

**PUBLIC MEETING  
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:37PM. Adequate notification was published in the official newspaper of the Borough of Montvale. A few members of the Panthers softball team 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 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, Joe Voytus; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo.

**ROLL CALL:**

Councilmember Arendacs  
Councilmember Cudequest  
Councilmember Koelling

Councilmember Lane - absent  
Councilmember Roche  
Councilmember Russo-Vogelsang

**PROCLAMATION**

1<sup>st</sup> and 2<sup>nd</sup> grade Montvale Panthers Softball Travel League Champions

**PRESENTATION:** R. Hanrahan, Environmental Commission Chairman/DEP Regulated Lands

Included with original minutes

**ORDINANCES:**

**PUBLIC HEARING OF ORDINANCE NO. 2022-1525** AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE BOROUGH CODE TO REVISE CERTAIN CONSTRUCTION PERMIT FEES AND OTHER SUBCODE PERMIT FEES AND TO PROVIDE FOR A NEW TENANT/ RESALE CERTIFICATE

**BE IT ORDAINED** by the Mayor and Council of the Borough of Montvale as follows:

**Section 1.** Chapter 170 of the Borough of Montvale Code, "Construction Codes, Uniform," Section 10, "Construction permit," is hereby amended and supplemented by adding the underlined text and deleting the struckthrough text, as follows:

**§ 170-10 Construction permit.**

The fee for a construction permit shall be the sum of the subcode fees listed hereinafter, plus all applicable special fees listed herein, and shall be paid before the permit is issued. All fees are to be rounded to the nearest dollar amount.

A. The building subcode fees shall be:

- (1) New construction: \$0.0371 per cubic foot of building or structure volume.
- (2) Minimum fee for new construction: \$250.

- (3) Additions: \$0.0371 per cubic foot of building or structure volume.
- (4) Minimum fee for additions: \$150.
- (5) Alterations or renovations: \$20 per \$1,000 of the estimated cost of construction.
- (6) Minimum fee for alterations or renovations: ~~\$100.~~ \$150.
- (7) All other fees shall be as follows:

(a) Roofs:

[1] Residential: No fee. ~~\$75.~~

[2] Commercial: ~~\$150.~~ \$200.

(b) Siding: ~~\$75.~~ No fee.

(c) Pools:

[1] Aboveground: ~~\$75.~~ \$100.

[2] In-ground: \$200 plus C.O. fee.

(d) Sheds (over 100 square feet): \$150.

(e) Tennis courts: \$250.

(f) Asbestos/lead abatement: \$75.

(g) Tank installation:

[1] Residential: ~~\$75.~~ \$100.

[2] Commercial: \$150.

(h) [Reserved] Tank removal:

~~[1] Residential: \$75.~~

~~[2] Commercial: \$150.~~

(i) Stoves (fuel-burning): \$75.

(j) Fences: ~~\$50.~~ \$75.

(k) Demolition:

[1] Principal residential: ~~\$250.~~ \$400.

[2] Accessory residential: ~~\$50.~~ \$150.

[3] Commercial: ~~\$500.~~ \$750.

(l) Air conditioning:

[1] Residential: \$75.

[2] Commercial: \$20 per \$1,000.

(m) Radon: \$60.

(n) Certificate of occupancy:

[1] Residential (N S F D): \$150.

[2] Residential (addition): ~~\$75.~~ \$100.

[3] Others (less than 10,000 square feet): \$150.

[4] Others (10,000 square feet and above): \$300.

(o) Certificate of compliance for asbestos: \$20.

(p) Signs:

[1] Thirty square feet or less: \$50.

[2] Over 30 square feet: \$100.

(q) All accessory structures not specifically mentioned above: \$100.

B. Plumbing subcode fees shall be:

(1) Minimum fee:

(a) Residential: ~~\$60.~~ \$75.

(b) Commercial: ~~\$100.~~ \$150.

(2) Residential (per fixture): ~~\$17.~~ \$20.

(3) Commercial (per fixture): ~~\$20.~~ \$25.

(4) Other fees shall be as follows:

(a) Piping (or fuel oil): ~~\$50.~~ \$75.

(b) Sewer connection: ~~\$70.~~ \$75.

(c) Water service connection: ~~\$70.~~ \$75.

(d) Water heater:

[1] Residential: ~~\$40.~~ \$100.

[2] Commercial: ~~\$50.~~ \$100.

(e) Boiler:

[1] Residential: ~~\$40.~~ \$75.

[2] Commercial: ~~\$50.~~ \$100.

(f) Sewer pump:

[1] Residential: ~~\$40.~~ \$75.

[2] Commercial: ~~\$50.~~ \$100.

(g) Air conditioning:

[1] Residential: ~~\$40.~~ \$75.

[2] Commercial: ~~\$50.~~ \$100.

(h) Swimming pools:

[1] Residential: ~~\$40.~~ \$75.

[2] Commercial: ~~\$50.~~ \$100.

(i) Interceptor/separator: ~~\$50.~~ \$75.

(j) Backflow preventer: ~~\$50.~~ \$75.

(k) Refrigeration unit: ~~\$50.~~ \$75.

(l) Chimney Liner: \$75.

(m) Furnace: \$75.

(n) All other devices:

[1] Residential: ~~\$40.~~ \$75.

[2] Commercial: ~~\$50.~~ \$100.

C. The electrical subcode fees shall be:

(1) Minimum fee:

(a) Residential: ~~\$60.~~ \$75.

(b) Commercial: ~~\$100.~~ \$150.

(2) Fixtures and receptacles:

(a) One to 50: ~~\$50.~~ \$75.

(b) Each additional 25: ~~\$25.~~ \$30.

(3) Motors:

(a) One-eighth horsepower to one horsepower: ~~\$20.~~ \$30.

(b) One horsepower to 10 horsepower: ~~\$30.~~ \$40.

(c) Ten horsepower to 50 horsepower: ~~\$40.~~ \$50.

(d) Fifty horsepower to 100 horsepower: \$100.

(e) One hundred horsepower and over: \$400.

(4) Electrical devices:

(a) One kilowatt to 10 kilowatt: ~~\$20.~~ \$75.

(b) Ten kilowatt to 45 kilowatt: ~~\$40.~~ \$100.

(c) Forty-five kilowatt to 112.5 kilowatt: ~~\$70.~~ \$200.

(d) 112.5 kilowatt and over: \$400.

(5) Service:

(a) Two hundred ampere: ~~\$50.~~ \$100.

(b) Six hundred ampere: ~~\$85.~~ \$125.

(c) One thousand ampere: \$150.

(d) Over 1,000 ampere: \$300.

(e) Temporary service: ~~\$50.~~ \$75.

(6) Generators/transformers:

(a) One kilowatt to 7.5 kilowatt: ~~\$40.~~ \$75.

(b) 7.5 kilowatt to 30 kilowatt: ~~\$65.~~ \$100.

(c) Thirty kilowatt to 60 kilowatt: ~~\$85.~~ \$125.

(d) Sixty kilowatt to 112.5 kilowatt: ~~\$150.~~ \$200.

(e) Over 112.5 kilowatt: ~~\$450.~~ \$600.

(7) Other fees shall be as follows:

(a) Heat, smoke, burglar detectors, data, telephone, intercoms:

[1] Residential: ~~\$25.~~ \$75.

[2] Commercial one to 25: ~~\$125.~~ \$150.

[3] Each additional 25: ~~\$25.~~ \$40.

(b) Bonding: ~~\$45.~~ \$50.

(c) Pools, whirlpools, spas with bonding: ~~\$45.~~ \$75.

(d) Light standards:

[1] One to 10: \$75.

[2] Each additional: ~~\$5.~~ \$10.

(e) Trench inspections: ~~\$25.~~ \$50.

D. Fire subcode fees shall be:

(1) Minimum fee:

(a) Residential: ~~\$60.~~ \$75.

(b) Commercial: ~~\$100.~~ \$150.

(2) Detectors and sprinkler heads:

(a) One to 50: ~~\$80.~~ \$200.

(b) 51 to 100: ~~\$150.~~ \$250.

(c) 101 to 200: ~~\$200.~~ \$300.

(d) 201 to 400: ~~\$400.~~ \$600.

(e) ~~Over 400:1 to 500:~~ \$500. \$1,000.

~~(f) Over 500: \$750.~~

(3) Suppression systems:

(a) Fire pump: ~~\$200.~~ \$250.

(b) Dry pipe, alarm valves, preaction valves, standpipes:

[1] 2.5-inch pipe: \$75.

[2] Four-inch pipe: \$125.

[3] Six-inch pipe: \$175.

[4] Eight-inch pipe: \$225.

[5] Over eight inches: \$275.

(4) Other fees shall be as follows:

(a) Storage tanks, flammable, combustible, LPG:

[1] Residential: \$200.

[2] Commercial \$400.

(b) Alarm devices, supervisory, signaling:

[1] Residential: \$75.

[2] Commercial: ~~\$175.~~

First 1-10: \$200.

11-50: \$20 each.

Over 50: \$25 each.

(c) Kitchen hood exhaust systems:

[1] Residential: [\$50.] \$75.

[2] Commercial: [\$100.] \$200.

(d) Gas/oil-fired appliance: \$75.

(e) Wood stoves: \$75.

(f) Preengineered systems: \$125.

(g) Pool heater: \$75.

(h) Solar panels:

[1] Residential: \$75.

[2] Commercial: \$200.

(i) Tank removal:

[1] Residential: \$100.

[2] Commercial: \$150.

E. Elevator fees shall be as set forth in N.J.A.C. 5.23 Subchapter 12.

(1) Acceptance test. The fee for elevators in structures not in Use Groups R-3 and R-4 shall be as follows:

(a) Traction and winding drum elevators:

[1] One to 10 floors: \$340; administrative fee: \$68.

[2] Over 10 floors: \$567; administrative fee: \$113.

[3] Hydraulic elevators: \$302; administrative fee: \$60.

[4] Rope hydraulic elevator: \$340; administrative fee: \$68.

[5] Escalator and moving walks: \$302; administrative fee: \$60.

[6] Dumbwaiter: \$76; administrative fee: \$15.

[7] Stairway chair lift, incline and vertical wheelchair and man lift: \$76;  
administrative fee: \$15.

(2) Additional charges for device equipped with the following features shall be as follows:

(a) Oil buffers: \$60; administrative fee: \$12.



- (b) Counterweight governor and safeties: \$151; administrative fee: \$30.
- (c) Auxiliary power generator: \$114; administrative fee: \$23.
- (3) The fee for elevator devices in structures in Use Groups R-3 and R-4 shall be per N.J.A.C. 5:23-12.6(a)3: \$227; administrative fee: \$45.
- (4) The fee for witnessing acceptance test of and performing inspections of alterations shall be per N.J.A.C. 5:23-12.6(a)4: ~~\$76~~ \$100; administrative fee: ~~\$15~~ \$25.
- (5) The fee for routine six-month tests and inspections for elevator devices in structures not in Use Groups R-3 and R-4 shall be as follows:
- (a) Traction and winding drum elevators:
- [1] One to 10 floors: \$190.
  - [2] Over 10 floors: \$244.
  - [3] Hydraulic elevators: \$136.
  - [4] Rope hydraulic elevator: \$190.
  - [5] Escalator and moving walks: \$190.
- (6) The fee for one-year periodic inspection and witnessing of tests of elevator devices, which shall include six-month routine inspection, shall be as follows, per N.J.A.C. 5:23-12.6(b)2.i through iv:
- (a) Traction and winding drum elevators:
- [1] One to 10 floors: \$302; administrative fee: \$60.
  - [2] Over 10 floors: \$362; administrative fee: \$72.
  - [3] Hydraulic elevators: \$227; administrative fee: \$45.
  - [4] Rope hydraulic elevator: \$302; administrative fee: \$60.
  - [5] Escalator and moving walks: \$484; administrative fee: \$97.
  - [6] Dumbwaiter: \$120; administrative fee: \$24.
  - [7] Stairway chair lift, incline and vertical wheelchair and man lift: \$183; administrative fee: \$37.
- (7) Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows, per N.J.A.C. 5:23-12.6(b)3.i thru iii:

- (a) Oil buffers: \$60; administrative fee: \$12.
- (b) Counterweight governor and safeties: \$120; administrative fee: \$24.
- (c) Auxiliary power generator: \$76; administrative fee: \$15.
- (8) The fee for three- or five-year inspection of elevator devices shall be as follows, per N.J.A.C. 5:23-12.6(b)4.i and ii:
  - (a) Traction and winding drum elevators:
    - [1] One to 10 floors (five-year inspection): \$513; administrative fee: \$103.
    - [2] Over 10 floors (five-year inspection): \$646; administrative fee: \$129.
  - (b) Hydraulic and roped hydraulic elevator:
    - [1] Three-year inspection: \$387; administrative fee: \$77.
    - [2] Five-year inspection: \$227; administrative fee: \$45.

F. New Jersey state permit surcharge fee shall be as set forth in N.J.A.C. 5:23-4.19.

**Section 2.** Chapter 170 of the Borough of Montvale Code, "Construction Codes, Uniform," Section 11, "Other certificates and permits," is hereby amended and supplemented by adding the underlined text and deleting the struckthrough text, as follows:

**§ 170-11 Other certificates and permits.**

Other certificates and permit fees shall be as follows:

- A. Accessory structures (less than 100 square feet): ~~\$100.~~ \$150.
- B. Signs.
  - (1) Application fee: ~~\$150.~~ \$200.
  - (2) Refacing of message per side: \$50.
  - (3) Temporary signs: \$100.
  - (4) Temporary sign renewal (~~six months~~): ~~\$100.~~ \$250 annually. Due by January 31 of each calendar year.
- C. Certificate of continued occupancy:
  - (1) Residential: ~~\$100.~~ \$150.
  - (2) Commercial: ~~\$200.~~ \$250.
  - (3) Use groups other than R-3 with a total floor area of more than 10,000 square feet (A CCO shall be required for a change of ownership of a commercial structure.): ~~\$250.~~ \$500.
- D. Temporary trailers (one year): \$100; temporary trailers (2 weeks): \$25.
- E. Special letters: \$100.
- F. Fence permits: ~~\$50.~~ \$100.
- G. Satellite dishes and antenna structures: ~~\$75.~~ \$100.
- H. Engineering fees.
  - (1) In order to ensure that the Borough standards are met for all site improvements, including curbs, sidewalks, driveway pavement, seepage pits and to create zero runoff from new residential single-family dwelling construction and additions, swimming pools, tennis and retaining walls over four feet, the

following fees shall be collected. An administrative fee of 20% will be deducted from each fee:

	Review	Construction	Total
New single-family dwelling	\$250	\$250	\$500
Additions to single- family dwelling	\$150	\$150	\$300
Swimming pools, tennis courts	\$150	\$100	\$250
Retaining walls over four feet in height	\$200	\$250	\$450

- I. Change of contractor performing permitted work: \$25.
- J. Driveway: \$50.
- K. Patio/pavers: \$50.
- L. Filling (less than 50 cubic yards): \$50.
- M. Generator pad: \$50.
- N. Retaining walls: \$100.
- O. Violations and penalties. Violations of this section shall be punished as set forth in Chapter 1, Article I, General Penalty.

**Section 3.** Chapter 170 of the Borough of Montvale Code, "Construction Codes, Uniform," Section 14, "Certificate of occupancy and certificate of continued occupancy," is hereby retitled and amended and supplemented by adding the underlined text and deleting the struckthrough text, as follows:  
**§ 170-14 Certificate of occupancy, and certificate of continued occupancy, and new tenant/ resale certificate.**

- A. Definitions. As used in this article, the following terms shall have the meanings indicated:

#### **CERTIFICATE OF CONTINUED OCCUPANCY**

The certificate provided for at N.J.A.C. 5:23-2.23 of the State Uniform Construction Code which certifies that, as a result of a general inspection of the visible parts of the existing dwelling, there are no apparent violations of the regulations.

#### **CERTIFICATE OF OCCUPANCY**

The certificate provided for at N.J.A.C. 5:23-2.23 of the State Uniform Construction Code which certifies that all work covered by a construction permit has been completed in accordance with the permit, the code and other applicable laws and ordinances.

#### **DWELLING**

One- and two-family residences.

#### **NEW TENANT/ RESALE CERTIFICATE**

A certificate issued by the Construction Official upon a change in ownership or transfer of title or lease of real property to a new owner or tenant to any dwelling or rental space certifying that there are no violations of law or orders of the Construction Official pending and it has been established, after inspection and investigation of available municipal records, that the alleged use of the dwelling has lawfully existed.

#### **OWNER**

Any person who, alone or jointly or severally with others, shall have legal title to any dwelling with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the

provisions of this chapter and the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

B. Certificate types:

(1) Certificate of eOccupancy.

(a) New buildings: A building or structure erected shall not be used or occupied in whole or part until a form of a certificate of occupancy shall have been issued by the Construction Official.

~~(2)~~

(b) Building hereafter altered: A building or structure hereafter enlarged, extended or altered shall not be occupied or used until the certificate of occupancy shall have been issued by the Construction Official. Any use or occupancy which was not discontinued during the work or alteration shall be discontinued within 30 calendar days after the completion of the alteration unless the certificate of occupancy is secured from the enforcing agency.

(2) Certificate of Continued Occupancy:

(a) Upon request of the owner of an existing building or structure, the Construction Official, with the approval of the subcode officials, shall issue a certificate of continued occupancy provided that there are not violations of law or orders of the construction official pending, and it is established after inspection and investigation of available municipal records that the alleged use of the building or structure has lawfully existed. The certificate of continued occupancy shall evidence only that a general inspection of the visible parts of the building has been made, and that no violations of N.J.A.C. 5:23-2.14 have been determined to have occurred, and no unsafe conditions violative of N.J.A.C. 5:2302.32(a) have been found. Nothing in this subsection shall prevent the continued lawful use and occupancy of any such lawfully existing building or structure.

(3) New Tenant/ Resale Certificate:

(a) Existing dwellings: No person shall change ownership or otherwise transfer title or lease of the same to a new owner or tenant to any dwelling or rental unit unless and until that person shall have first obtained from the Construction Official a New Tenant/ Resale Certificate. ~~certificate of continued occupancy.~~ The Construction Official, with the approval of the subcode officials, shall issue a ~~certificate of continued occupancy~~ New Tenant/ Resale Certificate, provided that there are no violations of law or orders of the Construction Official pending and it is established, after inspection and investigation of available municipal records, that the alleged use of the dwelling has lawfully existed. Nothing in this subsection shall prevent the continued lawful use and occupancy of any such lawfully existing dwelling.

C. Application for certificate.

(1) Prior to occupancy, change of ownership or transfer of title of any building, structure or dwelling, as applicable, application for a the appropriate certificate permitting occupancy shall be made in writing to the Construction Official by the owner, and consent shall be

given therewith to the Construction Official or his agent to enter upon and examine the building, structure or dwelling for which the application is applied for.

- (2) All applications for such certificates shall be made in writing and shall state the name and address of the owner of the building, structure or dwelling and the name and address of the buyer, if a sale or transfer of title, of the seller, and shall further state the name and address of the sales agent, if any, and shall describe the premises to be occupied, including the street address thereof.

D. Inspections.

- (1) Upon request for a certificate provided for in this section, ~~the~~ the Construction Official or his agent shall conduct an inspection of the premises to ensure compliance with applicable municipal ordinances and rules and regulations affecting the use and occupation of all such buildings, structures or dwellings. The inspection for a certificate of occupancy shall also require compliance with, but not be limited to, the following:
  - (a) Flue connections are properly sealed;
  - (b) Sump pumps are not connected to the sanitary sewer;
  - (c) All electrical outlets, switches and panel boxes are properly covered;
  - (d) Relief valves from boilers and water heaters are properly piped;
  - (e) All plumbing fixtures are in working order;
  - (f) Pools are properly fenced;
  - (g) There are rails on all interior stairs of more than ~~two~~ four risers;
  - (h) Exterior rails must be properly secured;
  - (i) Property must not be in violation of the Property Maintenance Code;
  - (j) The property is being used for the use for which it is zoned; and
  - (k) The submission of a certified property survey that shows the current uses and structures on the property.
- (2) No certificate ~~permitting~~ of occupancy shall be issued unless there is full and complete compliance with all of the foregoing, unless otherwise specified, in writing, by the Construction Official or his agent.
- (3) At the discretion of the Construction Official, the submission of a certified property survey pursuant to Subsection D(1)(k) above may be waived under the following circumstances:
  - (a) The applicant submits a certified survey of the property;

- (b) Any changes to the property that have been approved and performed since the date of said survey have received the appropriate permits and/or approvals from the Borough of Montvale;
- (c) Such changes are shown on the survey with appropriate specificity and detail to allow the Construction Official to confirm the accuracy thereof;
- (d) Such changes are minor in nature and do not create any reasonable doubts concerning the property's compliance with zoning, property maintenance, or other applicable codes, standards, rules, or regulations.

(4) The inspection for a certificate of continued occupancy shall be in accordance with Section B(2)(a), above.

(5) The inspection for a new tenant/ resale certificate shall be in accordance with Section B(3)(a), above, and shall also require submission of and/or compliance with the items in Section D(1)(i), (j) and (k), above.

E. Violations and penalties.

- (1) Any person, persons, partnership, firm, corporation, holding company, foreign corporation, limited liability company or any other entity who in any manner knowingly fails to fully comply with the terms and covenants of this chapter shall be subject to the penalties provided herein.
- (2) Any person(s) who violates any of the provisions of this chapter shall, upon conviction, be punishable as provided in Chapter 1, Article I, General Penalty.

F. Issuance of certificate; fee.

A certificate permitting occupancy shall be issued solely by the construction official without the necessity of approval by the governing body of the Borough of Montvale. All fees paid in connection with a certificate shall be in accordance with the schedule set forth at § 170-11 of this Code.

**Section 4. 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 5. 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 6. 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 7. Effective Date.**

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

A motion Introduced for second reading **Ordinance No. 2022-1525** by Councilmember Cudequest; seconded by Councilmember Koelling; Clerk read by title only.

Motion to open meeting to public by Councilmember Roche; seconded by Councilmember Cudequest - all ayes

**NO PUBLIC COMMENT**

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

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Cudequest; seconded by Councilmember Roche; Clerk read by title only. - All ayes on a roll call vote

**MEETING OPEN TO PUBLIC:**

Agenda Items Only

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

**No public comment**

Motion to close meeting to the public by Councilmember Roche; seconded by Councilmember Cudequest – all ayes

**MEETING CLOSED TO PUBLIC:**

Agenda Items Only

**MINUTES:**

**September 27, 2022**

A motion to accept minutes by Councilmember Cudequest; seconded by Councilmember Roche – all ayes

**CLOSED/EXECUTIVE MINUTES:**

**September 27, 2022**

A motion to accept closed minutes by Councilmember Cudequest; seconded by Councilmember Roche - all ayes

**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.

**155-2022 Resolution Authorizing Emergency Purchase Pursuant To NJSA 40a:11-Rapid Pump & Meter, Co, Inc. / Three (3) Pump Stations**

**WHEREAS**, an emergency had arisen with respect to not having back up pumps for the sanitary sewer pumps located at Huff Terrace, Valley View and Middletown Road pump stations; and

**WHEREAS**, a proposal was provided by the PVDPW Superintendent and confirmed by the Borough Engineer;

**WHEREAS**, an emergency purchase pursuant to NJSA 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate action.

**WHEREAS**, there is the need for emergency pumps at these stations as stated by the PVDPW Superintendent and Borough Engineer. Therefore, such contract may be awarded without competitive bidding as permitted by NJSA 40A:11-6; and

**WHEREAS**, the Superintendent of Public Works has received pricing from Rapid Pump and Meter Service, Inc. and the recommendation this award in the amount of \$47,730.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale's Mayor & Council approved said emergency purchase at their Regular Meeting held on September 27, 2022

**156-2022 Tax Court Settlement / Block 1102; Lot 3 / Summit Property 1, LLC / 100 Summit Ave**

**WHEREAS**, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Summit Property 1, LLC NJ (hereinafter the "Tax Appeal"), under Docket Numbers 005942-2021 and 004790-2022; and,

**WHEREAS**, the aforesaid Tax Appeal involves an office building located at 100 Summit Avenue, and is otherwise referred to as Block 1102 Lot 3 on the tax assessment map of the Borough (hereinafter the "subject property"); and,

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

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

**WHEREAS**, it is in the best interest of the Borough 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, Tax Appeal Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

**SCHEDULE "A"**

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

2021 Appeal: \$9,250,000

2022 Appeal: \$9,250,000

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

**157-2022 Resolution Authorizing The Borough Administrator To Sign The NJDEP WQM-003 Statement Of Consent Form For The SHG Montvale MB IV, LLC Application**

**WHEREAS**, the New Jersey Department of Environmental Protection requires Consent of the Governing Body and Certification by the Wastewater Conveyance System Owner;

**WHEREAS**, the Borough of Montvale owns and operates their wastewater conveyance system that SHG MONTVALE MB IV, LLC is proposing to connect to for sanitary sewerage disposal;

**WHEREAS**, the Borough Engineer has reviewed the NJDEP WQM-006 Form and has determined that the Borough's sanitary sewer system has adequate capacity;

**WHEREAS**, the Borough Engineer has reviewed the NJDEP WQM-003 Form and recommends that the Borough's Mayor and Council authorize the Borough Administrator to execute the WQM-003 Form Section A-1 and Section A-3B;

**WHEREAS**, the Borough's Mayor and Council has considered this recommendation;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Montvale, formally approves the Borough Administrator to execute the above stated Application.



**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized to execute the NJDEP WQM-003 Form on behalf of the Borough of Montvale for **SHG MONTVALE MB IV, LLC** Application.

**158-2022 Award Professional Service Contract / Environmental Services / 127 Summit Ave / Colliers Engineering & Design**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services for providing Environmental Services, related to the possible acquisition of the approximately 28.4-acre property, located north of Summit Avenue on Block 1002, Lot 7; 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**, Colliers Engineering & Design, 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated September 27, 2022 to provide the engineering services for 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 engineering services is attached to this resolution which is made part of this resolution shall be awarded to Colliers Engineering & Design.
- 2) That the following be provided: Phase I Environmental Site Assessment (Phase I ESA)
- 3) The cost not to exceed shall be \$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 DePiero Drive, Montvale, NJ 07645.

Introduced by: Councilmember Cudequest; seconded by Councilmember Roche - a roll call was taken - all ayes

**159-2022 Resolution to Rescind Liquor License Renewal – ERA Hospitality LLC / Inactive License**

**WHEREAS**, Resolution #108-2022 which was adopted at the June 28, 2022 Regular Meeting of the Borough of Montvale renewed liquor license #0236-33-004-009; and

**WHEREAS**, the liquor license holder must apply for a new Ruling from the State of New Jersey Division of Alcoholic Beverage Control; and

**WHEREAS**, the Borough was not previously aware the 12-39 Ruling was required for this liquor license renewal term until recently being notified by the New Jersey Division of Alcoholic Beverage Control;

**NOW THEREFORE BE IT RESOLVED**, the Borough of Montvale hereby rescinds the portion of Resolution #108-2022 which specifically pertains to that renewal of liquor license #0236-33-004-009 ERA Hospitality, LLC only.

Introduced by: Councilmember Cudequest; seconded by Councilmember Roche - a roll call was taken - all ayes

**160- Resolution Approving Renewal of Liquor License for the 2022-2023 License Term / ERA Hospitality LLC / Inactive License / Special Ruling Granted**

**WHEREAS**, renewal applications have been filed or submitted through POSSE ABC portal as directed by the ABC; and,

**WHEREAS**, the submitted, renewal application has been accepted via POSSE ABC, the Municipal Fees have been paid and a Tax Clearance Certificate has been received for the following licensee; and,

**WHEREAS**, the submitted license renewal application received a special ruling pursuant to N.J.S.A. 33:1-12.39 dated September 20, 2022 and was approved by the State Alcohol Beverage Control Director, a copy of which is annexed hereto; and

**WHEREAS**, the applicant is qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Montvale State of New Jersey, that the re-renewal of the following Liquor License for the 2022-2023 license terms be and are hereby authorized:

License Number	Licensee	Establishment
0236-33-004-009	ERA Hospitality, LLC	Inactive

Introduced by: Councilmember Koelling; seconded by Councilmember Roche- a roll call was taken - all ayes

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

Motion to pay bills by Councilmember Roche; seconded by Councilmember Russo-Vogelsang - all ayes

**REPORT OF REVENUE:** Municipal Clerk read the Report of Revenue - September

**COMMITTEE REPORTS:**

**Council President Russo-Vogelsang**

Seniors

Social and Halloween Party will be held Oct 20<sup>th</sup>; a few upcoming trips include, an overnight trip to Pennsylvania for Amish Holiday Tour on November 9-10; Mt. Airy Casino trip Dec 6<sup>th</sup>; 1 hour CPR and AED course given by the BOH Oct 29; Broadway trip to see Moulin Rouge Oct 26 and Thanksgiving luncheon Nov 17<sup>th</sup>

Construction

The District received its temporary CCO and residents have been moving in; Montvale Apartments started inspections; Toll Bros started another building;

**Councilmember Koelling**

Police

Monthly report included in original minutes;

Planning Board

Toll Bros all 4 buildings are under contract; Master plan review committee is under way;

Veterans committee

Next meeting will be November 1<sup>st</sup>

**Councilmember Arendacs**

DPW

Shredding Day was a success; maintaining the fields and lawns; preparing their equipment for the upcoming snow season and ordering salt; purchased replacement pumps for the Pump stations

Engineering

Kinderkamack Road milling and paving should start soon; handicapped ramps and curbs are completed

**Councilmember Cudequest**

Library

Creating a pamphlet to give to new families; held their first book sale since the pandemic, patrons were generous with their donations – total \$1500; Don and Janet Londahl-Smidt have been members of the library for over 40 years, there is a painting in the lobby by Caroline McDonald honoring them; a dedication in their names will be held on Oct 20.

TV Access

Oct 23 will be talking with members of the Chamber of Commerce about the street fair; On Oct 26 will be talking with members of the American Legion

Board of Health

Held flu clinic 39 seniors came in; several of the board members were discussing possibly discontinuing this service for next year; November 19<sup>th</sup> 10-1130am at the DPW garage

**Councilmember Roche**

Chamber of Commerce

Street Fair is scheduled for October 23<sup>rd</sup>;

Recreation/Special Events

Halloween trunk-or-treat will be held on Memorial Drive, Oct 29<sup>th</sup> from 3-5pm with rain date Oct 30; always looking for volunteers. Memorial Drive tennis and basketball courts have been re-stripped.

**Mayor**

Fire Department report

29 fires, 3 drills, 1 chief call and 5 extra credits and 1 meeting

Kinderkamack Road is scheduled to be milled and paved at night starting on October 28; have been meeting with the COAH committee, 2025 is coming quickly; will have about 10% of housing will be affordable units. Currently, 16 towns have joined to encourage Governor Murphy to re-instate COAH

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

No Report

**ATTORNEY REPORT:**

Joe Voytus, Esq.

Report/Update

No Report

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

Councilmember Cudequest mentioned the Police Chief will be retiring in a few weeks, what is the next step for his replacement? Mayor Ghassali stated he will form a committee to interview the candidates, once the Mayor decides he will have the governing body members interview the candidates.

**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 Koelling; seconded by Councilmember Roche - all ayes

Bob Hanrahan

Regarding COAH, to mention about the 20% highly restricted area

Lillian Crowley, 26 Ladik Place

Mentioned about her flooding issue and asked for an update

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

**MEETING CLOSED TO THE PUBLIC:**

**ADJOURNMENT:**

A motion to adjourn by Councilmember Cudequest; seconded by Councilmember Roche – all ayes

The Next Regular Public Meeting of the Mayor & Council to be held at 7:30pm on October 25, 2022.

Meeting was adjourned at 8:48pm

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk