

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:36pm. Adequate notification was published in the official newspaper of the Borough of Montvale. Roll call was taken.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record and 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).

ROLL CALL:

Councilmember Arendacs	Councilmember Lane
Councilmember Cudequest	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

Also Present: Mayor Ghassali; Borough Attorney, Joe Voytus; Borough Engineer, Andy Hipolit; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

ORDINANCES:

PUBLIC HEARING ORDINANCE NO.22-1519 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,690,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,605,500 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 \$1,690,000, and further including the aggregate sum of \$84,500 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 \$1,605,500 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:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
A) FIRE DEPARTMENT			
1) Acquisition of turnout gear, including all related costs and expenditures incidental thereto.	\$42,000	\$39,900	10 years
2) Acquisition of triple combination pumper, including all related costs and expenditures incidental thereto.	\$1,300,000	\$1,235,000	10 years
3) Acquisition of mobile and portable radios, including all related costs and expenditures incidental thereto.	\$53,000	\$50,350	10 years
B) POLICE DEPARTMENT			
1) Acquisition of two sport utility vehicles, including all related costs and expenditures incidental thereto.	\$96,000	\$91,200	5 years
2) Acquisition of plate reader cameras, including all related costs and expenditures incidental thereto.	\$20,000	\$19,000	10 years
3) Acquisition of carbine rifles, including all related costs and expenditures incidental thereto.	\$21,000	\$19,950	15 years
C) RECREATION			
1) Improvements to Memorial Drive Tennis Courts, including all work and materials necessary therefor or incidental thereto.	\$40,000	\$38,000	15 years
2) Purchase and installation of bocce ball shade coverage, including all work and materials necessary therefor or incidental thereto.	\$20,000	\$19,000	10 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
3) Improvements to Huff Park Playground, including all work and materials necessary therefor or incidental thereto.	\$45,000	\$42,750	15 years
4) Improvements to Fieldstone Athletic Field restrooms, including all work and materials necessary therefor or incidental thereto.	\$28,000	\$26,600	15 years
5) Improvements to basketball courts, including all work and materials necessary therefor or incidental thereto.	<u>\$25,000</u>	<u>\$23,750</u>	10 years
TOTALS	<u>\$1,690,000</u>	<u>\$1,605,500</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 10.11 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 \$1,605,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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

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

Section 9. The chief financial officer of the 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 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.

A motion Introduced for second reading **Ordinance No. 2022-1519** by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only.

Motion to open meeting to public by Councilmember Lane; seconded by Councilmember Cudequest - 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 The Bergen Record by Councilmember Lane; seconded by Councilmember Roche; Clerk read by title only. - All ayes on a roll call vote

PUBLIC HEARING ORDINANCE NO. 2022-1520 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 130 OF THE BOROUGH CODE TO EXPRESSLY PROVIDE FOR THE MUNICIPAL EXTENSION OF AFFORDABILITY CONTROLS

WHEREAS, COAH's Uniform Housing Affordability Control ("UHAC") regulations provide that all units restricted to be affordable to low- and moderate-income households ("affordable units") must remain subject to an initial control period of at least 30 years, after which a municipality may elect to release such units from the affordability controls; and

WHEREAS, implicit in this regulation is the discretion of a municipality to decline to release an affordable unit from the affordability controls at the end of the initial control period; and

WHEREAS, extending the controls on affordable units is an important tool available to municipalities to help ensure that adequate affordable housing is provided within its jurisdiction; and

WHEREAS, the Borough is desirous of explicitly acknowledging its own discretion to extend the control period on affordable for-sale and rental units within the Borough of Montvale, to ensure that adequate affordable housing is provided within the Borough.

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

Section 1. Sections 130-13, "Control periods for restricted ownership units and enforcement measures," of the Borough of Montvale Code is hereby amended and supplemented by adding the underlined text, as follows:

§130-13 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 chapter 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. The Borough shall have the sole discretion to release the controls, or extend the controls, at the expiration of the control period.
- 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 nonrestricted, 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 nonexempt sale after the unit's release from the restrictions set forth in this chapter, an amount equal to the difference between the unit's nonrestricted 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 chapter 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.

Section 2. Sections 130-18, "Control periods for restricted units," of the Borough of Montvale Code is hereby amended and supplemented by adding the underlined text, as follows:

§130-18 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 chapter 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. The Borough shall have the sole discretion to release the controls, or extend the controls, at the expiration of the control period.
- 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 chapter 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.

Section 3. Any article, section, paragraph, subsection, clause, or other provision of the Borough of Montvale Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 5. This ordinance shall take effect immediately upon its passage and publication as required by law.

A motion Introduced for second reading **Ordinance No. 2022-1520** by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only.

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

Carolee Adams

What is the follow up to affordable housing? What happens when people exceed the income limits? The borough attorney stated that this ordinance does not pertain to that, this ordinance allows the borough to extend controls.

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 Lane; seconded by Councilmember Roche; Clerk read by title only. - All ayes on a roll call vote

INTRODUCTION ORDINANCE NO. 2022-1521 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE CODE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, IN ORDER TO REVISE THE TABLE OF ORGANIZATION OF THE POLICE DEPARTMENT

(Public Hearing 6-14-22)

A motion to Introduce Ordinance **2022-1521** for first reading was made by Councilmember Cudequest; 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 Bergen Record; seconded by Councilmember Roche - a roll call was taken – all ayes

INTRODUCTION ORDINANCE NO. 2022-1522 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 385, "VEHICLES AND TRAFFIC," OF THE BOROUGH CODE TO DESIGNATE TWO NEW "STOP INTERSECTIONS" AND TO PROHIBIT U-TURNS AT SUCH LOCATIONS

(Public Hearing 6-14-22)

A motion to Introduce Ordinance **2022-1522** for first reading was made by Councilmember Cudequest; 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 Bergen Record; seconded by Councilmember Koelling - a roll call was taken – all ayes with the exception of Councilmember Roche abstaining.

MINUTES:

May 10, 2022

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

CLOSED/EXECUTIVE MINUTES:

May 10, 2022

A motion to accept the closed session minutes by Councilmember Lane; seconded by Councilmember Cudequest - 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.

95-2022 Awarding A Contract To Media Consultants LLC, as an Extraordinary Unspecifiable Service for MontVale Studio Management, Content Production and Related Services

WHEREAS, the Borough of Montvale is desirous of engaging the services of a professional and reputable company to manage, create content and provide related services concerning the MontVale Studio in order to better serve Borough officials and residents; and

WHEREAS, such services are exempt from public bidding requirements pursuant to *N.J.S.A. 40A:11-5(a)(ii)* and *N.J.A.C. 5:34-2.1* as "extraordinary unspecifiable services"; and

WHEREAS, the Borough has received a proposal to provide such services from Media Consultants, LLC (the "MC Proposal") it has been determined that Media Consultants is essential to the Montvale Cable Access Studio; and

WHEREAS Media Consultants demonstrates the expertise and has proven its reputation in the specialty of television studio management, content production and related services which is essential during this time of the global pandemic; and

WHEREAS, the Council is therefore desirous of awarding a contract to Media Consultants, LLC to perform the above-referenced services for a period of one (1) year, for the prices and on the terms set forth in the Media Consultants Proposal; and

WHEREAS, because the value of this contract exceeds the Borough's applicable pay-to-play threshold, it shall be awarded pursuant to the "alternative" provisions of *N.J.S.A. 19:44A-20.4*, et seq., and Media Consultants has provided a Business Entity Disclosure Certification and all other appropriate documentation pertaining to same.

BE IT FURTHER RESOLVED that the pricing for this contract shall be for a total of \$47,500.00 as set forth in the proposal and shall be for a term of one (1) year commencing May 1st 2022 through April 30, 2023.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk, and all other appropriate officials, shall be and are hereby authorized to execute all contract documents necessary to effectuate the purposes of this resolution, subject to approval as to form by the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Montvale that a contract is hereby awarded to Media Consultants, LLC for of television studio management, consent production and related services, for the prices and on the terms set forth

in the Proposal submitted by Media Consultants, LLC entitled “Borough of MontVale Studio Management Proposal” for the Borough of Montvale which is hereto attached to the original of his resolution.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:11-5(1)(a)(ii), a brief notice stating the nature, duration, service and amount of this contract shall be printed once in the official newspaper of Borough of Montvale, and said notice shall also advise the public that a copy of the final contract shall be on file and available for public inspection at the office of the Borough Clerk.

97-2022 A Resolution Awarding a Contract to Wogisch Services, LLC for the Memorial Baseball/Softball Fields Improvements Program in the Borough of Montvale

WHEREAS, the Borough of Montvale has a need to procure construction services for the Memorial Baseball/Softball Fields Improvements Program in the Borough; and

WHEREAS, the Borough of Montvale, in accordance with the laws of the State of New Jersey, publicly advertised for the receipt of bids under specifications for the Memorial Baseball/Softball Fields Improvements Program; and

WHEREAS, three (3) bids were received on May 12, 2022; and

WHEREAS, after receipt and review of the three (3) bids received, the Borough of Montvale has determined that Wogisch Services, LLC is the lowest responsible bidder for this contract; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that a contract is hereby awarded as follows:

Contractor

Wogisch Services, LLC
1170 Greenwood Lake turnpike
Ringwood, New Jersey 07456

Contract Amount

Base: \$41,000.00

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents necessary to effectuate the purposes of this Resolution, consistent with the Borough’s bid specifications and applicable law, subject to approval as to form by the Borough Attorney.

98-2022 A Resolution Awarding a Contract to American Asphalt & Milling for the LaTrenta Parking Lot Improvements Project in the Borough of Montvale

WHEREAS, the Borough of Montvale has a need to procure construction services for the LaTrenta Parking Lot Improvements Project in the Borough; and

WHEREAS, the Borough of Montvale, in accordance with the laws of the State of New Jersey, publicly advertised for the receipt of bids under specifications for the LaTrenta Parking Lot Improvements Project; and

WHEREAS, the bid provided for a Base Bid plus Alternates A and B; and

WHEREAS, nine (9) were received on May 12, 2022; and

WHEREAS, after receipt and review of the three lowest (3) bids received, the Borough of Montvale has determined that American Asphalt and Milling is the lowest responsible bidder for this contract, for either the Base Bid only, or the Base Bid plus either or both Alternates; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that a contract is hereby awarded as follows:

Contractor

American Asphalt & Milling
 96 Midland Avenue
 Kearny, New Jersey 07032

Contract Amount

Base:	\$289,918.46
Alternate A:	\$ 25,882.50
Alternate B:	\$ 20,000.00
Total:	<u>\$335,800.96</u>

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents necessary to effectuate the purposes of this Resolution, consistent with the Borough’s bid specifications and applicable law, subject to approval as to form by the Borough Attorney.

99-2022 Approving Settlement/Tax Appeal 2021/Celli/27 Bradley Lane/Block 102/Lot 2.04

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Frank E. & Gina M. Celli (hereinafter the “Tax Appeal”), under Docket Number 006061-2021; and,

WHEREAS, the aforesaid tax appeal involves a residential property located at 27 Bradley Lane, and is otherwise referred to as Block 102 Lot 2.04 on the tax assessment map of the Borough (hereinafter the “Subject Property”); and,

WHEREAS, the said Governing Body has been advised of the merits of the aforementioned Tax Appeal settlement by legal counsel and the Borough Tax Assessor; and,

WHEREAS, per the proposed settlement, the Subject Properties’ tax assessment will be reduced from \$1,667,300 to \$1,557,300 for the 2021 tax year; 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 aforesaid Tax Appeal settlement is hereby approved; and,

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

100-2022 Resolution Authorizing The Municipal Tax Collector To Prepare And Mail Estimated Tax Bills In Accordance With P.L. 1994, C. 72

WHEREAS, the Bergen County Board of Taxation has not certified the tax rate and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis; and

WHEREAS, the Municipal Tax Collector, in consultation with the Municipal Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies: and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Montvale in the County of Bergen and the State of New Jersey on this 31st day of May, 2022, as follows:

1. The Municipal Tax Collector is hereby authorized, if determined necessary, to prepare and issue estimated tax bills for the Borough of Montvale for the third installment of 2022 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994 c. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2022 is hereby set at \$52,005,826.36
3. In accordance with law, the third installment of 2022 taxes shall not be subject to interest until the later of August 10, 2022 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

101-2022 A Resolution Approving a Developer’s Agreement with Montvale Family Apartments Urban Renewal, LLC Concerning Property Identified as 161 Summit Avenue, Block 1002 Lots 3 & 5 in the Borough of Montvale

WHEREAS, Montvale Family Apartments Urban Renewal, LLC, as contract purchaser of the premises known as Block 1002, Lots 3 & 5 from the Borough of Montvale, made an application to the Planning Board for site plan approval, variances, waivers, soil movement and related approvals; and

WHEREAS, the Planning Board approved the Development by resolution dated February 15, 2022; and

WHEREAS, pursuant thereto, the Borough, Planning Board and Developer are desirous of executing a Developer’s Agreement setting forth the parties’ respective rights and obligations concerning said approval; and

WHEREAS, a Developer’s Agreement has been negotiated by and between the parties and has been executed by the Developer; and

WHEREAS, prior to the execution by the Mayor, the Developer’s Agreement shall be approved and executed by the Chairman of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED that the Developer’s Agreement dated May 31, 2022, between the Borough of Montvale, the Planning Board of the Borough of Montvale, and Montvale Family Apartments Urban Renewal, LLC is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby directed, authorized and empowered to execute the Developer’s Agreement with the Developer and to take all other steps reasonably necessary to effectuate the provisions and purposes of this resolution.

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

96-2022 A Resolution Approving a Contract with Captain of Police Douglas McDowell

WHEREAS, Captain of Police Douglas McDowell has requested that the Borough provide him with a contract concerning his employment with the Borough of Montvale for the years 2022 through 2023; and

WHEREAS, the Police Committee has engaged in negotiations with the Captain and has recommended execution of a contract that has been provided to the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized and empowered to execute the contract with the Captain of Police, subject to approval as to form by the Borough Attorney.

THIS WILL BE HELD FOR NEXT MEETING

BILLS: Municipal Clerk read the Bill Report

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

ENGINEER’S REPORT:

Andrew Hipolit
Report/Update

- a. NJDOT Fiscal Year 2023 State Aid Program/Grant Submission/Roadway
Recommends to submit application for Magnolia Ave to be pave in 2024

Road paving delayed do the scheduling, it will start this Thursday, it should be completed in two weeks; Status of paving of Kinderkamack Road, hopefully Suez will be pave from the Shell station to the center of town this summer. Mayor Ghassali mentioned Valley View pump station failed, the engineer stated you would have to run a camera to get a video, will contact the emergency contractor and report back at next meeting.

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

The deed for Montvale Family Apartments on Summit has been signed; their plan is to demo the house next week Signed deed Montvale family.

UNFINISHED BUSINESS:

- a. Expanding Permitted Uses in the OR4 Zone/Municipal Planner Report
Hold to next meeting

- b. Resolution/Of Recommendation Montvale Planning Board/Designation of Historical Landmark/ School #2

The process is as follows, the Historic Commission recommends to the Planning Board, the PB has a hearing, then sends it to the governing body at which time a public hearing is scheduled as well. Councilmembers all agreed.

NEW BUSINESS:

Mayor Ghassali mentioned about the phone companies installing 5G, the Mayor asked if the town has any authority as far a placement and poles. The borough attorney stated no, they will use the existing poles. Met with the Business Administrator of Prospect Park, they have an app to report potholes, set an appointment for inspections, etc., very user friendly. Will schedule the company to come in for a presentation. Also, spoke about hiring a grant writer, the mayor will send the information to the finance committee for their review.

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.

A motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Roche – all ayes

Carolee Adams

Look into the Infrastructure Bill; suggested that the Pascack Mayor's Association should contact the new company Veolia (formally Suez) and speak with them regarding the new company; the FAA will not acknowledge a repeated online submission to report a noise complaint; wires hanging on the poles around town, it is ugly, not to mention the possible health concerns; mentioned about the Veterans flags to hang around town in honor of the Vets.

A motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Roche – all ayes

ADJOURNMENT:

Motion to adjourn by Councilmember Lane; seconded by Councilmember Roche – all ayes

Meeting adjourned at 8:15pm

ADJOURNMENT:

The next Regular Meeting of the Mayor & Council will be held on June 14, 2022 at 7:30 p.m. in person.

*******Disclaimer***** Subject to Additions And/or Deletions**

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk