down the total estimated cost of the project into the categories identified within the Scope of Services.

PHASE 1.0	ENVIRONMENTAL SERVICES	\$14,000.00
PHASE 2.0	SURVEYING	<u>\$9,500.00</u>
<b>Total</b>		<b>\$23,500.00</b>

If you find this agreement acceptable, please forward a copy of the Resolution of Approval for this agreement to this office.

Thank you for your kind attention to this matter. Should you have any questions or require additional information, please feel free to contact me.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in black ink, appearing to read 'Andrew R. Hipolit'.

Andrew R. Hipolit, P.E.  
Borough Engineer

ARH/cd



**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 123-2018**

**RE: Authorize Execution Of Customer Audit Access Agreement with PSEG Direct Install Program/Willdan Energy Solutions/HVAC/Boiler/Motor & Lighting/Municipal Building 12 Mercedes Drive/Montvale Senior Community Center**

**WHEREAS**, Borough of Montvale has deemed it necessary to investigate energy savings; and

**WHEREAS**, Willdan Energy Solutions has been selected by PSE &G as a contractor for Bergen County for PSE&G's Direct Install Program; and

**WHEREAS**, this program will allow you to make energy efficiency improvements to lighting, HVAC, boilers and motors; and

**WHEREAS**, PSE&G will pay for 70% for the cost to make these improvements. The remaining 30% can be financed on the Borough of Montvale's PSE&G bill for up to 36 month at 0%.

**NOW, THEREFORE BE IT RESOLVED**, The Borough Administrator is hereby authorized to execute the Customer Audit Access Agreement in order for a free on site energy audit to be conducted at Borough of Montvale's eligible site which are The Municipal Building and the Montvale Senior Community Center.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Arendacs						
Curry						
Gloeggler						
Koelling						
Lane						
Weaver						

**Adopted: May 29, 2018**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

## Energy-saving improvements to consider:

- Replace older fluorescent tubes with newer generation lighting to save up to 40% in electricity costs.
- To conserve energy and reduce internal heat gain, turn off computers, monitors, printers and copiers during non-business hours.
- When old motors fail, replace them with premium efficiency motors that operate at a lower annual cost. Ensure you specify the properly sized motor for the application.
- Install an ENERGY STAR® occupancy controlled thermostat to automate your HVAC system. An occupancy controlled thermostat can optimize HVAC operation 24/7 based on your needs, and it could cut your HVAC costs by about 30%.

**To schedule your FREE energy audit, or if  
you have additional questions, contact your  
PSE&G program representative today:**

**Willdan Energy Solutions**  
**1-844-235-6963**

**For more information about the PSE&G  
Energy \$aver Program for Government,  
Non-Profit and Small Business Facilities visit:**

**[pseg.com/energysaver](http://pseg.com/energysaver)**



**PSE&G**

*We make things work for you.*

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SB-DG3 1K 01/18

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COES0118-WES

A subsidiary company of Public Service Enterprise Group Inc.

## PSE&G Energy \$aver Program for Government, Non-Profit and Small Business Facilities



**Affordable, energy-saving  
solutions to help lower  
your energy costs!**



**PSE&G**

*We make things work for you.*

## Want to control your energy usage and start saving money?

Take the first step today by contacting PSE&G for a **FREE** energy audit!

The PSE&G Energy Saver Program for Government, Non-Profit and Small Business Facilities may be able to help you cut your energy costs by up to 30% by offering:

- A **FREE**, on-site energy audit of your facility's electric and gas equipment.
- A written proposal, with recommended energy efficiency measures, based on your audit.
- Energy-saving equipment installation at your convenience.

Incentives will be limited to one project per facility per year.

PSE&G makes the investment in energy efficiency upgrades easy for you by initially **COVERING 100%** of the cost to install the recommended measures.

You will repay **ONLY 30%** of the total cost to install the energy efficiency measures – interest free – over three years on your PSE&G energy bill OR in one lump sum payment within 30 days of the work being completed.

Eligible energy efficiency equipment upgrades may include:

- Lighting retrofits, including sensors and controls
- Heating, ventilation and air conditioning (HVAC) systems
- Commercial refrigeration
- Motors



Your energy audit and energy efficiency upgrades will be performed by skilled, experienced contractors selected by PSE&G specifically for this program. You (and your landlord if you rent/lease your facility's space) will be asked to sign a form authorizing PSE&G to perform the audit and energy efficiency upgrades.

## Who is eligible to participate?

Applicants must receive natural gas and/or electricity from PSE&G and have peak demands of 200 kW or less to be considered for this program. Applicants must also have an acceptable PSE&G bill payment record.

Eligible facilities include municipal, local and state government offices, courtrooms, town halls, police and fire stations, sanitation department buildings, transportation department structures, regional authorities, community centers and all non-profit facilities that meet the requirements of Section 501(c)(3) or Section 501(c)(19) of the Internal Revenue Code. County or regionally structured bodies, such as regional utility authorities (waste/sewer) also are included.

PSE&G small business customers located in an Urban Enterprise Zone (UEZ) are also eligible to participate. To determine if your small business is located in a UEZ, visit the New Jersey Department of Community Affairs (DCA) website at [nj.gov/njbusiness/financing/uez](http://nj.gov/njbusiness/financing/uez). Click on the link "27 designated zones."





**PSE&G Direct Install Program for  
Government and Non-Profit Facilities  
and Small Businesses located in UEZs**

**Customer Audit Access Agreement  
with  
Attachment A - Owner Consent to Conduct Audit**

**Government/Non-Profit/Small Business**

**Facility Name:** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

**Street:** \_\_\_\_\_ **Floor/Apt:** \_\_\_\_\_

**Municipality:** \_\_\_\_\_

**Zip Code:** \_\_\_\_\_

**Facility Phone:** \_\_\_\_\_ **Cell Phone:** \_\_\_\_\_

**PSE&G Account Number:** \_\_\_\_\_

**Type of Facility:**

Municipal/State/Federal ☐

Non-Profit ☐

Small Business located in a UEZ ☐ |

**NAICS Code\*:** \_\_\_\_\_

\*The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

**Primary Building Use, NAICS description:** \_\_\_\_\_

**Billing Information:** ☐ Same as Installation Address

☐ Owner ☐ Tenant (Owner Permission Required; see attached)

☐ Bill to: \_\_\_\_\_

**Name:** \_\_\_\_\_

**Street:** \_\_\_\_\_ **Floor/Apt:** \_\_\_\_\_

**Municipality:** \_\_\_\_\_

**Zip Code:** \_\_\_\_\_

**Account Number:** \_\_\_\_\_

PSE&G is offering an energy conservation program (the "Program") to customers in its electric and/or gas service territory that are government, qualified non-profit entities or small businesses located in Urban Enterprise Zones (UEZs) with annual peak demands equal to or less than 200 kW. Customer is the Company's customer of record, *i.e.*, the PSE&G electric and/or gas account holder. Under the Program, Company is arranging the installation of certain energy conservation measures ("ECMs") at the facilities of eligible customers. Upon acceptance of the "Energy Efficiency Upgrade Proposal" by Customer, the work to be performed thereunder will be deemed the "Project."

This Customer Audit Access Agreement is entered into by \_\_\_\_\_ "Customer") for the benefit of Public Service Electric and Gas Company (the "Company" or "PSE&G"), each individually referred to as a "Party" and collectively referred to as the "Parties" in accordance with the following:

- A. Customer desires for Company to perform a "walk through" energy audit (the "Audit") at Customer's facility (the "Facility") to determine whether Customer may benefit from participating in the Program.
- B. Customer shall authorize and permit Company or its designee to enter the Facility to conduct the Audit subject to the terms and conditions below:
  1. Customer hereby grants Company or its designee reasonable access to the Facility to perform the Audit at such date and time as the Parties shall mutually agree. The Audit shall be performed at no cost to Customer. In the event that Customer is not the owner of the Facility, Customer will obtain the consent of the owner as set forth in Attachment A - Owner Consent to Conduct Audit.
  2. The Audit results will identify whether the Facility may be suitable any energy saving upgrades to lighting, refrigeration and/or heating/ventilation/air conditioning. Company does not promise that the Audit will identify any or all energy savings measures that may be suitable for the Facility. Company does not warrant that, if Customer agrees to implement the recommendations of the Audit, Customer will realize energy savings. The information provided in the "Energy Efficiency Upgrade Proposal" is for informational purposes only and Customer's actual energy savings may vary based on numerous determining factors including but not limited to weather, changes to Customer utility rates, or Facility use and operating hours.
  3. Customer agrees to indemnify, defend, and hold harmless Company, its employees and designees (each an "Indemnified Person") from and against any claim, dispute, complaint, suit, demand, judgment, liability, loss, injury, accident, fine, expense, penalty, damage, action, fee, cost, or charge of any kind or nature (including reasonable attorney fees) that may be imposed on, incurred by, or asserted against such Indemnified Person in any way relating to, arising out of or resulting from this Agreement except to the extent of gross negligence or intentional misconduct by the Indemnified Person.
  4. Customer agrees that (i) it possesses all requisite power and authority to enter into this Agreement and to carry out the transactions contemplated herein; (ii) the execution, delivery, and performance of this Agreement have been duly authorized by, or are in accordance with, its organizational documents; (iii) this Agreement has been duly executed and delivered; and (iv) this Agreement constitutes the legal, valid, binding, and enforceable agreement of Customer.
  5. Customer has obtained, to the extent it has deemed necessary or prudent, legal counsel to advise it on this Agreement.
  6. Customer agrees that this Agreement constitutes the full, complete, and only agreement between the Parties and supersedes any previous representations or agreements with respect to the subject matter

hereof. This Agreement shall not be amended except in writing signed by duly authorized representatives of both Parties.

7. PSE&G shall consider all information furnished by Customer to be confidential and shall not disclose any such information to any other person, or use such information itself for any purpose other than in connection with the Program, without Customer's prior written consent. Customer shall consider all information furnished by PSE&G to be confidential and shall not disclose any such information to any other person, or use such information itself for any purpose other than in connection with the Program, without PSE&G's prior written consent; provided, however, either Party may disclose such information as may be required to be disclosed by law or court order from a court of competent jurisdiction, and provided further that, unless otherwise prohibited by law, the Party whose information is required to be disclosed is given reasonable time to take legal action to quash such action and seek other protection. Customer expressly understands and agrees that PSE&G is required to report to New Jersey regulators on a periodic basis all Program data, including customer-specific information ("Regulatory Reporting") as well as to prepare and submit to New Jersey regulators a Program evaluation report (the "Program Evaluation Report"). Customer expressly further understands and agrees that both the Regulatory Reporting and the Program Evaluation Report may, among other participant and Project information, identify the Program participants by name and Project address, identify the ECMs implemented by each Program participant and the energy and cost savings estimates for each Project.
8. PSE&G may participate in the PJM Capacity Market\* through the demand reductions achieved by the ECMs installed as part of this Program. Customer acknowledges and agrees that, for purposes of participating in the PJM Capacity Market, PSE&G shall own the rights to all such demand reductions without cost or obligation to Customer. PSE&G's ownership of the Project's demand reductions does not affect Customer's ownership of the ECMs nor the energy savings derived from the ECMs.

\*PJM Capacity Market. PJM Interconnection is the regional transmission operator that coordinates the movement of wholesale electricity in all or parts of 13 states including New Jersey. PJM operates a competitive wholesale electricity market and manages the high-voltage electricity grid to ensure reliability for more than 61 million people. PJM holds regular capacity auctions to ensure there is sufficient generating capacity available to meet customer needs. Load reductions from ECMs are allowed to participate in these auctions as 'negative' generation.

As required by PJM, PSE&G reserves the right to perform measurement and verification ("M&V") at all participating facilities. PSE&G M&V activities at the Facility may, in PSE&G's sole discretion, include but not be limited to, meter installation, calibration and maintenance of M&V equipment, data gathering and screening, verification of M&V reports and the use of customer energy and cost savings, and billing information. PSE&G will notify Customer if an ECM installed at the Facility requires M&V, will inform Customer of the PSE&G M&V activities, and will work with Customer to minimize any adverse effects on Customer's normal operations. PSE&G, or its subcontractor, may audit the Facility to verify the operation of all installed ECMs for up to four (4) years following installation to ensure compliance with PJM Capacity Market rules and regulations. Customer shall cooperate with and support PSE&G's ownership of the demand reductions as set forth in this Paragraph 8.

9. Customer agrees (A) That the laws of the State of New Jersey shall govern this Agreement and any dispute arising hereunder shall be litigated in a Federal or State Court located in the State of New Jersey, (B) TO WAIVE TO THE FULLEST EXTENT PERMITTED BY LAW THE RIGHT TO A TRIAL BY JURY.

10. In the event any provision of this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, the remaining provisions of this Agreement shall remain in full force and effect to the maximum extent possible.
11. This Agreement is neither intended to create, nor shall it be construed as creating, a joint venture, partnership or other form of business association between the Parties, or an agreement to enter into any business relationship.

**Authorized Signature of Customer:**

Customer Name: Borough of Montvale  
Signature: Maureen J. Rossi-Alwan  
Signatory Name (Print): MAUREEN J. ROSSI-ALWAN  
Title: Administrator / Municipal Clerk  
Date: 5/15/18

PSE&G Program Representative Name: Willdan Energy Solutions

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 124-2018**

**RE: Award Professional Service Contract /Environmental Services/Block 1601 Lot 1/25 West Grand Avenue/Maser Consulting, LLC**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to conduct a complete Environmental Investigation prior to the Borough of Montvale's acquisition of the property located at 25 West Grand Avenue; and

**WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

**WHEREAS**, Maser Consulting, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated May 21, 2018 to provide the environmental and surveying services which are detailed and attached to the original of this resolution, and

**WHEREAS**, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

**NOW, THEREFORE BE IT RESOLVED** by the Borough of Montvale as follows:

- 1) That the proposal for the scope of environmental services is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Environmental Services;
- 3) The cost not to exceed the total amount of \$10,000.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Arendacs						
Curry						
Gloeggler						
Koelling						
Lane						
Weaver						

**Adopted: May 29, 2018**

**ATTEST:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

**APPROVED:**

\_\_\_\_\_  
Michael Ghassali  
Mayor





Engineers  
Planners  
Surveyors  
Landscape Architects  
Environmental Scientists

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

May 21, 2018

**VIA EMAIL**

Maureen Iarossi-Alwan  
Borough Clerk/Borough Administrator  
Borough of Montvale  
12 Mercedes Drive  
Montvale, NJ 07645

Re: Proposal for an Environmental Services  
West Grand Avenue Property Acquisition  
Block 1601, lot 1  
25 West Grand Avenue  
Borough of Montvale, Bergen County, NJ  
MC Project No. MVB-563P

Dear Ms. Iarossi-Alwan:

Maser Consulting P.A. (Maser Consulting) is pleased to present this proposal for Environmental Services related to the acquisition of property located on Block 1601, Lot 1, 25 West Grand Avenue, Montvale, New Jersey.

**Project Background**

The Borough is in the process of purchasing the improved property located at 25 West Grand Avenue, Block 1601, Lot 1. As part of their due diligence, the Borough has contacted Maser to perform Environmental Services prior to property acquisition. Separately, the Borough has conducted a home inspection, and will be utilizing an existing survey. We also understand that work on the site may require the presence of a Montvale Police Officer to conduct these services based on the prior home inspection.

In consultation with the Borough Attorney, Maser Consulting is recommending that both a Phase One Environmental Site Assessment and a Tank Sweep of the property be conducted at this time.

**FEE PROPOSAL**

**\$10,000.00**

If you find this agreement acceptable, please forward a copy of the Resolution of Approval for this agreement to this office.



Maureen Iarossi-Alwan  
MC Project No. MVB-563P  
May 21, 2018  
Page 2 of 2

Thank you for your kind attention to this matter. Should you have any questions or require additional information, please feel free to contact me.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in black ink, appearing to be 'A. Hipolit', written over a horizontal line.

Andrew R. Hipolit, P.E., P.P., C.M.E.  
Borough Engineer

ARH/cd

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 125-2018**

**RE: A Resolution Authorizing the Connection of Block 922, Lot 21 (Also Known As 76 Huff Terrace) in Upper Saddle River to the Montvale Sanitary Sewer System**

**WHEREAS**, N.J.S.A. 40:63-68 authorizes any municipality to contract with any other municipality to have its sewage received and disposed of by such other municipality; and

**WHEREAS**, on or about January 21, 1985, a Sewer Connection Agreement (the "Agreement") was entered into by and between the Boroughs of Upper Saddle River, Montvale and Woodcliff Lake which permitted certain properties in Blocks 1205, 1206, 1207 and 1213 in Upper Saddle River to connect to the sanitary sewer systems of Montvale and Woodcliff Lake; and

**WHEREAS**, on or about March 14, 1995, the Borough of Montvale did adopt an ordinance authorizing certain additional properties located on Huff Terrace in Block 922 in the Borough of Upper Saddle River to connect to Montvale's sanitary sewer system, subject to the payment of all connection charges and fees required by the Borough of Montvale; and

**WHEREAS**, a request has been made by the owner of Block 922, Lot 21 in the Borough of Upper Saddle River, identified as 76 Huff Terrace (the "Property") to connect to the Montvale sanitary sewer system; and

**WHEREAS**, the Borough Engineer has reviewed this request and has determined that Montvale's sanitary sewer system can accept this additional flow.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that the request from the owner of the Property to connect to the Montvale sanitary sewer system is hereby approved, subject to the following terms and conditions:

1. The owner of the Property must pay all required connection charges and fees
2. The request to connect to Montvale's sanitary sewer system must also be approved by the Borough of Upper Saddle River prior to any connection being made
3. The connection shall be fully inspected and approved by the Borough of Upper Saddle River

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Arendacs						
Curry						
Gloeggler						
Koelling						
Lane						
Weaver						

**Adopted: May 29, 2018**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 126-2018**

**RE: Authorize Refund of Recreation Programs**

**BE IT RESOLVED**, the below individuals are hereby granted refunds for:

**Summer Camp Refunds:**

**ONLINE: (NO PURCHASE ORDER NEEDED) Chennill Proskourine Amount: \$395.57**

**ONLINE: (NO PURCHASE ORDER NEEDED) Kevin Cherven Amount: \$333.30**

**ONLINE: (NO PURCHASE ORDER NEEDED) Jetzel Camarena Amount: \$697.51**

**Paper Registration: (Purchase Order is Needed) Kristen Driver Address: 16 Old Chestnut Ridge Road, Montvale. Amount: \$320.00**

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

**Adopted: May 29, 2018**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 127-2018**

**RE: Award Lease/Purchase Police Vehicle / Hertrich Fleet Services / Ford Motor Credit Company /State Contract # A88729**

**WHEREAS**, the Mayor and Council approved 2018 Dodge Charger Pursuit Police vehicle to finance; and

**WHEREAS**, the Borough of Montvale authorized the execution of a Master Lease Purchase Agreement with Ford Motor Credit Company in the amount of \$24,942.80, for a term of 36 months; and

**WHEREAS**, payments shall be made to Ford Motor Credit Company, Municipal Finance, 1 American Road, MD7500, Dearborn, MI 48126; and

**NOW, THEREFORE, BE IT RESOLVED**, the Chief Financial Officer has certified that funds are available and certification is attached to the original of this resolution.

**NOW THEREFORE, BE IT FURTHER RESOLVED**, the Mayor and Council authorize the Borough Administrator to execute this lease agreement with the above named vendor.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

**Adopted: May 29, 2018**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor



FORD CREDIT

**Lease/Purchase Financing Proposal  
Borough of Montvale, Schedule: 8845110**

May 18, 2018

Quantity	Description	Price
1	2018 Dodge Charger Pursuit	\$24,397.80

Total Amount Financed*	Number of	Payment Timing	APR	Payment Factor	Payment Amount
\$24,942.80	3	Annual in Advance	7.00%	0.356123	\$8,882.70

\*\$545.00 underwriting fee included

**EXPIRATION DATE: 07/14/2018**

This proposal, until credit approved, is not a commitment by Ford Credit Municipal Finance. It has been prepared assuming that the lease qualifies for Federal Income Tax Exempt Status for Ford Credit Company LLC under Section 103 of the IRS Code. Financing is subject to credit review and approval of acceptable documentation by Ford Credit Municipal Finance.

**MUNICIPALITY REQUIREMENTS**

In order for us to proceed with the approval process, please fax to (313) 390-3783 or email ayoun166@ford.com the following items:

- Most recent audited financial statements. Do not submit, found on-line.
  - Copy of Board Resolution or Meeting Minutes showing proof of appropriation.
  - Completed Municipal Finance Application (attached).
- Note: Please forward the **signed original** Municipal Finance Application by mail to Ford Credit Municipal Finance, 1 American Road-MD 7500, Dearborn, MI 48126.

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**DEALERSHIP REQUIREMENTS**

In order for Ford Credit Municipal Finance to prepare the Lease/Purchase Financing documentation for the municipality, the following items are required from Hertrich Fleet:

- Vehicle vin number(s) and/or equipment serial number(s).
- Itemized list of equipment, if applicable.
- On dealership letterhead, provide the following wire instructions, if not already on file in the following format:
  - dealership's bank name,
  - dealership's bank 9-digit ABA routing number,
  - dealership's bank account number,
  - signature and title of person providing the information.

**Note: You should not deliver any of the vehicle(s) and/or equipment to the municipality until credit has been approved and we receive our fully executed contract and first payment, if applicable.**

Ford Motor Credit Company ("FMCC") is providing the information contained in this document for discussion purposes only in connection with a proposed arm's length commercial leasing transaction between you and FMCC. FMCC is acting for its own interest and has financial and other interests that differ from yours. FMCC is not acting as a municipal advisor or financial advisor to you, and has no fiduciary duty to you. The information provided in this document is not intended to be and should not be construed as "advice" within the meaning of Section 15B of the Securities Exchange Act of 1934 and the municipal advisor rules of the SEC. FMCC is not recommending that you take an action and you should discuss any actions with your own advisors as you deem appropriate.

# HERTRICH FLEET SERVICES, INC

1427 Bay Road Milford, DE 19963

Ford - Chevrolet - Dodge - Jeep  
Lincoln - Honda - Buick - GMC - Toyota - Nissan

(800) 698-9825

(302) 422-3300

Fax: (302) 839-0555

NJ State Contract #A88729 (T2776), comm. code 071-80-084095  
Line #13, Section 2: Police Vehicle, Sedan, RWD, 200" Overall Length

Mike Wright, Government Sales Manager  
Hertrich Fleet Services Inc  
1427 Bay Rd  
Milford, DE 19963  
Phone: (800) 698-9825  
Fax: (302) 839-0555  
Email: [mwright@hertrichfleet.com](mailto:mwright@hertrichfleet.com)

QUOTE FOR: MONTVALE PD, NJ

#04252018-01

## 2018 Dodge Charger 4dr Sedan Police RWD LDDE48

### SELECTED OPTIONS:

<u>Code</u>	<u>Description</u>
ERB	ENGINE: 3.6L V6 24V VVT (STD)
DGJ	TRANSMISSION: 5-SPEED AUTOMATIC (W5A580) (STD)
27A	QUICK ORDER PACKAGE 27A -inc: Engine: 3.6L V6 24V VVT, Transmission: 5-Speed Automatic (W5A580)
TWW	TIRES: P225/60R18 BSW PERFORMANCE (STD)
—	STANDARD PAINT
C8X9	BLACK, HEAVY DUTY CLOTH BUCKET & REAR BENCH SEATS
MDA	FRONT LICENSE PLATE BRACKET

BASE CONTRACT PRICE: \$20958.00

EXTERIOR COLOR: PX8 PITCH BLACK CLEARCOAT

### ADDITIONAL OPTIONS:

<u>Code</u>	<u>Description</u>	<u>Price</u>
LDDE48	ALL WHEEL DRIVE (INCLUDES 5.7L V8 HEMI)	\$2947.00
C8X9	BLACK, HEAVY DUTY CLOTH BUCKET & REAR BENCH SEATS	\$0.00
LNF	BLACK LEFT SPOT LAMP	\$184.80
LNK	LED SPOT LAMPS (Requires LNF and/or LNA)	\$132.00
GXF	ENTIRE FLEET ALIKE KEY (FREQ 1)	\$123.20
GUK	POWER HEATED MIRRORS W/MAN F/AWAY	\$52.80

TOTAL W/OPTIONS: \$24397.80

DELIVERY: 90 TO 120 DAYS ARO

FINAL 2018 ORDER DATE IS 5/17/2018

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 128-2018**

**RE: Award Lease /Purchase Police Vehicle / Municipal Equipment Enterprises (DAY) / Ford Motor Credit Company State Contract # A89938**

**WHEREAS**, the Mayor and Council approved 2019 Chevy Tahoe police vehicle to finance; and

**WHEREAS**, the Borough of Montvale authorized the execution of a Master Lease Purchase Agreement with Ford Motor Credit Company in the amount of \$38,767.83, for a term of 36 months; and

**WHEREAS**, payments shall be made to Ford Motor Credit Company, Municipal Finance, 1 American Road, MD7500, Dearborn, MI 48126; and

**NOW, THEREFORE, BE IT RESOLVED**, the Chief Financial Officer has certified that funds are available and certification is attached to the original of this resolution.

**NOW THEREFORE, BE IT FURTHER RESOLVED**, the Mayor and Council authorize the Borough Administrator to execute this lease agreement with the above named vendor.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

**Adopted: May 29, 2018**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor





FORD CREDIT

Municipal Finance Department  
1 American Road, MD 7500  
Dearborn, Michigan 48126

May 23, 2018

Len Polistina  
Day Fleet  
lpolistina@upfitme.com

RE: Borough of Montvale, NJ, Quote #90976

Ford Credit Municipal Finance is pleased to present the following financing options for your review and consideration.

Quantity	Description	Price
1	2019 Chevrolet Tahoe police PPV	\$38,222.83

Total Amount Financed*	Number of	Payment Timing	APR	Payment Factor	Payment Amount
\$38,767.83	3	Annual in Advance	7.00%	0.356123	\$13,806.12

B\*\$545.00 underwriting fee included

EXPIRATION DATE: 07/22/2018

This quotation, until credit approved, is not a commitment by Ford Credit Municipal Finance. It has been prepared assuming that the lease qualifies for Federal Income Tax Exempt Status for Ford Credit Company LLC under Section 103 of the IRS Code. Financing is subject to credit review and approval of acceptable documentation by Ford Credit Municipal Finance.

**Ford Credit Municipal Finance Program**

- There is no security deposit, no prepayment penalty, and no mileage penalty.
- At inception, the new equipment title/registration indicates the municipality as Registered Owner, with Ford Motor Credit Company LLC as first lien holder.
- At term end, the municipality buys the equipment for \$1.

Thank you for allowing Ford Credit Municipal Finance the opportunity to provide this quotation. If you have any questions regarding the option presented, need additional options, or would like to proceed with the approval process, please contact me at (800) 241-4199, option 1.

Sincerely,

*Aaron James Young*

Aaron James Young  
Marketing Coordinator  
ayoun166@ford.com



We look forward to assisting you as we have other customers.

*"I purchase Fords through Ford Credit as an easy alternative to conventional financing. Good product, good rate, easy process, great support staff." J.J. Randall - Frankfort Park District, IL 02/15/2016*

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1600 Golden Mile Hwy  
Monroeville PA 15146  
609-484-0555  
www.upfitme.com

Date  
Estimate #  
2019 9C1 Marked  
Customer #  
Expires  
Project  
Sales Rep  
Shipping Method  
Contract Reference

**Quote**  
5/17/2018  
EST1478  
  
8/15/2018  
  
Len Polistina  
  
D - Day Chevy # A89938

### Bill To

Doug McDowell  
Montvale Township Police  
12 Mercedes Drive  
Montvale NJ 07645  
United States

### Ship To

Montvale Township Police  
12 Mercedes Drive  
Montvale NJ 07645  
United States

Item	Qty	Product Description	MSRP	MEE Price	Ext Amt
2019-CK15706-9C1	1	2019 NJ Contract Day Chevrolet CONTRACT: A89938 NJ T-2776 LINE #00007 Tahoe 9C1 Return approval Day Chevrolet orders@upfitme.com 856-649-0395 Options are listed at 38% off GM MSRP  2019 Chevrolet Tahoe (CK15706) 4WD 4dr Vehicle Complete BASE NO OPTIONS: ** ADDITIONAL OPTIONS OVER RIDE STANDARD **  Base Tahoe Spec Quick Spec			
CK15706-9C1-V-19	1	2019 NJ Contract Day Chevrolet CONTRACT: A89938 NJ T-2776 LINE #00007 Tahoe 9C1 Return approval Day Chevrolet orders@upfitme.com 856-649-0395 Options are listed at 38% off GM MSRP  2019 CHEVROLET TAHOE PPV 4X4 9C1  POLICE PATROL TAHOE  SUSPENSION PACKAGE	56,403.23	34,970.00	34,970.00



1600 Golden Mile Hwy  
Monroeville PA 15146  
609-484-0555  
www.upfitme.com

Date  
Estimate #  
2019 9C1 Marked

Quote  
5/17/2018  
EST1478

Item	Qty	Product Description	MSRP	MEE Price	Ext Amt
Z56	1	Suspension, heavy-duty, police-rated front, independent torsion bar, and stabilizer bar and rear, multi-link with coil springs (Included and only available with (9C1) Police Vehicle only.)	0.00	0.00	0.00
NE1	1	EMISSIONS NE EMISSIONS	0.00	0.00	0.00
L83	1	ENGINE Engine, 5.3L EcoTec3 V8 with Active Fuel Management, Direct Injection and Variable Valve Timing includes aluminum block construction (355 hp [265 kW] @ 5600 rpm, 383 lb-ft of torque [518 N-m] @ 4100 rpm) (STD)	0.00	0.00	0.00
MYC	1	TRANSMISSION Transmission, 6-speed automatic, electronically controlled with overdrive and tow/haul mode	0.00	0.00	0.00
GU4	1	AXLE Rear axle, 3.08 ratio (Not available with (NHT) Max Trailering Package.)	0.00	0.00	0.00
1FL	1	PACKAGE GROUP Commercial Preferred Equipment Group Includes Standard Equipment	0.00	0.00	0.00
RAP	1	Wheel Type (2 OPTIONS BELOW) CAN ONLY GET ONE OR THE OTHER LISTED BELOW ** TIRES V RATED ** Wheels, 17" x 8" (43.2 cm x 20.3 cm) steel, police, Black ***STANDARD***	0.00	0.00	0.00
QAR	1	STANDARD TIRES Tires, P265/60R17 all-season, police, V-rated (Included and only available with (9C1) Police Vehicle.)	0.00	0.00	0.00
ZAK	1	STANDARD SPARE TIRE Tire, spare, P265/60R17 all-season, police, V-rated (Included and only available with (9C1) Police Vehicle.)	0.00	0.00	0.00
AZ3	1	SEAT TYPE AND TRIM Seating, front 40/20/40 split-bench Power Front REAR SEATING OPTION ** CLOTH IS STANDARD **	0.00	0.00	0.00



1600 Golden Mile Hwy  
Monroeville PA 15146  
609-484-0555  
www.upfitme.com

Date  
Estimate #  
2019 9C1 Marked

Quote  
5/17/2018  
EST1478

Item	Qty	Product Description	MSRP	MEE Price	Ext Amt
5T5	1	Vinyl rear 2nd and vinyl with front cloth seats Provides vinyl second (Requires interior trim (HOU) Jet Black	0.00	0.00	0.00
IO5	1	RADIO Audio system, Chevrolet MyLink Radio with 8" diagonal color touch-screen AM/FM includes Bluetooth streaming audio for music and select phones; voice-activated technology for radio and phone; CarPlay and Android 5 USB ports and 1 auxiliary jack (STD)2018+ ONLY ** GOVERNMENT CONTRACTS DELETE 4 LTE WITH ONSTAR **  ** RY9 AND UE0 DELETE EXPLANATION DELETE ** STD ALL GOVERNMENT CONTRACT INCLUDE ONSTAR AND MAINTENANCE DELETE (ITEMS CAN BE ADDED BACK FOR AN ADDITIONAL COST BY MEE) *** NJ STATE CONTRACT DELETED ITEMS RY9 & UE0 ***	0.00	0.00	0.00
R9Y	1	Fleet Free Maintenance Credit This option code provides a credit in lieu of the free oil changes, tire rotations and inspections (2 maximum), during the first 24 months and 24,000 miles period for this ordered vehicle ** INCLUDED WITH ALL GOVERNMENT CONTRACTS **	0.00	0.00	0.00
UE0	1	OnStar, delete (Requires a Fleet or Government sales order type. With (9C1) Police Vehicle or (5W4) Special Service Vehicle (VV4) OnStar with 4G LTE is deleted when ordered.)  COLORS LISTED BELOW (PLEASE SPECIFY COLOR BELOW) PRICING AND MAY REQUIRE ADDL PRICING ** TWO TONE AVAILABLE BY MEE **	0.00	0.00	0.00
GBA	1	Black	0.00	0.00	0.00
End of Group QUICK-PATROL	1	COMMON PATROL PACKAGE FACTORY ITEMS  ** QUICK PATROL SPEC ** COMMON PATROL PACKAGE FACTORY ITEMS LISTED BELOW			34,970.00
9U3	1	Seats, driver and passenger front individual seats in cloth trim . **REMOVES 20% SEAT** ADDS HARNESS	0.00	0.00	0.00
5T5	1	Vinyl rear 2nd and vinyl with front cloth seats Provides vinyl second (Requires interior trim (HOU) Jet Black	0.00	0.00	0.00
9G8	1	Headlamps, Daytime Running Lamps and automatic headlamp	50.00	31.00	31.00



1600 Golden Mile Hwy  
Monroeville PA 15146  
609-484-0555  
www.upfitme.com

Date  
Estimate #  
2019 9C1 Marked

5/17/2018  
EST1478  
**Quote**

Item	Qty	Product Description	MSRP	MEE Price	Ex Amt
		control delete deletes standard Daytime Running Lamps and automatic headlamp			
UTQ	1	Content theft alarm disable	50.00	31.00	31.00
5HP	1	Key, 6 additional keys NOTE: programming of keys is at customer's expense. Programming keys is not a warranty expense	41.00	25.42	25.42
7X6-CK15706-9C1	1	Spotlamp, left-hand MEE INSTALLED	490.00	303.80	303.80
P46SLC	1	PAR-46 Super-LED® Steady-Burn Floodlights, Spotlights and Combination Spotlight and Warning Light PAR-46, 12VDC, Replacement, 2" Spotlight	260.00	208.00	208.00
6J7	1	Flasher system, headlamp and taillamp, DRL compatible with control wire (Requires (9C1) Police Vehicle or (5VW4) Special Service Vehicle.)	495.00	306.90	306.90
6J4	1	Wiring, horn and siren circuit	41.00	25.42	25.42
6N6	1	Door locks and handles, inside rear doors inoperative (doors can only be opened from outside)	59.00	36.58	36.58
6N5	1	Switches, rear window inoperative (rear windows can only operate from driver's position)	57.00	35.34	35.34
AMF	1	Remote Keyless Entry Package includes 3 additional transmitters NOTE: programming of remotes is at customer's expense.	75.00	46.50	46.50
VAV-CK15706-9C1	1	LPO, All-weather floor mats (dealer-installed)	225.00	139.50	139.50
6C7	1	Lighting, red and white front auxiliary dome	170.00	105.40	105.40
BTV	1	Remote vehicle start	300.00	186.00	186.00
V76	1	Recovery hooks, 2 front, frame-mounted, Black	50.00	31.00	31.00
920-10TH	1	Plug-In headlight flasher for Tahoe (2011-14 and 2015+) (police package wiring)	77.47	37.96	37.96
NJ Labor End of Group	7.5	NJ Labor for installation or repairs to vehicles	127.55	62.50	468.75
SO-63303	1	6' Five Wire Harness to Grey GM 6 Position Delphi Connector Under..Dash	119.55	95.64	2,018.57 95.64
SO-63304	1	10' Four Wire Harness to Black GM MP150 4 Position Connector..Under Hood	119.55	95.64	95.64
48-720	2	48-720 Odyssey High Performance Series Tahoe	639.50	396.49	792.98
NJ Labor	4	NJ Labor for installation or repairs to vehicles	127.55	62.50	250.00

**Total \$38,222.83**

**Thank you for the opportunity!!!**

**Day Chevrolet & Ford Partnered with Municipal Equipment for all Government vehicles and equipment.**

**Return to: orders@upfitme.com**

**or**

**Fax: 856-649-0395**

**Be sure we send you an order confirmation**



EST1478

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 129-2018**

**RE: Authorizing Refund of Redemption of Tax Sale Certificate #08-00002 for Block 712; Lot 7  
71 Montvale Ave**

**WHEREAS**, at the Municipal Tax Sale held on December 18, 2009, a lien was sold on Block 712, Lot 7, also known as 71 Montvale Ave, for 2008 delinquent taxes; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #08-00002, was sold to Frederick Uy for a 18% redemption fee; and

**WHEREAS**, the owner of record has effected redemption of Tax Sale Certificate #08-00002 in the amount of \$97,458.44 plus \$300.00 attorney fees; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, that the Tax Collector be and is hereby authorized to Redeem Certificate #08-00002 and send payment of \$97,458.44 plus an additional \$300.00 for attorney fees for a total of \$97,758.44 to Frederick Uy, 50 Terrace Street, Park Ridge, NJ 07656; and

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

**Adopted: May 29, 2018**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 130-2018**

**RE: Resolution Adopting The 'Affirmative Marketing Plan' For The Borough Of Montvale**

**WHEREAS**, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, *et seq.*, the Borough of Montvale is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created within the Borough of Montvale are affirmatively marketed to low- and moderate-income households, particularly those living and/or working within Housing Region 1, the COAH Housing Region encompassing the Borough of Montvale.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Montvale, that the Borough does hereby adopt the following Affirmative Marketing Plan:

**Affirmative Marketing Plan**

Affirmative marketing required. All affordable housing units in the Borough of Montvale shall be marketed in accordance with the provisions herein.

Applicability; developer obligations. The Borough of Montvale has a Prior Round Obligation and a Third Round Obligation covering the years from 1999-2025. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low- and moderate-income units, including those that are part of the Borough's Prior Round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan. All developers/owners of very-low, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.

Purpose of Affirmative Marketing Plan. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Borough of Montvale is located in COAH Housing Region 1, consisting of Bergen, Hudson, Passaic and Sussex Counties. The Affirmative Marketing Plan is intended to target those potentially-eligible persons who are least likely to apply for affordable units in Region 1. It is a continuing program that directs all marketing activities toward Region 1 and covers the entire period of the deed restriction for each restricted housing unit.

Implementation by Administrative Agent. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Borough of Montvale, in accordance with Borough Code, Chapter 2B, "Affordable Housing Regulations."

The Administrative Agent shall have the following duties and responsibilities:

To income qualify very-low, low- and moderate- income households;

To place income eligible households in very-low, low- and moderate-income units upon initial occupancy;  
To provide for the initial occupancy of very-low, low- and moderate-income units with income qualified households;  
To continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls;  
To assist with outreach to very-low, low- and moderate-income households; and  
To enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, *et seq.*

The Administrative Agent shall also provide the Municipal Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C. 5:80-26-1, *et seq.*

**Affirmative Marketing Plan requirements.** The Affirmative Marketing Plan shall meet the following requirements:

The primary marketing shall take the form of at least one press release and/or a paid display advertisement in the below-identified newspapers. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay-for-display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.

All newspaper articles, announcements and requests for applications for very-low, low- and moderate-income units shall appear in *The Record*, *Jersey Journal*, *Herald News* and *New Jersey Herald*. Once at the start of the affirmative marketing process, a paid advertisement or press release shall appear in the *Star Ledger*.

The advertisement or press release shall include a description of the:

Address of the units;  
Range of prices for the units;  
Number of bedrooms of the units;  
Maximum income permitted to qualify for the units;  
Where to obtain applications;  
Business hours when applications may be obtained; and  
Application fees.

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Applications shall also be available at the developer's sales/rental office.

All applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

Montvale Municipal Building  
Danforth Memorial Library  
Johnson Free Public Library  
Hudson County Library  
Sussex County Main Library  
Montvale Free Public Library  
County of Sussex Administrative Center



Hudson County Administration Building  
Passaic County Administration Building  
Bergen County Administration Building  
Developer's Sales/Rental Offices

Community contacts; agencies; employers. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Bergen, Hudson, Passaic and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's ***Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 1*** (attached to and hereby made part of this Resolution).

Once at the start of the affirmative marketing process, and as necessary thereafter, a flyer and preliminary application shall be sent to:

Fair Share Housing Center  
The New Jersey State Conference of the NAACP,  
The Latino Action Network,  
The Bergen County NAACP,  
Bergen Urban League and  
Bergen County Housing Coalition.

Once at the start of the affirmative marketing process, and as necessary thereafter, a flyer and preliminary application shall be sent to the administrators of each of the following agencies within the counties of Bergen, Hudson, Passaic and Sussex:

Rental Assistance Office (local office of DCA)  
Office on Aging

Once at the start of the affirmative marketing process, a flyer and preliminary application shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.

Counseling requirements. The Administrative Agent shall provide or direct qualified very-low, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services. The following is a listing of community contact person(s) and/or organizations in Bergen, Hudson, Passaic and Sussex counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very-low, low- and moderate-income units:

Housing Resource Center – [www.njhrc.gov](http://www.njhrc.gov)

Selection process; preferences. A random selection method to select occupants of very-low, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (1). The Affirmative Marketing Plan shall provide a regional preference for very-low, low- and moderate-income households that live and/or work in COAH Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very-low, low- and moderate-income veterans duly-qualified under N.J.A.C. 54:4-8.10

may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.

Timing. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very-low, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

**Adopted: May 29, 2018**

ATTEST:

APPROVED:

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Maureen Iarossi-Alwan  
Municipal Clerk

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Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 131-2018**

**RE: Resolution Of Intent To Bond In The Event That There Is A Shortfall In Funding To Effectuate Certain Affordable Housing Mechanisms In Its Housing Element And Fair Share Plan**

**WHEREAS**, the Borough Council of the Borough of Montvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

**WHEREAS**, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in *In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (201)* ("*Mt. Laurel IV*") seeking approval of a Housing Element and Fair Share Plan that satisfied the Borough's obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

**WHEREAS**, after a Fairness Hearing held on January 25, 2018, by Order dated February 12, 2018, Hon. Menelaos W. Toskos, J.S.C. approved a series of settlement agreements between the Borough of Montvale, Fair Share Housing Center, and three developer-intervenors intended to establish the Borough's affordable housing obligations; and

**WHEREAS**, in accordance with the February 12, 2018 Order, the Montvale Planning Board has adopted a Housing Element and Fair Share Plan dated May 1, 2018 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, the Housing Element and Fair Share Plan provides for a municipally-sponsored Rehabilitation Program and a 100% affordable housing development on Summit Avenue (the DePeiro Site), in addition to other developer-funded mechanisms; and

**WHEREAS**, the Borough has adopted a Development Fee Ordinance in order to generate revenue for the Borough's Affordable Housing Trust Fund; and

**WHEREAS**, the Borough of Montvale anticipates that monies collected and deposited in the Affordable Housing Trust Fund, along with other permitted funding sources, will be sufficient to effectuate the above-referenced mechanisms; and

**WHEREAS**, the Borough of Montvale is committed to securing judicial approval of its Housing Element and Fair Share Plan; and

**WHEREAS**, the Borough of Montvale acknowledges the COAH rules and regulations that provide that, although utilization of a mandatory development fee ordinance is an appropriate mechanism to raise money for the purpose of off-setting the expenses incurred in connection with the Housing Element and Fair Share Plan, there must be an alternative funding source in the event that insufficient monies are derived from the mandatory development fee ordinance or other resources, or the funds are not received in a timely fashion, for the purpose of effectuating the municipally-sponsored Rehabilitation Program or constructing the 100% affordable housing development known as the DePiero Site on Summit Avenue; and

**WHEREAS**, the Borough of Montvale wishes to express its commitment to cover such funding shortfalls and to fully implement the mechanisms set forth in its Housing Element and Fair Share Plan through bonding or other lawful means.

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Montvale, that it does hereby confirm its intent that in the event that the projected funding from the mandatory development fee ordinance the Borough has adopted is insufficient to complete the aforementioned affordable housing mechanisms, it is the intention of the Borough Council of the Borough of Montvale to adopt appropriate bond ordinances in order to provide the requisite funding in an appropriate time frame.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

**Adopted: May 29, 2018**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 132-2018**

**RE: Resolution Adopting The 'Sales Operating Manual', 'Rental Operating Manual' And 'Rehabilitation Operating Manual' For The Borough Of Montvale**

**WHEREAS**, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, *et seq.*, the Borough of Montvale is required to adopt all program operating manuals, which set forth the procedures for administering the program(s) and their associated affordability controls for affordable housing units created within the Borough of Montvale.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Montvale, that the Borough does hereby adopt the following attached operating manuals, subject to final approval as to form by the Borough Planner and Borough Attorney:

1. Sales Operating Manual
2. Rental Operating Manual
3. Rehabilitation Operating Manual

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

**Adopted: May 29, 2018**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

## RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, N.J., that the following bills, having been referred to the Borough Council and found correct, be and the same hereby be paid:

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$734,926.48	Bill List Wire5/29/18
	<u>267,954.63</u>	Wires/Manual Checks
Current TOTAL	1,002,881.11	
Escrow - Trust	72.50	Bill List Wire5/29/18
Unemployment Trust	1,666.96	Bill List Wire5/29/18
Housing Trust	877.50	Bill List Wire5/29/18
Open Space Trust	7,609.72	Bill List Wire5/29/18
Capital Fund	205,055.76	Bill List Wire5/29/18
Engineering Trust	650.00	Bill List Wire5/29/18
Recreation Trust	257.12	Bill List Wire5/29/18
Dog Trust	16.20	Bill List Wire5/29/18

*This resolution was adopted by the Mayor and Council of Montvale  
at a meeting held on 5/29.18*

Introduced by: \_\_\_\_\_

Approved: 5/29.18

Seconded by: \_\_\_\_\_

\_\_\_\_\_  
Michael Ghassali, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Iarossi-Alwan, Municipal Clerk

**MANUAL/VOID CHECKS - WIRES**  
**May 29, 2018**

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Transaction/Vendor</u>	<u>Amount</u>
WIRE		5/11/18	Payroll Account	173,951.74
WIRE		5/11/18	Salary Account	93,575.39
WIRE		5/11/18	FSA Account	<u>427.50</u>
Total				<u>267,954.63</u>

Open: N    Paid: N    Void: N  
Rcvd: Y    Held: Y    Aprv: N  
Bid: Y    State: Y    Other: Y    Exempt: Y

Vendor Total: 4,250.00

Vendor Total: 259.00

Vendor Total: 440.78





Vendor # Name	PO # PO Date Description	Contract Amount Charge Account	PO Type Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date Invoice	1099 Exc1
00097 CABLEVISION	Continued							
18-00651 05/11/18 07873-109890-01-7 CABLEVISION								
1 07873-109890-01-7 CABLEVISION	80.60	8-01-20-701-029	B OTHER CONTRACTUAL ITEMS	R	05/11/18	05/22/18	MAY 2018	N
159 CHESTNUT RIDGE REC BILLING PERIOD: 5/8/18-6/7/18								
18-00652 05/11/18 07873-204461-01-0 CABLEVISION								
1 07873-204461-01-0 CABLEVISION	132.12	8-01-20-701-029	B OTHER CONTRACTUAL ITEMS	R	05/11/18	05/22/18	MAY 2018	N
12 MERCEDES DRIVE BILLING PERIOD: 5/8/18-6/7/18								
Vendor Total:	220.49							
00102 MGL PRINTING SOLUTIONS								
18-00663 05/15/18 PTR STAMP FOR THE TAX DEPT								
1 PTR STAMP FOR THE TAX DEPT	56.00	8-01-20-708-036	B OFFICE SUPPLIES	R	05/15/18	05/23/18	154884	N
Vendor Total:	56.00							
00116 VERIZON								
18-00698 05/22/18 201V06-1876 72707Y VERIZON								
1 201V06-1876 72707Y VERIZON	172.21	8-01-20-701-029	B OTHER CONTRACTUAL ITEMS	R	05/22/18	05/23/18	MAY.JUNE.	N
MAY.JUNE.								
Vendor Total:	172.21							
00118 NJ STATE LEAGUE OF								
18-00619 05/08/18 MINI ONE DAY CONFERENCE								
1 MINI ONE DAY CONFERENCE HELD	110.00	8-01-20-708-042	B EDUCATION/TRAINING/SEMINARS	R	05/08/18	05/22/18	6-15-2018	N
ON JUNE 15, 2018 - ATTENDED BY FRAN SCORDO								
18-00678 05/16/18 2018-2019 MAGAZINE SUBSCRIPT								
1 2018-2019 MAGAZINE	250.00	8-01-20-701-033	B BOOKS & PUBLICATIONS	R	05/16/18	05/23/18	18M-9037	N
SUBSCRIPTION HON DOUGLAS ARENDACS/COUNCIL MEMBER HON ROSE CURRY/COUNCIL MEMBER JOHN DEPINTO/PLN BD CHAIR.								

May 24, 2018  
12:19 PM

Borough of Montvale  
Bill List By Vendor Id

Page No: 4

Vendor # Name		PO # PO Date Description		Contract	PO Type	First		Rcvd	Chk/Void	1099
Item Description		Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice	Exc1
00118	NJ STATE LEAGUE OF	Continued								
18-00678	05/16/18 2018-2019 MAGAZINE SUBSCRIPT	Continued								
	HON MICHAEL GHASSALI /MAYOR									
	HON ELIZABETH GLOEGGLER /COUNCIL MEMBER									
	MAUREEN IAROSSEI-ALWAN/MUNCIP./ADM									
	HON DIETER KOELING/COUNCIL MEMBER									
	HON TIMOTHY LANE /COUNCIL MEMBER									
	FRAN SCORDO /TAX COLLECTOR									
	HON MICHAEL WEAVER /COUNCIL MEMBER									
	INVOICE NO. 18M-9037									
	Vendor Total:	360.00								
00146	PSE&G CO.									
18-00682	05/16/18 PSE&G CHARGES MARCH/APRIL									
1	6673192003 GARAGE DPW	746.10	8-01-31-829-070	B NATURAL GAS	R	05/16/18	05/23/18		MARCH 2018	N
2	6532701009 CHESTNUT RIDGE TS	170.26	8-01-31-829-070	B NATURAL GAS	R	05/16/18	05/23/18		APRIL 2018	N
3	6703262608 43 HUFF TER	14.40	8-01-31-829-070	B NATURAL GAS	R	05/16/18	05/23/18		APRIL 2018	N
4	7364678107 FIREHOUSE	498.67	8-01-31-829-070	B NATURAL GAS	R	05/16/18	05/23/18		APRIL 2018	N
	MARCH 2018									
	APRIL 2018									
	PSEG CHARGES \$1,061.64									
	CONSTELLATION NEW ENERGY CHARGES \$367.79									
		1,429.43								
	Vendor Total:	1,429.43								
00155	THE RECORD (SUBSCRIPTION)									
18-00476	04/04/18 TR3650744 THE RECORD SUBSCRIPT									
1	TR3650744 THE RECORD	461.04	8-01-20-701-033	B BOOKS & PUBLICATIONS	R	04/04/18	05/22/18		TR3650744	N
	SUBSCRIPTION 2018.									
	Vendor Total:	461.04								
00164	STATELINE FIRE & SAFETY, INC.									
18-00624	05/08/18 10LB ABC FIRE EXT. REFILL									
1	10LB ABC FIRE EXT. REFILL	35.35	8-01-26-772-029	B OTHER CONTRACTUAL ITEMS	R	05/08/18	05/22/18		113764	N

May 24, 2018  
12:19 PM

Borough of Montvale  
Bill List By Vendor Id

Page No: 5

Vendor # Name		PO #	PO Date	Description	Contract	PO Type	Amount	Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
00164	STATELINE FIRE & SAFETY, INC.			Continued											
18-00624	05/08/18	10LB ABC FIRE EXT. REFILL		Continued											
		NECK O-RING													
		VALE STEM													
		INVOICE NO. 113764													
Vendor Total:							35.35								
00178	FAIR GAME GOOSE CONTROL INC.														
18-00520	04/12/18	GEESE CONTROL BOARD OF ED													
1	GEESE CONTROL BOARD OF ED	550.00	8-01-27-785-092	B GEESE CONTROL	R	04/12/18	05/22/18		73 BOARD OF ED	N					
		INVOICE NO. 73 BOARD OF EDUCATION													
		4 WEEKS 4/1/18 - 4/28/18													
Vendor Total:							550.00								
00191	FIREWORKS EXTRAVAGANZA														
18-00489	04/05/18	DITP FIREWORKS SHOW- DEPOSIT													
1	DITP FIREWORKS SHOW- DEPOSIT	4,750.00	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	04/05/18	05/22/18		2018-069	N					
		PLEASE SEND THIS DEPOSIT ASAP. THIS IS													
		THE 1ST OF 2 PAYMENTS TO THIS VENDOR.													
		THE 2ND PAYMENT WILL BE AFTER JUNE 16TH.													
Vendor Total:							4,750.00								
00212	RHODE ISLAND NOVELTY														
18-00411	03/19/18	Egg Coloring Items													
1	Egg Coloring Items	217.75	8-01-28-795-068	B SPECIAL EVENTS	R	03/19/18	05/22/18		IN3829327	N					
		Items Total: \$198.75													
		Freight: \$19.00													
Vendor Total:							217.75								
00258	ROCKLAND ELECTRIC COMPANY														
18-00673	05/16/18	ROCKLAND ELECTRIC CHARGES APR.													
1	955848004 BORO STREET LITES	9,090.09	8-01-31-826-075	B STREET LIGHTING	R	05/16/18	05/23/18		APRIL 2018	N					
2	88229-32014 12 MERCEDES DRIVE	8,829.96	8-01-31-825-078	B ELECTRICITY - 12 MERCEDES	R	05/16/18	05/23/18		APRIL 2018	N					
3	06749-33003 1 MEMORIAL DR	388.01	8-01-31-825-086	B ELECTRICITY - 1 MEMORIAL	R	05/16/18	05/23/18		APRIL 2018	N					

Page No: 6

Vendor # Name	PO # PO Date Description	Contract PO Type	Stat/Chk	First Rcvd	Chk/Void	1099
	Item Description	Amount Charge Account Acct Type Description	Enc	Date Date	Date Invoice	Exc
00258 ROCKLAND ELECTRIC COMPANY	Continued					
18-00673 05/16/18 ROCKLAND ELECTRIC CHARGES APR.	Continued					
APRIL 2018		18,308.06				
18-00674 05/16/18 ROCKLAND ELECTRIC CHARGES/APR.						
1 8906935008 E. GRAND OTH UNMTR	22.52 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
2 0632933003 W. GRAND UNMTRD	12.28 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
3 9515932009 GRAND OTHR UNMTR	119.85 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
4 9494934001 S MIDLLTWN SWR LIFT	559.10 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
5 2413158015 13 W GRAND AVE	10.71 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
6 0157026009 1 MEMORIAL LITE	23.50 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
7 0128933004 KINDERKAMACK RD	226.66 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
8 9767932024 CHESTNUT RIDGE TFLT	42.38 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
9 1908079006 MEMORIAL GATE TRFC	12.26 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
10 0787127002 GRAND SO PK 75/77	29.72 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
11 0758933005 1 MEMORIAL SHED 1	12.52 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
12 0563019009 GRAND SO PK 67/62	42.44 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
13 0716933005 MEMORIAL TENNIS CT	11.60 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
14 0611933003 MEMORIAL DPW	954.97 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
15 1472933002 GRAND TFLT 1	54.66 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
16 0195092007 GRAND SO PK 87/97	35.42 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
17 0897137012 MEMORIAL LITE FIELD	48.60 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
18 1451933002 1 MEMORIAL SHED 2	16.82 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
19 0653933003 GRAND OTHR MTLBX	27.73 8-01-31-825-071 B ELECTRICITY	R	05/16/18	05/23/18	APRIL 2018	N
APRIL 2018		2,263.74				
Vendor Total:	20,571.80					
00329 NJ STATE DEPT. OF HEALTH						
18-00592 05/02/18 DOG MONTHLY FEE/APRIL 2018						
1 DOG MONTHLY FEE/APRIL 2018	16.20 T-12-56-286-001 B RESERVE FOR DOG LICENSE	R	05/02/18	05/22/18	APRIL 2018	N
Vendor Total:	16.20					

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Vendor # Name	PO # PO Date Description	Contract Amount Charge Account	PO Type Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date Invoice	1099 Exc1
00375 BOROUGH OF PARK RIDGE	18-00569 04/30/18 2018 PISTOL RANGE FEE							
	1 2018 PISTOL RANGE FEE	3,500.00	8-01-25-745-029	B OTHER CONTRACTUAL ITEMS	R	04/30/18	05/22/18	2018 PISTOL FEE N
	2018 PISTOL RANGE FEE							
	INV ATTACHED	\$3,500.00						
18-00684 05/17/18 TRI-BORO FUEL INVOICE/MARCH								
	1 TRI-BORO FUEL INVOICE/MARCH	3,804.03	8-01-31-833-074	B GASOLINE & DIESEL FUEL	R	05/17/18	05/23/18	MARCH 2018 N
	2 SENIOR CITIZEN FUEL INV. MARCH	129.53	8-01-31-833-074	B GASOLINE & DIESEL FUEL	R	05/17/18	05/23/18	MARCH 2018 N
	3 TRI-BORO AMBULANCE INV. MARCH	208.87	8-01-31-833-074	B GASOLINE & DIESEL FUEL	R	05/17/18	05/23/18	MARCH 2018 N
	MARCH 2018							
		4,142.43						
	Vendor Total:	7,642.43						
00393 BEATTIE PADOVANO TRUST ACCT.	18-00664 05/15/18 TAX COURT SETTLEMENT							
	1 TAX COURT SETTLEMENT FOR KPMG	212,900.83	8-01-55-270-000	B RESERVE TAX APPEALS - PRIOR YEAR	R	05/15/18	05/23/18	TAX SETLEMENT N
	BLOCK 2701; LOT 2							
	75 CHESTNUT RIDGE ROAD							
	TAX YEAR 2017 - \$46,262.66							
	AND							
	BLOCK 3102; LOT 1.01							
	1 CHESTNUT RIDGE ROAD							
	TAX YEAR 2017 - \$166,638.17							
	TOTAL = \$212,900.83							
	Vendor Total:	212,900.83						
00402 MUNICIPAL CAPITAL CORPORATION	18-00117 01/17/18 COPY MACHINE LEASE CONTR. 2018		B					
	6 COPY MACHINE LEASE CONTR. 2018	299.00	8-01-20-701-061	B LEASED EQUIPMENT	R	01/17/18	05/23/18	4975230318/MAY N
	INVOICE NO. 4975270418							
	MAY 2018							



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00516 NJ PLANNING OFFICIALS	Continued							
18-00694 05/21/18 training board member								
1 training A. Russo	119.00	8-01-21-720-042	B EDUCATION/TRAINING/SEMINARS	R	05/21/18	05/23/18	49220	N
Vendor Total:	640.00							
00532 ROBBIE CONLEY ARCHITECT, LLC								
15-00538 05/07/15 PROFESSIONAL ARCHITECHTURAL SV		B						
38 PROFESSIONAL ARCHITECHTURAL INVOICE NO. 15003B.04	3,650.00	C-04-55-405-A00	B CONSTRUCTION OF FIRE HOUSE	R	02/15/18	05/23/18	15003B.04	N
39 PROFESSIONAL ARCHITECHTURAL REIMBURSEMENT EXPENSES POSTAGE AND DELIVERY INVOICE NO. 15003.29	95.98	C-04-55-405-A00	B CONSTRUCTION OF FIRE HOUSE	R	02/15/18	05/22/18	15003.29	N
	3,745.98							
Vendor Total:	3,745.98							
00656 STATE OF NJ DEPT OF LABOR W/F								
18-00669 05/15/18 UNEMPLOYMENT BENEFITS 1ST QTR								
1 UNEMPLOYMENT BENEFITS QUARTER ENDING 3/31/18	1,666.96	T-13-56-286-001	B RESERVE FOR UNEMPLOYMENT	R	05/15/18	05/23/18	1ST QTR 2018	N
Vendor Total:	1,666.96							
00730 BOGGIA & BOGGIA, ESQS.								
18-00134 01/18/18 LEGAL RETAINER 2018		B						
4 LEGAL RETAINER 2ND QTR 2018	10,000.00	8-01-20-712-027	B LEGAL SERVICES - CONTRACTUAL	R	04/26/18	05/24/18	2ND QTR 2018	N
5 CLOSED SEESION 2ND QTR 2018 2ND QUARTER 2018	1,250.00	8-01-20-712-027	B LEGAL SERVICES - CONTRACTUAL	R	04/26/18	05/24/18	2ND QTR 2018	N
	11,250.00							
Vendor Total:	11,250.00							
00731 MASER CONSULTING P.A.								
17-00161 01/27/17 STORM SEWER OUTFALL INSPECTION		B						
7 STORM SEWER OUTFALL INSPECTION INVOICE NO. 454493	2,127.50	7-01-20-715-029	B ENGINEERING - OTHER CONTRACTUAL ITEMS	R	01/27/17	05/22/18	454493	N



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00731 MASER CONSULTING P.A.	Continued							
17-00303 03/06/17 ENGINEER RETAINER 2017	B							
12 MAYOR & COUNCIL MEETING INVOICE NO. 423246 6/27/2017	900.00	7-01-20-715-028	B OTHER PROF/CONSULTANT SERVICES	R	04/24/18	05/22/18	423246	N
17-00557 05/10/17 FIELDSTONE TURF PROJ.INSPECTIO	B							
12 FIELDSTONE TURF REPLACEMENT INVOICE NO. 454491	2,988.75	T-14-56-286-001	B RESERVE FOR OPEN SPACE TRUST	R	05/10/17	05/22/18	454491	N
17-01087 09/27/17 RECONSTR. OF UPPER SADDLE RIV.	B							
6 UPPER SADDLE RIVER RD RESOLUTION #180-2017 INVOICE NO. REV454486 PROFESSIONAL SERVICES RENDERED THROUGH 4/1/2018	10,113.75	7-01-20-715-029	B ENGINEERING - OTHER CONTRACTUAL ITEMS	R	09/27/17	05/22/18	REV454486	N
17-01450 12/20/17 MUNICIPAL BLDG GENERATOR PROJ.	B							
5 HMGP GENERATOR INVOICE NO. 429316 RESOLUTION NO. 125-217	590.00	C-04-55-413-C00	B IMPROVEMENT TO BUILDINGS AND GROUNDS	R	12/20/17	05/22/18	429316	N
6 HMGP GENERATOR INVOICE NO. 432436	848.00	C-04-55-413-C00	B IMPROVEMENT TO BUILDINGS AND GROUNDS	R	12/20/17	05/22/18	432436	N
	1,438.00							
17-01457 12/28/17 ENVIRONMENTAL SERVICES	B							
5 ENVIRONMENTAL SERVICES FOR INVOICE NO. 454487 RESOLUTION NO. 240-2017	292.50	7-01-20-715-029	B ENGINEERING - OTHER CONTRACTUAL ITEMS	R	12/28/17	05/22/18	454487	N
18-00191 01/30/18 ENGINEER RETAINER 2018	B							
2 ENGINEER RETAINER 2018 INVOICE NO. 454495 2/13/18 & 2/27/18	900.00	8-01-20-715-028	B OTHER PROF/CONSULTANT SERVICES	R	01/30/18	05/22/18	454495	N
3 ENGINEER RETAINER 2018 INVOICE NO. 454543	900.00	8-01-20-715-028	B OTHER PROF/CONSULTANT SERVICES	R	01/30/18	05/22/18	454543	N

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Item Description			Amount	Charge Account	Acct Type	Description	Stat/Chk	Enc Date	Date	Date	Invoice	Exc1			
00731	MASER CONSULTING P.A.	Continued													
18-00191	01/30/18	ENGINEER RETAINER 2018		Continued											
	3/13/18 & 3/27/18		1,800.00												
18-00266	02/15/18	MONTVALE FIRE HOUSE SITE WORK		B											
3	MONTVALE FIRE HOUSE SITE WORK	1,031.25	C-04-55-405-A00	B CONSTRUCTION OF FIRE HOUSE	R	02/15/18	05/22/18				454483	N			
	INVOICE NO. 454483														
18-00318	02/26/18	2017 ROAD IMPROVEMENT PROGRAM		B											
4	2017 ROAD IMPROVEMENT PROGRAM	1,907.50	C-04-55-425-A00	B ROAD IMPROVEMENTS	R	02/26/18	05/22/18				454477	N			
	INVOICE NO. 454477														
18-00319	02/26/18	CHESTNUT RIDGE RD. WIDENING		B											
3	CHESTNUT RIDGE RD. WIDENING	5,351.25	C-04-55-425-A00	B ROAD IMPROVEMENTS	R	02/26/18	05/22/18				454482	N			
	INVOICE NO. 454482														
18-00581	04/30/18	CULHANE PROPERTY LITIGATION													
1	CULHANE PROPERTY LITIGATION	3,141.25	8-01-20-701-028	B OTHER PROF/CONSULTANT SERVICES	R	04/30/18	05/22/18				454488	N			
	79 W. GRAND AVENUE														
	MONTVALE, NJ														
	PROFESSIONAL SERVICES RENDERED THROUGH														
	4/1/2018														
	INVOICE NO. 454488														
18-00582	04/30/18	MUNICIPAL PLANNING REVIEW													
1	MUNICIPAL PLANNING REVIEW	82.50	8-01-20-715-029	B ENGINEERING - OTHER CONTRACTUAL ITEMS	R	04/30/18	05/22/18				456009	N			
	INVOICE NO. 456009														
18-00583	04/30/18	ENGINEERING													
1	ENGINEERING- FEBRUARY 2018	6,242.50	8-01-20-715-029	B ENGINEERING - OTHER CONTRACTUAL ITEMS	R	04/30/18	05/22/18				REV454544	N			
	INVOICE NO. REV454544														
2	ENGINEERING- MARCH 2018	5,141.25	8-01-20-715-029	B ENGINEERING - OTHER CONTRACTUAL ITEMS	R	04/30/18	05/22/18				456581	N			
	INVOICE NO. 456581														
		11,383.75													
18-00584	04/30/18	DIMASSIMO- BLOCK 404, LOT 4													
1	DIMASSIMO- BLOCK 404, LOT 4	240.00	T-03-56-286-008	B TRUST - RESERVE FOR ENGINEER	R	04/30/18	05/22/18				454427	N			

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Vendor # Name	PO # PO Date Description	Contract PO Type		First Rcvd Chk/Void	1099	
Item Description	Amount Charge Account Acct Type Description	Stat/Chk Enc Date Date	Date Invoice	Exc]		
00731 MASER CONSULTING P.A.	Continued					
18-00584 04/30/18 DIMASSIMO- BLOCK 404, LOT 4	Continued					
MUNICIPAL ENGINEERING REIVEW						
INVOICE NO. 454427						
18-00585 04/30/18 STEWART- BLOCK 501, LOT 1						
1 STEWART- BLOCK 501, LOT 1	240.00 T-03-56-286-008	B TRUST - RESERVE FOR ENGINEER	R	04/30/18 05/22/18	454433	N
MUNICIPAL ENGINEERING REVIEW						
INVOICE NO. 454433						
18-00586 04/30/18 TRUMBETTI BLOCK 2504,LOT 10						
1 TRUMBETTI BLOCK 2504,LOT 10	75.00 T-03-56-286-008	B TRUST - RESERVE FOR ENGINEER	R	04/30/18 05/22/18	454438	N
MUNICIPAL ENGINEERING REIVEW						
INVOICE NO. 454438						
18-00587 04/30/18 SADULLAYEV BLOCK 104,LOT 19						
1 SADULLAYEV BLOCK 104,LOT 19	95.00 T-03-56-286-008	B TRUST - RESERVE FOR ENGINEER	R	04/30/18 05/22/18	REV454435	N
MUNICIPAL ENGINEERING REVIEW						
INVOICE NO. REV454435						
18-00621 05/08/18 CALECA- BLOCK 108,LOT 6						
1 CALECA- BLOCK 108,LOT 6	240.00 T-03-56-286-006	B TRUST - RESERVE FOR HOUSING	R	05/08/18 05/22/18	454434	N
MUNICIPAL ENGINEERING REVIEW						
INVOICE NO. 454434						
18-00675 05/16/18 ESCROW PAYMENTS						
1 BOYLE, ROBERT (2501/11)	72.50 E-08-00-217-15A	B BOYLE, ROBERT (2501/11)	R	05/16/18 05/22/18	441358	N
INVOICE NO. 441358						
Vendor Total:	43,520.50					
00737 NORTHWEST BERGEN CENTRAL						
18-00095 01/15/18 DISPATCH SERVICES FEES 2018	B					
3 DISPATCH SERVICES FEES 2018	48,175.39 8-01-40-250-029	B OTHER CONTRACTUAL ITEMS	R	01/15/18 05/24/18	03092018-1	N
2nd QUARTER 2018						
INVOICE NO. 03092018-1						
Vendor Total:	48,175.39					



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Item Description			Amount	Charge Account	Acct Type Description	Stat/chk	Enc Date	Date	Date	Invoice	Excl
00903	INSIDECREDIT	Continued									
18-00485	04/05/18	BACKGROUND CHECK - CROWLEY		Continued							
	INVOICE # 2070	3/19/18	\$22.00								
18-00639	05/09/18	BACKGROUND CHECK J. KURZ									
1	BACKGROUND CHECK J. KURZ		22.00	8-01-20-701-029	B OTHER CONTRACTUAL ITEMS	R	05/09/18	05/22/18		2120	N
	BACKGROUND CHECK FOR J.KURZ										
	BUILDING DEPT FIRE INSPECTOR		\$22.00								
Vendor Total:			44.00								
00934	RIVER VALE TOWNSHIP										
18-00553	04/24/18	INSURANCE REIMB-PD 2013 FORD									
1	INSURANCE REIMB-PD 2013 FORD		3,550.84	8-01-26-772-029	B OTHER CONTRACTUAL ITEMS	R	04/24/18	05/22/18		INSURANCE REIM	N
	JIF claims Insurance check#61163 for										
	\$3,550.84 for Police 2013 Ford Explorer										
	repairs paid to Montvale s/b RiverVale										
Vendor Total:			3,550.84								
01020	PROFESSIONAL INSURANCE ASSOC.										
18-00593	05/02/18	VOLUNTEER FIREMEN'S INSURANCE									
1	VOLUNTEER FIREMEN'S INSURANCE		3,534.00	8-01-23-730-029	B OTHER CONTRACTUAL ITEMS	R	05/02/18	05/23/18		112199	N
	POLICY # VFP43311413E03										
	INVOICE NO. 112199										
	POLICY PERIOD: 05/01/18 TO 05/01/19										
18-00654	05/11/18	ACCIDENT & HEALTH INS.SUMM.CMP									
1	ACCIDENT & HEALTH INSURANCE		500.00	8-01-28-795-090	B INSURANCE	R	05/11/18	05/23/18		112550	N
	SUMMER DAY CAMP										
	POLICY NO. SRG0009144708										
	EFFECTIVE: 6/1/18-6/1/19										
	INVOICE NO. 112550										
Vendor Total:			4,034.00								



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Item Description		Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice	Exc1
01254	KEN'S TREE CARE									
18-00516	04/11/18 TREE SERVICES- STORM RELATED									
1	TREE SERVICES- STORM RELATED	895.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	04/11/18	05/22/18		270912	N
	INVOICE NO. 270912									
Vendor Total:		895.00								
01330	GHASSALI, MICHAEL									
18-00620	05/08/18 AC Travel/Lodge expense4/26/18									
1	AC Travel/Lodge expense4/26/18	186.52	8-01-20-703-045	B TRAVEL	R	05/08/18	05/23/18		TRAVEL EXPNESES	N
2	AC Travel/Lodge expense4/26/18	132.53	8-01-20-703-042	B EDUCATION/TRAINING/SEMINARS	R	05/08/18	05/23/18		TRAVEL EXPNESES	N
		319.05								
Vendor Total:		319.05								
01409	NARITA MARAJ, LLC.									
18-00063	01/10/18 RECORDS MANAGEMENT SVS 2018		B							
15	RECORDS MANAGEMENT SVS 2018	395.43	8-01-20-701-028	B OTHER PROF/CONSULTANT SERVICES	R	04/26/18	05/23/18		MTV-2018-014	N
	INVOICE NO. MTV-2018-014									
16	RECORDS MANAGEMENT SVS 2018	403.50	8-01-20-701-028	B OTHER PROF/CONSULTANT SERVICES	R	04/26/18	05/23/18		MTV-2018-015	N
	INVOICE NO. MTV-2018-015									
17	RECORDS MANAGEMENT SVS 2018	484.20	8-01-20-701-028	B OTHER PROF/CONSULTANT SERVICES	R	04/26/18	05/23/18		MTV-2018-016	N
	INVOICE NO. MTV-2018-016									
		1,283.13								
Vendor Total:		1,283.13								
01443	FOUR SEASONS AT RIDGEMONT									
17-01444	12/19/17 SNOW REMOVAL & STR. LIGHT 2017									
1	SNOW REMOVAL @ MAXIMUM 2017	550.00	7-01-38-854-029	B OTHER CONTRACTUAL ITEMS	R	12/19/17	05/22/18		2017 MAXIMUM	N
2	STREET LIGHTING @ MAXIMUM 2017	442.08	7-01-38-854-029	B OTHER CONTRACTUAL ITEMS	R	12/19/17	05/22/18		2017MAXIMUM	N
		992.08								
Vendor Total:		992.08								
01464	JEFFREY R.SURENIAN & ASSOC.LLC									
17-00879	08/02/17 SPECIAL COAH COUNSEL		B							
10	SPECIAL COAH COUNSEL	480.50	7-01-21-720-028	B OTHER PROF/CONSULTANT SERVICES	R	01/15/18	05/23/18		MARCH 2018	N

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01464 JEFFREY R.SURENIAN & ASSOC.LLC Continued	17-00879 08/02/17 SPECIAL COAH COUNSEL			Continued						
	PROFESSIONAL SERVICES									
	INVOICE NO. MARCH 2018									
	Vendor Total:		480.50							
01517 LUDWIG, DAVID	18-00666 05/15/18 Travel reimbursement Mar/Apr									
	1 Travel reimbursement March	67.58	8-01-22-725-045	B TRAVEL	R	05/15/18	05/22/18		TRAVEL REIMBURS N	
	2 Travel reimbursement April	51.50	8-01-22-725-045	B TRAVEL	R	05/15/18	05/22/18		TRAVEL REIMBURS N	
		119.08								
	Vendor Total:		119.08							
01531 UNIMAK, LLC	16-00504 04/27/16 CONSTRUCTION OF NEW FIREHOUSE	B								
	24 PAYMENT UNIMAK, LLC 5/24/2018	191,581.78	C-04-55-405-A00	B CONSTRUCTION OF FIRE HOUSE	R	04/27/16	05/24/18		5/24/2018	N
	Vendor Total:		191,581.78							
01643 LISA DENT	18-00648 05/11/18 Supplies- Picnic Table Stain									
	1 Supplies- Picnic Table Stain	177.12	T-19-56-286-106	B SUMMER CAMP	R	05/11/18	05/22/18		SUPPLIES REIM	N
	Supplies to Provide the Boy Scouts in order for them to stain the tables they assembled for us. Tables are being used for DITP and Summer Camp.									
	18-00649 05/11/18 Laptop Charger									
	1 Laptop Charger	93.83	8-01-28-795-036	B OFFICE SUPPLIES	R	05/11/18	05/22/18		EXP REIM 5/9/18	N
	Vendor Total:		270.95							
01645 BOROUGH OF WOODCLIFF LAKE	18-00660 05/15/18 RECYCLING CENTER REMIBURSEMENT									
	1 RECYCLING CENTER REIMBURSEMENT	560.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	05/15/18	05/23/18		APRIL 2018	N
	SCOTT WILLAMS									



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Item Description		Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date Invoice	Exc1
01645	BOROUGH OF WOODCLIFF LAKE Continued								
18-00660	05/15/18 RECYCLING CENTER REMIBURSEMENT	Continued							
DATE WORKED									
APRIL 21, 2018									
APRIL 28, 2018									
16 HOURS @ \$35.00= \$560.00									
Vendor Total:		560.00							
01669	FUN TIME ENTERTAINMENT LLC								
18-00494	04/09/18 DITP RIDES								
1	ROCK WALL	1,200.00	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	04/09/18	05/22/18	6/16/2018	N
2	THE MELTDOWN	1,200.00	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	04/09/18	05/22/18	6/16/2018	N
3	TRACKLESS TRAIN	750.00	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	04/09/18	05/22/18	6/16/2018	N
4	CATCH A WAVE	800.00	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	04/09/18	05/22/18	6/16/2018	N
5	FIRST DOWN	450.00	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	04/09/18	05/22/18	6/16/2018	N
6	HIPPO CHOW DOWN	650.00	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	04/09/18	05/22/18	6/16/2018	N
7	TRAMPOLINE BUNGEE	1,100.00	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	04/09/18	05/22/18	6/16/2018	N
8	IRON MAN CHALLENGE	900.00	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	04/09/18	05/22/18	6/16/2018	N
9	INFLATABLE HOOPS	525.00	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	04/09/18	05/22/18	6/16/2018	N
10	DISCOUNT	1,375.00	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	04/09/18	05/22/18	6/16/2018	N
PLEASE HOLD CHECK UNTIL 6/16/18									
		6,200.00							
Vendor Total:		6,200.00							
01701	NEW PRINCE CONCRETE								
17-00834	07/19/17 ENTERSECTION IMPROVEMENT PROJ.		B						
15	INTERSECTIONS IMPROVEMENTS	272,500.49	7-01-43-327-029	B OTHER CONTRACTUAL - CHESTNUT	R	09/12/17	05/24/18	PAYMENT #9	N
MC PROPOSAL NO. MVB285B & MVP-197C									
PROGRESS PAYMENT # 9									
PROPOSED CHANGE ORDER # 7									
Vendor Total:		272,500.49							
01702	MEDIA CONSULTANTS LLC								
17-00835	07/19/17 TV STUDIO MANAGEMENT		B						
6	TV STUDIO MANAGEMENT	4,545.00	7-01-20-701-028	B OTHER PROF/CONSULTANT SERVICES	R	07/19/17	05/22/18	1005	N

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Vendor # Name		Contract PO Type		First Rcvd		Chk/Void	1099	
PO #	PO Date Description	Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date Date	Date Invoice	Excl
01702	MEDIA CONSULTANTS LLC	Continued						
17-00835	07/19/17 TV STUDIO MANAGEMENT		Continued					
	PAYMENT #4							
	INVOICE #1005							
Vendor Total:		4,545.00						
01710	RICHARD ROSA, ESQ.							
18-00687	05/17/18 Alternate Prosecutor 5/23/18							
1	Alternate Prosecutor 5/23/18	288.00	8-01-42-855-028	B OTHER PROF/CONSULTANT SERVICES	R	05/17/18 05/24/18	5/23/2018	N
2	Alternate Prosecutor 5/23/18	312.00	8-01-41-250-028	B OTHER PROFESSIONAL/CONSULTING SERVICES	R	05/17/18 05/24/18	5/23/2018	N
		600.00						
Vendor Total:		600.00						
01763	BOB RUGGIERI TREE SERVICE							
18-00628	05/08/18 TREE SERVICES - STORM RELATED							
1	TREE SERVICES - STORM RELATED	5,550.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	05/08/18 05/23/18	3/19/2018+	N
2	TREE SERVICES - STORM RELATED	9,250.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	05/08/18 05/23/18	3/19/2018+	N
		14,800.00						
Vendor Total:		14,800.00						
01778	KLEPPER COMPANY							
18-00409	03/19/18 TREE CUTTING- STORM RELATED							
1	TREE CUTTING- STORM RELATED	3,500.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	03/19/18 05/23/18	2602	N
	INVOICE NO. 2603							
2	TREE CUTTING- STORM RELATED	9,000.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	05/02/18 05/23/18	2602	N
	INVOICE NO. 2602							
		12,500.00						
Vendor Total:		12,500.00						
01784	XPRESSMYSELF.COM LLC							
18-00446	03/29/18 FIELD SIGNS							
1	FIELD SIGNS	370.97	T-14-56-286-001	B RESERVE FOR OPEN SPACE TRUST	R	03/29/18 05/23/18	MSS-154196	N
Vendor Total:		370.97						

Vendor # Name	PO # PO Date Description	Contract Amount Charge Account	PO Type Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date Invoice	1099 Excl
01790 PALADIN AMUSEMENTS, INC.	18-00556 04/24/18 Game Trailer							
	1 Game Trailer	1,825.00	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	04/24/18	05/22/18	6/16/18 N
	DEPOSIT FOR GAME TRAILER							
	Vendor Total:	1,825.00						
01796 DELGADO, BOB	18-00662 05/15/18 REPAIR DAMAGE SPRINKLER							
	1 REPAIR DAMAGE SPRINKLER	75.00	8-01-20-701-026	B MAINTENANCE OF OTHER EQUIPMENT	R	05/15/18	05/22/18	REPAIR SPRINKLE N
	Vendor Total:	75.00						
01798 STEFANELLI, DEBRA	18-00689 05/17/18 REFUND -RECREATION (YOGA)							
	1 REFUND -RECREATION (YOGA)	80.00	T-19-56-286-110	B YOGA	R	05/17/18	05/24/18	REFUND -YOGA N
	RESOLUTION NO. 117-2018							
	Vendor Total:	80.00						
01856 MONTVALE FLORIST	18-00483 04/05/18 FUNERAL ARRANGEMENT MARIGLIANI							
	1 FUNERAL ARRANGEMENT MARIGLIANI	300.00	8-01-25-745-058	B OTHER EQUIPMENT & SUPPLIES	R	04/05/18	05/22/18	000210 N
	FUNERAL ARRANGEMENT FOR RET CHIEF JOE MARIGLIANI \$300.00							
	Vendor Total:	300.00						
02300 IAROSSO-ALWAN, MAUREEN	18-00661 05/15/18 REMIMBURSEMENT EXPENSES							
	1 REMIMBURSEMENT EXPENSES	168.13	8-01-20-704-045	B TRAVEL	R	05/15/18	05/22/18	REIM EXPENSES N
	TRAVEL EXPENSES TO ATLANTIC CITY FOR CLERK CONVENTION 5/3/18-5/6/18							
	Vendor Total:	168.13						

Vendor # Name	PO # PO Date Description	Contract Amount Charge Account	PO Type Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date Invoice	1099 Excl
02408 MCDOWELL, DOUGLAS	18-00566 04/30/18 REIMB CLOTHING							
	1 REIMB CLOTHING	67.94	8-01-25-745-263	B MC DOWELL, DOUGLAS R - CLOTHING	R	04/30/18	05/22/18	REIM CLOTHING N
	BIANCHI MAG POUCH \$36.00							
	BLAUER UNDERBELT \$31.94							
	RECEIPT ATTACHED							
	2 DILAURI HAT	20.00	8-01-25-745-269	B DILAURI RUSSELL - CLOTHING	R	04/30/18	05/22/18	REIM CLOTHING N
	REIMB MCDOWELL FOR DILAURI'S HAT							
	TONI EMBROIDERY INV ATTACHED \$20.00							
	3 MCDOWELL REIMB HAT	30.00	8-01-25-745-263	B MC DOWELL, DOUGLAS R - CLOTHING	R	04/30/18	05/22/18	REIM CLOTHING N
	REIMB TONI EMBROIDERY HAT							
	RECEIPT ATTACHED \$30.00							
	TOTAL	\$117.94						
		117.94						
	Vendor Total:	117.94						
02559 INS.DESIGN ADMINISTRATORS	18-00006 01/03/18 BOROUGH VISION PLAN		B					
	6 VISION ADMIN. FEES/MAY	266.00	8-01-20-701-028	B OTHER PROF/CONSULTANT SERVICES	R	04/26/18	05/23/18	406406 N
	INVOICE NO. 406406							
	MAY 2018							
	Vendor Total:	266.00						
02757 TYCO ANIMAL CONTROL SERVICES	18-00135 01/18/18 ANIMAL CONTROL - 2018		B					
	5 ANIMAL CONTROL - APRIL 2018	825.00	8-01-27-788-029	B OTHER CONTRACTUAL ITEMS	R	01/18/18	05/23/18	APRIL 2018 N
	Vendor Total:	825.00						
03060 TRI-STATE TECHNICAL SERVICES	18-00072 01/11/18 2018 COMPUTER MAINTENANCE		B					
	6 2018 COMPUTER MAINTENANCE	708.00	8-01-20-701-108	B MAINTENANCE/RENTAL AGREEMENTS	R	04/26/18	05/23/18	26411 N
	MAY 2018							
	INVOICE NO. 26411							

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Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First	Rcvd	Chk/Void	1099
Item Description	Amount	Charge Account	Acct Type Description	Enc Date	Date	Date	Invoice	Exc1		
03060 TRI-STATE TECHNICAL SERVICES Continued										
18-00073 01/11/18 2018 ACCESS/SPECIAL MICROSOFT		B								
6 2018 ACCESS/SPECIAL MICROSOFT	336.00	8-01-20-701-108	B MAINTENANCE/RENTAL AGREEMENTS	R	04/26/18	05/23/18	25651	N		
MAY 2018										
INVOICE NO. 25651										
Total of 84 users at \$4.00 per user.										
18-00074 01/11/18 CABLE TV ADOBE SOFTW.LEASE2018										
6 CABLE TV ADOBE SOFTW.LEASE	21.39	8-01-20-716-061	B LEASED EQUIPMENT & SOFTWARE	R	01/11/18	05/22/18	25569	N		
MAY 2018										
INVOICE NO. 25569										
18-00604 05/02/18 HOSTING-MONTVALEBORO.ORG										
1 HOSTING-MONTVALEBORO.ORG	12.95	8-01-20-701-029	B OTHER CONTRACTUAL ITEMS	R	05/02/18	05/22/18	26006	N		
INVOICE NO. 26006										
4/30/18-4/30/19										
Vendor Total: 1,078.34										
03084 WESLEY SICOMAC DAIRY										
18-00221 02/06/18 2018 MILK DELIVERY		B								
5 MILK DELIVERY ADMINISTR.	45.32	8-01-20-701-041	B MEAL REIMBURSEMENT	R	02/06/18	05/23/18	APRIL	N		
APRIL 2018										
Vendor Total: 45.32										
03119 TONI EMBROIDERY COMPANY										
18-00627 05/08/18 SLIK TOUGH SHORT SLEEVE POLOS										
1 SLIK TOUGH SHORT SLEEVE POLOS	61.00	8-01-25-753-032	B CLOTHING & UNIFORMS	R	05/08/18	05/22/18	11843	N		
INVOICE NO. 11843										
Vendor Total: 61.00										
03727 STAPLES INC										
18-00546 04/17/18 File Folders for Council										
1 File Folders for Council	107.01	8-01-20-703-033	B BOOKS & PUBLICATIONS	R	04/17/18	05/22/18	3375636094	N		

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Vendor # Name		PO # PO Date		Description	Contract	PO Type			First	Rcvd	chk/Void	1099
Item Description		Amount		Charge Account	Acct Type	Description	Stat/chk	Enc Date	Date	Date	Invoice	Excl
03727	STAPLES INC	Continued										
18-00547	04/18/18	water office supplies										
1	water	89.90		8-01-20-701-036	B	OFFICE SUPPLIES	R	04/18/18	05/22/18		3375636095	N
18-00548	04/18/18	PD OFFICE SUPPLIES										
1	PD OFFICE SUPPLIES	559.46		8-01-25-745-036	B	OFFICE SUPPLIES	R	04/18/18	05/22/18		3375636098+	N
	PD OFFICE SUPPLIES											
	INK CARTRIDGES DB & CHIEF											
	USB, PAPER TOWELS & TISSUES	\$559.46										
18-00645	05/10/18	office supplies										
1	envelopes	31.15		8-01-20-701-036	B	OFFICE SUPPLIES	R	05/10/18	05/22/18		3377911619	N
2	newsletter envelopes	41.45		8-01-20-701-036	B	OFFICE SUPPLIES	R	05/10/18	05/22/18		3377911619	N
3	certificate holders	22.20		8-01-20-701-036	B	OFFICE SUPPLIES	R	05/10/18	05/22/18		3377911619	N
4	certificate holders	44.95		8-01-20-701-036	B	OFFICE SUPPLIES	R	05/10/18	05/22/18		3377911619	N
5	paper clips jumbo	1.53		8-01-20-701-036	B	OFFICE SUPPLIES	R	05/10/18	05/22/18		3377911619	N
6	calendar-Mayors assistant	19.99		8-01-20-701-036	B	OFFICE SUPPLIES	R	05/10/18	05/22/18		3377911619	N
		161.27										
Vendor Total:		917.64										

Total Purchase Orders: 104 Total P.O. Line Items: 174 Total List Amount: 951,132.24 Total Void Amount: 0.00

Totals by Year-Fund Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND 2017 BUDGET	7-01	291,987.82	0.00	291,987.82	0.00	0.00	291,987.82
CURRENT FUND 2018 BUDGET	8-01	442,938.66	0.00	442,938.66	0.00	0.00	442,938.66
CAPITAL FUND	C-04	205,055.76	0.00	205,055.76	0.00	0.00	205,055.76
BOA ESCROW ACCOUNTS	E-08	72.50	0.00	72.50	0.00	0.00	72.50
OTHER TRUST ACCOUNT	T-03	1,527.50	0.00	1,527.50	0.00	0.00	1,527.50
DOG TRUST ACCOUNT	T-12	16.20	0.00	16.20	0.00	0.00	16.20
UNEMPLOYMENT TRUST ACCOUNT	T-13	1,666.96	0.00	1,666.96	0.00	0.00	1,666.96
OPEN SPACE TRUST ACCT	T-14	7,609.72	0.00	7,609.72	0.00	0.00	7,609.72
RECREATION TRUST FUND	T-19	257.12	0.00	257.12	0.00	0.00	257.12
Year Total:		11,077.50	0.00	11,077.50	0.00	0.00	11,077.50
Total Of All Funds:		951,132.24	0.00	951,132.24	0.00	0.00	951,132.24

## Maureen Iarossi

---

**From:** Kelsey Howard <khoward@maserconsulting.com>  
**Sent:** Monday, May 14, 2018 9:38 AM  
**To:** Maureen Iarossi; Lisa Dent  
**Cc:** Andrew Hipolit; Chris Dour; Stephanie McAlary  
**Subject:** MVB511 2017 County Parks Grant - La Trenta baseball infield  
**Attachments:** Public Notice New Jersey \_ New Jersey Newspaper Publishers Association.pdf

Maureen and Lisa,

Update on the 2017 county parks grant for the baseball infield at La Trenta. The County is holding a hearing on 6/14/18 on proposed grant allocations. The county is proposing \$113,538 for this project! We had requested \$116,404.

See attached notice for reference and feel free to contact me with any questions.

---

### Kelsey Howard

Associate/ Grants & Funding Services Coordinator

Connect with Us:



### Maser Consulting P.A.

331 Newman Springs Road | Suite 203 | Red Bank, NJ 07701

C: 908-433-1029 P: 732-383-1950 ext: 3496

[www.maserconsulting.com](http://www.maserconsulting.com)



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To better serve our clients, Maser Consulting is pleased to announce it has opened an office in Charlotte, NC. In addition, we have established new services that include Unmanned Aerial System (UAS) and Right-of-Way land acquisition. We're proud to be part of such an Award-Winning company! [Click here to share why you think Maser Consulting is one of the Best!](#)

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Monday, May 07, 2018

**Notice Content**

**PUBLIC HEARING NOTICE COUNTY OF BERGEN OPEN SPACE TRUST FUND PUBLIC HEARING PROPOSED 2017 FUNDING ALLOCATIONS** Please Take Notice: As required by the State of New Jersey in N.J.S.A. 40:12-15, et seq., the Bergen County Open Space Trust Fund Public Advisory Committee, on behalf of the Bergen County Board of Chosen Freeholders, will conduct a public hearing on the proposed allocations of its Open Space Trust Fund for Funding Year 2017 on Thursday, June 14, 2018, at 7:00 p.m., at the Bergen County Administration Building, One Bergen County Plaza, Freeholders' Public Meeting Room, 5th Floor, Hackensack, New Jersey, at which time public comment will be taken. In accordance with N.J.S.A. 40:12-15.3(d), the County of Bergen is proposing the following funding allocations from the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund for the Trust Fund's 2017 County Program: Open Space Acquisition Projects Totaling \$7,917,500.00 as follows: Oakland Borough Sandy Beach \$1,400,000.00 Upper Saddle River Borough 1 Lake Street \$1,600,000.00 Land Conservancy of NJ Ramapo Mtn Preserve Addition III \$150,000.00 County of Bergen Emerson Golf Course \$4,767,500.00 Historic Preservation Projects Totaling \$340,213.00 as follows: Borough of Park Ridge Park Ridge RR Station \$19,100.00 Borough of Tenafly Roosevelt Monument \$62,263.00 Borough of Woodcliff Lake Westervelt Lydecker \$22,850.00 Village of Ridgewood James Rose Center \$36,000.00 Village of Ridgewood Zabriskie Schedler House \$200,000.00 County Park Improvements Projects Totaling \$4,120,000.00 as follows: County of Bergen Promenade & Comfort Station Construction (Van Saun) \$950,000.00 County of Bergen Camera & Security Lighting Installation (Historic Hackensack Waterworks) \$350,000.00 County of Bergen Saddle Ridge Indoor Riding Center \$1,350,000.00 County of Bergen Wild Duck Pond Renovation (Saddle River County Park) \$1,350,000.00 County of

Bergen Study of Northern Valley Greenway \$120,000.00 In accordance with N.J.S.A. 40:12-15.3(d), the County of Bergen is proposing the following list of funding allocations from the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund for the Trust Fund's 2017 Municipal Park Improvement & Land Acquisition Program of \$4,152,820.00 for municipal park improvement projects. Allendale Borough Band Shell/Crestwood Park Improvements \$50,000.00 Bergenfield Barrler-Free (ADA) Accessible Playground Development \$31,338.00 Bogota Borough Olsen Park Tennis & Basketball Court Improvements \$210,378.00 Carlstadt Borough Zimmerman Park - Phase IV Improvements \$75,000.00 Cliffside Park Borough Improvements to Columbus Park \$75,000.00 Closter Ruckman Park Walking Path Lighting Project Phase II \$29,532.00 Cresskill Borough Third Street Recreational Complex: Footbridge Crossing at Tenakill \$60,000.00 Demarest Wakelee Complex \$8,000.00 Demarest American Field Rehabilitation at Wakelee Complex \$4,819.00 Dumont Dumont Memorial Park Various Improvements \$156,775.00 Edgewater Old Borough Hall Park Improvement Project \$230,000.00 Elmwood Park Borough EP Memorial High School Tennis Court Reconstruction Project \$197,925.00 Emerson Borough Washington Oak Park Resolution \$25,000.00 Fair Lawn Borough Fair Lawn Outdoor Fitness Park \$37,500.00 Fairview Borough English Neighborhood Park Improvement \$80,000.00 Fort Lee Borough Firemen's Park Improvement Project \$50,000.00 Franklin Lakes Borough Parsons Pond Park Ballfield Improvements \$50,000.00 Garfield Garfield Riverwalk Expansion \$345,000.00 Glen Rock Wilde Memorial Park Improvement Project \$42,000.00 Hackensack City Foschini Park Baseball Field Improvements \$100,000.00 Hasbrouck Heights Playground Resilient Surface at Playground \$128,500.00 Haworth Borough Phase 2 of Memorial Park Playground Project \$50,000.00 Hillsdale Borough Veteran's Park Drainage Imp Project \$62,134.00 Leonia Borough Wood Park Renovations 2017 \$37,500.00 Little Ferry Borough Playground Improvements \$75,603.00 Lodi Borough Memorial Park Improvements \$75,000.00 Lyndhurst Township Playground/Park Furniture \$49,138.00 Mahwah Synthetic Turf at Continental Soldiers Field Park Phase I \$50,000.00 Midland Park Borough Woodside Avenue Park \$30,000.00 Montvale La Trenta Field Complex Clay Infield Removal/Synthetic Turf Replacement \$113,538.00 Moonachie Borough Joseph Street Park Improvements Project \$17,603.00 New Milford Kennedy Complex Multi-Field Redevelopment \$125,000.00 Northvale Hogan Park Basketball Improvement Project \$15,396.00 North Arlington Lighting and Turf Improvements at Zadroga Field \$104,430.00 Norwood Kennedy Park Walking Path Pedestrian Lighting \$75,000.00 Oakland Borough Great Oak Park Driveway Refurbishment \$66,000.00 Old Tappan Borough Stone Point Park Field Flood and Erosion Control-replacement of walking track \$112,134.00 Oradell Oradell Municipal Dog Park \$15,000.00 Palisades Park Borough Tussi Park Improvements Initiative \$71,125.00 Paramus Borough Fairway Oakes Park Fitness Course Project \$30,000.00 Ramsey Borough Ramsey Municipal Pool Pavilion Project \$42,500.00 Ridgefield Borough Park Improvements to Veteran's Memorial Park \$45,000.00 Ridgefield Park Ridgefield Park Nature Trail and Boardwalk \$200,000.00 Ridgewood Village Maple Park Synthetic Turf Replacement \$100,000.00 River Edge Borough Basketball Courts & Hockey Rink Surface Reconstruction \$60,390.00 River Vale Township River Vale Country Club Improvements-Miniature Golf Course \$50,000.00 Rochelle Park Township Matthew's Field ADA Bleachers \$35,103.00 South Hackensack Veteran's Memorial Park Gateway Project \$50,000.00 Teaneck Township P helps Park Splash Pad Project \$137,500.00 Tenafly Borough Sunnyside Park Improvements \$74,250.00 Waldwick Borough Sunshade Installation for Municipal Pool \$35,000.00 Township of Washington Construction of Par Course (fitness trail) at Sherry Field \$30,000.00 Westwood Borough Brookside Park-New Basketball court \$50,000.00 Woodcliff Lake Woodcliff Lake Tennis Court Resurfacing Project \$33,709.00 Wyckoff Township Improvements to Russel Farms Community Park \$48,000.00 The anticipated commencement date for these proposed projects or use is on or about August 1, 2018. The anticipated completion date for these proposed projects is by or about August 1, 2020. The public may submit written comments to the County on or before the date of the public hearing, or request additional information, by contacting Adam L. Strobel, Division of Land Management/Open Space Trust Fund, One Bergen County Plaza, Hackensack, New Jersey 07601. May 7, 2018 - Fee \$264.83 (321) 4261396

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DEPARTMENT OF EDUCATION  
BERGEN COUNTY OFFICE  
ONE BERGEN COUNTY PLAZA, SUITE 350  
HACKENSACK, NJ 07601-7076  
201-336-6875  
FAX 201-336-6880

PHILIP D. MURPHY, GOVERNOR  
SHEILA Y. OLIVER, LT. GOVERNOR

LAMONT O. REPOLLET, Ed.D., ACTING COMMISSIONER  
JOSEPH ZARRA, INTERIM EXECUTIVE COUNTY SUPERINTENDENT

May 14, 2018

(REVISED)

Vito A. Gagliardi, Jr., Esq.  
Attorney at Law  
Porzio Bromberg & Newman P.C.  
100 Southgate Parkway  
P.O. Box 1997  
Morristown, NJ 07962-1997

Dear Mr. Gagliardi:

Please note the following change in the special election date and time as per the Director of the Office of School Facilities and Finance.

"The statutory date of the September 2018 special school election is Tuesday, September 25, 2018, which coincides with the second day of Sukkot; a full day of religious observance. *N.J.S.A. 19:60-2* provides the Commissioner of Education the authority to change a special school election date when it coincides with a period of religious observance.

In examining possible alternate school election dates, the New Jersey Department of Education (NJDOE) has taken into consideration all religious observances following September 25. After careful consideration, the NJDOE has changed the September 2018 special school election date to Tuesday, October 2, 2018."

Pursuant to *N.J.S.A. 18A:13-57*, the Executive County Superintendent shall fix a day and a time on said day for holding a special school election, at which time the question whether or not the withdrawing school district shall withdraw from the regional district shall be submitted to the legal voters of the withdrawing district and to the legal voters within the remainder of the regional district.

The Special Election shall take place on Tuesday, October 2, 2018 between the hours of 2 pm to 8 pm.

Sincerely,



Joseph Zarra  
Interim Executive County Superintendent

**cc. Dr. Lamont Repollet, Acting Commissioner of Education  
Patricia DiCostanzo, Superintendent of Elections  
John S. Hogan, Bergen County Clerk  
Caroline Jones, D.A.G.  
Carlos Rendo, Mayor, Woodcliff Lake  
Tomas J. Padilla, Borough Administrator, Woodcliff Lake  
P. Erik Gundersen, Superintendent of Schools, Pascack Valley Regional High School  
Jeffrey Feifer, Interim Superintendent of Schools, Hillsdale School District  
Darren A. Petersen, Superintendent of Schools, Montvale School District  
Rory McCourt, Superintendent of Schools, River Vale School District  
Lauren Barbelet, Superintendent of Schools, Woodcliff Lake School District  
Pamela Baxley, Business Administrator/Board Secretary, Pascack Valley Regional High School  
Matthew Lynaugh, Business Administrator/Board Secretary, Woodcliff Lake School District  
Mike Ghassali, Mayor, Borough of Montvale  
Alice M. Bergen, Esq.  
Victoria A. Flynn, Esq.**

**Marly Frasciello  
165 West Grand Avenue  
Montvale, NJ 07645**

May 15, 2018

Ms. Maureen Iarossi-Alwan, Administrator  
Borough of Montvale  
12 Mercedes Drive  
Montvale, NJ 07645

RE: Retirement

Dear Maureen:

I write this letter to announce my formal retirement from the Montvale Police Department as a confidential administrative assistant to the Chief of Police, effective September 1, 2018.

I would like to thank you for all the great opportunities you have given me as an employee here at the Borough of Montvale. I have enjoyed working with and learning from my colleagues for the last 18 years and am ready to move on to the next phase of my life.

If I can be of any assistance during this transition in order to facilitate the seamless passing of my responsibilities to my successor, please let me know.

I would be glad to help however I can.

Sincerely,  


**Maureen Iarossi**

---

**From:** Jordan O'Donnell <Jordan@rwdake.com>  
**Sent:** Tuesday, May 15, 2018 2:03 PM  
**To:** Maureen Iarossi  
**Cc:** Ryan Barber  
**Subject:** TD Bank Park Ridge (Montvale) \_ After hours Work Request  
**Attachments:** DOC051518.pdf

Hi Maureen,

Attached is the letter you requested we write for the After hours project we will be doing at TD Bank - located at 33 S. Kinderkamack Rd.

Please let me know if there is anything else you require for us to begin work. Thanks.

Best Regards,

**Jordan O'Donnell**

PMP, Assistant Project Manager

20 Industrial West Clifton, NJ 07012

P: 908.232.2912 x135

M: 908.202.7820

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**RWDAKE** & co., inc.  
COMMERCIAL CONSTRUCTION SPECIALISTS

Borough of Montvale  
12 Mercedes Drive  
Montvale, NJ 07645  
Attn: Maureen Iarossi-Alwan


To: Mayor Ghassali and City Council Members,

RW Dake & Co., would like to formally request permission to work after hours in the commercially zoned TD Bank, located at 33 South Kinderkamack Road. The property is not adjacent to any residential properties, it is surrounded by an vacant lot, a Taco Bell on either side and train tracks run past the back of the property.  
Per TD's rules and regulations, work is not to begin until after bank closing. Work hours will be from 6:00 PM and 2:00 AM.

The project will take 3-4 weeks and will be starting mid-June.

Thank you for your time and consideration.

Regards,



Jordan O'Donnell  
Asst. Project Manager  
RW Dake & Co., Inc  
Jordan@rwdake.com

## **BOROUGH OF MONTVALE**

### **ORDINANCE NO.**

#### **AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128, "ZONING," TO PROHIBIT MARIJUANA ESTABLISHMENTS AND VAPOR ESTABLISHMENTS**

**WHEREAS**, the State of New Jersey is considering legalizing marijuana for recreational use, allowing for the distribution and consumption of marijuana within New Jersey; and

**WHEREAS**, the Borough of Montvale is concerned about the impacts of the legalization of marijuana on the health, safety and welfare of the public and specifically with respect to children; and

**WHEREAS**, in light of the circumstances present in many other states that have legalized marijuana for recreational use, the Borough of Montvale hereby finds that businesses selling, cultivating, growing, processing or which are otherwise involved in the distribution of marijuana pose specific and articulable concerns, including but not limited to security, the sale or re-sale of marijuana to minors, the health of employees and patrons, patrons driving under the influence of marijuana, connection to organized criminal activity, and the sale of unlicensed products in such establishments; and

**WHEREAS**, the Borough of Montvale is therefore desirous of banning the sale of marijuana and associated paraphernalia, and operations related to the cultivation, testing or manufacturing of such products, within the territorial jurisdiction of the Borough of Montvale; and

**WHEREAS**, electronic smoking devices, commonly known as "e-cigarettes," "e-cigars," "e-pens," "vape pens" or similar names, are battery-operated devices designed to look like and be used in the same or a similar manner as conventional tobacco products; and

**WHEREAS**, electronic smoking devices often contain liquid or cartridges that contain liquid nicotine and other chemical, and which can sometimes be filled or re-filled with liquid solutions containing controlled substances, creating the potential for inhalation and exposure to controlled substances; and

**WHEREAS**, the United States Food and Drug Administration ("FDA") has conducted laboratory analysis of electronic smoking device cartridges and has found the presence of, among other things, diethylene glycol (an ingredient in antifreeze), tobacco-specific nitrosamines (human carcinogens), tobacco-specific impurities suspected of being harmful to humans, varied levels of nicotine despite identically-labelled cartridges, and particularly high doses of nicotine; and



**WHEREAS**, consumers currently lack information resulting from clinical studies about the safety and efficacy of electronic smoking devices, including with respect to second-hand exposure to the vapor emitted from electronic smoking devices; and

**WHEREAS**, the FDA has raised concerns about the use of electronic smoking devices and the marketing of such products towards young people; and

**WHEREAS**, the Borough of Montvale is concerned that the presence of stores selling electronic smoking devices or other vapor products within the Borough would be detrimental to the health, safety and welfare of the public.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Montvale, as follows:

**Section 1.** Chapter 128 of the Borough of Montvale is hereby amended and supplemented by adding a new Section 9.3, "Certain uses related to marijuana and vapor products prohibited; definitions," as follows:

**§128-9.3      Certain uses related to marijuana and vapor products prohibited; definitions.**

A. Wherever used in this Chapter, the following terms shall have the meaning indicated:

**ELECTRONIC SMOKING DEVICE** means any non-combustible product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size and which can be used to deliver nicotine or other substances in a solution, vapor or any form to the person inhaling from the device, including, but not limited to, vapor cartridge, liquid nicotine container, electronic cigarette, cigar, cigarillo, pipe or other form intended to be used with, or in, any such device.

**LIQUID NICOTINE** means any solution containing nicotine which is designed or sold for use with an electronic smoking device.

**LIQUID NICOTINE CONTAINER** means a bottle or other container of liquid, wax, gel or other substance containing nicotine, where the liquid or other contained substance is sold, marketed or intended for use in a vapor product but does not include containers prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

**MARIJUANA** means all or parts of the plant genus Cannabis, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds (except those containing only resin extracted from the plant).

**MARIJUANA ESTABLISHMENT** means a business or other location where the cultivation, testing, manufacturing, or retail sale of marijuana or marijuana paraphernalia

takes place, or where services are offered that involve marijuana or marijuana paraphernalia.

**MARIJUANA PARAPHERNALIA** means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

**VAPOR PRODUCT** means electronic smoking devices, liquid nicotine, liquid nicotine containers, and similar products used, or intended to be used, with such products.

**VAPOR ESTABLISHMENT** means a business or other location where the testing, manufacturing or retail sale of vapor products takes place, or where services are offered that involve vapor products.

B. In all zoning districts in the Borough of Montvale, the following uses shall be prohibited:

1. Marijuana Establishments. This prohibition shall not include premises regularly in the business of providing prescription medicines under a license issued by the New Jersey Board of Pharmacy and only for the sale of medical marijuana having been prescribed by a licensed physician and dispensed by a licensed pharmacist.
2. Vapor Establishments.

## **Section 2. Repeal of Inconsistent Ordinances.**

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

## **Section 3. Savings Clause.**

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

## **Section 4. Severability.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 5.** Effective Date.

This ordinance shall become effective upon adoption and publication as required by law.

DRAFT