

**MINUTES  
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:38pm. Adequate notification was published in the official newspaper of the Borough of Montvale. Roll call was taken.

**OPEN PUBLIC MEETING STATEMENT**

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

**ROLL CALL:**

Councilmember Cudequest	Councilmember LaMonica
Councilmember Curry	Councilmember Lane - absent
Councilmember Ghassali	Councilmember Talarico

Also present: Mayor Roger Fyfe; Borough Attorney, Phil Boggia; Borough Engineer, Andy Hipolit; Borough Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo

**PUBLIC HEARING: ORDINANCE NO. 2012-1350** AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 128, ZONING, OF THE BOROUGH OF MONTVALE CODE IN ORDER TO ELIMINATE THE “SED” SPECIALIZED ECONOMIC DEVELOPMENT DISTRICT AND IMPLEMENT A NEW “OR-4” OFFICE AND RESEARCH DISTRICT, TO ESTABLISH THE STANDARDS THEREOF AND TO IMPLEMENT CHANGES AND REVISIONS CONSISTENT WITH THE MASTER PLAN

**WHEREAS**, pursuant to N.J.S.A. 40:55D-62b, the Mayor and Council of the Borough of Montvale are authorized and empowered to adopt and amend the zoning ordinance for the Borough; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-62, amendments to the zoning ordinance must ordinarily be either substantially consistent with the land use and housing elements of the Master Plan, or designed to effectuate such plan elements; and

**WHEREAS**, the Borough’s most recent Master Plan Reexamination Report was duly adopted on April 1, 2008; and

**WHEREAS**, the stated goals of the Master Plan included increasing the Borough’s ratable base, updating regulations relating to land use and traffic generation, and promoting sustainability; and

**WHEREAS**, the Master Plan also recommended eliminating the SED District and replacing same with an Office and Research District in order to eliminate older warehouse and industrial uses which are no longer appropriate; and

**WHEREAS**, the Master Plan also recommended experimentation with multi-story parking garages in the OR and/or SED Districts in order to allow the expansion of office buildings to meet the FAR standard that was originally envisioned for the area; and

**WHEREAS**, the Master Plan further recommended allowing the development of health clubs and hotels in the OR Districts in order to support the OR sector; and

**WHEREAS**, the Master Plan further recommended a relaxation of the impervious lot coverage restrictions in the OR Districts in order to meet modern technology, spatial configuration and parking needs; and

**WHEREAS**, the Master Plan also recommended allowing additional lot coverage via porous pavement as a “green” or “sustainable” development measure; and

**WHEREAS**, the Master Plan further recommended a reduction in the required parking stall size for off-street parking; and

**WHEREAS**, the Master Plan also recommended various other miscellaneous changes to the Borough’s Zoning Ordinance relating to, among other things, definitions, loading and parking requirements in order to reflect changes in State and case law, to regulate new uses, designs and forms of land use, and to supplement the current ordinance with missing definitions, regulations and standards that are helpful in implementing and designing well-engineered and –designed site plans and subdivisions; and

**WHEREAS**, the Mayor and Council have deemed it to be in the best interests of the Borough to amend the Zoning Ordinance and adopt the regulations set forth herein; and

**WHEREAS**, upon passage of this Ordinance upon first reading, it shall be referred to the Planning Board for review and confirmation that the proposed amendments to the Zoning Ordinance and limiting schedule, as set forth in this Ordinance, are consistent with the Borough of Montvale Master Plan or designed to effectuate such elements.

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

**Section 1.** Borough Code Chapter 128, “Zoning,” Article II, “Districts and Zoning Map,” Section 2.1, “Classes of districts,” is hereby amended and supplemented by adding the **bold** text and deleting text, as indicated:

**§ 128-2.1. Classes of districts.**

For the purposes of this ordinance, the Borough of Montvale is hereby divided into the following districts:

- R-40            Single-Family Residence District
- R-15            Single-Family Residence District
- R-10            Single-Family Residence District
- A                Apartment District
- AH-5            Affordable Housing District
- AH-6            Affordable Housing District
- AH-7            Affordable Housing District
- AH-8            Affordable Housing District
- AH-9            Affordable Housing District
- AH-9A           Affordable Housing District
- AH-10A           Affordable Housing District
- AHO-16           Affordable Housing Overlay District
- L/M             Low- and Moderate-Income Affordable Senior Citizen Housing

RI-10	Residential Inclusionary District
RI-10A	Residential Inclusionary District
B-1	Business District
B-2	Business District
OR-1	Office and Research District
OR-2	Office and Research District
OR-3	Office and Research District
<b>OR-4</b>	<b>Office and Research District</b>
T-6	Townhouse-6 District
RCO	Retirement Community Overlay District

**Section 2.** Borough Code Chapter 128, "Zoning," Article III, "Definitions," Section 3.1, "Definitions and word usage," is hereby amended and supplemented by adding the **bold** text and deleting the text, as indicated:

**§ 128-3.1. Definitions and word usage.**

B. Terms defined. Certain words in this ordinance are defined for the purpose thereof as follows:

**ACCESSORY USE**—One ordinarily incidental to the principal use of a building, **whether located within the principal structure or building or within an accessory structure or building, or within the yard of the same lot as the principal use.**

**BUILDING HEIGHT**—The vertical distance between the average ground elevation around the foundation of the building and the elevation of the highest point of the building if the roof is flat or, in the case of sloping roofs, to a point  $\frac{1}{2}$  the distance between the rafter plate and the uppermost point of the roof, inclusive of any parapet, structure, apparatus or equipment included on top of the roof, **except as permitted per § 128-6.3.3.** For purposes hereof, "ground elevation" shall mean the elevation of the property in its undeveloped state or if a new elevation has been approved by the Planning Board or Board of Adjustment in connection with an application for development, such new elevation.

**FITNESS CENTER**—A facility that provides physical fitness, sports and recreational programs and activities, including, but not limited to, the use of weightlifting equipment, running and aerobic exercise equipment, game courts, indoor and outdoor swimming pools, chiropractic, physical therapy and massage services, day camps, wellness assessment, and fitness classes and programs. The permitted accessory structures and uses for fitness centers shall be as follows: indoor and outdoor playgrounds; indoor and outdoor sale of food and beverages; retail sale of health and fitness related items; salons; child activity centers; nutritional centers; saunas, steam rooms, whirlpool baths, spas, showers, lockers and similar uses; waterslides; membership sale offices and preview centers, and all other customary and incidental uses of a fitness center.

**FLOOR AREA**—For the purpose of this ordinance, the aggregate area of all floors, using the outside wall dimensions of all buildings, including **the basement and cellar** area. To the extent that **space within a building** is used for mechanical equipment such as heating and ventilating apparatus or dead storage and is not devoted to the principal use of the building or **is to the extent that the on-grade level or basement or cellar levels of a parking**

**garage** are devoted to off-street parking, **such floor areas**, including aisles, ramps and maneuvering space shall be excluded.

**HOTEL**—A building containing units, each having its only access from an interior corridor, designed and intended to be used as overnight sleeping accommodations for transient guest, which building has a public lobby and full-time management serving the guests and which may contain accessory uses, including, but not limited to, restaurants, sundry shops, convenience shops, or other similar shops, boutiques, spas, salons, post office services, recreational facilities, fitness centers, meeting rooms and indoor and outdoor swimming pools or any other similar accessory uses.

**IMPERVIOUS SURFACE**—Any material that prevents absorption of stormwater into the ground. Impervious surfaces include, for example, but are not limited to **paved driveways, curbs, sidewalks, entranceways, pads or platforms for heating, ventilation and air conditioning equipment, as well as** gravel driveways, pavers or patios. **Improvements that shall be excluded from being counted towards the maximum permitted impervious surface shall include approved surface detention or retention basins, subsurface sewer drainage or utility lines, swimming pools, ponds or fountains, as well as exceptions as set forth in § 128-7.5.1 D and E.**

**MAXIMUM BUILDING COVERAGE**—The maximum **area of a lot permitted to be covered by a building or buildings.** The horizontal projected area of the building and its accessory roofs or porches or similar extension of the building shall be considered parts of the building coverage. Any eave or similar projection in excess of 18 inches shall be considered a part of the building for the computation of building coverage and the distance to the property line.

**MAXIMUM LOT COVERAGE**—The **maximum area** of the lot **permitted to be** covered by any buildings as defined in “**maximum building coverage**” and other impervious surfaces.

**MULTI-LEVEL PARKING GARAGE**—A building or structure consisting of more than one level or story and used for the parking of motor vehicles.

**PARKING SPACE** A space for the parking of a motor vehicle within a public or private parking area or parking garage.

**PRIVATE GARAGE**—A garage used solely for the **parking or storage of motor vehicles of the** occupants of the premises upon which it is located, and in which no business, commercial service or industry connected with motor vehicles is carried on.

**STORY**—That portion of a building included between the surface of any floor and the surface of the floor above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. There shall be excluded from any such definition that portion of a building used entirely for the containment of mechanical equipment and utility service, including heating, ventilating, plumbing and electrical equipment, to the exclusion of any and all office and storage space and access to the exterior of the building, provided that the floor area thereof shall be limited to not more than 6% of the total floor area of any one story of the structure intended to be served. **The on-grade level and all cellar levels of a building devoted to the use of parking, including aisles, ramps and maneuvering space, shall also be excluded.**

**Section 3.** Borough Code Chapter 128, "Zoning," Article V, "District Regulations," Section 5.4, "Office and Research OR-1, OR-2 and OR-3 Districts," is hereby renamed "Office and Research OR-1, OR-2, OR-3 and OR-4 Districts," and is further amended and supplemented by adding the **bold** text and deleting the text, as indicated:

**§ 128-5.4. Office and Research OR-1, OR-2, OR-3 and OR-4 Districts.**

In the Office and Research Districts, no building or land shall be used and no building or other structure shall be built, altered or erected to be used for any purpose other than those specified in Subsections A through F of this section.

- A. Office buildings, including buildings housing professional offices.
- B. Scientific or research laboratories, testing, experimental or computation centers, provided that there shall be no use thereof that is noxious, offensive or hazardous by reason of emission of odor, dust, smoke, noise or electric, magnetic or radioactive waves.
- C. Medical center buildings, hospitals, medical and dental offices, clinics and offices for the practice of veterinary medicine. Nursing homes are specifically prohibited.
- D. Public and private schools (subject to the provisions of § 128-9.5.1 et seq.).
- E. **Municipal buildings, libraries, playgrounds, parks, recreation and essential municipal uses.**
- F. **Conditional uses.**
  - (1) **Fitness centers and hotels shall be permitted only in the OR-4 District provided such uses are located on lots of at least five (5) acres in size and with a minimum lot width of three hundred (300) feet. Additionally, fitness centers and hotels shall also adhere to the requirements of § 128-7.5.1. Relief from the requirements of § 128-7.5.1 shall be treated as "c" variances pursuant to NJSA 40:55D-70(c).**
  - (2) **Public utility building or structure other than an electricity generating plant, gas manufacturing plant or gasometer, subject to the conditional use standards of § 128-9.10.2.**
- G. Accessory uses. Within the **OR-1, OR-2, OR-3 and OR-4** districts, the following accessory uses shall be permitted:
  - (1) Storage of materials or supplies incidental to the principal uses permitted in this district, provided that the materials or supplies are stored within an enclosed building.
  - (2) **Only within the principal building itself and not as freestanding uses,** banks and financial institutions and other service establishments where no products are manufactured, processed or sold, such as the offices of a real estate broker, insurance broker and travel agency.
  - (3) Heliports, helistops and related facilities intended for the takeoff and landing of helicopters and other forms of aircraft are specifically prohibited as an accessory use within the districts.

- (4) Uses customary and incidental to the principal use.
- (5) In the OR-4 District only, multi-level parking garages, provided the lot is more than 5 acres in size and subject to the provisions of § 128-7.5.E.

**Section 4.** Chapter 128, "Zoning," Article V, "District Regulations," Section 5.5, "SED Specialized Economic Development District," of the Borough of Montvale Code is hereby deleted in its entirety and reserved.

**§ 128-5-5. (Reserved)**

**Section 5.** Borough Code Chapter 128, "Zoning," Article VI, "Limiting Schedule; Miscellaneous Regulations," Section 6.3.2, "Accessory buildings," is hereby deleted in its entirety and replaced as follows:

**§ 128-6.3.2. Accessory buildings.**

**A. Other than multi-level parking garages permitted in the OR-4 district pursuant to § 128 7.5, the following regulations shall apply:**

- ~~A.~~ (1) Any accessory building or structure not otherwise provided for under this Code shall be no more than 12 feet in height.
- ~~B.~~ (2) No accessory building or structure shall be located within any required front yard or within the one-third portion of any required rear yard which is most proximate to the rear property line or within the two-third portion of any required side yard which is most proximate to the side property line.
- ~~C.~~ (3) All accessory buildings or structures shall be computed as part of the building and lot coverage calculations.
- ~~D.~~ (4) No accessory building or structure shall exceed 30% of the principal structure's footprint.
- ~~E.~~ (5) Tents or membrane structures shall comply with all zoning requirements as accessory structures and be limited to one structure per lot.
- B. Any accessory building or structure which is connected to a principal building shall be considered part of the principal building and shall meet the same bulk, yard and area requirements for principal buildings in that district.

**Section 6.** Borough Code Chapter 128, "Zoning," Article VI, "Limiting Schedule; Miscellaneous Regulations," is hereby amended and supplemented by adding a new Section 6.3.3, "Maximum height exceptions," as follows:

**§ 128-6.3.3. Maximum height exceptions.<sup>1</sup>**

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<sup>1</sup> These provisions were previously located as footnote 1 of the Limiting Schedule and have been moved here to be part of the text of the zoning ordinance.

The maximum building height shall be as stated in the Limiting Schedule, except that this specified height shall not apply to church steeples, chimneys and flagpoles. The height of ventilators, skylights, air conditioning and any other apparatus which may be carried on the roof level shall be screened and shall not exceed the height limitation unless the Planning Board shall have determined that an exception to the height limitation herein specified is reasonably necessary and does not adversely affect the intent and purpose of the Zoning Ordinance and zone plan and is not injurious to the public welfare. The Planning Board shall be guided, when determining whether there should be an exception to the height limitations imposed by this ordinance, by the following standards:

- A. Not more than 25% of the roof area is devoted to such appurtenances.
- B. Provision is made for architectural screening in harmony with the architecture of the building so that such equipment is not visible from surrounding properties or streets.
- C. That it is not feasible to locate such appurtenances other than on the roof.

**Section 7.** Borough Code Chapter 128, "Zoning," Article VII, "Off-Street Parking and Loading," Section 7.1, "General provisions for off-street parking; nonresidential districts," is hereby amended and supplemented by adding the **bold** text and deleting the, as indicated:

**§ 128-7.1. General provisions for off-street parking; nonresidential districts.**

In all nonresidential districts, all off-street parking areas shall conform to the following requirements:

- B. **Except as provided for pursuant to §128-7.5.1 D and E,** All off-street parking areas shall be surfaced with asphalt, bituminous or cement binder pavement as is prescribed by ordinance of the Borough of Montvale, **and** parking areas and access drives shall be edged by a concrete curb or Belgian block set in concrete a depth of one foot and extending six inches above the paved surface.
- C. **Parking spaces for all non-residential uses shall be a minimum of 18 feet deep and a minimum of 9 feet wide, except that for those areas of a parking lot devoted to employee parking, the width may be reduced to 8½ feet, provided hairpin striping is utilized.**
- E. Parking **spaces** and/or access drives in the rear and side yards shall not be closer than **25 10** feet to any rear or side lot line nor **45 10** feet to any building, **excluding multi-level parking garages.**
- I. Sidewalks, where constructed along the building, shall be located not less than five feet from the building, **unless landscaping beds of a minimum depth of 5 feet are located along 50% of the length of the building to which the sidewalk is adjacent.** Where sidewalks adjoin a parking area or access drive, the sidewalks shall be constructed six inches above the surface of the parking area or access drive.
- K. Within every parking area of 10,000 square feet or more, provision shall be made for **landscaped islands constituting no less than 5% of the total parking area. For every 10 spaces, 1 shade tree within the parking area or within 5 feet of the curb or edge of the parking area, shall be planted.** For the purposes of this section, parking areas will be

considered continuous unless they are separated by a building or landscaped area at least 50 feet in width.

- T. Roof parking **is prohibited throughout Montvale. Except as provided for in § 128-7.5** the establishment, erection and construction of parking structures or tiers intended to provide multilevel parking are prohibited. Underground parking shall be considered as part of the improved area of the lot on which it is situate.

**Section 8.** Borough Code Chapter 128, "Zoning," Article VII, "Off-Street Parking and Loading," Section 7.2, "Off-street parking in residential districts," is hereby amended and supplemented by adding the **bold** text and deleting the text, as indicated:

**§ 128-7.2. Off-street parking in residential districts.**

- A. **Parking for residential uses shall comply with the standards of the Residential Site Improvement Standards at NJAC 5:21.**
- B. Nonresidential uses of public congregation shall provide one off-street parking space for every two persons to be accommodated at any one given time. Other nonresidential uses permitted in the residence district shall provide one off-street parking space for each 200 square feet of floor area devoted to such nonresidential use, which space(s) shall be in addition to parking required for residential use. The off-street parking facilities required for all residential districts shall be on the same plot of parcel on land as the buildings they are intended to serve.

**Section 9.** Borough Code Chapter 128, "Zoning," Article VII, "Off-Street Parking and Loading," Section 7.3, is hereby renamed "Off-street parking for multi-family residential uses," and is hereby further amended and supplemented by adding the **bold** text and deleting the text, as indicated:

**§ 128-7.3. Off-street parking for multi-family residential uses**

- A. The off-street parking facilities for all **multi-family residential uses** shall be on the same plot or parcel of land as the buildings they are intended to serve.
- B. Except as otherwise provided herein, the off-street parking facilities for all **multi-family residential uses** shall comply with all of the provisions of the general requirements for nonresidential districts set forth in § 128-7.1.

**Section 10.** Borough Code Chapter 128, "Zoning," Article VII, "Off-Street Parking and Loading," Section 7.4, "Off-street parking in B-1 and B-2 Business Districts," is hereby amended and supplemented by adding the **bold** text and deleting the text, as indicated:

**§ 128-7.4. Off-street parking in B-1 and B-2 Business Districts.**

- B. Notwithstanding anything herein to the contrary, no parking shall be located less than **15** feet from a boundary line of a residential district except where such boundary line lies in the bed of a mapped street.
- C. Front yard parking shall be permitted but not within ~~45~~ **10** feet of any of the following: a front property line; a front boundary line; an adjacent public street; an adjacent public right-of-way; or a public easement lying wholly or partially within the front yard of the property.

**Section 11.** Borough Code Chapter 128, "Zoning," Article VII, "Off-Street Parking and Loading," Section 7.5, is hereby renamed "Off-street parking in the OR-1, OR-2, OR-3 and OR-4 Districts," and is hereby further amended and supplemented by adding the **bold** text and deleting the text, as indicated:

**§ 128-7.5. Off-street parking in the OR-1, OR-2, OR-3 and OR-4 Districts.**

- A. **Except for fitness centers and hotels, as pursuant to § 128-7.5.1, all uses** in the OR-1, OR-2, OR-3 and OR-4 Office and Research Districts shall **provide** a minimum of one parking space for each 300 square feet of building floor area and a maximum of one parking space for every 200 square feet of building floor area.

**Except as provided for in § 128-7.5.1 C: (1) no more than 15% of the total number of parking spaces provided on the lot shall be permitted in the front yard, and shall be utilized primarily for visitors parking, and no more than 15% of the maximum permitted lot or impervious surface coverage shall be devoted to parking areas in the front yard inclusive of parking spaces, aisles and driveways; and (2) no front yard parking areas or access drives shall be located closer than 75 feet from the front property line.**

- C. Notwithstanding anything herein to the contrary, no on-surface parking, driveways or accessways shall be located less than 50 feet from a boundary line of a residential district except where such boundary line lies in the bed of a mapped street. **The location of multi-level parking garages in the OR-4 District in relation to property lines and adjacent uses and zones, shall meet the minimum requirements of § 128-7.5 E.**
- D. On sites designated as corner lots, parking be permitted in the front yard where such yard does not lie adjacent or opposite to the main entrance to the building, provided that at least one front yard is designated and to the extent that such parking does not extend beyond the building wall associated with such remaining front yard in accordance with the setback requirements established in this article; provided, however, that the setback from the front property line as defined in this ordinance shall not be less than 50 feet.
- E. **Multi-level parking garages shall be permitted in the OR-4 district subject to the following requirements.**
- (1) **No multi-level parking garage shall be permitted on a lot that is smaller than 5 acres in size.**
  - (2) **For the purposes of calculating floor area ratio (FAR), the floor area of multi-level parking garages shall not be counted towards the maximum permitted FAR within the district.**

- (3) The aggregate floor area of all levels of such multi-level parking garages, excluding that level at or nearest the finished grade, shall not exceed 20% of the total lot area.**
- (4) The maximum permitted lot coverage shall be reduced by one percentage point, or proportion thereof, for each five percentage points calculated in Section 128-7.5E(3) above.**
- (5) No more than one multi-level parking garage structure shall be permitted per lot.**
- (6) No multi-level parking garage shall exceed two (2) levels above grade surface parking. The height of the multi-level parking garage shall be at least 5 feet lower than the height of the principal building on the lot. Nothing contained in this paragraph is intended to limit the number of cellar levels of a multi-level parking garage.**
- (7) A roof shall not be required to cover the top level of the multi-level parking garage, provided that a parapet or similar structure is provided around the entire perimeter of the top level. Such parapet or similar structure shall be sufficiently tall to screen all permanently fixed structures, such as stairways or mechanical space, as well as parked vehicles which are to be located on the top level, when viewed from the front, side or rear lot lines.**
- (8) The minimum required setbacks for multi-level parking garages, which may be attached or detached from the principal building, shall be the same as that required for a principal building in that district. However, if the lot on which the multi-level parking garage is to be built adjoins a residential district, the setback from the property line adjoining the residential district, shall be increased by an additional 50 feet.**
- (9) A multi-level parking garage may be attached to a principal building or may be connected to the principal building by roofed bridges or other similar covered walkways. The floor area of such bridges or walkways shall be excluded from the calculation of maximum permitted floor area ratio, and the required yard setbacks in the zone, provided such roofed bridges or walkways are no closer than 25 feet from a property line.**
- (10) No detached multi-level parking garage shall be located more than 100 feet from the principal building.**
- (11) A multi-level parking garage shall be architecturally consistent or compatible with the principal building, and all exposed exterior walls and appurtenances shall be faced with finished materials such as brick or masonry and the like. No more than 50% of any exterior facade shall be open, and a solid wall of not less than 3½ feet in height above each floor level along the exterior of each level of the multi-level garage shall be provided.**
- (12) A vegetated buffer of at least 15 feet in width shall be provided and maintained between the multi-level parking garage and any rear or side lot line.**
- (13) On the top level of any above-grade multi-level parking garage, no light stanchion shall be located within 40 feet of the façade wall of the multi-level parking garage. Lighting for that portion of the top level of the multi-level parking garage in which light stanchions are not permitted may be provided by**

fixtures mounted below the top of the parapet wall. All light fixtures shall be so arranged and shielded so as to reflect light downward and away from all adjoining properties, residential districts and streets. Illumination levels on the top level of a multi-level parking garage shall be reduced to code minimum egress levels one half hour before the use it serves is closed and no earlier than one half hour before it opens, but in no event shall it exceed code minimum levels between 11 PM and 5:30 AM. Light fixtures used to provide code minimum egress lighting after hours shall not be mounted above the top of the parapet wall.

- (14) Section § 128-7.1, paragraphs B and K shall not apply to multi-level parking garages.
- (15) Landscaping or berming or a combination thereof shall be provided around the perimeter of a multi-level parking garage, except for those portions of perimeter walls that face a principal building or those portions of the multi-level parking garage which are used for access to the parking garage. The height of such landscaping and berming shall be a minimum of 8 feet and may consist of existing and new plant material.
- (16) No above-grade multi-level parking garages shall be permitted above or below habitable space of the principal building. No parking levels of cellar parking garages located below habitable space of the principle building shall be visible above the finished grade of the lot upon which it is situated.

**Section 12.** Borough Code Chapter 128, "Zoning," Article VII, "Off-Street Parking and Loading," is hereby amended and supplemented by adding a new Section 7.5.1, "Supplementary requirements for Fitness Centers and Hotels," as follows:

**§ 128-7.5.1 Supplementary requirements for Fitness Centers and Hotels.**

- A. Fitness centers in the OR-4 District shall provide a minimum of one parking space for each 250 square feet of gross floor area and a maximum of one parking space for each 150 square feet of gross floor area.
- B. Hotels in the OR-4 District shall provide a minimum of one parking space per hotel room or 0.75 spaces per hotel room, plus 1 space per 3 seats for any restaurant, conference or meeting room within the hotel, whichever is greater.
- C. Parking in the front yard shall be permitted, but shall be limited to visitors only, and shall not be located closer than 25 feet from the front of the property line.
- D. The maximum impervious lot coverage shall be 45% utilizing standard impervious parking techniques for all paved surfaces. However, alternative porous paving systems may be used to attain a total lot coverage of 70%, with no more than 45% of the lot coverage being impervious surface and up to 25 additional percent of the lot coverage being pervious paving surfaces.
- E. The following paving types shall be counted as alternative porous paving systems:

- (1) Pavers, over a pervious base or turf blocks, both of which are suitable for pedestrian only surfaces, or overflow parking areas and emergency-only access ways; and
  - (2) Porous pavement, suitable for more general and heavier-use vehicular surface applications. Upon approval, an approved, bonded maintenance plan incorporating Best Management Practices shall be required for all pervious surface areas, to minimize siltation of porous paving areas.
- F. In the OR-4 zone the maximum height of fitness centers shall be 3 stories and 45 feet, whichever is less, and the maximum height for hotels shall be 4 stories and 60 feet, whichever is less. The maximum height of accessory structures for these uses, such as waterslides, umbrellas, lifeguard stations, playground equipment and similar installations, shall be 20 feet.

**Section 13.** Borough Code Chapter 128, "Zoning," Article VII, "Off-Street Parking and Loading," Section 7.6, "Off-street loading," is hereby amended and supplemented by adding the **bold** text and deleting the text, as indicated:

**§ 128-7.6. Off-street loading.**

- A. An off-street loading area shall be provided for the loading and unloading of trucks, subject to the following limitations.
- B. In all nonresidential districts, an off-street loading area shall be provided for the loading and unloading of trucks. **However, where an applicant provides credible evidence that a particular non-residential use does not require a dedicated loading space or spaces for such purposes, the Planning Board may waive such a requirement without having to apply the standards for a "c" variance pursuant to NJSA 40:55D-70(c).** No loading or unloading shall be permitted in the front yard. Loading and unloading areas and driveways giving access thereto shall be surfaced with asphalt, bituminous or cement binder and shall be drained to dispose of all surface. All **outdoor** off-street loading and unloading areas shall be well screened to a height of eight feet by the use of appropriate landscaping so as to obscure the view of such areas from all adjacent streets and properties.

**Section 14.** Borough Code Chapter 128, "Zoning," Attachment 1, "Limiting Schedule," is hereby amended and supplemented by adding the **bold** text and deleting the text, as indicated on the schedule attached hereto and expressly made a part hereof.

**Section 15. Planning Board review.**

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Montvale, this Ordinance shall be transmitted to the Planning Board for its review and recommendation.

**Section 16. Severability.**

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the

remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

**Section 17. Effective date.**

This Ordinance shall take effect immediately upon final publication as required by law.

**Section 18. Repeal of inconsistent ordinances.**

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Ordinance No. **2012-1350** was introduced for second reading by Councilmember Curry; seconded by Councilmember Talarico ; Clerk read by title only  
Motion to open meeting to the public by Councilmember Cudequest ; seconded by Councilmember Talarico – all ayes

**Charles Taut, 27 Hillcrest Ave**

Original include with minutes

**Alan Wayne, Bear Nest, Park Ridge**

Raised concerns lights, noise, etc – requesting it should not be change

**Kari Solomon, 16 Pine Street**

De Piero Farm is a staple of the community

**Rich Malaquiere attorney representing THE GYM**

Letter included in original minutes

Mayor Fyfe stated that as far as the DePiero's property the part that is being considered is where the farm stand is, not the back farm land. As for preserving the land, the DePiero's did look into it and felt it wasn't in their best interest dollar wise to restrict the land from being developed. Mayor Fyfe continued by saying that the borough should consider our current corporations and give them lee way to reconstruct their buildings as the need arises;  
Councilmember Ghassali stated to wait and talk to planner; Councilmember Cudequest stated that the Park Ridge residents at the Bear's Nest should be considered as well;  
Mr. Boggia, borough attorney, stated that it is very common to have one planner to work together with both boards;  
Councilmember Talarico stated the it is the council's best interest to protect the farm land – it is the land owner making a business choice;

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

Motion to adopt on Second and Final Reading in the Ridgewood News by Councilmember Talarico; seconded by Councilmember Cudequest; Clerk read by title only

----- A roll call vote was taken --- Councilmembers Cudequest, Curry and Talarico – yes; Councilmember Ghassali – no and Councilmember LaMonica abstained

**PUBLIC HEARING: ORDINANCE NO. 2012-1351 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 121 OF THE BOROUGH CODE AND ESTABLISHING A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM  
(Ltr. Dated 1/10/12 C. Adams**

**WHEREAS**, by P.L. 2007, Chapter 348 a/k/a N.J.S.A. 39:4-8.12, et seq. (the "Act"), the Legislature of the State of New Jersey has determined that the installation of a traffic control signal monitoring system by municipalities complementing local law enforcement could serve as an effective tool in encouraging drivers to observe and obey traffic control devices at intersections, thereby increasing traffic flow and pedestrian safety; and

**WHEREAS**, the Borough of Montvale is desirous of installing traffic control signal monitoring systems at one or more intersections within the Borough of Montvale; and

**WHEREAS**, the Borough has determined that adoption of the Ordinance is in the best interests of the health, safety and welfare of the Borough and its residents.

**NOW, THEREFORE**, be it ordained by the Council of the Borough of Montvale, County of Bergen and State of New Jersey as follows:

**Section 1.** Chapter 121 of the Code of the Borough of Montvale is hereby amended and supplemented by adding a new Article XVI, "Traffic Control Signal Monitoring Systems," as follows:

**Article XVI  
Traffic Control Signal Monitoring Systems**

- § 121-46. Definitions.**
- § 121-47. Installation.**
- § 121-48. Locations of Traffic Control Signal Monitoring Systems.**
- § 121-49. Issuance of a Summons.**
- § 121-50. Use of Recorded Images.**
- § 121-51. Owner's Liability.**
- § 121-52. Fines.**

**§ 121-46. Definitions.**

As used this in section, the following terms shall have the meanings indicated:

"**Act**" means P.L. 2007, Chapter 348, codified at N.J.S.A. 39:4-8.12, et seq.

"**Recorded image**" means a digital image recorded by a traffic control signal monitoring system.

"**Summons**" means a citation alleging a violation of a traffic control signal.

"**Traffic control signal**" means a device, whether manually, electrically, mechanically, or otherwise controlled, by which traffic is alternatively directed to stop and to proceed, and which has been approved by the Commissioner of Transportation in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways."

"**Traffic control signal monitoring system**" means an integrated system or device utilizing a camera, or a multiple camera system, and vehicle sensors which work in conjunction with a traffic control signal and is capable of producing:

- A. high resolution color digital recorded images that show: (1) the traffic control signal while it is displaying a red light; (2) a motor vehicle unlawfully entering and continuing through the intersection while the traffic control signal is displaying a red light; and (3) a portion of the rear of the motor vehicle unlawfully in the intersection sufficient to clearly

reveal the vehicle's license plate and the make and model of the vehicle; and

B. a video recording of the violation that shows the violation occurring.

A digital camera may be used as part of a traffic control signal monitoring system provided the violation images are captured by a digital camera, or a multiple camera system, which produces a set of at least two images for each violation. At least one of the digital color images shall contain the following: (1) the scene of the location where the violation occurred; (2) the violating motor vehicle; (3) the license plate numbers, letters, and issuing jurisdiction; (4) the day, month, and year of the violation; (5) the time of the violation in hours, minutes, and seconds; (6) the amount of time that had passed between the time the light turned red and the violation occurred; and (7) the frame sequence code. This information shall be imprinted along the bottom or top edge of the image frame so as not to obstruct the violation image.

**§ 121-47. Installation.**

The Borough of Montvale hereby determines to install and utilize a traffic control signal monitoring system ("System") at various intersections within the Borough of Montvale with the approval of the Commissioner of Transportation pursuant to the Act.

The System to be installed shall be approved by the Governing Body by resolution.

The Borough shall have the authority to enter into a contract, following a lawful procurement process, for the installation of the System. Any contract that shall contain provisions contrary to the Act shall not be deemed invalid but rather reformed to conform to the Act.

The signs notifying drivers that a System is being utilized shall be approved by the municipal engineer, and shall be placed on each street converging into the affected intersection as required by the Act.

The Municipal Engineer shall inspect and certify the System at least once every six (6) months from the date of its installation.

Any vendor with whom the Borough has entered into a contract concerning the installation and use of a traffic control signal monitoring system pursuant to the Act shall establish a public awareness campaign to notify the public of the intersection at which the system will be installed and of the date on which the system will be activated. The public awareness campaign shall, at a minimum, utilize electronic and print media and shall make available electronically on an Internet website the information required under this subsection.

**§ 121-48. Locations of Traffic Control Signal Monitoring Systems.**

Subject to the approval of the Commissioner of Transportation pursuant to the Act, traffic control signal monitoring systems may be placed at the following locations:

Intersection of Chestnut Ridge Road and Grand Avenue; and

Grand Avenue at Kinderkamack Road/Railroad Avenue

**§ 121-49. Issuance of a Summons.**

The Police Department of the Borough of Montvale shall review the recorded images produced by the System, to determine whether sufficient evidence exists demonstrating that a traffic control signal violation has occurred and shall issue a Summons when appropriate in accordance with the rules of the Court.

**§ 121-50. Use of Recorded Images.**

A. Except as otherwise provided in this section, the recorded images produced by the System shall be available for the exclusive use of the Police Department consistent with and for the purpose of discharging his or her duties under P.L. 2007, Ch. 384.

B. Any recorded image or information produced in connection with the System shall not be deemed a public record under N.J.S.A. 47:1A-1 *et seq.*, or common law. The recorded images shall not be: (i) discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter, or (ii) offered as evidence in any civil or administrative proceeding not directly related to a traffic control signal violation.

C. Any recorded image or information collected in connection with a traffic control signal violation shall not be retained after sixty (60) following the collection of any fine or penalty.

D. If a summons is not issued within ninety (90) days following the traffic control signal violation, all recorded images and any information collected with respect to the traffic control signal violation shall be removed by the Police Department within three (3) business days.

E. The Borough of Montvale shall certify compliance of this Section by filing a report to with the Commissioner of Transportation in accordance with the Act.

**§ 121-51. Owner's Liability.**

A. The liability of the Owner and Operator of a motor vehicle for a traffic control signal violation summons pursuant to the System shall be joint subject to provisions of the Act.

B. Notwithstanding anything in this section to the contrary, the owner of a motor vehicle who is a lessor shall not be liable for a traffic control signal violation summons issued pursuant to this Ordinance and the Act when the motor vehicle is under the control or in the possession of the lessee, if upon notice of a traffic control signal violation, the owner of the motor vehicle which was leased at the time of the offense notifies the clerk of the court where the case is pending, by an affidavit of the name and address of the lessee. The affidavit shall be in a form prescribed by the Administrative Director of the Courts. After providing the name and address of the lessee, the owner shall not be required to attend a hearing of the offense, unless otherwise notified by the court.

**§ 121-52. Fines.**

Any person liable for a traffic control signal violation, pursuant to this Ordinance and the Act, utilizing the System shall be subject to the following fines:

Violation        \$85.00

In no case shall motor vehicle points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) be assessed against any person for a violation occurring under the provisions of this Ordinance.

**Section 2. Repealer.**

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

**Section 3. Severability.**

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**Section 4. Effective Date.**

This Ordinance shall take effect immediately upon approval of the Commissioner of Transportation after passage and publication according to law.

Ordinance No. **2012-1351** was introduced for second reading by Councilmember Curry; seconded by Councilmember Cudequest; Clerk read by title only  
Motion to open meeting to the public by Councilmember Cudequest; seconded by Councilmember Ghassali – all ayes

**Carole Adams, 14 Murray Road**

Letter included with original minutes

**Lillian Crowley, 26 Ladik Place**

Asked the council to reconsider the traffic cameras

Mayor Fyfe stated that the public's feedback is important;

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

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

After a brief discussion by the council, it was decided to table the ordinance by a motion from Councilmember Talarico; seconded by Councilmember LaMonica – all ayes

**PUBLIC HEARING: ORDINANCE NO. 2012-1352** AN ORDINANCE TO AMEND ORDINANCE NO. 2011-1339 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, COUNTY OF BERGEN AND STATE OF NEW JERSEY

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.

<i>Title</i>		<i>2012 Salary Range</i>
1.	Borough Administrator (PT)	\$40,000 - 50,000
2.	<b>Chief Financial Officer (PT)</b>	\$15,000 - 25,000
3.	Municipal Clerk	\$65,000 - 80,000
4.	Deputy Municipal Clerk (PT)	\$38,000 - 45,000
5.	Floater	\$35,000 - 38,000
6.	Tax Collector (PT)	\$50,000 - 60,000
7.	Tax Assessor	\$28,000 - 34,000
8.	Treasurer	\$62,000 - 75,000
<i>Title</i>		<i>2012 Salary Range</i>
9.	Accountant/Purchasing Agent	\$50,000 - 60,000
10.	Accounts Payable Clerk (PT)	\$20 - \$26/hour
11.	Superintendent Public Works	\$100,000 - 112,000
12.	Recycling Coordinator	\$7,000 - 10,000
13.	Road Department Employee	\$60,000 - 65,000
14.	Mechanic	\$70,000 - 80,000
15.	Seasonal Department of Public Works (PT)	\$15 - \$25/hour
16.	Secretary, Planning Board/Zoning Board	\$45,000 - 55,000
17.	Board Secretary, Clerical/Recording	\$100 - 125
18.	Office Manager	\$3,000 - 5,000
19.	Construction Code Official	\$25,000 - 40,000
20.	Building SubCode Official	\$25,000 - 40,000
21.	Zoning Officer	\$7,000 - 9,000
22.	Property Maintenance Officer	\$2,000 - 3,500
23.	Construction Dept. Control Person	\$42,000 - 52,000
24.	Plumbing SubCode Official	\$ 16,000 - 20,000
25.	Fire SubCode Official	\$12,000 - 15,000
26.	Electrical SubCode Official	\$16,000 - 20,000
27.	Elevator SubCode Official	\$7,500 - 10,000
28.	Fire Prevention Official	\$10,000 - 15,000

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29.	Fire Inspector/Sr. Fire Inspector	\$4,000 - 7,000
30.	Municipal Court Administrator	\$50,000 - 75,000
31.	Deputy Municipal Court Administrator	\$38,000 - 46,000
32.	Police Secretary	\$30,000 - 40,000
33.	Admin. Asst./Receptionist/Secretary (PT)	\$17 - \$25/hour
34.	Emergency Mgmt. Coordinator	\$1,500 - 3,300
35.	Library Director	\$70,000 - 85,000
36.	Library – Youth Services Coordinator	\$28,000 - 48,000
37.	Library PT	\$13 - \$37/hour
38.	Library PT meetings	\$100 - \$200/mtg
39.	Facilities Manager/Custodian	\$45,000 - 68,000
40.	Custodian	\$35,000 - 45,000

<b>Title</b>		<b>2012 Salary Range</b>
41.	Director, Public Assistance	\$5,000 - 6,000
42.	Director of Recreation	\$20,000 - 29,000
43.	Dir. Of Recreation – Summer Stipend	\$5,000 - 8,000
44.	Van Drivers (PT)	\$17 - \$20/hour
45.	Station Manager (PT)	\$6,000 - 8,000

**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:

<b>Title</b>		<b>2012 Salary Range</b>
A.	<i>Municipal Judge</i>	\$15,000 - 40,000
B.	<i>Mayor</i>	\$6,990 - 10,000
C.	<i>Councilpersons (each)</i>	\$5,689 - 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:

<b>Title</b>		<b>2012 Salary Range</b>
A.	Chief	\$150,000 - 175,000
B.	Captain	\$135,000 - 145,000

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C.	Lieutenant (Base Wage)	\$120,019 - 147,032
D.	Sergeants (Base Wage)	\$111,685 - 136,822
E.	Detective – Additional per year	\$1,150 -
F.	Juvenile Officer – Addt'l per year	\$400 -
G.	Asst. Juvenile Officer – Addt'l per year	\$350 -
H.	Special/Auxiliary Police	\$18/hour - \$23/hour
I.	School Cross Guard/Police Matrons	\$18/hour - \$23/hour

**SECTION 4A:** The rate of compensation of persons holding any of the hereinafter named offices in the Police Department, hired BEFORE January 1, 2005, whose compensation shall be on an annual basis, and payable semi-monthly, is fixed and determined as follows:

Police Officers Schedule (Base Wage Each) Per Contract hired BEFORE January 1, 2005		
0-6 months	\$34,027 -	41,685
6 months – 1 year	\$44,235 -	54,191
1 – 2 years	\$54,446 -	66,700
2 – 3 years	\$64,655 -	79,207
3 – 4 years	\$74,862 -	91,711
4 – 5 years	\$85,070 -	104,217
5 – 6 years	\$95,277 -	116,721
6 – 7 years	\$103,232 -	126,467

**SECTION 4B:** The rate of compensation of persons holding any of the hereinafter named offices in the Police Department, hired AFTER January 1, 2005, whose compensation shall be on an annual basis, and payable semi-monthly, is fixed and determined as follows:

Police Officers Schedule (Base Wage Each) Per Contract hired AFTER January 1, 2005		
0-6 months	\$34,027 -	41,685
6 months – 1 year	\$38,971 -	47,742
1 – 2 years	\$43,914 -	53,798
2 – 3 years	\$53,800 -	65,909
3 – 4 years	\$63,687 -	78,021
4 – 5 years	\$73,573 -	90,132
5 – 6 years	\$83,459 -	102,243
6 – 7 years	\$93,346 -	114,356
7 – 8 years	\$103,232 -	126,467

**SECTION 4C:** In addition to the compensation stated above, Full Time Employees in Section 4, Categories “C”, “D”, Sections 4A and 4B shall be paid an annual longevity increment pursuant to the following schedule:

<b>Years of Service</b>	<b>Officers Hired BEFORE January 1, 2006</b>	<b>Officers Hired AFTER January 1, 2006</b>
After four (4) years	1%	-
After six (6) years	2%	-
After eight (8) years	3%	1%
After ten (10) years	4%	2%
After twelve (12) years	5%	3%
After fourteen (14) years	6%	4%
After sixteen (16) years	7%	5%
After eighteen (18) years	8%	6%
After twenty (20) years	-	7%
After twenty-two (22) years	-	8%
After twenty-three (23) years	9%	9%

**SECTION 5.** The rate of compensation of persons in the Road Department, whose step advancement shall be on an annual basis, on their anniversary date, and payable semi-monthly, is hereby fixed and determined, as follows:

<b>STEP</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Start Rate</b>	40,811	41,974	43,233
<b>Step 1</b>	43,211	44,443	45,776
Step 2	45,612	46,912	48,319
Step 3	48,012	49,381	50,862
Step 4	50,413	51,850	53,405
Step 5	52,813	54,319	55,948
Step 6	55,214	56,788	58,491
Step 7	57,615	59,257	61,034
Step 8	60,015	61,725	63,577

**SECTION 6.** 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 7.** This ordinance shall be operative as of January 1, 2012, and salaries paid shall be adjusted in accordance with the terms of this ordinance.

**SECTION 8.** All other ordinances and parts of ordinances inconsistent herewith are hereby appealed.

**SECTION 9.** This ordinance shall take effect immediately upon publication in the manner provided by Law.

Ordinance No. **2012-1352** was introduced for second reading by Councilmember Curry; seconded by Councilmember Talarico; Clerk read by title only  
Motion to open meeting to the public by Councilmember Cudequest; seconded by Councilmember Talarico – all ayes

**NO PUBLIC COMMENT**

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

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

**MINUTES:**

January 10, 2012

A motion to accept the minutes by Councilmember Cudequest; seconded by Councilmember Talarico - all ayes Councilmember LaMonica abstained

**RESOLUTIONS:****45-2012 Awarding Contract Extension / Sanitary & Storm Sewer Repairs/Dutra**

**WHEREAS**, the Mayor and Council of the Borough of Montvale awarded a contract after the competitive bidding process on January 25, 2011 for Sanitary and Storm Sewer Repairs

**WHEREAS**, Dutra Excavating & Sewer, Inc. 10 Stone Hollow Road, Montvale, NJ 07645 was awarded the contract and has met all the conditions as stated for said sanitary and storm sewer repairs contract with the Borough of Montvale

**NOW THEREFORE BE IT RESOLVED**, The contract extension price shall be for a total amount of \$18,420.00, for a one year contract with the ability to be extended for two (2) one (1) year extensions, or one (1) two (2) year extension as determined by the Borough and agreed to by the bidder; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the Mayor and Council does hereby award a contract to Dutra Excavating & Sewer, Inc., 10 Stone Hollow Road, Montvale, NJ 07645 and said contract, General Construction and Emergency Repairs for the Sanitary and Storm Sewer repairs are attached hereto and made a part hereof this resolution; and

**BE IT FURTHER RESOLVED** the Municipal Finance Officer certifies funds have been appropriated and said certification is attached to the original of this resolution.

Introduced by: Councilmember Ghassali; seconded by Councilmember Curry All ayes

**46-2012 Tax Appeal Settlement / Block 1501 Lot 25.01 / Sims**

**WHEREAS**, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed on behalf of William J. Sims, Trustee (hereinafter the "Tax Appeal"), under Docket Number 006841-2011, and;

**WHEREAS**, the subject property is located at 20 Brook Avenue, and is otherwise identified as Block 1501 Lot 25.01 on the Tax Assessment maps of the Borough, and;

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

**EAS**, the proposed Tax Appeal settlement would adjust the 2011 tax assessment of the subject property from \$1,407,200 to \$1,225,000, and;

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, that the settlement of the aforesaid Tax Appeal is hereby approved, and;

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

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico All ayes

Councilmember Ghassali asked about billing back the county and the school's portion of the tax appeal; Mayor Fyfe stated no that the municipality is responsible to pay all portions of the refund.

**47-2012 Awarding Contract Tyco Animal Control**

**WHEREAS**, the Board of Health of the Borough of Montvale has received a proposal from Tyco Animal Control Service, 1 Stout Lane, Ho-Ho-Kus, NJ.

**WHEREAS**, said proposal has been reviewed and approved by the Board of Health; and  
**WHEREAS**, the Board of Health recommends this contract with Tyco Animal Control Service based upon prior services provided; and

**WHEREAS**, it is the intention of the Mayor and Council to provide funds in the year 2012 Budget for this contract, Other Expense Portion of the Animal Control Services Budget; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the contract for Animal Control Services for 2012 be and is hereby awarded to Tyco Animal Control Service, 1 Stout Lane, Ho-Ho-Kus, NJ pursuant to the terms and conditions and rates as outlined in the attached contract effective January 1, 2012, copy of which is attached to this resolution for the base amount of \$9,000.00 annually payable monthly with additional costs charged per the rates as outlined in the attached proposal.

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico All ayes

**48-2012 Authorize Release of Escrow/Block 2701/Lot 6/DeBeaute Salon**

**WHEREAS**, the Borough Treasurer, recommends the release and takes no exception to the release of the remaining escrow funds to DeBeaute Salon copy of correspondence from the Treasurer, is attached to this resolution; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the escrow in the amount of \$2,129.95 is hereby released to DeBeaute Salon 103 Chestnut Ridge Road, Montvale, NJ 07645; and

**BE IT FURTHER RESOLVED**, the Borough Treasurer hereby receives a copy of this resolution for processing

Introduced by: Councilmember Cudequest; seconded by Councilmember Curry All ayes

**49-2012 Authorize Hiring Part-Time Secretary/MPD/H. McGee**

**WHEREAS**, the Borough of Montvale deemed it necessary to hire a part time administrative secretary within the Montvale Police Department; and

**WHEREAS**, Heather McGee meets the qualifications for this position and agrees to the terms and conditions of employment, and has completed a satisfactory background investigation; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above named individual is hereby appointed to the position of a part-time secretary, effective February 1, 2012.

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico All ayes

Councilmember Cudequest spoke very highly of Heather McGee and will be a wonderful asset to Montvale Police Dept

**50-2012 Authorize Refund Escrow/ Block 1503;Lot15/Andrikanich**

**WHEREAS**, the Borough Treasurer, recommends the release and takes no exception to the release of the remaining escrow funds to Mr. & Mrs. Michael Andrikanich copy of correspondence from the Treasurer, is attached to this resolution; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the escrow in the amount of \$225.00 is hereby released to Mr. & Mrs. Michael Andrikanich 2 Walnut Street, Montvale, NJ 07645; and

**BE IT FURTHER RESOLVED**, the Borough Treasurer hereby receives a copy of this resolution for processing.

Introduced by: Councilmember Talarico; seconded by Councilmember Cudequest All ayes

**51-2012 Tax Appeal Settlement / Block 3302 Lot 1 / Sony Electronics, Inc.**

**WHEREAS**, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Sony Electronics, Inc. (hereinafter the "Tax Appeal"), under Docket Number 011001-2011, and;

**WHEREAS**, the aforesaid tax appeal involves a commercial parking lot located on Chestnut Ridge Road, and is otherwise referred to as Block 3302 Lot 1 on the tax assessment map of the Borough (hereinafter the "subject property"), and;

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

**WHEREAS**, the proposed Tax Appeal settlement will adjust the assessment of the subject property to \$1,430,000 for the 2011 tax year, and;

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, that the settlement of the aforesaid Tax Appeal be approved, and that the 2011 assessment for the subject property shall be adjusted to \$1,430,000, and;

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

Introduced by: Councilmember Cudequest; seconded by Councilmember Curry All ayes

**52-2012 Award Professional Service Contract Administrative Agent for the Borough consistent with N.J.A.C. 5:80-26.14 and to coordinate the affirmative marketing, review and approval of the sale and rental of affordable units in the Borough of Montvale/Piazza & Associates, Inc.**

**WHEREAS**, the Borough of Montvale requires the services of an experienced, qualified agency to serve as Administrative Agent for the Borough consistent with N.J.A.C. 5:80-26.14 and to coordinate the affirmative marketing, review and approval of the sale and rental of affordable units in the Borough of Montvale, and the income qualification of the applicants who seek to reside in such units; and

**WHEREAS**, such services have previously been provided to the Borough by the Bergen County Housing Authority, which has advised the Borough that it will no longer be providing such services in connection with affordable rental units in the Borough and future sale units; and

**WHEREAS**, the Borough is in receipt of a proposal from Piazza & Associates, Inc., 216 Rockingham Row, Princeton Forrestal Village, Princeton, New Jersey 08540 to perform such

services as is more particularly detailed in a document entitled, "Proposal Submitted To The Borough of Montvale, Bergen County, New Jersey, January 22, 2012"; and

**WHEREAS**, said services constitute a professional service under the Local Public Contracts Law; and

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funding is available for such services.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that it does hereby approve the aforesaid proposal with Piazza & Associates, Inc. for a one (1) year period in accordance with the draft Contract, provided that Piazza & Associates, Inc. submits documentation consistent with N.J.S.A. 19:44A-8 and 16 that it has not made a reportable contribution to any candidate for local office in Montvale or any political committee in the Borough; and

**BE IT FURTHER RESOLVED** that Mayor Roger A. Fyfe and Borough Clerk/Administrator Maureen Iarossi-Alwan be and are hereby authorized to execute the Contract on behalf of the Borough.

Introduced by: Councilmember Talarico; seconded by Councilmember LaMonica All ayes

**53-2012 Support the passage of A4287**

**WHEREAS**, flooding of land may result in loss of life, damage to property, and unsanitary conditions, all of which are detrimental to the health, safety and welfare of the residents of lands in the area threatened by flooding:

**WHEREAS**, substantial flooding has repeat occurred in several areas of this State located downstream, from reservoirs, which, in some cases, may have been caused or exacerbated by high reservoir levels.

**WHEREAS**, it is in the public interest to minimize and prevent the loss of life and property, Disruption of commerce, and impairment of the task base by ensuring that reservoirs are kept at levels satisfactory for the public water supply but protective of the public from the dangers and losses attributed to flooding:

**WHEREAS**, legislation has been introduced in the Assembly to call upon the Department of Environmental Protection to identify each reservoir in the State that has a documented record of flooding, as determined by the department; study and assess the downstream river or stream capacity and the water reservoir, identify each municipality with a documented record of downstream flooding caused or exacerbated by high reservoir levels;

**WHEREAS**, on the basis of the results of these studies, this legislation calls upon the department Shall determine maximum water levels to be maintained at each reservoir in the State, set at a Level that best protects the area surrounding the reservoir against flooding while ensuring the Availability of an adequate water supply for the area served by the reservoir;

**WHEREAS**, this legislation would require the owner or person having control of a reservoir in The State that has a documented record of downstream flooding to prepare, submit and Implement a flood action plan approved by the DEP, which would include, but need not be limited to, the design, construction, operation, and maintenance of flood gates sited at the reservoir;

**WHEREAS**, the bill would also authorize the Office of Emergency Management in the Division of State Police to order the water level of any reservoir in the State to be lowered in a manner prescribed by the office prior to or during a severe weather event if the office has made a determination, after consultation with the DEP, that lowering the reservoir level is in the general public interest and reasonably necessary to prevent or reduce the severity of flooding;

**WHEREAS**, the owner of a reservoir would be indemnified against any act or mission with respect to any claims or any cause of action arising out of the proper implementation of a flood action plan approved by the DEP under this legislation, provided, however, the owner is in full compliance

with any order of the Office of Emergency Management to lower reservoir levels, as my be issued pursuant to the bill;

**NOW, THEREFORE, BE IT RESOVED** that the Borough of Montvale Mayor and Council implore the General Assembly and the Senate of the State of New Jersey, along with Governor Chris Christie, to act swiftly to support the passage of A4287:

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Governor Chris Christie and to all state legislators in both the Senate and the Assembly and all municipalities in Bergen County.

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico All ayes

**54-2012 Transfer Of 2011 Appropriation Reserves**

**WHEREAS**, certain transfer of funds for 2011 budget appropriation reserves are necessary to cover anticipated expenditures; and

**WHEREAS**, N.J.S.A. 40A:4-59 provides for transfers from appropriation reserves with an excess over and above the amount deemed to be necessary to fulfill the purpose for such appropriation reserves, to those appropriation reserves deemed to be insufficient;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, that the transfer be made between the 2011 budget appropriation reserves as follows:

	<b><u>FROM</u></b>	<b><u>TO</u></b>
<b><u>CURRENT FUND</u></b>		
GENERAL APPROPRIATIONS		
Operations - within "CAPS"		
Planning Board:		
Other Expenses	\$500.00	
Mayor and Council:		
Other Expenses		\$500.00
Social Security System	500.00	
Defined Contribution Retirement Program		500.00
	<u>\$1,000.00</u>	<u>\$1,000.00</u>
	=====	=====

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico All ayes

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

Motion to pay bills by Councilmember Curry ; seconded by Councilmember LaMonica All ayes  
Councilmember Cudequest abstained on bill #00502

**ENGINEER'S REPORT:**

Andrew Hipolit  
Report/Update

- a. Status of Montvale Library/Window Upgrades

Library board agreed to go ahead with the project; the cost is approximately \$60,000 - \$80,000

**ATTORNEY REPORT:**

Philip Boggia, Esq.  
Report/Update

a. Status Developer's Agreement and Contract of Sale/Regan Development

Spoke with attorney for Regan Development and hopefully will have a contract in a few weeks regarding the 28 affordable housing units;

**UNFINISHED BUSINESS:**

Councilmember Ghassali went to a meeting regarding the Fair School funding and would like to submit for further discussion a proposed resolution to pass a bill to change the school fund funding;

**NEW BUSINESS:**

a. Schedule Additional Budget Meeting

Next budget meeting is scheduled for February 14 at 5:30pm

b. Report Receipt of Bid/Emergency Tree Service

1. Draft Resolution/Award Competitive Bid/Emergency Tree Service

After a brief discussion, it was decided to hold the resolution to next meeting

c. Local Finance Notice Guidelines to Move School Board Election to November

1. Pascack Valley Regional School Board Meeting Feb 6

Mr. Boggia gave a brief explanation and that both the school board and the governing body can make the decision to move the election to November. Giving the high school being regional, all four towns would have to agree to make the change. Carol Bardes representing the school board attended and stated that it will be discuss at their next meeting in February;

d. Gift from Evangelical Church

Mayor Fyfe was presented with a check of \$4700 from the Church; the Church also donated to Meals on Wheels, Rockland County and to Zoey's Place in Teaneck, a place for unwed mothers. Mayor Fyfe stated he will put on the website requesting suggestions as how to spend the money.

**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 Cudequest ;seconded by Councilmember Talarico – all ayes

**NO PUBLIC COMMENT**

A motion to close meeting to the public by Councilmember LaMonica; seconded by Councilmember Talarico – all ayes

Motion go to into Closed Executive Session by Councilmember Cudequest; seconded by Councilmember Ghassali – all ayes

**ADJOURNMENT**

Meeting adjourned at 9:00pm

The next Meeting of the Mayor and Council will be held on February 14, 2012 at 7:30 p.m.

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