

**PUBLIC MEETING
MINUTES**

The Public 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. Master Sergeant Dieter Koelling led the Pledge of Allegiance to the Flag, and roll call was taken.

OPEN PUBLIC MEETING STATEMENT

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

Also Present: Mayor Mike Ghassali; Borough Attorney, Joe Voytus; Borough Engineer, Chris Dour; Borough Planner, Darlene Green; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Curry	Councilmember Lane
Councilmember Koelling	Councilmember Talarico
Councilmember LaMonica - absent	Councilmember Weaver

Historic Presentation / Bergen County Clerk, John Hogan

Pascack Valley DPW, Superintendent, Rich Campanelli / Quarterly Report

A brief report was given of the day to day operations of the DPW. In addition to the daily operations, The DPW has made the loft in the DPW building a storage area for the construction department's large plans and records; all firehouse equipment has been moved to the DPW building; Pot holes are an ongoing issue; Terkuile and Magnolia roads have been paved; ready for Day in the Park. Councilmember Curry asked about the cleaning of the restroom facility by the "red shed" it is considered the MAL building. It was decided for the short term, the DPW will clean the MAL restrooms three times a week.

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2016-1415 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 121 OF THE BOROUGH CODE IN ORDER TO PROHIBIT PARKING ON A PORTION OF MEMORIAL DRIVE TO MAINTAIN ACCESS FOR FIRE DEPARTMENT VEHICLES

WHEREAS, as a result of the construction of the new Montvale Fire House, one or more Fire Department vehicles may be temporarily housed at the DPW facility on Memorial Drive; and

WHEREAS, the Police Chief, in consultation with the Fire Chief and the DPW Superintendent, has requested that the Mayor and Council designate a portion of Memorial Drive across from the DPW facility as a "No Parking" zone in order to maintain access for Fire Department vehicles to said facility; and

WHEREAS, in the interest of public safety, the Mayor and Council are desirous of amending the Borough Code in accordance with the request of the Police Chief, Fire Chief and DPW Superintendent.

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

Section 1. Chapter 121, Section 25, "Schedule I – No Parking," of the Code of the Borough of Montvale is hereby amended and supplemented by adding the underlined text, alphabetically, as follows:

Street	Side	Location
<u>Memorial Drive</u>	<u>West</u>	<u>From a point 480 feet north of West Grand Avenue to a point 650 feet north of West Grand Avenue</u>

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.

Ordinance No. **2016-1415** was introduced for second reading by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Motion to open meeting to the public by Councilmember Curry; seconded by Councilmember Talarico - all ayes

NO PUBLIC COMMENT

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

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

PUBLIC HEARING OF ORDINANCE NO. 2016-1416 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 128, "ZONING," OF THE BOROUGH CODE IN ORDER TO SPECIFY VARIOUS ZONING REQUIREMENTS FOR SCHOOLS AND HOUSES OF WORSHIP AND TO IMPLEMENT THE RECOMMENDATIONS OF THE MASTER PLAN REEXAMINATION ADOPTED BY THE PLANNING BOARD ON MAY 17, 2016

WHEREAS, schools and houses of worship are both vitally important components of the local community; and

WHEREAS, recognizing that these facilities by their very nature cause unique impacts on surrounding areas, it is necessary to strike an appropriate balance to ensure that schools and houses of worships are located and constructed in a manner that is in the best interests of the public and the respective students, teachers and worshippers of these facilities; and

WHEREAS, in furtherance thereof, the Borough of Montvale Planning Board did undertake a Reexamination of the Borough of Montvale’s Master Plan in order to specifically analyze schools and houses of worship and to determine whether the regulations pertaining to such uses needed to be updated to advance the goals of the Master Plan in light of any changed assumptions regarding such uses; and

WHEREAS, the Master Plan Reexamination Report was prepared by Darlene A. Green, P.P., AICP of Maser Consulting, P.A.; and

WHEREAS, the Reexamination Report made a number of recommendations concerning schools and houses of worship, including new and amended definitions and new lot size and bulk requirements; and

WHEREAS, after complying with the statutory requirements pertaining to the adoption of a Master Plan Reexamination under the *Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.*, the Reexamination Report was adopted by the Borough of Montvale Planning Board on May 17, 2016; and

WHEREAS, the Governing Body is desirous of adopting an Ordinance to implement the recommendations contained in the Reexamination Report.

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

Section 1. Chapter 128 of the Code of the Borough of Montvale is hereby amended and supplemented by adding the following definitions alphabetically in Section 128-3.1(B):

CHURCH, TEMPLE, HOUSE OF WORSHIP

A building or structure, or group of buildings or structures, which by design and construction are intended for the conducting of organized religious services, and accessory uses customarily associated therewith including education facilities and social facilities primarily for use or benefit of members of the religious congregation.

SCHOOL

Any building which is designed, constructed or used primarily for educational purposes. Uses which are primarily custodial in nature, such as day-care centers or similar uses are not schools. Uses wherein instruction is given to individuals or groups in a building used principally for other purposes are not schools. Colleges, universities, technical training facilities and the like are not schools.

SCHOOL, BOARDING

A school where most or all of the students live on-site during the semester. Meals are typically provided to the borders as well.

Section 2. Chapter 128 of the Code of the Borough of Montvale is hereby amended and supplemented by adding the underlined text and deleting the [bracketed] text where indicated. Existing text which has been omitted or which is not underlined or bracketed shall remain unchanged.

§128-5.1 Residence R-40, R-15 and R-10 Districts.

In any residence district, 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 E of this section.

- A. Residence for not more than one family.
- B. Churches, temples and other houses of worship (subject to the provisions of § 128-9.7).
- C. Municipal buildings, playgrounds, parks and public and private schools (public and private schools subject to the provisions of § 128-9.5.1 et seq.).

§128-5.1A.1 RI-10 Residential Inclusionary Zone.

In the RI-10 Residential Zone, 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. Single-family detached residence with a maximum of 34 such residences within the zone for property identified as Block 1401, Lots 12, 13 and 14, on the current Montvale Tax Assessment Map. Additionally, single-family detached residence with a maximum of five such residences within the zone shall be permitted for property identified as Block 1504, Lots 21 and 22, on the current Montvale Tax Assessment Map. However, notwithstanding anything to the contrary set forth in the Limiting Schedule,[1] the minimum rear yard setback with respect to any existing single-family detached dwelling on Lot 21 in Block 1504 shall be no less than 27 feet.
- B. Churches, temples and other houses of worship (subject to the provisions of § 128-9.7).
- C. Municipal buildings, playgrounds, parks and public and private schools (public and private schools subject to the provisions of § 128-9.5.1 et seq.).
- D. Way stations for the shelter of passengers using commercial transportation.
- E. Such accessory uses as are customarily incident to the foregoing uses and are not injurious to a residential district.
- F. Temporary buildings such as toolhouses or workmen's shacks to be used in connection with the erection of a permanent building, for a period not exceeding one year. Such temporary buildings shall be removed within 60 days after the completion of the permanent building or after the one-year period.

§128-5.1C.1 Permitted principal uses in T-6 Zone.

- A. No building, structure, area or lot or land shall be used in whole or in part for any other than one or more of the uses specified below:
 - (1) Townhouse.
 - (2) Single-family detached residential uses, subject to § 128-5.1.
 - (3) Churches, temples and other houses of worship (subject to the provisions of § 128-9.7).
 - (4) Public and private schools (subject to the provisions of § 128-9.5.1).

§128-5.2 Apartment A District.

No building or structure other than apartments shall be built, altered or erected to be used in this district, except that churches, temples and other houses of worship shall be permitted (subject to the provisions of § 128-9.7), and public, private and boarding schools shall be permitted (subject to the provisions of § 128-9.5.1).

§128-5.3 Business B-1 and B-2 Districts.

In the Business B-1 District and Business B-2 District, 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 H of this section.

- A. Any use permitted in Residence R-40, Residence R-15 and Residence R-10 Districts except for public, private and boarding schools and churches, temples and houses of worship; provided, however, that where the district boundaries of the Business B-1 or Business B-2 District shall abut a residential district, the Limiting Schedule requirements applicable to the abutting district shall apply. In the event that any one or more of the zone boundaries of the Business B-1 District or Business B-2 District shall abut more than one residential district, the Limiting Schedule requirements as to the least restricted district shall be applicable.

§128-5.6 Affordable Housing Zones for the first fair share cycle.

In the AH Affordable Housing Zones AH-6, AH-7, AH-8 and AH-9, no building, structure, area or lot or land shall be used in whole or in part for any other than one or more of the uses specified below.

- A. Churches, temples and other houses of worship (subject to the provisions of § 128-9.7).
- B. Public and private schools (subject to the provisions of § 128-9.5.1).

§128-5.9 Low- and Moderate-Income Affordable Senior Citizen Housing Zone.

- A. Permitted uses are as follows: rental housing meeting the requirements of the Council on Affordable Housing (COAH), consisting of units affordable to senior citizens of low- and moderate-income, as defined by COAH, which units shall be subject to all affordability, marketing and other requirements of COAH at N.J.A.C. 5:93. Also permitted shall be churches, temples and houses of worship (subject to the provisions of § 128-9.7) and public and private schools (subject to the provisions of § 128-9.5.1).

§128-5.10 Affordable housing districts for second fair share cycle.

- B. RI-10A Residential Inclusionary District. In the RI-10A Residential Inclusionary District, 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 as provided herein.

- (1) Single-family detached residence with a maximum of four such residences within the zone shall be permitted for the property identified as Block 1405, Lot 1102, on the official Tax Maps of the Borough of Montvale. Also permitted shall be churches, temples and houses of worship (subject to the provisions of § 128-9.7) and public and private schools (subject to the provisions of § 128-9.5.1).
- (2) Such accessory uses as are customarily incidental to the foregoing uses and are not injurious to a residential district.
- (3) The area, yard and bulk standards for this zone shall be in conformance with the RI-10 Zone standards as provided for in schedule § 128-6.3A of this chapter.

C. (Reserved)

D. Affordable housing districts for the second fair share cycle, AH-8A, AH-9A, AH-10A, and AHO-16.

- (1) Permitted principal uses.

- a. Townhouses in AH-8A, AH-9A and AH-10A Districts only.
- b. Apartments.
- c. Churches, temples and other houses of worship (subject to the provisions of § 128-9.7) in AH-8A, AH-9A and AH-10A Districts only.
- d. Public and private schools (subject to the provisions of § 128-9.5.1) in AH-8A, AH-9A and AH-10A Districts only.
- e. Boarding schools (subject to the provisions of § 128-9.5.1) in AHO-16 District only.

§128-5.11 Affordable housing districts for third fair share cycle.

- B. RI-40B Residential Inclusionary District. In the RI-40B Residential Inclusionary District, 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 as provided herein.
 - (1) Single-family detached residence with a maximum of eight such residences within the zone shall be permitted. Also permitted shall be churches, temples and houses of worship (subject to the provisions of § 128-9.7) and public and private schools (subject to the provisions of § 128-9.5.1).
- C. RI-25B Residential Inclusionary District. In the RI-25B Residential Inclusionary District, 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 as provided herein.
 - (1) Single-family detached residence with a maximum of six such residences in the zone shall be permitted for the property identified as Block 1103, Lot 5, on the official tax maps of the Borough of Montvale. Also permitted shall be churches, temples and houses of worship (subject to the provisions of § 128-9.7) and public and private schools (subject to the provisions of § 128-9.5.1).
- D. AH-1B Affordable Housing District.
 - (1) Permitted principal uses.
 - (a) Single-family detached dwellings, which may be in the form of condominium ownership.
 - (b) Churches, temples and other houses of worship (subject to the provisions of § 128-9.7).
 - (c) Public and private schools (subject to the provisions of § 128-9.5.1).
- E. AH-3B Affordable Housing District.
 - (1) Permitted principal uses.
 - (a) Townhouses.

(b) Churches, temples and other houses of worship (subject to the provisions of § 128-9.7).

(c) Public and private schools (subject to the provisions of § 128-9.5.1).

§128-5.13 AH-8A Affordable Housing District.

A. Permitted principal uses.

(1) Townhouses.

(2) Apartments.

(3) Churches, temples and other houses of worship (subject to the provisions of § 128-9.7).

(4) Public and private schools (subject to the provisions of § 128-9.5.1).

Section 3. Section 128-9.5.1 of the Code of the Borough of Montvale, entitled “Public and private schools” is hereby deleted in its entirety and replaced with a new Section 128-9.5.1, entitled “Public, private and boarding schools,” as follows:

§128-9.5.1 Public, private and boarding schools.

The following restrictions shall apply to all schools in the Borough:

A. Minimum lot area shall be 10 acres.

B. Set-backs.

(1) Minimum front yard setback shall be 100 feet.

(2) Minimum rear yard setback shall be 100 feet.

(3) Minimum side yard setback shall be 100 feet.

C. Maximum floor area ratio shall be 40%.

D. Maximum building height shall be two stories and 45 feet.

E. Maximum building coverage shall be 30%.

F. Recreation areas and parking.

(1) No parking shall be permitted within 50 feet of any property line.

(2) No active recreation area shall be permitted in the front yard or located within 75 feet of a property line or within 15 feet of a parking area or driveway.

(3) All recreation and parking areas shall be screened from view from all adjacent residential uses. The screening shall be provided by a fence, wall, berming or planting which will

create a dense complete visual screen to a minimum height of six feet. The height of the fence, wall, berm or planting should be designed relative to the property being screened and shall be subject to the approval of the board of jurisdiction. The general design, form, and materials of fences, or walls should be aesthetically pleasing from all sides. Planting should be included in conjunction with any fence or wall or berm. If planting alone is provided then a double staggered row of dense evergreen plants shall be specified. The installed and mature height of the plants must be responsive to the height of the property being screened and the views from adjacent areas, and shall be subject to the approval of the board of jurisdiction. Site plan submission shall include an illustrative cross section drawing demonstrating the effectiveness of the screening.

- G. There shall be no outdoor activities after 10:00 p.m.
- H. All exterior lighting, except that required for security, shall be turned off between 10:00 p.m. and 6:00 a.m.
- I. Primary access shall be achieved from one of the following streets for public and private schools:
 - (1) Chestnut Ridge Road
 - (2) Kinderkamack Road
 - (3) Spring Valley Road
 - (4) Grand Avenue
 - (5) Summit Avenue
 - (6) Middletown Road
- J. In addition to the area, yard and bulk requirements set forth herein, the use shall also meet the following conditions with respect to off-street parking and traffic control:
 - (1) A minimum of one space per teacher or employee, plus 10%, plus an additional space for every two students in 12th grade.
 - (2) Sufficient space shall be provided for drop-off and pick-up of students on the school property proper, so as to prevent overflow and stacking of vehicles on any public street.
- K. Boarding schools shall not be permitted in a zone unless specifically permitted (i.e. where only "schools" or "public and private schools" are permitted, boarding schools are prohibited).
- L. In the event of any conflict between the requirements of this Section and any generally-applicable regulations in the Zone District in which the school is located, the more restrictive requirement shall govern.
- M. Compliance with the regulations as promulgated by the New Jersey State Board of Education shall be required.

Section 4. Chapter 128 of the Code of the Borough of Montvale is hereby amended and supplemented by adding a new Section 128-9.7, entitled “Churches, temples and houses of worship,” as follows:

§128-9.7 Churches, temples and houses of worship.

A. A church, temple or other house of worship may consist of the following primary use, together with a combination of one or more of the following accessory uses:

- (1) Primary use. A place of assembly for religious services or worship.
- (2) Accessory uses.
 - a. An apartment, group of rooms, or other residence for the facility’s religious leader within the same building as the place of assembly for religious services or worship, or in a separate structure, hereinafter referred to as “cleric’s residence”.
 - b. Facilities for education and instruction, including but not limited to after school learning, daycare, or any other type of education or instruction within the same building or structure as the place of assembly for religious services or worship, or in a separate building or structure, hereinafter referred to as “educational facilities.” For purposes of this subsection educational facilities do not include facilities that meet the definition of “school”.
 - c. Facilities for social functions such as, but not limited to, weddings, funerals, bar/bat mitzvahs, dances, banquets, dinners and other similar events within the same building or structure as the place of assembly for religious services or worship or in a separate building or structure hereinafter referred to as “social facilities.”

B. Standards.

- (1) The minimum lot area shall be as follows:
 - a. Church, temple or house of worship only – 5 acres
 - b. The minimum lot area of 5 acres shall be increased to accommodate accessory facilities as follows:
 - i. Cleric’s residence - an additional 0.5 acres
 - ii. Educational facilities as defined herein - an additional 1 acre
 - iii. Social facilities as defined herein - an additional 2 acres
- (2) The maximum floor area ratio for all buildings shall be 25%.
- (3) The maximum building coverage shall be 25%.
- (4) Setbacks.
 - a. Minimum front yard setback shall be 75 feet
 - b. Minimum side and rear yard setback shall be 100 feet

- c. Notwithstanding anything else in this Section, the setback requirements for a separate clergyman's residence located on the same premises as a house of worship need only satisfy the requirements established for other residences in the zone in which it is located.
- (5) Maximum building height shall be two stories and 45 feet, except that a cleric's residence shall comply with the requirements established for other residences in the zone in which it is located.
- (6) Recreation areas and parking.
 - a. No parking shall be permitted in the front yard or within 50 feet of any property line.
 - b. No active recreation area shall be permitted in the front yard or located within 75 feet of a property line.
 - c. All recreation and parking areas shall be screened from view from all adjacent residential uses. The screening shall be provided by a fence, wall, berming or planting which will create a dense complete visual screen to a minimum height of six feet. The height of the fence, wall, berm or planting should be designed relative to the property being screened and shall be subject to the approval of the board of jurisdiction. The general design, form, and materials of fences, or walls should be aesthetically pleasing from all sides. Planting should be included in conjunction with any fence or wall or berm. If planting alone is provided then a double staggered row of dense evergreen plants shall be specified. The installed and mature height of the plants must be responsive to the height of the property being screened and the views from adjacent areas, and shall be subject to the approval of the board of jurisdiction. Site plan submission shall include an illustrative cross section drawing demonstrating the effectiveness of the screening.
- (7) There shall be no outdoor activities after 10:00 p.m.
- (8) All exterior lighting, except that required for security, shall be turned off between 10:00 p.m. and 6:00 a.m.
- (9) Primary access shall be achieved from one of the following streets:
 - a. Chestnut Ridge Road
 - b. Kinderkamack Road
 - c. Spring Valley Road
 - d. Grand Avenue
 - e. Summit Avenue
 - f. Middletown Road
- (10) In addition to the area, yard and bulk requirements set forth herein, churches, temples and other houses of worship shall also meet the following conditions with respect to off-street parking:

- a. A church, temple or other house of worship consisting solely of a place of assembly for religious services or worship shall provide one parking space for each three permanent or fixed seats based on seating capacity. Any church, temple or other house of worship not having permanent or fixed seating shall provide one parking space for each three persons based on the maximum capacity of the facility, which shall be calculated by taking the total square footage of the place of assembly for religious services or worship and dividing it by the square footage of space allotted to each person in attendance as determined by application of the Fire Department Occupancy Load Code.
- (11) In addition to the off-street parking required for a place of assembly for religious services or worship, there shall be provided the following off-street parking:
 - a. For a cleric’s residence: two parking spaces
 - b. For educational facilities: 1.5 parking spaces for every teacher or instructor for children under the age of 17
 - c. For adult education: two parking spaces for each three persons age 17 or over participating in the educational program plus 1 parking space for every teacher or instructor
 - d. For social facilities: one parking space for each three persons based on the maximum capacity of the facility as determined by application of the Fire Department Occupancy Load Code, plus 10%.
- (12) In the case of a church, temple or other house of worship **and** an affiliated school, the two uses shall be both permitted as primary uses on the same lot. The standards enumerated for schools in Section 128-9.5.1 shall take precedence; however, the more restrictive parking standards of two uses shall apply.

Section 5. Chapter 128, Schedule A, “Limiting Schedule,” shall be amended and supplemented by adding a footnote 19 in the first column, “Zoning District,” for the R-40, R-15, R-10, RI-10, RI-10A, RI-25B, RI-40B, A, AHO-16, AH-1B, AH-3B, AH6, AH7, AH8, AH-8A, AH9, AH-9A, AH-10A, T-6 and LMSCH Districts, to read as follows:

The standards set forth in §128-9.5.1, applicable to public, private and boarding schools, and in §128-9.7, applicable to churches, temples and houses of worship, shall supersede the standards set forth in this limiting schedule to the extent of any inconsistency therewith.

Section 6. 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 pursuant to *N.J.S.A. 40:55D-26*.

Section 7. 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 8. Effective date.

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

Section 9. 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. **2016-1416** was introduced for second reading by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Koelling - all ayes

NO PUBLIC COMMENT

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

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

The borough attorney mentioned that an amendment was made to change the height restrictions in residential area – a motion to accept the change by Councilmember Lane; seconded by Councilmember Talarico – all ayes

Clerk read memo from Planning Board recommending adopting the ordinance.

Councilmember Weaver asked what is the highest point of the schools currently; and asked for clarification regarding a statement in the master plan about no known offsite parking issues;

INTRODUCTION OF ORDINANCE NO. 2016-1417 AN ORDINANCE TO AMEND ORDINANCE NO. 2016-1406 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

A motion to Introduce Ordinance **2016-1417** for first reading was made by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Koelling - A roll call was taken – all ayes

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

Carolee Adams

Asked for an update on the street sweeper schedule; the mayor mentioned the sweeper will have a staggered schedule so it will not conflict with garbage and recycle days

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Talarico - All ayes

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

May 31, 2016

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Koelling – all ayes with the exception of Councilmember Curry

MINUTES CLOSED/EXECUTIVE SESSION:

May 31, 2016

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Talarico – all ayes with the exception of Councilmember Curry

RESOLUTIONS:

102-2016 Appointing / Permanent Montvale Police Officer / John Guico

WHEREAS, John Guico has successfully completed the required probationary time period; and

WHEREAS, Chief Abrams has recommended Officer Guico for permanent Police Officer appointment.

NOW, THEREFOR BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey that John Guico is hereby permanently appointed to the Montvale Police Department, effective March 2016.

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

103-2016 Appointment Jr. Member / Montvale Fire Department / Matthew Diccianni

WHEREAS, the Montvale Fire Department is desirous of adding a junior member; and

WHEREAS, Matthew Diccianni of Montvale, NJ has been approved by the Board of Fire Commissioners and has undergone a satisfactory physical, pursuant to the attached application which has been made part of this resolution; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the appointment of Matthew Diccianni, as a Jr. Member of the Montvale Fire Department, is hereby approved.

Introduced by: Councilmember Talarico; seconded by Councilmember Curry - All ayes

104-2016 CD Cooperative Agreement/Appointing Two Representatives to Community Development Committee/One Appointment by Mayor/One Appointment by Council

WHEREAS, the Borough of Montvale has entered into a Three-Year Cooperative Agreement with the County of Bergen as provided under the Interlocal Service Act , NJSA 40A:8A-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community and one appointment by the Chief Executive Officer shall be appointed to be part of the Community Development Regional Committee for the term of one year July 1, 2016 through June 30, 2017.

NOW THEREFORE BE IT RESOLVED, that the Governing Body/Chief Executive Officer of the Borough of Montvale appoints representatives as its representative to participate on the Community Development Committee:

COUNCIL APPOINTMENT

Maureen Iarossi-Alwan
12 Mercedes Drive
Montvale, NJ 07645
Phone 201-391-5700 ext. 219

MAYOR APPOINTMENT

Councilmember Leah LaMonica
12 Mercedes Drive
Montvale, NJ 07645
Phone 201-391-5700

BE IT FURTHER RESOLVED, that the following be appointed alternate representatives:

COUNCIL ALTERNATE APPOINTMENT

Councilmember Dieter Koelling
12 Mercedes Drive
Montvale, NJ 07645
Phone 201-391-5700

MAYOR / ALTERNATE APPT

Councilmember Timothy Lane
12 Mercedes Drive
Montvale, NJ 07645
Phone 201-391-5700

Home addresses and home phone numbers will be provided under separate cover.

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

105-2016 Authorize Hiring Full Time Administrative Assistant, Website Coordinator, Floater Position/Carol Manhart

WHEREAS, the Borough of Montvale restructured a position within the Administration; and
WHEREAS, Carol Manhart meets the qualifications for this position and agrees to the terms and conditions of employment, and has previously 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 full-time Administrative Assistant to the Administrator, Website Coordinator and Floater, effective June 15, 2016.

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

106-2016 Authorize Hiring Part Time Executive Confidential Secretary and Floater Position/ Mirella Hernandez

WHEREAS, the Borough of Montvale restructured a position within the Administration; and
WHEREAS, Mirella Hernandez meets the qualifications for this position and agrees to the terms and conditions of employment, and has previously 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 Executive Confidential Secretary and Floater, effective June 1, 2016.

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

107-2016 Authorize Hiring Full Time Administrative Floater Position / J. Sagrario Mena

WHEREAS, the Borough of Montvale restructured a position within the Administration; and
WHEREAS, J. Sagrario Mena meets the qualifications for this position and agrees to the terms and conditions of employment, and has previously 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 full-time Floater, effective June 20, 2016.

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

108-2016 2016-2018 County of Bergen Municipal Snow Plow Agreement

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the appropriate municipal officials be and are hereby authorized to execute the attached two year consecutive snow season agreement to participate in the 2016-2018 County Snow Plowing Program.

BE IT FURTHER RESOLVED, that the Borough of Montvale shall use the Pascack Valley Department of Public Works and/or contractor to perform the snow/ice pushing and removal control operations on all roads and streets located within the Borough of Montvale.

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

109-2016 Authorize Refund of Recreation Program / Tennis

BE IT RESOLVED, the below individual is hereby granted a refund for tennis lessons as they will not be able to participate in the program.

Debra Stephans \$80.00 (1 participant for Tennis)

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

110-2016 A Resolution In Support of the Adoption of S2254/A3821 to Clarify Municipal Affordable Housing Obligations

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities (including the Borough of Montvale) filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, the FHA and existing case law are clear that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” (See N.J.S.A. 52:27D-307(c)); and

WHEREAS, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct “gap period” obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

WHEREAS, this “gap period” issue arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

WHEREAS, aside from other inequities and issues imposed by a so-called “gap” obligation, the households counted in the “gap period” may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of “builder’s remedy” lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, hundreds of New Jersey’s municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State’s failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.

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

1. The Mayor and Borough Council hereby support the adoption of Senate Bill S2254 and Assembly Bill A3821 to clarify that a municipality’s present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called “gap period.”
2. The Mayor and Borough Council urge the members of the New Jersey Senate, General Assembly and the Governor to swiftly and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for

municipalities.

- 3. The Borough Clerk is hereby directed to send a certified copy of this Resolution to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, New Jersey Senate; Hon. Vincent Prieto, Speaker, New Jersey General Assembly; the Borough of Montvale’s Senate and General Assembly representatives and the New Jersey State League of Municipalities.

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

111-2016 Tax Court Settlement / K Hovnanian @ Ridgemont LLC / 72 Units at Four Seasons Lane

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by K. Hovnanian @ Ridgemont, LLC (hereinafter the “Tax Appeal”), under Docket Number 018939-2011, and;

WHEREAS, the aforesaid tax appeal involves 72 units of vacant land located at Four Seasons Lane, and is otherwise referred to as Block 3301 Lot 3, Units C0301-C0312, C0401-C0412, C0501-C0512, C0601-C0612, C0701-C0712 and C0801-C0812 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, the Borough Tax Assessor and the Borough Appraiser, and;

WHEREAS, the aforementioned settlement would reduce the subject properties’ assessment to \$160,000 per unit, and;

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

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

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

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

112-2016 A Resolution Awarding a Professional Services Contract to Raymond R. Wiss, Esq. In Connection With a Personnel Matter

WHEREAS, the Governing Body has been advised by the Borough Attorney that there exists a need to hire special labor counsel in connection with a police personnel matter; and

WHEREAS, the Borough has received a proposal from Raymond R. Wiss, Esq. to perform all services necessary and appropriate in connection with same; and

WHEREAS, Mr. Wiss’s proposal sets forth an hourly rate that is the same as the municipal attorney; and

WHEREAS, the Governing Body is satisfied that Mr. Wiss possesses the requisite experience pertaining to such matters; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(a)(i), a professional services contract is exempt from public bidding requirements; and

WHEREAS, the Governing Body is desirous of awarding a contract to Mr. Wiss, in an initial amount not to exceed \$10,000 without further authorization of the Governing Body; and

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

NOW, THEREFORE, BE IT RESOLVED that a contract is hereby awarded to Raymond R. Wiss, Esq. to serve as special labor counsel in connection with the pending police personnel matter, pursuant to the terms and conditions set forth herein.

Introduced by: Councilmember Curry; seconded by Councilmember Koelling - a roll call vote was taken – Councilmembers Lane and Weaver – no and Councilmembers Curry, Koelling and Talarico yes; Councilmember Lane asked if there is a not to exceed amount; \$10,000;

BILLS: Municipal Clerk read the Bill Report

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

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

COMMITTEE REPORTS:

Council President Lane

Fire Department

Ground breaking is scheduled for June 21; thanks to the DPW for moving all equipment and saving the borough money by not having to get a storage structure;

Police Commissioner Talarico

Police

Monthly report included in original minutes

Tri-Boro

Montvale logged: 42 calls; 699 miles; 36 hours;

Councilmember Curry

Construction

Up \$100,000 in fee revenue; 42 property violations issued; moved the construction files to DPW

Board of Health

Next meeting will be in September

Website

Meeting with webmaster and new employee to go over the website duties

Recreation

Day in the Park which is scheduled for June 18th rain date is June 19; would like to thank the committee for doing this each year, great group of volunteers; also like to thank the DPW for helping with preparations.

Councilmember Koelling

Swim Club

Pool is closed this year

Local Board of Ed

Handed out several awards to various students;

Councilmember Koelling deferred to Councilmember Weaver in regards to what the Board of Ed plans to do about combining certain classes due to low enrollment.

Councilmember Weaver

Environmental Commission

Next meeting is scheduled for June 20

Regional Board of Ed

Handed out several awards; the administration offices are seeking space of 6,000-7,000 square feet, to accommodate 15-16 staff members; Mr. Weaver asked how do we help them find space; Mayor Ghassali mentioned that our Land Use Administrator was in contact with the superintendent's office to give them building owners contact information to see about renting space.

MAYOR'S REPORT:

Met with a group of people from the Bergen County Economic Department; went around town to show the available buildings; the mayor asked them to put Montvale on their list for when someone is looking for available space. Montvale's Economic Committee is preparing a report of their discussions to be submitted to the council for review. Attended girl and boy scout's ceremonies; Would like to welcome Mirella Hernandez as the new mayor's assistant and wish Eileen Walsh all the best and thank her for her 12 years of service to the borough; Met with the County about the upcoming road projects regarding the Wegman's development; Ask for thoughts and prayers for borough employee, Janet Russo, as she recovers from knee surgery; Mentioned that he meets with the mayors of Woodcliff Lake and Park Ridge and would like the councilmembers of the three towns to be included with these meetings to keep abreast of the developments of each town; Would like to form a committee of councilmembers, residents and corporate residents to discuss the vision of Montvale for the next 20 years; Mayor suggested if any of the councilmembers are interested to please email him; Town Hall meeting in March was successful and would like to have another town hall meeting in July;

ENGINEER'S REPORT:

Chris Doer

Report/Update

Paving of Terkuile Road and Magnolia Ave are completed; Eagle Ridge sanitary sewer project should begin work first week of July; the administrator asked the engineer to speed up the process on the HVAC documents for public bid.

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

Spoke with Jeff Fette, our property maintenance official, regarding the property on Grand Ave, they are working together to get the problems addressed to bring it up to code. There has been a request to do an ordinance to place a stop sign on the corner of Flintlock Road and Woodland Road. The attorney spoke with the Police Chief and it will be further discussed with town engineer as well to see if other intersections need stop signs. Councilmember Lane asked what options are available to the borough for the property on Grand Ave; a possible judgment or to do a study on what can become of it for public use.

UNFINISHED BUSINESS:

Councilmember Weaver asked for clarification about the result of Woodcliff Lake’s decision on taking Montvale’s residents at their pool; The Mayor stated that Woodcliff Lake would charge borough residents out of town rate; Councilmember Weaver continued to say that the MAL has “bent over backwards” over the years for Woodcliff Lake in using the fields and including their kids in the sports programs and that in Montvale’s time of need Woodcliff Lake has not stepped up to lend a helping hand; Councilmember Weaver suggested that Montvale councilmembers should meet with Woodcliff Lake councilmembers and have a conversation about supporting each other going forward. It was decided to have both Mayor’s speak to each other to decide when to meet.

NEW BUSINESS:

Request from Memorial Sloan Kettering to work on Saturdays and Sundays to due interior work for 8 weeks starting at 7:30am to sunset; a motion to allow the work by Councilmember Lane; seconded by Councilmember Koelling – a roll call was taken all ayes with Councilmember Curry voting no;

Mayor Ghassali mentioned a vacant home located at 24 Ladik Place and that the lawn needs to be maintained, Jeff Fette will hire a landscaping company to cut the grass and a lien will be placed on the home; the administrator explained that the home has been sold to the bank and that Jeff Fette has not gotten a response from the bank; a motion to hire a landscaper by Councilmember Lane; seconded by Councilmember Koelling – all ayes

A resident on Magnolia Ave would like to put a two foot rock wall on the borough right away possibly for 85 feet long. After a brief discussion, it was decided to hold for further information by borough engineer as well as Police Chief

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:

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

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

Carolee Adams

Regarding the discussion of the Vision for Montvale would like to encourage residents to form a google group to get involve with the issues at hand and share ideas and comments. Suez will be holding a public meeting on July 7th and suggested the council and/or mayor to attend; Ms. Adams wanted to know if there were minutes available of the meetings regarding the Mercedes property and how many meeting have there been. The mayor responded by saying that no official minutes were taken.

A few residents spoke about their concerns regarding the Mercedes property. Some residents made suggestions of building another medical facility, culinary institute or restaurants, putting 55 and over residential luxury homes. In addition they mentioned about traffic concerns, stated that Montvale is not a rental community and wanted to know the timeframe of when a decision will be made.

A resident of Hillcrest mentioned that she attended a few Board of Ed meetings and parents are upset about increasing class size, she is asking council for their support and/or help.

Carolee Adams spoke again and stated that more parents should go to the Board of Ed meetings to voice their concerns; She is asking for support of the residents to support an Eagle Scout that wants to build a bocce ball court at the senior center.

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

Motion to adjourn Public Meeting by Councilmember Lane; seconded by Councilmember Talarico
- all ayes
Meeting was adjourned at 9:56pm

The next Meeting of the Mayor and Council will be held June 28, 2016 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk