

**AGENDA
PUBLIC MEETING
BOROUGH OF MONTVALE
Mayor and Council Meeting
March 14, 2024
Closed Executive Session to Commence 7:00PM
Meeting to Commence 7:30PM**

CLOSED/EXECUTIVE SESSION:

Motion to move into Executive Session as provided for by Resolution No. 15-2024 adopted on January 1, 2024 and posted on the bulletin board in the Municipal Building

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

- a. Personnel - Rice Notification - Contract Negotiations
 - 1) Police Chief – Doug McDowell
 - 2) Police Captain – Alisha Foley
- b. Acquisition of Property - Attorney Client Privilege – Contract Negotiations

Minutes to be disclosed as per the Open Public Meetings Act 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 Lane
Councilmember Cudequest	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

ORDINANCES:

None

MEETING OPEN TO PUBLIC:

Agenda Items Only

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

February 27, 2024

CLOSED/EXECUTIVE MINUTES:

None

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.

- 72-2024 Resolution Authorizing Person-To-Person & Place-To-Place Transfer for Plenary Retail Consumption License from ERA Hospitality LLC to OSI/Fleming's LLC
- 73-2024 Resolution Authorizing the Public Sale of Certain Municipal Property Identified as Block 804 Lot 17 Owned by the Borough of Montvale Not Required for Public Purposes Pursuant to N.J.S.A.40A:12-13
- 74-2024 Awarding a Contract to Storr Tractor Company for the Purchase of a Clay Infield Groomer and Related Equipment Under Bergen County Co-Op Bid #22-09

RESOLUTIONS: (CONSENT AGENDA*) - continued

- 75-2024 Authorizing the Contract Agreement of Police Chief Douglas McDowell
76-2024 Authorizing the Contract Agreement of Police Captain Alisha Foley
77-2024 A Resolution of the Borough of Montvale Authorizing the Execution of an Agreement with the Pascack Valley Regional High School District Board of Education Concerning the Hiring and Placement of Special Police Officer IIIs at Pascack Hills High School/For the 2024/2025 School Year
78-2024 Authorize Change Order No. 2 for 2021 Road Improvement Program – DLS Contracting, Inc.

BILLS:

REPORT OF REVENUE:

COMMITTEE REPORTS:

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

ATTORNEY'S REPORT:

Dave Lafferty, Esq.
Report/Update

ADMINISTRATOR'S REPORT:

Joe Voytus
Report/Update

UNFINISHED BUSINESS:

- a. Discussion – Rent Control Ordinance

NEW BUSINESS:

- a. Discussion – Bergen County Grants
- b. Discussion - Draft Ordinance – EV Chargers

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:

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on March 26, 2024

Introduction of Municipal Budget to be held on March 26, 2024 at 7:30pm

Public Hearing and Adoption of Municipal Budget to be held on April 30, 2024 at 7:30pm

Informal Town Hall Meeting to be held on March 20, 2024 at 7PM at Senior Community Center

Voting Demonstration to be held on March 27, 2024 at 10am at Senior Community Center

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

WORK SESSION MINUTES

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:30pm. 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 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 - absent
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

Also Present: Mayor Mike Ghassali; Borough Attorney, Dave Lafferty; Administrator, Joe Voytus; Borough Engineer, Jamie Giurintano and Municipal Clerk, Fran Scordo

ORDINANCES:

INTRODUCTION OF ORDINANCE NO. 2024-1549 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 2023-1538 TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF MONTVALE FOR THE YEAR 2024

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

SECTION 1. Each of the offices and positions of employment hereinafter named that are not established or created by virtue of any statutes or of any ordinance, resolution, or other lawful authority heretofore exercised by the Borough of Montvale, is hereby established, created, ratified and confirmed.

SECTION 2. The rate of compensation of the persons holding any of the hereinafter named offices and positions of employment whose compensation shall be on an annual basis and shall be payable semi-monthly is hereby fixed and determined to be as set opposite the title of each of the hereinafter named offices and positions of employment.

Title		2024 Salary Range
1	Borough Administrator	\$110,000 - \$150,000
2	Safety Coordinator	\$5,000 - \$8,000
3	Chief Financial Officer (PT)	\$21,000 - \$30,000
4	Municipal Clerk	\$85,000 - \$110,000
5	Municipal Clerk (PT)	\$65,000 - \$85,000
6	Deputy Municipal Clerk (PT)	\$20,000 - \$55,000
7	Admin. Assistant to Administrator	\$40,000 - \$65,000
8	Tax Collector (PT)	\$62,000 - \$80,000
9	Tax Assessor	\$37,000 - \$45,000

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10	Treasurer/Purchasing Agent	\$78,000	-	\$110,000
11	Deputy Treasurer	\$55,000	-	\$65,000
12	Accounts Payable Clerk	\$42,000	-	\$55,000
Title		2024 Salary Range		
13	Secretary, Planning Board/Land Use Admin. (PT)	\$83,000	-	\$105,000
14	Planning Board Secretary Special Meetings	\$45	-	\$65/hour
15	Board Secretary, Clerical/Recording	\$130	-	\$160
16	Office Manager (PT)	\$4,000	-	\$10,000
17	Board of Health Secretary (PT)	\$7,000	-	\$10,000
18	Registrar Vital Statistics	\$1,000	-	\$6,000
19	Deputy Registrar Vital Statistics	\$500	-	\$2,500
20	Construction Official	\$72,000	-	\$100,000
21	Building Subcode Official and Inspector (PT)	\$30,000	-	\$45,000
22	Zoning Officer (PT)	\$5,000	-	\$11,000
23	Building Subcode and Special Inspections	\$50	-	\$80/hour
24	Administrative Assistant – Planning Board Assistant/ Confidential Secretary/ Board Secretary/ Departmental Coordinator/ Floater	\$40,000	-	\$70,000
25	Facilities Manager, Buildings & Grounds and Property Inspector (PT)	\$20,000	-	\$30,000
26	Property Maintenance Officer (PT)	\$20,000	-	\$25,000
27	Construction Dept. Technical Assistant	\$50,000	-	\$70,000
28	Plumbing Subcode Official and Inspector (PT)	\$30,000	-	\$45,000
29	Plumbing Subcode and Special Inspections	\$50	-	\$80/hour
30	Fire Subcode Official and Inspector (PT)	\$30,000	-	\$45,000
31	Fire Subcode and Special Inspections	\$50	-	\$80/hour
32	Electrical Subcode Official and Inspector (PT)	\$30,000	-	\$45,000
33	Electrical Subcode and Special Inspections	\$50	-	\$80/hour
34	Fire Prevention Official	\$65,000	-	\$105,000
35	Fire Inspector/ Senior/Deputy Fire Official	\$7,600	-	\$30,000
36	Fire Prevention Secretary (PT)	\$1,000	-	\$3,000
37	Municipal Court Administrator	\$75,000	-	\$95,000

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38	Deputy Municipal Court Administrator	\$55,000	- \$75,000
39	Court Security	\$20	- \$27/hour
40	Violations Clerk	\$40,000	- \$60,000
41	Police Secretary	\$42,000	- \$60,000
42	Administrative Assistant for Police Chief	\$50,000	- \$65,000
43	Emergency Mgmt. Coordinator	\$5,000	- \$15,000
44	Deputy Emergency Mgmt. Coordinator	\$3,000	- \$6,000
45	Library Director	\$80,000	- \$105,000
46	Library – Library Adult Services	\$55,000	- \$70,000
47	Library (PT)	\$15.13	- \$55/hour
48	Library (PT) meetings	\$120	- \$225/mtg.
49	Construction Dept. Clerk	\$40,000	\$60,000
49A	Construction Dept. Clerk (PT)	\$20,000	- \$30,000
50	Director of Recreation	\$52,000	- \$70,000
51	Recreation Assistant	\$40,000	- \$55,000
51A	Recreation Assistant (PT)	\$20,000	- \$27,500
52	Recreation Summer Camp Stipend	\$2,000	- \$6,000
53	Summer Camp Counsellors	\$500	- \$2,000
54	Park Monitor (PT)	\$20	- \$26/hour
55	Van Drivers (PT)	\$20	- \$25/hour
56	Station Technicians (PT)	\$15	- \$20/hour
57	Booker Cable Access TV (PT)	\$3,000	- \$6,000
58	Archivist Records Manager/D.A.R.M. (PT)	\$25	- \$28/hour
59	Clerical/Recording Special Meetings	\$20	- \$40/hour
60	Deputy Construction Official	\$75,000	- \$85,000
61	Wellness Coordinator (PT)	\$500	- \$1,000
62	Wellness Incentive Participants	\$300	- \$500
63	Executive Assistant to Police Chief	\$60,000	- \$80,000
64	Coordinator, Off-Duty Details (PT)	\$10,000	- \$15,000
65	Municipal Housing Liaison	\$4,000	- \$8,000
66	Deputy Municipal Housing Liaison	\$3,000	- \$5,000

SECTION 3. The rate of compensation of the persons holding any of the hereinafter named offices, whose compensation shall be on an annual basis and payable semi-monthly, is hereby fixed and determined as follows:

Title		2024 Salary Range	
A.	Municipal Judge	\$40,000	- \$45,000
B.	Mayor	\$8,000	- \$10,000
C.	Councilpersons (each)	\$6,500	- \$8,000

SECTION 4: The rate of compensation of persons holding any of the hereinafter named offices in the Police Department, whose compensation shall be on an annual basis, and payable semi-monthly, is hereby fixed and determined as follows:

Title		2024 Salary Range	
A.	Chief	\$220,000	- \$250,000
B.	Captain	\$200,000	- \$225,000
C.	Lieutenant (Base Wage)	\$171,892	- \$176,705
D.	Sergeants (Base Wage)	\$159,956	- \$164,434
E.	Detective – Additional per year	\$4,500	- \$5,500
F.	Juvenile Officer – Addt'l per year	\$400	- \$400
G.	Asst. Juvenile Officer – Addt'l per year	\$350	- \$350
H.	Special Police Officer Class III (SLEO)	\$50,000	- \$60,000
I.	Special/Auxiliary Police	\$22/hour	- \$28/hour
J.	School Cross Guard/Police Matrons	\$22/hour	- \$28/hour

SECTION 4A: The rate of compensation of persons holding any of the hereinafter named offices in the Police Department whose compensation shall be on an annual basis, and payable semi-monthly, is fixed and determined as follows:

Police Officers Schedule (Base Wage Each)		
0-6 months	\$48,733	- \$50,098
6 months – 1 year	\$55,814	- \$57,377
1 – 2 years	\$62,894	- \$64,655
2 – 3 years	\$77,053	- \$79,211
3 – 4 years	\$91,213	- \$93,767
4 – 5 years	\$105,372	- \$108,322
5 – 6 years	\$119,530	- \$122,877
6 – 7 years	\$133,691	- \$137,435
7 – 8 years	\$147,850	- \$151,990

SECTION 4B: In addition to the compensation stated above, Full Time Employees in Section

4 and Section 4A (excepting the Chief, Captain, and any other employee whose contract specifically excludes longevity), shall be paid an annual longevity increment pursuant to the following schedule:

Years of Service	Officers Hired BEFORE January 1, 2006	Officers Hired AFTER January 1, 2006
Beginning five (5) years	1%	-
Beginning seven (7) years	2%	-
Beginning nine (9) years	3%	1%
Beginning eleven (11) years	4%	2%
Beginning thirteen (13) years	5%	3%
Beginning fifteen (15) years	6%	4%
Beginning seventeen (17) years	7%	5%
Beginning nineteen (19) years	8%	6%
Beginning twenty-one (21) years	-	7%
Beginning twenty-two (22) years	-	8%
Beginning twenty-four (24) years	9%	9%

SECTION 5. The Borough Treasurer shall present semi-monthly or as established by Resolution to the Governing Body for approval warrants drawn to the order of the Borough of Montvale Payroll Account and the Borough of Montvale Salary Account.

At the first meeting of the Governing Body in January of each year, there shall be approved accounts to be designated "The Borough of Montvale Payroll Account" and "The Borough of Montvale Salary Account" and from time to time the Borough Treasurer upon receipt of a warrant for the amount due each Payroll, shall deposit the same to the credit of these accounts, charging the appropriate budgetary accounts therewith. The Borough Treasurer shall thereafter draw checks on said accounts to the employees entitled to payment therefrom.

Any employee hired under the terms of a Special Library Grants; salary will be determined by the Authority making such grant.

The Mayor and Borough Council may by adoption of a resolution and by approved payroll advice, increase compensation (base wage adjustment or one-time merit/bonus increase) of any salaried employee in the above schedule, who has reached their maximum, up to 10% above the pay range maximum.

At each regular meeting of the Governing Body of the Borough of Montvale, the Treasurer shall submit for the approval or ratification as the case may be, the necessary payroll amounts due to the several officers and employees for compensation.

Such officers as may be determined by the Governing Body, as established by resolution, shall be authorized to sign warrants drawn in favor of the Payroll Account, upon due notice that the payrolls

have been approved by the proper certifying authorities.

SECTION 6. This ordinance shall be operative as of the date of its adoption and publication as required by law, and salaries paid shall be adjusted in accordance with the terms of this ordinance.

SECTION 7. All other ordinances and parts of ordinances inconsistent herewith are hereby appealed.

SECTION 8. This ordinance shall take effect immediately upon publication in the manner provided by Law.

*A motion Introduced for second reading **Ordinance No. 2023-1549** by Councilmember Russo-Vogelsang; seconded by Councilmember Koelling; 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 Cudequest - 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 OF ORDINANCE NO. 2024-1550 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE BOROUGH CODE TO AMEND CERTAIN SUBCODE FEES

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

Section 1. Chapter 170, "Construction Codes, Uniform," Section 10, "Construction permit," shall be amended to add the underlined text and delete the bracketed 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: [\$0.055 per cubic foot of building or structure volume.]

- a) New construction for Residential Use Group R5: \$0.060 per cubic foot of building or structure volume.
- b) New construction for all other use groups: \$0.065 per cubic foot of building or structure volume.

(2) Minimum fee for new construction: [\$250.]

- a) New construction for Residential Use Group R5: \$250.
- b) New construction for all other use groups: \$750.

(3) Additions: [\$0.055 per cubic foot of building or structure volume.]

- a) Additions for Residential Use Group R5: \$0.060 per cubic foot of building or structure volume.
- b) Additions for all other use groups: \$0.065 per cubic foot of building or structure volume.

(4) Minimum fee for additions: [\$150.]

- a) Additions for Residential Use Group R5: \$150.
- b) Additions for all other use groups: \$500.

(5) Alterations or renovations: \$20 per \$1,000 of the estimated cost of construction.

(6) Minimum fee for alterations or renovations: \$150.

(7) All other fees shall be as follows:

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(a) Roofs:

- [1] Residential: no fee.
- [2] Commercial: \$200.

(b) Siding: no fee.

(c) Pools:

- [1] Aboveground: \$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: \$100.

- [2] Commercial: \$150.

(h) (Reserved)

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

- (j) Fences: \$75.

(k) Demolition:

- [1] Principal residential: \$400.
- [2] Accessory residential: \$150.
- [3] Commercial: \$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): \$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: [\$75.] \$100.

- (b) Commercial: \$150.

- (2) Residential (per fixture): \$20.

- (3) Commercial (per fixture): \$25.

- (4) Other fees shall be as follows:

- (a) Piping (or fuel oil): \$70.

- (b) Sewer connection: \$75.

- (c) Water service connection: \$75.

- (d) Water heater:

- [1] Residential: \$100.

- [2] Commercial: \$100.

- (e) Boiler:

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

- [2] Commercial: [\$100.] \$125.

- (f) Sewer pump:

- [1] Residential: \$75.

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- [2] Commercial: \$100.
- (g) Air conditioning:
 - [1] Residential: [\$75.] \$100.
 - [2] Commercial: [\$100.] \$125.
- (h) Swimming pools:
 - [1] Residential: [\$75.] \$100.
 - [2] Commercial: [\$100.] \$125.
- (i) Interceptor/separator: \$75.
- (j) Backflow preventer: \$75.
- (k) Refrigeration unit: \$75.
- (l) Chimney liner: \$75.
- (m) Furnace: \$75.
- (n) All other devices:
 - [1] Residential: [\$75.] \$100.
 - [2] Commercial: [\$100.] \$125.
- C. The electrical subcode fees shall be:
 - (1) Minimum fee:
 - (a) Residential: [\$75.] \$125.
 - (b) Commercial: \$150.
 - (2) Fixtures and receptacles:
 - (a) One to 50: \$75.
 - (b) Each additional 25: \$30.
 - (3) Motors:
 - (a) One-eighth horsepower to one horsepower: \$30.
 - (b) One horsepower to 10 horsepower: \$40.
 - (c) Ten horsepower to 50 horsepower: \$50.
 - (d) Fifty horsepower to 100 horsepower: \$100.
 - (e) One hundred horsepower and over: \$400.
 - (4) Electrical devices:
 - (a) One kilowatt to 10 kilowatt: \$75.
 - (b) Ten kilowatt to 45 kilowatt: \$100.
 - (c) Forty-five kilowatt to 112.5 kilowatt: \$200.
 - (d) 112.5 kilowatt and over: \$400.
 - (5) Service:
 - (a) Two hundred ampere: [\$100.] \$125.
 - (b) Six hundred ampere: [\$125.] \$500.
 - (c) One thousand ampere: [\$150.] \$600.
 - (d) Over 1,000 ampere: [\$300.] \$650.
 - (e) Temporary service: \$75.
 - (6) Generators/transformers:
 - (a) One kilowatt to 7.5 kilowatt: \$75.
 - (b) 7.5 kilowatt to 30 kilowatt: \$100.
 - (c) Thirty kilowatt to 60 kilowatt: \$125.
 - (d) Sixty kilowatt to 112.5 kilowatt: \$200.
 - (e) Over 112.5 kilowatt: \$600.
 - (7) Other fees shall be as follows:
 - (a) Heat, smoke, burglar detectors, data, telephone, intercoms:
 - [1] Residential: \$75.
 - [2] Commercial one to 25: \$150.
 - [3] Each additional 25: \$40.
 - (b) Bonding: [\$50.] \$100 per pool.
 - (c) Pools, whirlpools, spas with bonding: \$75.
 - (d) Light standards:

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- [1] One to 10: \$75.
- [2] Each additional: \$10.
- (e) Trench inspections: \$50.
- D. Fire subcode fees shall be:
 - (1) Minimum fee:
 - (a) Residential: \$75.
 - (b) Commercial: \$150.
 - (2) Detectors and sprinkler heads:
 - (a) One to 50: \$200.
 - (b) 51 to 100: \$250.
 - (c) 101 to 200: \$300.
 - (d) 201 to 400: \$600.
 - (e) Over 400: \$1,000.
 - (3) Suppression systems:
 - (a) Fire pump: \$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:
 - [a] First 1 through 10: \$200.
 - [b] Eleven to 50: \$20 each.
 - [c] Over 50: \$25 each.
 - (c) Kitchen hood exhaust systems:
 - [1] Residential: \$75.
 - [2] Commercial: \$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.

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- [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: \$100; administrative fee: \$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 through 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. 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.

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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.

*A motion Introduced for second reading **Ordinance No. 2023-1550** by Councilmember Russo-Vogelsang; seconded by Councilmember Lane; Clerk read by title only.*

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

PUBLIC HEARING OF ORDINANCE NO. 2024-1551 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 181 OF THE BOROUGH CODE TO PROHIBIT THE SALE OF DOGS AND CATS BY RETAIL STORES

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

Section 1: Chapter 181, "Dogs and Other Animals," of the Code of the Borough of Montvale Ordinances is hereby amended and supplemented by adding a new Article III, "Certain Sales Prohibited," as follows:

Article III Certain Sales Prohibited

- §181-26** **Definitions.**
- §181-27** **Prohibition on Sale of Dogs or Cats by Retail Pet Stores.**
- §181-28** **Penalty for violation.**
- §181-26** **Definitions.**

For the purposes of this Article, the following terms shall have the following meanings:

Retail pet store means a commercial establishment that sells or offers for sale animals on its premises at retail.

Sell or offer for sale means to display for sale or to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.

Animal rescue organization means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes. "Animal rescue organization" does not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

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Animal shelter means a facility, whether located in or outside the State of New Jersey, that is authorized to do business within the Borough of Montvale for the purpose of impounding or caring for seized, stray, homeless, abandoned, unwanted, or surrendered animals.

§181-27 Prohibition on Sale of Dogs or Cats by Retail Pet Stores.

- A. Notwithstanding any other provision of law to the contrary, it is unlawful for a retail pet store, as defined in this Article, to sell or offer for sale a dog or a cat.
- B. Nothing in this section shall be construed to prohibit a retail pet store from providing space to an animal rescue organization or an animal shelter, as defined in this Article, to publicly showcase dogs or cats available for adoption.

§181-28 Penalty for violation.

Any violation of this Article shall be subject to the penalties set forth in Chapter 1, General Provisions, Article I, General Penalty. Each sale or offer for sale in violation of this Article shall constitute a separate offense.

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.

*A motion Introduced for second reading **Ordinance No. 2023-1551** by Councilmember Russo-Vogelsang; seconded by Councilmember Cudequest; Clerk read by title only.*

Motion to open meeting to public by Councilmember Lane; seconded by Councilmember Koelling

- all ayes

Catherine Schmidt, 9 Blue Sky Lane

Encouraged the council to pass ordinance

Bonnie Dickenson

She runs a small animal rescue store. Bergen County Animal Shelter has a new Director.

Encouraged council to pass ordinance

Richard, Clifton

He stated that he is an animal rights activist, and he is working with State legislators to make a state ban. He also encouraged council to pass ordinance.

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 Cudequest; Clerk read by title only - All ayes on a roll call vote

MEETING OPEN TO PUBLIC

Agenda Items Only

A motion to open the meeting to the public for agenda items only by Councilmember Lane; seconded by Councilmember Koelling – all ayes

Bob Hanrahan

Has concerns regarding resolution 69 on the agenda. He mentioned that the particular chargers that offered come with cameras, microphones for data collection. The Borough Administrator stated that this a way to get the process started at no cost to the borough by installing these chargers. Bob stated the chargers are manufactured in China. Suggested that the chargers should be vetted thoroughly before installing.

MEETING CLOSED TO PUBLIC

Agenda Items Only

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

MINUTES:

February 8, 2024

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

CLOSED/EXECUTIVE MINUTES:

None

RESOLUTIONS:

63-2024 Authorize The Cancellation of All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs

WHEREAS, this resolution authorizes the municipality to cancel all future taxes due to the granting of totally disabled veteran status by the Department of Veterans Affairs per the Department's letter attached to the original resolution, for Sergio Francisco Lopez. Mr. Lopez is the owner of 27 Hering Road, Block 506, Lot 10; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to cancel all future taxes as per the above.

Introduced by: Councilmember Lane; seconded by Councilmember Cudequest - a roll call was taken - all ayes with the exception of Councilmember Koelling abstaining

64-2024 Refund Overpayment of Taxes - Due to Veteran Exempt Status – Sergio Lopez

WHEREAS, a resolution authorizing the Borough of Montvale to refund the following overpayment of taxes; and

WHEREAS, the owner of 27 Hering Road, Sergio Lopez, is totally exempt from taxes due to his

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Veteran status, his mortgage company made a payment for February 1st installment in the amount of \$3,576.00 which resulted in an overpayment; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund in the amount of \$3,576.00 to Sergio Lopez, of 27 Hering Road, Montvale, NJ 07645

Introduced by: Councilmember Lane; seconded by Councilmember Cudequest - a roll call was taken - all ayes with the exception of Councilmember Koelling abstaining

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.

62-2024 Authorize Change Order No. 1 – 60-Ton HVAC Roof Unit Installation Project for Montvale Borough Hall - C. Dougherty & Co., Inc

WHEREAS, the Borough of Montvale awarded a contract via Resolution No.185-2023 to C. Dougherty & Co., Inc. with offices located 7 Washington Avenue, Paterson, NJ 07503; and **WHEREAS**, the original contract amount was for Base Bid in the amount of \$197,000.00; and **WHEREAS**, the Electrical Sub-Code official has been monitoring the project and recommends the electrical upgrade needs to be completed, quote is attached to the original resolution; and

Contract Amount

Base:	\$197,000.00
Change Order #1	\$ 4,072.54
Adjusted Total:	\$201,072.54

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Montvale authorize Change Order #1 in the amount of \$4,072.54; 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 the above reference change order #1 is hereby approved:

65-2024 Authorize Change Order No. 2 – NJDOT FY 2021 Various Streets, Craig Road - American Asphalt & Trucking, LLC

WHEREAS, the Borough of Montvale awarded a contract via Resolution No.77-2022 to American Asphalt & Trucking, LLC 818 Summer Avenue, Newark NJ 07104 for the Various Streets Craig Road Project; and

WHEREAS, the original contract amount was \$185,564.87; and

WHEREAS, the Borough Engineer, in a letter dated February 12, 2024, which is attached to the original of this resolution and has been monitoring the project recommends in full detail the proposed Change Order #2 in the amount of \$945.07; and

Contractor

Total Contract Amount Base Bid	\$ 185,564.87
Change Order #1	\$ 8,101.37
Change Order #2	\$ 945.07
Adjusted Total Contract Amount	\$ 194,611.31

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NOW THEREFORE BE IT RESOLVED, By the Governing Body of the Borough of Montvale authorize Change Order #2 in the amount of \$945.07; 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 the above reference change order #2 is hereby approved.

66-2024 Resolution Of The Borough of Montvale, County Of Bergen, Opposing Assembly Bill No. 4/Senate Bill No. 50, Which Proposes To Overhall The Fair Housing Act ("FHA") In A Way That Imposes Unrealistic Obligations With Unrealistic Deadlines Based Upon Onerous Standards

Mount Laurel II

WHEREAS, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II; and

WHEREAS, Mount Laurel II and its progeny generated substantial litigation culminating in the enactment of the New Jersey Fair Housing Act in 1985 ("FHA"); and

The Fair Housing Act of 1985

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

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

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

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

The New Jersey Council on Affordable Housing

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

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

WHEREAS, COAH did not adopt valid regulations for Round 3 despite multiple efforts to do so and made no efforts to cure the bottleneck the third time COAH voted 3-3 on Round 3 regulations; and

Mount Laurel IV

WHEREAS, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts in light of COAH's failure to adopt valid regulations; and

WHEREAS, in Mount Laurel IV, the Supreme Court returned the task of implementing the doctrine back to the Courts because COAH had failed to do its job and made no effort to cure the roadblock when it voted 3-3 on the third iteration of Round 3 regulations; and

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

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

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

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

WHEREAS, in that trial and in various other instances throughout the state, FSHC took the

position that the Statewide obligation should exceed 300,000 to be addressed between 2015 and 2025; and

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

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

The 354 Settlements with FSHC

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

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

WHEREAS, many of those Round 3 settlements will result in development during the Round 4 period; and

WHEREAS, Round 4 is set to begin on July 1, 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

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

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

A-4/S-50

WHEREAS, on December 19, 2023, against the above backdrop, the Housing Committee of the Assembly (a) unveiled the Legislation (A-4) – a detailed 69-page bill that the Chairwoman of the Housing Committee announced had been worked on for a long time; and (b) scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

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

WHEREAS, notwithstanding the foregoing, on December 20, 2023, the Housing Committee voted the bill out of the Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

WHEREAS, the perception that the Legislature designed was to adopt the bill before the public had an opportunity to review it and provide meaningful comment was as real as it was unmistakable; and

WHEREAS, consequently, the Legislature did not ram the bill through in the lame duck session; and

WHEREAS, instead, on January 29, 2024, the Housing Committee of the Assembly met to consider a new version of A-4 and voted to release it out of the Committee; and

WHEREAS, on February 8, 2024, as a result of comments, letters and resolutions challenging this new version of A-4, the Appropriations Committee of the Assembly announced a number of changes to the Bill; and

WHEREAS, one witness likened the summary presented to the public at the February 8, 2024 Appropriations meeting to that of an auctioneer; and

WHEREAS, the Appropriations Committee voted the bill out of the Committee at its February 8, 2024 meeting before the public had an opportunity to even see the changes, much less process

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their significance and comment on them; and

WHEREAS, the bill has been improved marginally as it has evolved from its initial version in December of 2023 to the current version voted out of the Appropriations Committee of the Assembly on February 8, 2024; and

WHEREAS, despite elimination of just some of the gross excesses of the prior version of the bill,

the current bill released after the February 8, 2024 Appropriations Committee meeting is still severely flawed; and

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

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

WHEREAS, as detailed below, the bill creates a patently unreasonable responsibility on municipalities by imposing an obligation on them to create a realistic opportunity for satisfaction of a fair share that is itself unrealistic; and

WHEREAS, the current version still details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

WHEREAS, the current version still presumes that 40 percent of all new households will qualify as low or moderate; and

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

WHEREAS, we calculate the statewide need number to be 84,690 based upon the formula set forth in the bill; and

WHEREAS, the current version of the Bill calls for 84,690 to be adjusted by the number of conversions and demolitions; and

WHEREAS, the statewide fair share would be increased from 84,690 to 96,780, if we assume the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3 that will apply in Round 4; and

WHEREAS, we can estimate the obligation of each municipality if we assume that the same percentage of the regional need in Round 3 for each municipality applies in Round 4; and

WHEREAS, we have widely distributed our estimates and invited input after acknowledging that we have done the best we can to formulate estimates in very limited time; and

WHEREAS, other than an analysis of the allocation factors by an expert for the American Planning Association (Creigh Rahenkamp) who identified problems with the allocation factors, nobody has accepted our invitation to review and comment on our rough estimates; and

WHEREAS, to the contrary, the Executive Director of Fair Share Housing Center testified that he did not have a calculation of the fair share numbers; and

WHEREAS, more importantly, no committee of the Assembly or Senate has identified the fair share obligations municipalities should expect based upon the formula set forth in the bill; and

WHEREAS, the 96,780 fair share number estimated for Round 4 compares to the roughly 211,000 COs issued between 2010 and 2020; and

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

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

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

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WHEREAS, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and **WHEREAS**, while this mathematical error conceptually may have existed at COAH, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

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

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

WHEREAS, as detailed below, the Bill still fails to account for the enormous burdens on municipalities to comply with their Round 3 obligations before imposing very substantial additional burdens on those 354 municipalities for Round 4; and

WHEREAS, a representative of FSHC testified that it has entered into 354 settlements and that it would furnish those settlements to the Housing Committee, which it has failed to do; and

WHEREAS, we have pressed FSHC to advise how much development will take place in Round 4 as a result of municipalities implementing the 354 settlements reached in Round 3; and

WHEREAS, Adam Gordon on behalf of FSHC has indicated he doesn't know the answer to this question and no committee of the Assembly or Senate has even hinted at what the answer might be; and

WHEREAS, the Bill requires municipalities to create a realistic opportunity for satisfaction of a fair share without taking into account how many affordable units can realistically be achieved through traditional inclusionary zoning (where generally one out of every five units must be affordable); and

WHEREAS, we also sought to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning by urging the Legislature to do a market study since the strength of the housing market will determine the number of market units that can reasonably be anticipated that are essential to generating one affordable unit for every four market units constructed; and

WHEREAS, the Legislature has not furnished a market study in response to our repeated emphasis on the need for one to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning; and

WHEREAS, as explained below, the bill dilutes the protections to which a municipality is currently entitled as it seeks to comply voluntarily and even after it secures approval of its affordable housing plan; and

WHEREAS, current laws preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", the proposed bill does not give municipalities seeking to comply voluntarily the same measure of protection the Supreme Court deemed appropriate; and

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

WHEREAS, more specifically, A4/S50 provides municipalities a "compliance certification" if the municipality secures approval of its affordable housing plan; however, that certification does not prevent an interested party from "alleging that, despite the issuance of compliance certification, a municipality's fair share obligation, fair share plan, housing element, or ordinances implementing the fair share plan or housing element are in violation of the Mount Laurel doctrine"; and

WHEREAS, the Bill suffers from a myriad of additional flaws; and

WHEREAS, under current laws, a municipality would have a right to rely on the fair share number that COAH provides; however, under the new bill a municipality would only have a presumption of validity that the number the DCA provides to the municipality is appropriate and FSHC, a deep pocketed developer or any other interested party could seek to overcome that presumption

through litigation; and

WHEREAS, the A4/S50 Bill replaces a straightforward system by which a municipality could secure bonus credits up to a 25 percent cap with a highly complicated system for securing bonuses with many conditions attached to various forms of bonus.; and

WHEREAS, the Legislature previously capped the fair share of any municipality down to 1,000 in

recognition that any obligation above 1,000 would be "onerous"; A4/S50 applies the 1,000-unit cap only to a component of the municipality's fair share -- the prospective need -- and authorizes the imposition of an obligation that is onerous; and

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

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

WHEREAS, as a result of the facts set forth above, a bill that boasts of its effectiveness in reducing costs and litigation will clearly have the exact opposite effect; and

WHEREAS, in addition to all the concerns expressed above, a bill that so radically changes the affordable housing laws of our state still needs considerable work; and

WHEREAS, indeed, as the following facts demonstrate, the Legislature has yet to do the most fundamental due diligence before enacting a statute with such broad ramifications;

The Legislature has not and cannot inform the public of the fair share obligations the bill, if enacted, would impose on the public;

The Legislature has not and cannot inform the public of the obligations that municipalities will satisfy in Round 4 from the 354 settlements achieved in Round 3 before heaping substantial additional burdens on them for Round 4;

The Legislature has not and cannot inform the public of the number of affordable units that can realistically be achieved through traditional inclusionary zoning while imposing obligations on municipalities to create a realistic opportunity for a fair share that far exceeds any number a municipality can realistically achieve through inclusionary zoning; and

WHEREAS, as a result of the pronounced lack of due diligence, the bill will likely force taxes to increase dramatically and will foster serious overdevelopment creating unreasonable burdens on our schools, public services, roads, sewer and water infrastructure; and

WHEREAS, the Legislature clearly can and should upgrade the affordable housing policies of our State; however, the current Version of A4 is not the answer and the most fundamental diligence can and should be exercised before adopting such a bill.

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

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

67-2024 Authorize the submission of an application for the 2024 NJDCA Local Recreation Improvement Grant

WHEREAS, the Borough of Montvale desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$ 100,000.00 to carry out a project to construct a shade structure at Huff Park for the Huff Park Improvements.

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BE IT THEREFORE RESOLVED, that the Borough of Montvale does hereby authorize the application for such a grant; and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does

further authorize the expenditure of funds pursuant to the terms of the agreement between Borough of Montvale and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith

68-2024 Authorizing the Advertisement for Receipt of Proposals for Banking Services

WHEREAS, the Borough's Chief Financial Officer is responsible for banking services of municipal funds; and

WHEREAS, the contract with the current primary banking service provider has not been resolicited in a number of years; and

WHEREAS, in seeking the most competitive services, the Chief Financial Officer recommends soliciting proposals for banking services and recommends the selected bank be incorporated into the adopted cash management plan.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council does hereby authorize advertisement for the receipt of proposals for banking services under a "fair and open" process.

70-2024 Amending Resolution No. 47-2024 To Establish Recreational Fees for Year 2024

WHEREAS, The Recreation Department hereby establishes the programs, times and fees for various programs; and

WHEREAS, the Recreation Director has recommended that the following fees, programs, and times be revised as described; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the following fees and programs and services be and are hereby established

TIME SCHEDULE FOR PICKLEBALL COURTS:

Weekdays and Weekends:

8:00AM - Dusk

<u>Program Name</u>	<u>Session Length</u>	<u>Resident Fee</u>	<u>Non-Resident Fee</u>
30+ Basketball	Sept-May	\$75	\$95
	Jan-May	\$40	\$60
Adult Soccer	10 weeks	\$15	\$20
Golf Instruction	6 weeks	\$115	\$135
	8 weeks	\$150	\$170
Pickleball Instruction	6 weeks	\$120	\$140
	8 weeks	\$160	\$180
Summer Camp: Grades 1-5	4 weeks	\$450 per child \$1350 family max	\$500 per child \$1500 family max
Adventure Camp: Grades 6-7	4 weeks	\$550 per child	\$610 per child

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Summer Camp Resident/Non-Resident	<p>\$30 Additional Fee after Registration Period. \$25 late charge for every 15 minutes a child is left under care after camp dismissal. Payment shall be made directly to the Camp Director or Asst. Director and turned over to the Borough of Montvale. Camp financial assistance fee amounts will be at the discretion of the Recreation Director.</p>		
<u>Program Name</u>	<u>Session Length</u>	<u>Resident Fee</u>	<u>Non-Resident Fee</u>
Extended Day Multisport Camp by TGA During Summer Camp Weeks Only	1 week (2:30-6:30pm)	\$220	\$250
Multisport Camp by TGA After Summer Camp Weeks Conclude and/or During School Breaks	1 week (Half Day)	\$245	\$255
	1 week (Full Day)	\$295	\$305
	1 week (Full Day + After Care)	\$375	\$395
The Way- The Art of Life	8 weeks (@ 2 classes per week)	\$120	\$180
Tai Chi	8 weeks	\$80	\$100
Montvale Senior Club Tai Chi Discount:	8 weeks	\$40	\$40
Tennis Lessons	6 weeks	\$120	\$150
	8 weeks	\$160	\$200
Tennis Badges			
Adult (Ages 18-61)	March-December	\$30	\$60
Child (Ages 17 & Younger)	March-December	\$10	\$20
Family Max	March-December	\$60	\$120
Seniors (Ages 62 & Up)	March-December	\$15	\$30
		\$10 Fee for Replacement Tennis Badge	
Basketball Badges			
Adult (Ages 18-61)	Residents: Lifetime Non-Residents: January-December	Free	\$25
Child (Ages 17 & Younger)	Residents: Lifetime Non-Residents: January-December	Free	\$15
Seniors (Ages 62 & Older)	Residents: Lifetime Non-Residents: January-	Free	\$10

BOROUGH OF MONTVALE**FEBRUARY 27, 2024**

	December		
		\$5 Fee for Replacement Basketball Badge	
Pickleball Badges			
Adult (Ages 18-61)	January-December (weather permitting)	\$30	\$100
Child (Ages 17 & Younger)	January-December (weather permitting)	\$10	\$30
Seniors (Ages 62 & Older)	January-December (weather permitting)	\$15	\$100
Family Maximum		\$60	\$200
	\$10 Fee for Replacement Pickleball Badge		
Ultimate Frisbee	6 weeks	\$75	\$95
	8 weeks	\$100	\$120
Volleyball- Adult	January-May	\$240	\$260
Volleyball- Girls	10 weeks	\$200	\$220
Women's Softball- Adult	April - August	\$60	\$70
Yoga	8 weeks	\$80	\$100
Yoga Mini Session	4 weeks	\$40	\$100
Youth Theater	September-December	\$10	\$50

WHEREAS, Borough Owned Recreational Fields and Facilities shall be scheduled by the Borough of Montvale Field Coordinator; and

WHEREAS, Montvale Athletic League ("MAL"), Montvale Recreation and Pascack Hills High School shall have first priority field scheduling use and shall provide a schedule to the Field Coordinator no later than February 1 and June 1 for the respective Spring and Fall seasons.

WHEREAS, MAL, Recreation, Pascack Hills High School and churches are exempt from payment of fees relating to field use.

<u>Facilities</u>	<u>Fee</u>	<u>Resident Team/Corporation</u>	<u>Non-Resident Team/Corporation</u>
Ballfields: Baseball or Softball (Memorial, Fieldstone or LaTrenta)	Per Hour Per Field (2 hour minimum)	\$25	\$50
Turf Fields: Soccer or Lacrosse (Fieldstone)	Per 2 Hour Time Slot Per Field	\$75 (full field) \$50 (half field)	\$150 (full field) \$100 (half field)
Basketball Courts: (Memorial)	Per Hour: Court #2 Only	\$25	\$50
Tennis Court Group Reservation (Memorial or LaTrenta) *Two court maximum reservation at any one location	Per Day	\$25	\$50

BOROUGH OF MONTVALE**FEBRUARY 27, 2024**

Corporation Event Field Reservation (1 scheduled day plus 2 rain dates)	Per Day	\$200	\$400
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Field and Facility Permit Regulations

MAL endorsed programs in sports that are not offered by MAL, and which have Montvale residents participating, shall be charged the resident fee for field use.

Resident Corporation: Any company that owns or leases commercial within the borough.

Non-Resident Corporation: Any company that does not own or lease commercial space within the borough.

Residential Team: Any athletic team comprised of at least 75% of its roster with Montvale residents.

Non-Residential Team: Any team not having at least 75% of its roster filled with Montvale residents.

Time Slot: An uninterrupted 1 or 2 hour time period or any part thereof, that a field/facility is being used by an approved team.

Corporate Fees: Corporate fees paid to the borough for field use, whether Resident Corporation or Non-Resident Corporation, will entitle the user to 1 field reservation time slot and up to 2 additional time slots that are designated as "rain dates".

Season: Spring season will begin March 1 and end July 31. Fall season will begin August 1 and end December 31.

Field/Facility users who provide 7 days or more notice of changes in their scheduled use can receive a time credit if the scheduled hours are decreased. Any changes in field schedules without 7-day notice will not receive a time credit for unused field time. Time credits are only valid for the existing season and the following season.

Lightning Detection Credit Policy: If the lightning detector activates with less than 50% of scheduled time elapsed for that date, the organization shall receive a credit for that day's scheduled timeslot. If the lightning detector activates after 50% of the scheduled time has elapsed, no time credit will be granted.

Payment is required prior to use on all fields or no field use will be granted.

Once field use requests are received in full by February 1st for Spring season and June 1st for Fall season, field use will be established with the following order of preference:

Montvale Athletic League, Recreation and Pascack Hills High School

Resident: Not-For-Profit Entity

Resident: For Profit Entity

Non-Resident: Not-For-Profit Entity

Non-Resident: For-Profit Entity

WHEREAS, it is the Borough of Montvale's intention by the adoption of this resolution that if any prior established fee is in conflict with fee schedule the fees set forth in this fee schedule shall be the fees charged and any conflicting prior fee is hereby superseded, repealed and replaced with the fees adopted pursuant to this resolution.

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

71-2024 Award Professional Service Contract – Design Services for Kinderkamack Road and Magnolia Ave Intersection Concept - Colliers Engineering & Design

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer for Design Services for the improvement of the intersection of Kinderkamack Road and Magnolia Ave; 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 February 22, 2024 to provide engineering 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: Concept Plan Preparation, Meetings and Coordination with Bergen County Engineering Department.
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 Lane; seconded by Councilmember Russo-Vogelsang - a roll call was taken - all ayes

Councilmember Roche asked if we will get reimbursed from the county. Mayor Ghassali stated n, We have to design it.

69-2024 Authorizing an Agreement with Livingston Energy Group for Four (4) 180kW DCFC Electric Vehicle Charging Units and Five (5) Years of Operation of Said Units at No Cost to the Borough

WHEREAS, the Borough of Montvale is committed to supporting the use of electric vehicles and increasing the EV charging infrastructure within the Borough; and

WHEREAS, though Livingston Energy Group, 2345 Maxon Road Ext., Suite 1, Schenectady, New York, the Borough has been able to procure four (4) 180 kW DCFC Electric Vehicle Charging Units, and necessary electrical upgrades, at no cost to the Borough due to rebates from Livingston and Orange and Rockland Utilities; and

WHEREAS, Livingston shall operate the units for an initial period of five (5) years, also at no cost

to the Borough, except to the extent that the Borough utilizes the units to charge Borough-owned electric vehicles for which the Borough will pay the prevailing rates to utilize said units; and **WHEREAS**, the Borough is desirous of approving this agreement with Livingston. **NOW, THEREFORE, BE IT RESOLVED** that the Borough does hereby approve an agreement with Livingston Energy Group for installation and operation of four (4) 180 kW DCFC Electric Vehicle Charging Units at the location identified on the attached Site Plan, for a period of five (5) years, at no cost to the Borough of Montvale.

A motion to withdraw this resolution by Councilmember Lane; seconded by Councilmember Cudequest – all ayes

BILLS: Administrator read the Bill Report

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

ENGINEER'S REPORT:

Jamie Giurintano

Report/Update

Submitted the list of roads to the coop, the bids should go out shortly. Smoke testing for Valley view was completed, it not yield many results. We are compiling quotes to do video testing.

ATTORNEY REPORT:

Dave Lafferty, Esq.

Report/Update

Application for the DePiero's is still pending at the Planning Board; signed the contract with Velia for 127 Summit, looking to close in the next 30 days.

ADMINISTRATOR REPORT:

Joe Voytus

Report/Update

Met with the finance committee, the CFO will be speaking with our auditors to finalized the budget. Joe asked for guidance as to the EV chargers; after a brief discussion, councilmembers decided to have Joe look into different models and manufacturers.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Discussion – Fourth Round Vacant Land Adjustment Analysis

Joe explained this was recommended by our borough planner. This will prepare us for the fourth round of COAH. This will be paid through our housing fund account.

Mayor Ghassali would like to schedule a Town Hall meeting at the senior center for some time in March.

Boro Clerk mentioned that the County Board of Elections is offering to come and show a demonstration on how to use the new voting machine. Councilmembers agreed to set up a date.

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

A person from Paramus who owns a pet store stated that she is opposed to the pet store ban. Her store is inspected by Tyco and her animals are healthy.

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*

Regular Meeting of the Mayor & Council will be held on Thursday, March 14, 2024 at 7:30pm

Respectfully submitted, Frances Scordo, Municipal Clerk

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 72-2024**

RE: Resolution Authorizing Person-To-Person & Place-To-Place Transfer for Plenary Retail Consumption License from ERA Hospitality LLC to OSI/Fleming's LLC

WHEREAS, an application has been filed for a Person-to-Person & Place-to-Place Transfer of Plenary Retail Consumption License Number 0236-33-004-009, heretofore issued to OSI/Fleming's LLC for premise located at 210 Market Street, Montvale, NJ 07645; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the licensed business and all additional financing obtained in connection with the license business;

WHEREAS, advertising requirements have been satisfied which are attached to the original of this resolution and no objections to the transfer were submitted to the Municipal Clerk; and

BE IT RESOLVED, that the Borough of Montvale Governing Body does hereby approve, effective March 14, 2024, the transfer of the aforesaid Plenary Retail Consumption License to OSI/Fleming's, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to OSI/Fleming's, LLC, located at 210 Market Street, Montvale, NJ 07645 effective March 14, 2024."

NOW, THEREFORE BE IT RESOLVED, the Municipal Clerk shall forward a certified copy of this resolution to the Division of Alcohol Beverage Control and to Douglas J. Sherman, Esq, of Post Polak PA on behalf of OSI/Fleming's, LLC.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: March 14, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 73-2024**

Re: Authorizing the Public Sale of Certain Municipal Property Identified as Block 804, Lot 17, Owned by the Borough of Montvale Not Required for Public Purposes Pursuant to N.J.S.A. 40A:12-13

WHEREAS, the *Local Lands and Buildings Law*, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the Borough of Montvale is the owner of certain real property not needed for public use; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13, municipalities are authorized to sell property not needed for public use by open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the municipality or municipalities in which the lands are situated, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale; and

WHEREAS the parcel to be sold, consisting of approximately 0.314 acres, is identified as Block 804, Lot 17 on the official Tax Map of the Borough (hereinafter the "Property"); and

WHEREAS, the Property is presently vacant land that is encumbered by easements for both electric service (Orange and Rockland Utilities) and a gas pipeline (Tennessee Gas); and

WHEREAS the Borough has determined that it is in the best interests of the Borough to sell the Property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, in the County of Bergen and State of New Jersey, that the Property identified herein shall be sold by open public sale at auction for not less than fair market value, said sale being made expressly subject to the following terms and conditions:

Section 1. The Property herein identified shall be sold, pursuant to N.J.S.A. 40A:12-13(a), by open public sale at auction to the highest bidder for not less than fair market value. It is the responsibility of the bidder to determine whether the Property is subject to any encumbrances, liens, zoning regulations, easements, other restrictions, and the Borough makes no representations as to the parcel identified herein:

Identified as Block 804, Lot 17 as depicted on the Tax Assessment Map of the Borough of Montvale

Section 2. Right of reentry. The Borough intends to retain all existing utility easements, if any, and public rights-of-way.

Section 3. The minimum bid for this Property is ten thousand dollars (\$10,000.00), and the Borough of Montvale expressly reserves the right to accept the highest bid received or to reject all bids in its sole discretion.

Section 4. The public auction shall be conducted on **Thursday, April 11, 2024, at 10:00 a.m.** at the Borough of Montvale Municipal Complex, 12 DePiero Drive, Montvale, New Jersey.

Section 5. The Buyer shall further abide by the following terms and conditions:

- A. The Buyer shall conduct all necessary title searches prior to the date of the sale. The cost for any title insurance shall be the responsibility of the Buyer.
- B. The description of the property above is intended as a general guide only and may not be accurate. This lot shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property.
- C. The Buyer, at its sole expense, shall have a right to conduct environmental and other inspections of the Property with results satisfactory to Buyer and its lender but must complete such inspections within thirty (30) days of acceptance of the Buyer's bid at auction.
- D. The Borough Engineer or other approved engineer shall prepare a survey of the entire tract being sold in form and substance satisfactory to the Borough and the Buyer. Said survey shall be at Buyer's sole expense, and said survey shall be certified to the Borough.
- E. The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Borough of Montvale, including, without limitation those concerning disposition of municipal real estate.
- F. No employee, agent or officer of the Borough of Montvale has any authority to waive, modify or amend any of the conditions of the sale, whether orally or in writing.
- G. No employee, agent or officer of the Borough of Montvale shall have the ability to bid on the subject property at auction.
- H. The Property shall be conveyed by Bargain and Sale Deed With Covenant Against Grantor's Acts and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the property to be conveyed.
- I. The Buyer shall deposit cash, check or money order in the amount of not less than 10% of the purchase price at the time that the bid is accepted at the auction. If the prospective Buyer defaults on the contract of sale and/or fails to proceed with the purchase of the Property, the deposit shall be forfeited and shall become the property of the Borough.
- J. The Buyer shall pay at the time of closing:

- (1) The balance of the purchase price;
 - (2) Legal fees incurred by the Borough for transfer of title, including the cost of production of legal documents;
 - (3) Engineering fees incurred by the Borough in determining the exact dimensions of the Property; and
 - (4) The cost of advertisement of the sale.
- K. The Buyer shall covenant and agree to abide by appropriate zoning, subdivision, health and building regulations and codes and shall stipulate that this sale will not be used as grounds to support any variance from the regulations and codes except where such necessary variances are granted.
- L. The purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.

Section 6. No representations of any kind are made by the Borough of Montvale as to the condition of the Property; the Property is being sold in its present condition "as is." The Borough does not warrant or certify title to the Property and in no event shall the Borough of Montvale be liable for any damages to the Buyer/successful bidder if title is found unmarketable for any reason and the Buyer/successful bidder waives any and all right in damages or by way of liens against the Borough, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful bidder to examine title to the Property prior to the closing. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk by the Buyer in writing no later than thirty (30) days after the execution of the contract of sale. Failure upon the part of the Buyer to give written notice within said time shall be deemed conclusive proof that the Buyer accepts the title in its present condition, and the Borough shall not be responsible for any subsequent claims of defect in title and shall not be required to refund money or correct any defect in title or be held liable for damages.

Section 7. Pursuant to *N.J.S.A. 40A:12-13*, the description of the property to be sold and the terms and conditions of said sale shall be published in a newspaper circulating in the municipality in which the lands are situated, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such public auction.

Section 8. Severability. If any section, sentence or any other part of this Resolution is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Resolution but shall be confined in its effect to the section, sentence or other part of this Resolution directly involved in the controversy which such judgment shall be rendered.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: March 14, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 74-2024**

Re: Awarding a Contract to Storr Tractor Company for the Purchase of a Clay Infield Groomer and Related Equipment Under Bergen County Co-Op Bid #22-09

WHEREAS, the Borough of Montvale has a need to procure field grooming equipment for use by the Pascack Valley DPW to maintain Montvale clay infields; and

WHEREAS, Storr Tractor Company has been awarded a contract under Bergen County Co-Op Bid #22-09 to provide a Field Pro 6040 and related equipment which satisfies the needs of the Borough; and

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Borough of Montvale is a member of the Bergen County Co-Op; and

WHEREAS, the DPW Superintendent obtained a quote from Storr Tractor Company, 3191 US 22, Branchburg, New Jersey, 08876, in the total amount of \$39,754.40, a copy of which is attached hereto; and

WHEREAS, the Borough's Chief Financial Officer has certified that sufficient funds have been appropriated and are available for this purchase in the Montvale Open Space Trust Fund, said certification being attached hereto and made a part hereof.

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

1. A contract is hereby awarded to Storr Tractor Company pursuant to the attached quote under Bergen Co-Op Bid #22-09.
2. All appropriate officials, officers and employees are directed, authorized and empowered to take all steps reasonably necessary to effectuate the provisions and purposes of this resolution.
3. This resolution shall take effect immediately.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: March 14, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor



STORR TRACTOR COMPANY

STORRTRACTOR.COM

Wednesday, February 21, 2024

Richard Campanelli
Township of Rivervale DPW
460 Rivervale Rd
Rivervale, NJ 07675

Dear Rich,

As requested I am pleased to submit the following quotation. The products are supported under the Bergen County cooperative contract.

Bergen CoOp
Bid# 22-09

Quantity	Model #	Product Name	Extended MSRP	Bergen CoOp Price
1	08839	Field Pro 6040	\$28,280.00	\$22,624.00
1	08854	Field Pro MultiTool	\$10,863.00	\$8,690.40
1	08861	Box Blade Attachment Holder	\$1,115.00	\$892.00
1	08862	Planer Blade Kit (Set Of 3)	\$782.00	\$625.60
1	08863	Field Edger	\$1,271.00	\$1,016.80
1	08767	QAS Flex Tooth Rake	\$2,276.00	\$1,820.80
1	08905	Rear Storage and Tool Holder Kit	\$520.00	\$416.00
1	08751	QAS Tooth Rake	\$2,161.00	\$1,728.80
1	08756	QAS Drag Mat Carrier System	\$1,995.00	\$1,596.00
1	08757	Steel Drag Mat	\$430.00	\$344.00

In order to have the Planer Blade Kit or the Field Edger you need the Box Blade Attachment Holder. The way I sell most of these units is with all of these attachments except the Tooth Rake, Drag Mat Carrier System and Steel drag mat. The Flex tooth rake usually does a good enough finish job that you don't need all the other stuff.

See Page 2

BRANCHBURG
3191 US 22
Branchburg, NJ 08876
908.722.9830

RONKONKOMA
175 13th Ave
Ronkonkoma, NY 11779
631.588.5222

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 75-2024**

RE: Authorizing the Contract Agreement of Police Chief Douglas McDowell

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Montvale that the following employed is hereby confirmed, effective January 1, 2024 through December 31, 2026.

Police Chief - Douglas McDowell

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted:

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 76-2024**

RE: Authorizing the Contract Agreement of Police Captain Alisha Foley

NOW, THERERFORE BE IT RESOLVED, by the Governing Body of the Borough of Montvale that the following employed is hereby confirmed, effective January 1, 2024 through December 31, 2026.

Police Captain - Alisha Foley

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted:

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 77-2024**

RE: A Resolution of the Borough of Montvale Authorizing the Execution of an Agreement with the Pascack Valley Regional High School District Board of Education Concerning the Hiring and Placement of Special Police Officer IIIs at Pascack Hills High School/For the 2024/2025 School Year

WHEREAS, the State of New Jersey has created a new class of Special Police Officers known as Special Police Officer III (SLEOIII) specifically and solely for the purpose of school security as outlined in NJSA 40A:14-146.10, 40A:14-146.11, 40A:14-146.14, and 40A:14-146.16; and

WHEREAS, the Borough of Montvale (the "Borough") and the Pascack Valley Regional School District (the "District") Board of Education (the "Board") agree that having security personnel that are police officers and specifically trained for school security is a best practice for the safety and security of the students and staff at Pascack Hills High School; and

WHEREAS, the Borough and the Board agree that school security is of the utmost importance to create a safe learning environment for students; and

WHEREAS, the Borough and the Board desire to enter into an agreement concerning the hiring by the Borough and placement of SLEO IIIs in Pascack Hills High School; and

WHEREAS, the Borough and the Board have negotiated an agreement concerning same that is acceptable to the Chief of Police, a copy of which is on file with the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED that the agreement entitled "AGREEMENT CONCERNING THE HIRING AND PLACEMENT OF SPECIAL POLICE OFFICER IIS IN PASCACK HILLS HIGH SCHOOL BY AND BETWEEN THE BOROUGH OF MONTVALE AND PASCACK VALLEY REGIONAL SCHOOL DISTRICT" FOR THE YEAR 2024/2025 is hereby approved, and the Mayor and Borough Clerk are hereby authorized to execute same in substantially the form negotiated, subject to approval as to form by the Borough Attorney; and

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk, and all other appropriate officials are hereby authorized and empowered to take all steps necessary and appropriate to effectuate the purposes of this Resolution.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: March 14, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

AGREEMENT

CONCERNING THE HIRING AND PLACEMENT OF SPECIAL POLICE OFFICER III'S IN PASCACK HILLS HIGH SCHOOL

BY AND BETWEEN THE BOROUGH OF MONTVALE AND PASCACK VALLEY REGIONAL SCHOOL DISTRICT FOR THE SCHOOL YEAR 2024/2025

WHEREAS, the State of New Jersey has created a new class of Special Police Officers known as Special Police Officer III (SLEOIII) specifically and solely for the purpose of school security as outlined in NJSA 40A:14-146.10, 40A:14-146.11, 40A:14-146.14, and 40A:14-146.16; and

WHEREAS, the Borough of Montvale (the "Borough") and the Pascack Valley Regional School District (the "District") Board of Education (the "Board") agree that having security that are police officers and specifically trained for school security is a best practice for the safety and security of the students and staff at Pascack Hills High School; and

WHEREAS, the Borough and the Board agree that school security is of the utmost importance to create a safe learning environment for students.

NOW, THEREFORE, IT IS AGREED by and between the Borough and the District that the Borough of Montvale, through the Montvale Police Department, shall hire and make available SLEOIIIs to Pascack Hills High School under the following terms and conditions:

- 1) Rate of pay. The District shall determine the rate of pay for the SLEOIIIs. For the 2024/2025 school year, the District has set the annual salary for each of the three SLEOIIIs at \$58,968. This will be paid to the SLEOIIIs by the Borough on a semi-monthly basis starting 9/1/2024 through 8/31/2025.
- 2) Classification of SLEOIIIs. All SLEOIIIs shall be classified as "at will" employees who are not entitled to pension, health or other benefits from either the Borough or the District.
- 3) Reimbursement/Payment requirements.
 - a. The District agrees to reimburse the Borough for all allowable costs related to the Borough's hiring, training, outfitting and employment of the SLEOIIIs, which shall include:
 - i. Wages and associated payroll costs for the hours worked by the SLEOIIIs
 - ii. All costs associated with the hiring of SLEOIIIs including uniforms, bulletproof vests, equipment, training hours and any other costs associated with the employment, training and outfitting of SLEOIIIs.

- b. SLEOIII assigned to Pascack Hills High School will turn over timecards signed by the school designee to the Borough of Montvale Police Department for processing on a quarterly basis.
 - c. The Borough shall bill the District for all allowable costs set forth herein on a quarterly basis.
 - d. The District shall reimburse the Borough within thirty (30) days of receipt of a completed bill from the Borough.
- 4) Vetting of officers. The vetting process for SLEOIII hired by the Borough and assigned to Pascack Hills High School will be agreed upon by both entities prior to appointment of the individual officers.
 - 5) Policies and procedures. The Borough of Montvale Police Department will develop policies and procedures governing the use of SLEOIII in consultation with the District Superintendent.
 - 6) Assignment and duties. Assignment and daily duties at Pascack Hills High School will be determined by the District Superintendent or his/her designee in accordance with the established Montvale Police Policies and Procedures and State Law.
 - 7) Training. Police training for SLEOIII will be scheduled and administered by the Montvale Police Department consistent with current policy. All training shall be conducted in consultation with the District to ensure school security is not compromised.
 - 8) Uniforms and equipment. SLEOIII will be armed with Montvale Police Department service weapons and shall wear uniforms with SLEOIII patches as required by State Law.
 - 9) Term of agreement. This Agreement shall be deemed effective as of the start of the 2023/2024 School Year and shall remain in effect until the end of said School Year. This Agreement may be revoked prior to its expiration, by either the District or the Borough, upon thirty days' notice.
 - 10) Modifications in Writing. Modifications or the waiver of any provisions of this Agreement shall in no event be effective unless the same shall be in writing and signed by the parties hereto, and then such modification or waiver shall be effective only in the specific instance and for the specific purpose for which given.
 - 11) Failure to Exercise Rights. Neither any failure nor any delay on the part of either party in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise of any other right, power or privilege.
 - 12) Assignment. There shall be no assignment of this Agreement by any party hereto.
 - 13) Captions. The section headings contained herein are the reference purposes only and shall not in any way affect the meaning or interpretation of the Agreement.
 - 14) Severability. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.
 - 15) Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument.

- 16) Reservation. Except as otherwise expressly set forth in this Agreement, the Borough and the District reserve all of their respective rights and powers under Federal Law and the laws of the State of New Jersey.
- 17) Entire Agreement. This Agreement and its provisions constitutes the entire understanding and agreement of the parties regarding all matters covered herein, and any prior discussions, representations, understandings and agreements are hereby superseded by this Agreement. The parties agree to be bound hereby and acknowledge that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement on the day and year first above written.

WITNESS

BOROUGH OF MONTVALE

Joseph Voytus,
Borough Administrator

Michael Ghassali
Mayor

WITNESS

PASCACK VALLEY REGIONAL HIGH SCHOOL DISTRICT
BOARD OF EDUCATION

[Name]

[Title]

[Name]

[Title]

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 78-2024**

**RE: Authorize Change Order No. 2 for 2021 Road Improvement Program –
DLS Contracting, Inc.**

WHEREAS, the Borough of Montvale awarded a contract via Resolution No.48-2022 to DLS Contracting, Inc. 271 US Hwy 46, Suite D-205 Fairfield, New Jersey 07004 for the 2021 Road Improvement Program; and

WHEREAS, the original contract amount including Alternate A was \$671,739.00; and

WHEREAS, the Borough Engineer, in a letter dated March 8, 2024, which is attached to the original of this resolution has been monitoring the project and recommends in full detail the proposed Change Order #2 to decrease the amount of the contract by \$(46,824.97); and

Contractor

Total Contract Amount Base Bid	\$ 629,096.00
Alternate A	\$ 42,643.00
Change Order #1	\$ 71,801.20
Change Order #2	\$ <u>(46,824.97)</u>
Adjusted Total Contract Amount	\$ 696,715.23

NOW THEREFORE BE IT RESOLVED, By the Governing Body of the Borough of Montvale authorize Change Order #2 in the amount of a decrease \$(46,824.97); and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the above reference change order #1 is hereby approved.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: March 14, 2024

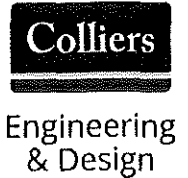
ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

300 Tice Blvd Suite 101
Woodcliff Lake, NJ 07677
Main: 877 627 3772



March 8, 2024

Joseph Voytus, Borough Administrator
Borough of Montvale
12 Depiero Drive
Montvale, NJ 07645

Re: **Contract Adjustment Change Order Request No. 2 (Final)**
2021 Montvale Road Program
Borough of Montvale, Bergen County, NJ
Colliers Engineering & Design Project No. MVB0022

Dear Mr. Voytus,

DLS Contracting, Inc., the Contractor for this project was awarded the contract in the amount of \$671,739.00 per Resolution #48-2022 on January 25, 2022. The project has been completed and the total completed to date amount is \$696,715.23.

Original Contract Amount	\$ 671,739.00
Change Order No. 1 to adjust contract	\$ 71,801.20
<u>Change Order No. 2 (Final) to adjust contract</u>	<u>\$ (46,824.97)</u>
Revised Contract Amount	\$ 696,715.23

The total of Change Orders represents a **3.72%** increase in the total contract cost. Therefore, the revised contract amount is adjusted to \$696,715.23. Our office recommends approval of Change Order No. 2 (Final) in the amount of **-\$46,824.97**.

Thank you for your kind attention to this matter. Should you have any questions, please contact our office.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)

A handwritten signature in black ink, appearing to read "Jamie Giurintano".

Jamie Giurintano, PE, PP, CME
Borough Engineer - Discipline Leader

cc: Mayor and Council (via Administrator)

\\Projects\\M-P\\MVB\\MVB0022\\Project Information\\Bidding and Construction\\Contractor Payments\\Pay App - 3\\DLS Contracting_ChangeOrder 2(Final)_MVB022.xlsx

Borough of Montvale

2021 ROAD PROGRAM

DLS Contracting, Inc.
36 Montesano Rd, Fairfield, NJ 07004
(973) 661-4188

Progress Payment 3

Project No. : MVB022

Date Processed: 8-Mar-24

BASE BID

ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	CONTRACT AWARD VALUE	QTY THIS ESTIMATE	AMT THIS ESTIMATE	QTY PREV ESTIMATE	QTY TO DATE	TOTAL AMOUNT COMPLETED
1	SOIL EROSION AND SEDIMENT CONTROL	LS	1	\$ 1,500.00	\$ 1,500.00	0.00	\$ -	1.00	1.00	\$ 1,500.00
2	TRAFFIC CONTROL MEASURES AND DEVICES	LS	1	\$ 1,500.00	\$ 1,500.00	0.00	\$ -	1.00	1.00	\$ 1,500.00
3	POLICE TRAFFIC DIRECTOR	MAN HOURS	160	\$ 225.00	\$ 36,000.00	0.00	\$ -	200.07	200.07	\$ 45,015.19
4	FUEL PRICE ADJUSTMENT	DOLLAR	600	\$ 1.00	\$ 600.00	39,863.38	\$ 39,863.38	0.00	39,863.38	\$ 39,863.38
5	ASPHALT PRICE ADJUSTMENT	DOLLAR	1,300	\$ 1.00	\$ 1,300.00	51,678.23	\$ 51,678.23	0.00	51,678.23	\$ 51,678.23
6	CLEARING SITE	LS	1	\$ 19,429.00	\$ 19,429.00	0.00	\$ -	1.00	1.00	\$ 19,429.00
7	HMA MILLING, 3" OR LESS	SY	31,615	\$ 3.95	\$ 124,879.25	0.00	\$ -	30,567.00	30,567.00	\$ 120,739.65
8	HOT MIX ASPHALT PAVEMENT REPAIR	SY	4,327	\$ 1.00	\$ 4,327.00	0.00	\$ -	0.00	0.00	\$ -
9	TACK COAT	GAL	4,126	\$ 1.00	\$ 4,126.00	0.00	\$ -	1,632.00	1,632.00	\$ 1,632.00
10	HOT MIX ASPHALT 9.5M64 SURFACE COURSE, 2" THICK	TON	4,149	\$ 80.00	\$ 331,920.00	0.00	\$ -	4,455.02	4,455.02	\$ 356,401.60
11	RESET EXISTING CASTING (INLET)	UNIT	2	\$ 1.00	\$ 2.00	0.00	\$ -	0.00	0.00	\$ -
12	RECONSTRUCTED INLET, TYPE B, USING EXISTING CASTING	UNIT	2	\$ 500.00	\$ 1,000.00	24.00	\$ 12,000.00	0.00	24.00	\$ 12,000.00
13	BICYCLE SAFE GRATE (PHASE II STORMWATER COMPLIANT GRATE)	UNIT	8	\$ 300.00	\$ 2,400.00	0.00	\$ -	0.00	0.00	\$ -
14	CURB PIECE (N/D) TYPE 'N' ECO)	UNIT	9	\$ 300.00	\$ 2,700.00	0.00	\$ -	0.00	0.00	\$ -
15	SEEPAGE INLET, TYPE 'B'	UNIT	1	\$ 5,000.00	\$ 5,000.00	0.00	\$ -	1.00	1.00	\$ 5,000.00
16	REPAIR OF INTERIOR OF DRAINAGE STRUCTURE	UNIT	35	\$ 300.00	\$ 10,500.00	0.00	\$ -	0.00	0.00	\$ -
17	PENNSYLVANIA AVENUE RIP RAP	LS	1	\$ 10,429.00	\$ 10,429.00	0.00	\$ -	0.00	0.00	\$ -
18	CONCRETE SIDEWALK, 4" THICK	SY	34	\$ 75.00	\$ 2,550.00	0.00	\$ -	0.00	0.00	\$ -
19	HOT MIX ASPHALT DRIVEWAY, 2" THICK	SY	60	\$ 35.00	\$ 2,100.00	0.00	\$ -	79.00	79.00	\$ 2,765.00
20	CONCRETE DRIVEWAY, REINFORCED, 6" THICK	SY	39	\$ 80.00	\$ 3,120.00	0.00	\$ -	18.00	18.00	\$ 1,440.00
21	DETECTABLE WARNING SURFACE	SY	2	\$ 200.00	\$ 400.00	0.00	\$ -	0.00	0.00	\$ -
22	9" X 18" CONCRETE VERTICAL CURB	LF	1,740	\$ 30.00	\$ 52,200.00	0.00	\$ -	705.00	705.00	\$ 21,150.00
23	ROLLED ASPHALT CURB	LF	110	\$ 10.00	\$ 1,100.00	0.00	\$ -	0.00	0.00	\$ -
24	TRAFFIC STRIPES, 4"	LF	425	\$ 1.35	\$ 573.75	0.00	\$ -	600.00	600.00	\$ 810.00
25	TRAFFIC MARKING LINES, 6"	LF	300	\$ 1.97	\$ 591.00	0.00	\$ -	96.00	96.00	\$ 189.12
26	TRAFFIC MARKING LINES, 12"	LF	60	\$ 4.00	\$ 240.00	0.00	\$ -	479.00	479.00	\$ 1,916.00
27	TRAFFIC MARKING LINES, 24"	LF	150	\$ 7.75	\$ 1,162.50	0.00	\$ -	0.00	0.00	\$ -
28	TRAFFIC MARKING SYMBOLS	SF	94	\$ 6.75	\$ 634.50	0.00	\$ -	106.00	106.00	\$ 715.50
29	REGULATORY AND WARNING SIGNS	SF	30	\$ 40.00	\$ 1,200.00	0.00	\$ -	37.50	37.50	\$ 1,500.00
30	RESET MANHOLE, SANITARY SEWER, USING EXISTING CASTING	UNIT	2	\$ 1.00	\$ 2.00	0.00	\$ -	0.00	0.00	\$ -
31	SET MANHOLE, SANITARY SEWER, USING NEW CASTING	UNIT	8	\$ 600.00	\$ 4,800.00	0.00	\$ -	0.00	0.00	\$ -
32	TOPSOIL SPREADING, 4" THICK	SY	162	\$ 3.00	\$ 486.00	0.00	\$ -	162.00	162.00	\$ 486.00
33	FERTILIZING AND SEEDING, TYPE ERNMIX-106	SY	162	\$ 1.00	\$ 162.00	0.00	\$ -	162.00	162.00	\$ 162.00
34	STRAW MULCHING	SY	162	\$ 1.00	\$ 162.00	0.00	\$ -	162.00	162.00	\$ 162.00
TOTAL BASE BID					\$ 629,096.00		\$ 103,541.61			\$ 686,054.67

ALTERNATE BID 'A' - ROBERTS ROAD (MARION ROAD TO TERMINAL END)

ITEM	DESCRIPTION	UNIT	QTY	UNIT PRICE	CONTRACT AWARD VALUE	QTY THIS ESTIMATE	AMT THIS ESTIMATE	QTY PREV ESTIMATE	QTY TO DATE	TOTAL AMOUNT COMPLETED
1A	HMA MILLING, 3" OR LESS	SY	2,821	\$ 4.00	\$ 11,284.00	0.00	\$ -	2,665.00	2,665.00	\$ 10,660.00
2A	HOT MIX ASPHALT PAVEMENT REPAIR	SY	651	\$ 1.00	\$ 651.00	0.00	\$ -	0.00	0.00	\$ -
3A	TACK COAT	GAL	368	\$ 1.00	\$ 368.00	0.00	\$ -	0.00	0.00	\$ -
4A	HOT MIX ASPHALT 9.5M64 SURFACE COURSE, 2" THICK	TON	368	\$ 80.00	\$ 29,440.00	0.00	\$ -	0.00	0.00	\$ -
5A	CURB PIECE (NJDEP TYPE 'N' ECO)	UNIT	1	\$ 300.00	\$ 300.00	0.00	\$ -	0.00	0.00	\$ -
6A	REPAIR OF INTERIOR OF DRAINAGE STRUCTURE	UNIT	1	\$ 300.00	\$ 300.00	0.00	\$ -	0.00	0.00	\$ -
7A	SET MANHOLE, SANITARY SEWER, USING NEW CASTING	UNIT	1	\$ 300.00	\$ 300.00	0.00	\$ -	0.00	0.00	\$ -
TOTAL ALTERNATE BID 'A'					\$ 42,643.00		\$ -			\$ 10,660.00

AWARDED CONTRACT AMOUNT: \$ 671,739.00

CHANGE ORDER No. 1: \$ 71,801.20

CHANGE ORDER No. 2: \$ (46,824.97)

ADJUSTED CONTRACT AMOUNT: \$ 696,715.23

TOTAL COMPLETED TO DATE: \$ 696,715.23

RELEASE OF RETAINAGE: \$ -

SUBTOTAL: \$ 696,715.23

LESS PREVIOUS PAYMENTS: \$ (581,310.16)

TOTAL AMOUNT DUE: \$ 115,405.07

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	\$3,538,681.05	Bill List Wire 3/14/2024
	<u>298,786.51</u>	Wires/Manual Checks
Current TOTAL	3,837,467.56	
Capital	50,398.70	Bill List Wire 3/14/2024
Escrow	12,307.00	Bill List Wire 3/14/2024
Housing Trust	2,080.50	Bill List Wire 3/14/2024
Open Space Trust	728.75	Bill List Wire 3/14/2024
General Trust	37.80	Bill List Wire 3/14/2024
Dog Trust	408.60	Bill List Wire 3/14/2024

*This resolution was adopted by the Mayor and Council of Montvale
at a meeting held on 3/14/24*

Introduced by: _____

Approved: 3/14/24

Seconded by: _____

Michael Ghassali, Mayor

ATTEST:

Frances Scordo, Municipal Clerk

MANUAL/VOID CHECKS - WIRES
March 14, 2024

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Vendor/Transaction</u>	<u>Amount</u>
WIRE		2/26/24	Payroll Account-Current	\$190,815.30
WIRE		2/26/24	Salary Deduction Account	\$107,896.21
WIRE		2/26/24	FSA Account	\$75.00
Total				<u><u>\$298,786.51</u></u>

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Borough of Montvale
Bill List By Vendor Id

Page No: 1

P.O. Type: All
Range: First to Last
Format: Condensed
Vendors: All
Rcvd Batch Id Range: First to Last
Include Non-Budgeted: Y
Open: N
Rcvd: Y
Bid: Y
Paid: N
Held: Y
State: Y
Void: N
Aprv: N
Other: Y
Exempt: Y

Vendor #	Name		Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date	Description					
00019		MUNICIPAL CAPITAL CORPORATION					
24-00072	01/11/24	WIDE FORMAT COPY MACHINE LEASE	Open	444.00	0.00		B
24-00123	01/19/24	COPY MACHINE LEASE	Open	199.00	0.00		B
				643.00			
00023		BERGEN CTY UTILITIES AUTHORITY					
24-00245	02/12/24	2024 SEWER SERVICE CHARGES	Open	268,761.63	0.00		B
00027		BT SPECIALTIES					
23-01576	11/27/23	ACCOUNTABILITY TAGS	Open	797.30	0.00		
00043		NORTH JERSEY MEDIA GROUP					
24-00278	02/16/24	NORTH JERSEY MEDIA ADV JANUARY	Open	973.41	0.00		
00055		FOLEY, ALISHA					
24-00266	02/15/24	REIMB DUTY HOLSTER	Open	83.69	0.00		
00063		GANN LAW BOOKS					
24-00030	01/04/24	NJ Planning Zoning Admin Bks	Open	740.00	0.00		
00065		GENERAL CODE PUBLISHERS, LLC					
24-00337	03/05/24	SUPPLEMENT NO. 8	Open	1,858.00	0.00		
00071		VEOLIA (SUEZ)					
24-00358	03/07/24	10003825412222 VEOLIA MARCH	Open	15,645.82	0.00		
00097		CABLEVISION					
24-00345	03/06/24	07873-218840-01-0 OPTIMUM	Open	25.48	0.00		
24-00346	03/06/24	07873-240495-01-5 OPTIMUM	Open	235.64	0.00		
				261.12			
00104		MONTVALE BOARD OF EDUCATION					
24-00022	01/03/24	2024 LOCAL SCHOOL TAXES	Open	1,503,812.00	0.00		B
00111		AACOM BUSINESS SOLUTIONS					
23-01604	11/30/23	SECURITY CAMERAS-12 DEPIERO DR	Open	38,513.20	0.00		
00112		MONTVALE SENIOR CLUB					
24-00228	02/07/24	MONTVALE SENIOR CLUB LUNCHEON	Open	1,208.88	0.00		
00116		VERIZON					
24-00203	02/01/24	651-285-414-0001-73 VERIZON	Open	306.64	0.00		
24-00344	03/06/24	651-285-414-0001-73 VERIZON	Open	312.09	0.00		
				618.73			
00118		NJ STATE LEAGUE OF					
24-00244	02/12/24	MANAGEMENT WORKSHOP - J.VOYTUS	Open	250.00	0.00		

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Borough of Montvale
Bill List By Vendor Id

Page No: 2

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00125	NORTHWEST BERGEN REGIONAL	24-00050	01/08/24	2024 HEALTH SERVICES	Open	5,342.00	0.00		B
00137	PASCACK VALLEY REGIONAL HS DST	24-00021	01/03/24	2024 REGIONAL SCHOOL TAXES	Open	1,216,222.34	0.00		B
00139	SCORDO, FRANCES	24-00340	03/06/24	PETTY CASH FOR FEBRUARY	Open	190.75	0.00		
00146	PSE&G CO.	24-00361	03/11/24	PSE&G FEBRUARY 2024	Open	1,848.96	0.00		
00186	PRIMEPAY, LLC	24-00230	02/07/24	2024 FSA FEES	Open	459.47	0.00		B
00215	TOWNSHIP OF RIVER VALE	24-00023	01/04/24	2024 PASCACK VALLEY DPW	Open	162,020.07	0.00		B
00247	MONTVALE FREE PUBLIC LIBRARY	24-00338	03/06/24	2024 QUARTERLY BUDGET PAYMENT	Open	59,423.50	0.00		B
00250	FIRE AND SAFETY SERVICES LTD	23-01722	12/15/23	EQUIPMENT REPAIR	Open	1,336.51	0.00		
00258	ROCKLAND ELECTRIC COMPANY	24-00356	03/07/24	ROCKLAND ELECTRIC FEBRUARY	Open	14,235.90	0.00		
00329	NJ STATE DEPT. OF HEALTH	24-00226	02/06/24	STATE DOG LICENSE FEE	Open	259.80	0.00		
		24-00349	03/06/24	STATE DOG LICENSE FEE	Open	<u>148.80</u>	0.00		
						408.60			
00379	NJ CONFERENCE OF MAYORS	24-00077	01/16/24	2024 MEMEBERSHIP DUES	Open	395.00	0.00		
00400	FAIRFIELD MAINTENANCE, INC.	23-01410	10/18/23	2024 MONTHLY UST INSPECTIONS	Open	440.00	0.00		B
00440	BERGEN CTY LEAGUE OF MUNICIPAL	24-00286	02/20/24	2024 ANNUAL DUES	Open	150.00	0.00		
00497	LEVITZKI, ANN	24-00302	02/23/24	2024 COURT - CELL PHONE	Open	70.66	0.00		B
00502	BOROUGH OF HILLSDALE	23-01071	08/02/23	CHILD HEALTH CONFERENCE	Open	35.00	0.00		
00554	BERGEN MUNI.EMPL.BENEFITS FUND	24-00024	01/04/24	2024 HEALTH BENEFITS	Open	72,241.00	0.00		B
00635	CDW GOVERNMENT	24-00223	02/06/24	LAPTOP FOR BUILDING DEPT 4TH	Open	2,044.92	0.00		

March 12, 2024
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Borough of Montvale
Bill List By Vendor Id

Page No: 3

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00699	ATLANTIC TOMORROWS OFFICE								
		23-00478	04/04/23	2023 MAINTENANCE CONTRACT	Open	918.72	0.00		B
00730	BOGGIA, BOGGIA, BETESH								
		23-00356	03/03/23	2023 LEGAL FEES	Open	2,728.00	0.00		B
00731	COLLIER'S ENGINEERING & DESIGN								
		23-01096	08/08/23	AFFORD. HOUSING COMPLIANCE '23	Open	2,042.50	0.00		B
		24-00047	01/05/24	OR ZONES PERMITTED USE & BULK	Open	3,203.75	0.00		B
		24-00154	01/24/24	OPEN SPACE & RECREATION PLAN	Open	728.75	0.00		B
		24-00211	02/02/24	MUNICIPAL ENGINEERING REVIEW	Open	926.25	0.00		
		24-00213	02/05/24	MUNICIPAL ENGINEERING REVIEW	Open	7,400.00	0.00		
		24-00235	02/08/24	MUNICIPAL PLANNING REVIEW	Open	680.00	0.00		
		24-00246	02/12/24	2024 BOROUGH PLANNER	Open	2,158.75	0.00		B
		24-00247	02/12/24	MUNICIPAL PLANNING REVIEW	Open	2,266.25	0.00		
		24-00248	02/12/24	MUNICIPAL PLANNING REVIEW	Open	332.50	0.00		
						19,738.75			
00761	KLECHA, ROBERT								
		23-01696	12/13/23	REIMB AIRFARE -Training Conf	Open	936.80	0.00		
00801	WESTPHAL WASTE SERVICES, INC.								
		24-00261	02/14/24	2024 GARBAGE COLLECTION	Open	151,657.50	0.00		B
00896	GIAMMARINO, MICHAEL								
		23-00059	01/09/23	2023 INTERPRETING SERVICES	Open	600.00	0.00		B
		24-00134	01/22/24	INTERPRETER COURT	Open	450.00	0.00		B
						1,050.00			
01020	WORLD INSURANCE ASSOCIATES, LLC								
		24-00236	02/08/24	2024 P.I.A. CONSULTANT BENEFIT	Open	3,669.00	0.00		B
		24-00237	02/08/24	2024 ACCIDENT & HEALTH RENEWAL	Open	340.00	0.00		
						4,009.00			
01028	HAWKEN, CHRISTOPHER								
		24-00269	02/15/24	REIMB HOLSTER	Open	90.71	0.00		
01063	SUMMIT RIDGE CONDOMINIUM								
		23-00590	04/27/23	2023 SNOW & LIGHTING MAXIMUM	Open	1,572.00	0.00		
01121	WOODLAND HEIGHTS HOA INC.								
		23-00592	04/27/23	2023 SNOW & LIGHTING MAXIMUM	Open	1,691.20	0.00		
01123	ENCLAVE AT MONTVALE								
		23-00585	04/27/23	2023 SNOW & LIGHTING MAXIMUM	Open	2,636.00	0.00		
01144	METICULOUS CLEANING SERVICES								
		24-00036	01/04/24	CLEANING OF FIREHOUSE	Open	285.00	0.00		
01278	MCNERNEY & ASSOCIATES, INC								
		24-00205	02/01/24	PROFESSIONAL SERVICES RENDERED	Open	550.00	0.00		

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Vendor #	Name		Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date	Description					
01330	GHASSALI, MICHAEL						
24-00069	01/11/24	MAILCHIMP	Open	75.00	0.00		B
01408	VALLEY VIEW AT MONTVALE COND.						
23-00593	04/27/23	2023 SNOW & LIGHTING MAXIMUM	Open	2,484.00	0.00		
01464	SURENIAN, EDWARDS, BUZAK & NOLAN						
24-00294	02/21/24	PROFESSIONAL SERVICES COAH	Open	38.00	0.00		
01542	WICKERSHEIM & SONS						
24-00191	01/31/24	WATER HEATER TRAIN STATION	Open	2,163.60	0.00		
24-00251	02/14/24	MULTIPLE LEAKING TOILETS	Open	<u>4,190.81</u>	0.00		
				6,354.41			
01624	CMRS-FP						
24-00026	01/04/24	REFILL POSTAGE METER	Open	1,000.00	0.00		B
01643	LORANGER, LISA						
24-00308	02/27/24	MAILCHIMP REIMBURSEMENT	Open	110.00	0.00		
01648	BERGEN COUNTY MCA ASSN.						
24-00049	01/08/24	2024 BCMCAA MEMBERSHIP DUES	Open	40.00	0.00		
01760	UNITED PARCEL SERVICE						
24-00291	02/21/24	F047X6 UPS JANUARY 2024	Open	225.77	0.00		
01767	VERIZON						
24-00342	03/06/24	555-569-014-0001-55 VERIZON	Open	175.64	0.00		
01856	MONTVALE FLORIST						
24-00279	02/20/24	BEREAVMENT FLOWERS JUDY RUSSO	Open	150.00	0.00		
01879	RESERVE AT MONTVALE						
23-00589	04/27/23	2023 SNOW & LIGHTING MAXIMUM	Open	2,304.30	0.00		
01882	PRESTIGE BUSINESS PRODUCTS, INC						
24-00232	02/07/24	toner senior center	Open	78.00	0.00		
01890	GREATAMERICA FINANCIAL SRVCS.						
24-00098	01/17/24	POSTAGE MACHINE LEASE	Open	289.00	0.00		B
01949	AT&T MOBILITY						
24-00209	02/02/24	PD PATROL PHONES	Open	825.30	0.00		
01959	COLONNELLI BROTHERS INC.						
24-00074	01/12/24	SPRING VALLEY AREA SMOKE TEST	Open	11,250.00	0.00		
01980	FULL ESPRESSO & HVAC REPAIRS						
24-00242	02/08/24	REPAIR COFFEE MAKER	Open	512.50	0.00		
02011	HUNTINGTON BAILEY, L.L.P.						
23-00350	03/01/23	2023 LEGAL FEES	Open	1,020.50	0.00		B

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Vendor #	Name						
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02011	HUNTINGTON BAILEY, L.L.P.	Continued					
24-00222	02/06/24	PROFESSIONAL SERVICES RENDERED	Open	<u>635.50</u>	0.00		
				1,656.00			
02032	ALPHA OMEGA INVESTMENT GROUP						
24-00284	02/20/24	dinner meeting	Open	115.55	0.00		
24-00333	03/05/24	DINNER MEETING	Open	<u>111.05</u>	0.00		
				226.60			
02058	MUNICIPAL EMERGENCY SERVICE						
24-00103	01/17/24	EQUIPMENT FIRE	Open	6,034.50	0.00		
02073	SPEEDWELL TARGETS						
23-01700	12/13/23	PD 19X31SILHOUETTE TARGETS	Open	1,015.35	0.00		
02141	REGAN, ROBERT T., ESQ.						
24-00224	02/06/24	MONTVALE MASTER PLAN	Open	97.50	0.00		B
24-00259	02/14/24	ESCROW PAYMENTS	Open	<u>702.00</u>	0.00		
				799.50			
02456	B & H PHOTO						
23-01510	11/13/23	PD THERMAL MONOCULAR IMAGING	Open	4,036.33	0.00		
02559	INS.DESIGN ADMINSTRATORS						
24-00106	01/18/24	2024 VISION BENEFITS	Open	285.00	0.00		B
02757	TYCO ANIMAL CONTROL SERVICES						
24-00206	02/02/24	2024 GEESE CONTROL SERVICES	Open	400.00	0.00		B
24-00207	02/02/24	2024 ANIMAL CONTROL SERVICES	Open	<u>920.00</u>	0.00		B
				1,320.00			
03003	SQ PIZZA MONTVALE LLC						
24-00200	02/01/24	MEAL DLVRY TO RUSSO-VOGELSANG	Open	62.00	0.00		
03060	TRI-STATE TECHNICAL SERVICES						
24-00060	01/10/24	2024 MICROSOFT WEB EXCHANGE	Open	912.00	0.00		B
24-00061	01/10/24	2024 COMPUTER MAINTENANCE	Open	1,628.34	0.00		B
24-00062	01/10/24	2024 ADOBE SOFTWARE/DROPBOX	Open	41.38	0.00		B
24-00250	02/14/24	BUILDING DEPART COMPUTERS	Open	1,380.00	0.00		
24-00282	02/20/24	ZOOM MONTHLY CHARGE COURT	Open	<u>17.05</u>	0.00		
				3,978.77			
03215	UNUM LIFE INSURANCE						
24-00025	01/04/24	2024 LIFE INSURANCE	Open	232.65	0.00		B
03410	CAPALBO'S						
24-00303	02/23/24	Sympathy Basket-Landzberg	Open	89.99	0.00		
03727	STAPLES INC						
24-00256	02/14/24	PD OFFICE SUPPLIES	Open	63.38	0.00		
24-00292	02/21/24	OFFICE SUPPLIES	Open	<u>35.27</u>	0.00		
				98.65			

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Vendor # Name									
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type		
Total Purchase Orders:		97	Total P.O. Line Items:	0	Total List Amount:	3,604,642.40	Total Void Amount:	0.00	

Totals by Year-Fund						
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total
CURRENT FUND 2023	3-01	24,442.23	0.00	24,442.23	0.00	24,442.23
CURRENT FUND 2024	4-01	3,514,238.82	0.00	3,514,238.82	0.00	3,514,238.82
CAPITAL FUND	C-04	50,398.70	0.00	50,398.70	0.00	50,398.70
BOA ESCROW ACCOUNT	E-08	12,307.00	0.00	12,307.00	0.00	12,307.00
OTHER TRUST ACCOUNT	T-03	2,118.30	0.00	2,118.30	0.00	2,118.30
DOG TRUST ACCOUNT	T-12	408.60	0.00	408.60	0.00	408.60
OPEN SPACE TRUST	T-14	728.75	0.00	728.75	0.00	728.75
Year Total:		3,255.65	0.00	3,255.65	0.00	3,255.65
Total Of All Funds:		3,604,642.40	0.00	3,604,642.40	0.00	3,604,642.40

ORDINANCE NO. 2024-1551

AN ORDINANCE OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE CHAPTER 400 "ZONING", ARTICLE VIII "OFF-STREET PARKING AND LOADING" TO AUTHORIZE AND ENCOURAGE ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE-READY PARKING SPACES

WHEREAS, supporting the transition to electric vehicles contributes to the Borough of Montvale's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Borough of Montvale encourages increased installation of EVSE and Make-Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to New Jersey's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, the Borough of Montvale encourages greater ownership and use of electric vehicles, thus the Borough of Montvale is amending the Zoning Ordinance to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

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 Borough Code, Chapter 400 "Zoning," Article VIII "Off-Street Parking and Loading," Section §400-61 "(Reserved)," shall be deleted in its entirety and replaced with the following text:

§400-61 Electric Vehicle Supply/Service Equipment.

A. Purpose.

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

- (1) Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
- (2) Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
- (3) Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
- (4) Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Definitions.

CERTIFICATE OF OCCUPANCY

The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act, and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.N.J.S.A. 52:27D-119 et seq.) and regulations adopted pursuant thereto.

CHARGING LEVEL

The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

ELECTRIC VEHICLE

Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT OR EVSE

The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either

alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

MAKE-READY PARKING SPACE

Means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (N.J.S.A. C:48:25-1 et al.).

PRIVATE EVSE

EVSE that has restricted access to specific users (e.g., single- and two-family homes, executive parking fleet parking with no access to the general public).

PUBLICALLY-ACCESSIBLE EVSE

EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

C. Approvals and Permits.

- (1) ~~An zoning permit application for development~~ submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to N.J.S.A. C:40:55D-70.
- (2) EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in (1) above.
- (3) All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
- (4) The zoning officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Borough of Montvale's land use regulations.
- (5) An application for development ~~for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building~~ shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.N.J.S.A. 40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:

- (a) The proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - (b) All other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - (c) The proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (~~C.N.J.S.A.~~ 52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
- (6) An EVSE parking space ~~y zoning permit~~ application pursuant to Section (5) above shall be deemed complete if:
- (a) the application, including the permit fee and all necessary documentation, is determined to be complete
 - (b) a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - (~~e~~) a one-time written correction notice is not issued by the zoning officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
- (7) EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
- (8) A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces.

- (1) As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - (a) prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;

- (b) within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - (c) within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - (d) Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - (e) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- (2) As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in (1) above shall:
- (a) Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - (b) Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - (c) Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - (d) Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
 - (e) Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - (f) In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
 - (g) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - (h) Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

E. Minimum Parking Requirements.

- (1) All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to the requirements of the zoning district in which they are located.
- (2) A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- (3) All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- (4) Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

- (1) Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
 - (a) EVSE and Make-Ready parking spaces shall comply with the setback requirements applicable to off-street parking areas for the zoning district in which they are located.
 - (b) All EVSE and Make-Ready parking spaces within parking garages or enclosed parking structures shall be located within 50 feet of the vehicular entrance to the garage or structure. In addition, all such buildings shall have at least one (1) car fire blanket for use on electric vehicle fires located at the entrance to such garage or parking structure.
 - (b)(c) Where practically feasible, EVSE and Make-Ready parking spaces shall be located a minimum of 50 feet from any wood-frame building or other structure made of combustible material.

(2) Installation:

- (a) Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
- (b) Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
- (c) To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general

accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

- (d) Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

(3) EVSE Parking:

- (a) Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE while parked in such spaces. Property owners shall propose a reasonable plan or technological solution to ensure compliance with this requirement.
- (b) Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- (c) Public Parking. Pursuant to N.J.S.A. 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space, or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this ~~Municipal Code, or {Section _____}~~. Signage indicating the penalties for violations shall comply with Section (5) below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
- (d) Private Parking. The use of EVSE shall be monitored by the property owner or designee.

(4) Safety

- (a) Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by ~~green-painted pavement lines, and/or curb markings,~~ a ~~green-painted~~ charging pictograph symbol, and appropriate signage pursuant to Section (5) below.
- (b) Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.

- (c) EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in (d) below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- (d) Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- (e) Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- (f) Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Borough of Montvale shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

(5) Signs

- (a) Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- (b) All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- (c) Wayfinding or directional signs ~~, if necessary,~~ shall not be permitted ~~at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.~~
- (d) In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:

[1] Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;

[2] Usage fees and parking fees, if applicable; and

[3] Contact information (telephone number) for reporting when the equipment is not operating or other problems.

(6) Usage Fees

(a) For publicly-accessible municipal EVSE ~~{Optional}~~: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be _____ established by resolution for each hour or kWh that the electric vehicle is connected to the EVSE. ~~{or per kWh}~~.

(b) This fee may be amended by a resolution adopted by the governing body.

(c) Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

Attest:

BOROUGH OF MONTVALE

Fran Scordo, Borough Clerk

Michael Ghassali, Mayor