

**AGENDA
PUBLIC MEETING
BOROUGH OF MONTVALE
Mayor and Council Meeting
May 8, 2018
Meeting to Commence 7:30 p.m.
Closed/Executive Session will commence at 7:00 p.m.**

CLOSED/EXECUTIVE SESSION:

Motion to move into Executive Session as provided for by Resolution No. 15-2018 adopted on January 1, 2018 and posted on the bulletin board in the Municipal Building:

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

Attorney/Client Privilege/Contract Negotiations/Affordable Housing

- a. Contract Negotiations PVDPW
- b. Council On Affordable Housing (COAH)

Minutes to be disclosed as per the Open Public Meetings Act and Resolution No. 15-2018 matters discussed will be disclosed to the public when such matters are finally determined and there is no reason to prohibit the public disclosure of information relating to such matters.

ROLL CALL:

Councilmember Arendacs	Councilmember Koelling
Councilmember Curry	Councilmember Lane
Councilmember Gloeggler	Councilmember Weaver

MAYOR FOR THE DAY: Cody Jones

RESOLUTION:

118-2018 A Resolution Endorsing the Housing Element and Fair Share Plan and Adopting the Spending Plan
Prepared by Darlene Green, PP, AICP and Approved by the Montvale Planning Board on
May 1, 2018

Planning Board Recommendations and Resolutions

ORDINANCES:

INTRODUCTION OF ORDINANCE NO. 2018-1449 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO ESTABLISH A BOROUGH-WIDE SET-ASIDE REQUIREMENT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

(Public hearing 5/29/18)

INTRODUCTION OF ORDINANCE NO. 2018-1450 AN ORDINANCE RENAMING CHAPTER 2B OF THE CODE OF THE BOROUGH OF MONTVALE, "AFFORDABLE HOUSING REGULATIONS," AND REPLACING THE ENTIRE CONTENTS THEREOF TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

(Public Hearing 5/29/18)

INTRODUCTION OF ORDINANCE NO. 2018-1451 AN ORDINANCE AMENDING CHAPTER 57 THE LAND USE PROCEDURES ORDINANCE ARTICLE VII DEVELOPMENT FEES OF THE BOROUGH OF MONTVALE TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT

(Public Hearing 5/29/18)

INTRODUCTION OF ORDINANCE NO. 2018-1452 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO RENAME SECTION 128-5.5 TO BE ENTITLED "OVERLAY DISTRICTS" AND TO ESTABLISH THE MIXED-USE INCLUSIONARY 1 (MI-1) OVERLAY DISTRICT, THE MIXED-USE INCLUSIONARY 2 (MI-2) OVERLAY DISTRICT, AND THE MIXED-USE INCLUSIONARY 3 (MI-3) OVERLAY DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

(Public Hearing 5/29/18)

PUBLIC HEARING OF ORDINANCE NO. 2018-1447 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,662,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

PUBLIC HEARING OF ORDINANCE NO. 2018-1448 ORDINANCE AMENDING ORDINANCE NUMBER 2016-1413 OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, FINALLY ADOPTED MAY 10, 2016 IN ORDER TO AMEND SECTION 3b).

MEETING OPEN TO PUBLIC:

Agenda Items Only

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

April 24, 2018

MINUTES CLOSED/EXECUTIVE SESSION:

April 24, 2018

RESOLUTIONS:

- 110-2018 Authorizing Tax Sale Premium to Escheat to the Municipality
- 111-2018 Authorize Tax Court Settlement / Block 2802, Lot 4 / 14 Philips Parkway, LLC
- 112-2018 Transfer and Development Agreement (Bergen County United Way Madeline Housing Partners, LLC)
- 113-2018 Authorize Release of Escrow/Ultimate Living III LLC/Block 2801/Lot 2
- 114-2018 Authorize Release of Escrow/Tonelli Development Corp./Block 2002 Lot 14
- 115-2018 Revise Resolution of Appointment/Tax Assessor Resolution 65-2018 /Raymond Tighe
- 116-2018 Resolution Authorizing a Change Order to the Contract With Waste Management to Include The Reserve at Montvale Pursuant to the Borough's Obligations Under the Condo Services Act
- 117-2018 Authorize Refund of Recreation Programs

RESOLUTIONS: (CONSENT AGENDA*)

All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

None.

BILLS:

REPORT OF REVENUE:

COMMITTEE REPORTS:

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

- a. Pascack Hills High School discounted Recreation Rate / Rachele Campana
- b. Parking on Ellsworth Terrace / Discussion
- c. Maser Proposals / 69 Pennsylvania Ave and 25 W Grand Ave / Discussion

COMMUNICATION CORRESPONDENCE:

None.

MEETING OPEN TO THE PUBLIC:

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

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

The next Workshop Session of the Mayor and Council will be held May 29, 2018 at 7:30 p.m.

*****Disclaimer***** All M & C Meeting Are Subject To Additions, Deletions and Amendments –

Fran Scordo

From: Fran Scordo
Sent: Wednesday, May 02, 2018 9:48 AM
To: Fran Scordo
Subject: FW: HEFSP and Spending Plan (MPP-014C 5.2.18)
Attachments: 180502dag_MPP_Draft_Spending_Plan.pdf; 180416_dag_MPP_DRAFT_HEFSP_pb_5.1.18.pdf

Importance: High

From: Darlene Green
Sent: Wednesday, May 02, 2018 8:54 AM
To: Joseph Voytus (jwvoytus@boggialaw.com) <jwvoytus@boggialaw.com>; 'Maureen Iarossi' <miarossi@montvaleboro.org>
Cc: Lorraine Hutter (lhutter@montvaleboro.org) <lhutter@montvaleboro.org>
Subject: HEFSP and Spending Plan (MPP-014C 5.2.18)
Importance: High

Good morning all –

Last night the Planning Board adopted both the HEFSP and Spending Plan with minor amendments. Where possible, I have shown those changes in track changes. Amendments are not easily shown in track changes for charts/tables, so I'll describe those changes below. Please note that I've only attached the relevant pages.

1. Page 43 – update the DePeiro language to match United Way's proposal
2. Page 46 – amend the table from "No" to "Yes" for DePeiro under the column "Age-Restricted"
3. Page 55 – update the text for A&P to reflect the fact that the building has been demolished
4. Page 72 and 73 – amend the table to remove the "Application Review and Approval" line item for 7 Franklin Avenue as the development was approved by the Board; revise the phrase "Application Review and Approval" where shown to "Application Review"
5. Spending Plan – page 6 and 7. Amend the table's date of 12.31.17 to 1.31.18. Initially we were going to establish the cut-off date for the Spending Plan of 12.31.17, but we realized the Borough had the data through 1.31.18 and there was significant revenue/expenditures that should be included prior to the cut-off date. The dollar amounts were amended, but we failed to amend the dates when we updated the tables.

Also, please be reminded that I cannot attend Tuesday's Council meeting, but have penciled in the Second Reading date of May 29th. If you have any questions, please do not hesitate to call or email my office. Thank you.

Darlene A. Green, P.P., AICP
Senior Associate

Connect with Us:



Maser Consulting P.A.

Shelbourne at Hunterdon | 53 Frontage Road | Suite 110 | Hampton, NJ 08827

AFFORDABILITY ASSISTANCE CALCULATION			
Actual development fees through 1/31/2018		\$	2,804,926.74
Actual interest earned through 1/31/2018	+	\$	74,781.11
Development fees projected 2018-2025	+	\$	299,262.15
Interest projected 2018-2025	+	\$	219.63
Less housing activity expenditures through 1/31/2018	-	\$	968,901.35
Total	=	\$	2,210,288.28
Calculate 30 percent	x .30 =	\$	663,086.48
Less Affordability assistance expenditures through 1/31/2018	-	\$	-
Projected Minimum Affordability Assistance Requirement 2/1/2018 through 12/31/2025	=	\$	663,086.48
Projected Minimum Very Low-Income Affordability Assistance Requirement 2/1/2018 through 12/31/2025	÷ 3 =	\$	221,028.83

(e) Administrative Expenses (N.J.A.C. 5:97-8.9)

Municipalities are permitted to use affordable housing trust fund revenue for related administrative costs up to a 20% limitation pending funding availability after programmatic and affordability assistance expenditures. The actual administrative expense maximum is calculated on an ongoing basis in the CTM system based on actual revenues.⁸

ADMINISTRATIVE EXPENSE CALCULATION			
Actual dev fees and interest thru 1/31/2018			\$2,879,707.85
Projected dev fees and interest 2018 thru 2025	+		\$439,481.78
Payments-in-lieu of construction and other deposits thru 1/31/2018	+		\$1,062,500.00
Less RCA expenditures thru 1/31/2018	-		\$1,475,000.00
Total	=		\$2,906,689.63
Calculate 20 percent	x .20 =		\$581,337.93
Less admin expenditures thru 1/31/2018	-		\$411,287.53
Projected Maximum available for administrative expenses 2/1/2018 thru 12/31/2025	=		\$170,050.40

The Borough of Montvale projects that \$170,050.40 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20% cap, are as follows:

- Borough Attorney, Engineer and Planner fees as well as consulting fees related to the administration and implementation of the Borough's affordable housing program(s).
- Salaries and benefits for municipal employees for administration and implementation of the housing plan and program(s).
- Municipal Housing Liaison and Administrative Agent training and on-going continuing education.
- Completion of annual trust fund and affordable housing activity monitoring as detailed in the November 14, 2017 Settlement Agreement.
- Completion of very-low income monitoring every three years as detailed in the Settlement Agreement.
- Completion of the mid-point realistic opportunity review due on July 1, 2020 as detailed in the Settlement Agreement.

5) EXPENDITURE SCHEDULE

The Borough of Montvale intends to use affordable housing trust fund revenues for the creation and/or preservation of affordable housing units. It should be noted that the amount spent in a given year for any line item may actually span multiple years in reality. The chart on page 8 provides an estimated timeline for expenditure and does not restrict the Borough from spending the money sooner or later in the Third Round period.

The ordinance requires a minimum of 32 low- and moderate-income housing units to be constructed by the Borough of Montvale or by a private, public or non-profit entity designated by the Borough of Montvale. On July 15, 2014, the Planning Board approved a two-story 32-unit multi-family building on Block 1002, Lots 3 and 5. This approval was in conjunction with the approval of a Wegmans Supermarket and a lifestyle center on Block 2802, Lots 2 and 3. Condition #2 of the Resolution requires conveyance of the Block 1002 parcels to the Borough upon or prior to the issuance of the first building permit. The properties were transferred to the Borough in 2017. It is anticipated that the affordable units will be rental units. See Appendix A for additional details.

Since 2017 the Borough has been working with the United Way of Bergen County to devise a plan to construct the affordable housing units. United Way has expressed its willingness and intent to partner with the Borough on the project. The Borough is currently preparing a Transfer and Development Agreement, which will transfer the parcels to United Way. Meanwhile, United Way has prepared a concept plan, pro-forma, a construction schedule and Schedule 10-A Project Description, which are attached under Appendix I. Furthermore, the Borough has committed a maximum of \$375,000 of its Affordable Housing Trust Fund to buy down moderate-income units to low-income units. This is illustrated in the Draft Spending Plan, Appendix J.

As illustrated in the concept plan, the site could accommodate a total of 32 units. ~~Eight of the units would be one-bedroom and 24 of the units would be two-bedroom units. There is a possibility that some of the units would be reserved for seniors and/or special needs families, but those specifics will be determined at a later time. Twenty-eight of the units would be one-bedroom age-restricted and one building would be a four-bedroom group home.~~

The affordable housing rules require municipalities to designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. These terms are defined below:

- "Approvable site" means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.
- "Available site" means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
- "Developable site" means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.
- "Suitable site" means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

The properties meet the four prongs of the rules (hereinafter "Four-Prong Test" as follows:

- Approvable site – The properties are currently zoned AH-PUD, which requires 32 low- and moderate-income housing units to be constructed on the site. The site received approvals to

The site meets the Four-Prong Test as follows:

- **Approvable site** – The site is currently zoned to permit planned inclusionary residential development at a density of 5.8 units per acre.
- **Available site** – The property is privately-owned with no known title or encumbrance issues.
- **Developable site** – The site is located within water and sewer service areas.
- **Suitable site** – Two existing inclusionary housing developments are adjacent to the property. (See map on following page.) The Montvale Reserve is located to the north and the Greenway development is located to the west. Single-family residential housing is to the east of the property and the former A & P headquarters is to the south across Summit Avenue (which is also zoned to permit inclusionary housing). The property contains environmental constraints including wetlands, Category 1 waters 300-foot buffer area (hereinafter "C1 water buffer area"), steep slopes and a stream. Approximately 18.9 acres of the site are within the C1 water buffer area. Within that area is also 8.9 acres of wetlands. There is just over 1 acre of steep slopes located on the property, with a majority located within the C1 water buffer area. According to the GIS mapping and the online tax record acreage, 9.36 acres are developable.

Based on this information, 127 Summit Avenue is eligible to receive up to **13 credits**.

Proposed Prior Round Credit Summary

The proposed PRO mechanisms provide 63 credits towards the PRO. The Borough can claim a maximum of 64 bonus credits for the PRO. Existing mechanisms generate 51 bonus credits as detailed previously, leaving a maximum of 13 bonus credits for the proposed PRO mechanisms.

PROPOSED PRIOR ROUND CREDITS						
Mechanism	Credit Type	Tenure	Acres Restricted	Credits	Bonus	Total
DePiero	100% Affordable	Rental	Yes	32		32
Bonnabel/Training Ridge/The Alexa	Inclusionary	Rental	No	18	13	31
127 Summit Avenue	Inclusionary	Rental	Yes	13		13
Total				63	13	76

Existing and proposed developments generate a total of 215 credits and 64 bonuses that can be applied against the 255-unit PRO. The credits plus bonuses total 279. Therefore, the Borough of Montvale can satisfy its entire PRO with existing and proposed mechanisms. Furthermore, there are 24 surplus credits that are being carried forward to the TRO.

Third Round RDP Mechanisms

Eight mechanisms are either under construction or proposed for the Third Round RDP.

1. Carry-over Credits

There are 24 surplus credits being carried forward from the PRO and applied to the TRO.

6. A & P

Identified as Block 1903, Lot 7, and located at 2 Paragon Drive, this property contains nearly 20 acres and is located at the intersection of Paragon Drive with Summit Avenue (see map on the following page). The property was previously zoned OR-3 Zone District and was rezoned via Ordinance No. 2017-1437 to the AH-6A Affordable Housing District on December 11, 2017. (See Appendix Q for Ordinance No. 2017-1437.) The site is adjacent to two existing inclusionary housing developments, the AH-6 Zone District (Greenway) to the north across Summit Avenue and the AH-10 Zone District (Valley View) to the west and south. Surrounding land uses include vacant land to the north, office buildings to the east and an inclusionary townhome development to the west and south. To the west is a nursery. The site was the former office headquarters of A & P.

The current property owner, Two Paragon Drive, LLC, entered into a Settlement Agreement on November 14, 2017 with the Borough. (See Appendix D.) Since the Settlement Agreement was executed, the property has been rezoned to permit an inclusionary residential development of no more than 80 units with a 20% affordable housing set-aside. This would translate to 16 affordable units, which are creditable under N.J.A.C. 5:93-5.6 (inclusionary development).

The former A & P headquarters site meets the Four-Prong Test as follows:

- Approvable site – The property owner entered into a Settlement Agreement with the Borough to develop the property with no more than 80 units with a 20% affordable housing set-aside. The property was rezoned in December of 2017 from OR-3 to AH-6A Affordable Housing District to permit the agreed number of units. The site is ~~was~~ currently previously developed with an office building, which has since been demolished.
- Available site – The property is the former headquarters of A & P ~~and has been vacant several years.~~ The Borough is unaware of any title issues. A portion of the site is encumbered by a utility easement. Parking exists on the easement today. Based on the concept plans received, this easement will not limit the ability to construct 80 townhomes.
- Developable site – The site is connected to water and sewer services.
- Suitable site – The property has vacant land to the north, office buildings to the east and an inclusionary townhome development to the west and south. To the west is a nursery. As for environmental constraints, a C1 water buffer area occupies approximately 17.6 acres of the 19.3-acre site. A 3.2-acre area of steep slopes runs along the western property line and 5.4-acre area wetlands is located in the southern half of the property. Additionally, a pond is located at the north end of the property with a stream running along the western property line and traversing the rear half of the property towards southeast corner. A SFHA is located around the stream and pond and encompasses approximately 3.9 acres. It should be noted that the all the constraints are located within the C1 water buffer area. Despite all these environmental limitations, 11.8 acres of the site is impervious coverage today and can be redeveloped.

Based on the above information, the former A & P headquarters could provide **16 credits**.

IMPLEMENTATION SCHEDULE								
Mechanism	2018	2019	2020	2021	2022	2023	2024	2025
Borough Rehabilitation Program								
DePiero								
Developer's Agreement								
Conveyance of Land								
Construction								
Occupancy				2021				
Bonnabel/Trailing Ridge								
Construction								
Occupancy		2019						
127 Summit Avenue								
Application Review								
Construction								
Occupancy							2024	
School #2								
Renovations/Construction								
Occupancy	2018							
99 Spring Valley Road								
Construction								
Occupancy	2018							
7 Franklin Avenue								
Construction								
Occupancy			2020					
110 Summit Avenue								
Application Review								
Construction								
Occupancy					2022			
A & P								
Application Review								
Construction								
Occupancy				2021				
Mercedes								
Application Review								
Construction								
Occupancy					2022			
Sony								
Application Review								
Construction								
Occupancy				2021				

IMPLEMENTATION SCHEDULE								
Mechanism	2018	2019	2020	2021	2022	2023	2024	2025
Mercedes								
Application Review								
Construction								
Occupancy					2022			
Sony								
Application Review								
Construction								
Occupancy				2021				
Annie Sez								
Adopt Overlay Zone								
Application Review								
Construction								
Occupancy								2025
Southeast B-1 District - East								
Adopt Overlay Zone								
Application Review								
Construction								
Occupancy								2025
Southeast B-1 District - West								
Adopt Overlay Zone								
Application Review								
Construction								
Occupancy								2025
Borough-wide Set Aside Overlay Ordinance								
Adopt Overlay Zone Ordinance								
Application Review								
Construction								
Occupancy								2025

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 118-2018**

RE: A Resolution Endorsing the Housing Element and Fair Share Plan and Adopting the Spending Plan Prepared by Darlene Green, PP, AICP and Approved by the Montvale Planning Board on May 1, 2018

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in a case captioned *In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (201) ("Mt. Laurel IV")*, holding that due to the failure of the New Jersey Council on Affordable Housing ("COAH") to adopt Third Round Rules concerning the affordable housing obligations of New Jersey municipalities, the enforcement and administration of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA") would vest in the New Jersey Superior Court; and

WHEREAS, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in *Mt. Laurel IV*, seeking approval of a Housing Element and Fair Share Plan and Spending Plan that satisfied the Borough's obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

WHEREAS, the Borough Council of the Borough of Montvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, after a Fairness Hearing held on January 25, 2018, by Order dated February 12, 2018, Hon. Menelaos W. Toskos, J.S.C. approved a series of settlement agreements between the Borough of Montvale, Fair Share Housing Center, and three developer-intervenors intended to establish the Borough's affordable housing obligations; and

WHEREAS, pursuant to the requirements of the February 12, 2018 Order, the Borough of Montvale intends to supplement its Zoning Ordinance in accordance with a newly-adopted Housing Element and Fair Share Plan ("HEFSP") and Spending Plan to include provisions addressing Montvale's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the Montvale Planning Board at its meeting held on May 1, 2018, adopted a HEFSP and an associated Spending Plan dated April 17, 2018, prepared by Darlene A. Green, P.P., AICP, pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, the HEFSP and Spending Plan implement the settlements approved by the February 12, 2018 Order and address the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, a copy of the Planning Board's approving resolution is attached hereto; and

WHEREAS, the Mayor and Council are desirous of endorsing the HEFSP and adopting the Spending Plan and authorizing the Borough's professionals to file the HEFSP and Spending Plan with the Court

in connection with the Declaratory Judgment action to seek approval of these documents from the Court at the Compliance Hearing currently scheduled for July 18, 2018.

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

1. The Housing Element and Fair Share Plan prepared by Darlene Green, PP, AICP, and adopted by the Planning Board on May 1, 2018, are hereby endorsed by the Borough Council.
2. The Spending Plan prepared in conjunction with the HEFSP and adopted by the Planning Board on May 1, 2018, is hereby adopted by the Borough Council.
3. The Borough Attorney and Special Counsel for Affordable Housing are hereby directed, authorized and empowered to file the HEFSP and Spending Plan with the Superior Court and seek approval of same in connection with the Borough's Declaratory Judgment action.
4. All appropriate Borough officials and employees are directed, authorized and empowered to take all steps necessary to effectuate the purposes of this Resolution.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

Adopted: May 8, 2018

ATTEST:

Maureen Iarossi-Alwan
Municipal Clerk

APPROVED:

Michael Ghassali
Mayor



Borough of Montvale

12 Mercedes Drive, 2nd Floor
Montvale NJ 07645

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Planning Board Memo

Date: May 2, 2018

To: Mayor and Council

cc: Maureen Iarossi-Alwan, Administrator/Municipal Clerk

From: R. Lorraine Hutter, Land Use Administrator *RLH*

RE: Housing Element and Fair Share Plan and Borough of Montvale 2018 Affordable Housing Fund Spending Plan

Please be advised that the Planning Board has reviewed extensively and adopted the Housing Element and Fair Share Plan and Borough of Montvale 2018 Affordable Housing Fund Spending Plan, prepared by Darlene Green, P.P., AICP of Maser Consulting, document dated April 17, 2018 and passed two Resolutions memorializing the same at last night's Planning Board Meeting of May 1, 2018.

The Planning Board recommends the endorsement of these plans.

I have attached both resolutions for your file.

RLH

Encs

Introduced By: *Mr. Cuthane*

Seconded By: *Mr. Stefanelli*

BOROUGH OF MONTVALE

PLANNING BOARD

RESOLUTION

WHEREAS, on February 12, 2018 an Order was entered in the Superior Court of New Jersey, Law Division, Bergen County entitled, "In The Matter of The Application of The Borough of Montvale, County of Bergen", Docket No. BER-L-6141-15, which Order approved a Settlement Agreement between the Borough and Fair Share Housing Center ("FSHC"); and

WHEREAS, the Order provides, at paragraph 3, a number of the requirements the Borough must undertake prior to the Compliance Hearing scheduled for June 7, 2018; and

WHEREAS, among those requires is included the approval of a Spending Plan; and

WHEREAS, there has been prepared a document entitled, "Borough of Montvale, 2018 Affordable Housing Trust Fund Spending Plan" (hereinafter "Spending Plan"); and

WHEREAS, the Planning Board has reviewed the Spending Plan at a public meeting held on May 1, 2018, which meeting was duly advertised in accordance with the statutory requirements; and

WHEREAS, members of the public were given an opportunity to be heard at said public meeting.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Montvale that it does hereby find as follows:

1. The Spending Plan delineates the revenues that the Borough has collected and expended, and also projects revenue anticipated from development fees and other funding sources during the period of Third Round Substantive Certification.

2. The administrative mechanism for the collection and distribution of funds is defined by establishing a procedural sequence for the collection of development fee revenues and distribution of development fee revenues.

3. The Spending Plan provides that a minimum of \$125,000.00 will be dedicated to the rehabilitation component of five (5) units as set forth in the Housing Element and Fair Share Plan (hereinafter "HE/FSP").

4. A total of \$80,000.00 will be allocated to the entirely affordable development known as School No. 2 which is presently under construction, with the funding intended to bridge a funding gap and enable United Way/Madeline to

finish construction and permit occupancy this year.

5. An amount up to \$50,000.00 will be dedicated to assist a group home provider desiring to locate within the Borough. The Spending Plan indicates that the Borough would like to avail itself of this option, even though not included in the HE/FSP.

6. A total of up to \$450,000.00, conditioned upon adequate development fees being collected, will be used to purchase existing homes within the Borough and deed restrict the units as affordable units for a minimum of thirty (30) years. An existing condominium development within the Borough presents an opportunity to purchase two (2) existing market rate units and convert same to affordable units. This is an option the Borough is desirous of availing itself of, although not specifically included in the HE/FSP.

7. Consistent with the requirement that municipalities spend a minimum of thirty (30%) percent of development fee revenue to render existing affordable units more affordable, with one-third ($\frac{1}{3}$) of such number being dedicated to very low income households, the Borough is required to dedicate the amount depicted on the Chart on page 6 of the Spending Plan (\$663,086.48) to render units more affordable, with one-third ($\frac{1}{3}$) of such sum (\$221,028.83) rendering units more affordable to very low income households. In addition, the Borough will set aside a minimum of \$120,000.00 for rental assistance in connection with fifty-six (56) existing affordable rental units in the Borough, ten

(10) of which are in group home facilities. The Borough anticipates providing approximately \$2,000.00 in assistance per rental unit.

8. The Spending Plan limits administrative expenses to the twenty (20%) percent cap as set forth in *N.J.A.C. 5:97-8.9*.

9. The Spending Plan provides at pages 7 and 8 a schedule for the expenditure of Affordable Housing Trust Fund revenues and details the allocation for the various projects and programs.

10. Finally, in the event funding is not available to implement the objectives of the Spending Plan due to an unexpected revenue shortfall, the Borough will approve a resolution of intent to bond for such purposes.

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Montvale that it does hereby endorse the Spending Plan in connection with the Borough's affordable housing obligation; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the Land Use Administrator to the Borough Clerk.



JOHN DE PINTO, Chairman

Dated: May 1, 2018

Certified to be a true copy of a Resolution adopted by the Planning
Board of the Borough of Montvale at its regular meeting on Tuesday, May 1, 2018.

R. Lorraine Hutter

**R. LORRAINE HUTTER, Secretary/Land
Use Administrator**

Introduced By:

J. P. Agostino

Seconded By:

M. D. Null

BOROUGH OF MONTVALE

PLANNING BOARD

RESOLUTION

WHEREAS, on February 12, 2018 an Order was entered in the Superior Court of New Jersey, Law Division, Bergen County entitled, "In The Matter of The Application of The Borough of Montvale, County of Bergen", Docket No. BER-L-6141-15, which Order approved a Settlement Agreement between the Borough and Fair Share Housing Center ("FSHC"); and

WHEREAS, the Order provides, at paragraph 3, a number of the requirements the Borough must undertake prior to the Compliance Hearing scheduled for June 7, 2018; and

WHEREAS, those requirements include the preparation of a Housing Element and Fair Share Plan ("HE/FSP"), including a Spending Plan and various Ordinances consistent with the HE/FSP, the preparation of an Affordable Marketing Plan, and various other services, all of which are intended to comply with the aforementioned Court Order; and

WHEREAS, there has been prepared a document entitled "2018 Housing Element & Fair Share Plan" prepared by Darlene A. Green, PP, AICP, dated April 17, 2018, which is intended to address the requirement of paragraph 3(a) that a Housing Element and Fair Share Plan be prepared, and paragraph 3(c) that the Housing Element be adopted by the Borough Planning Board; and

WHEREAS, the Planning Board has reviewed the HE/FSP and advertised that a public hearing thereon would be held on May 1, 2018; and

WHEREAS, said public hearing was duly advertised in accordance with the requirements of *N.J.S.A. 40:55D-13*; and

WHEREAS, members of the public were given an opportunity to be heard at said public hearing.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Montvale that it does hereby find as follows:

1. The HE/FSP addresses the issues embodied in a Settlement Agreement between the Borough and FSHC which sets forth the Borough's affordable housing obligations under the Mount Laurel doctrine.

2. The HE/FSP details the prior round mechanisms that the Borough employed to satisfy its affordable housing obligation setting forth and itemizing each property and the particular mechanism (inclusionary development, affordable and supportive housing, 100% affordable development, and Regional Contribution Agreement).

3. The HE/FSP details the third round Realistic Development Potential ("RDP mechanisms") which includes surplus credits from the prior round obligation, an entirely affordable development (School No. 2), inclusionary development, and affordable units in a proposed assisted living facility. The Third Round RDP Mechanisms which are detailed on page 61 of the HE/FSP provide for one hundred seventy-four (174) units, plus extra bonus credits of forty-six (46) units, or a total of two hundred twenty (220) units.

4. The HE/FSP notes that a Vacant Land Adjustment Analysis results in a RDP of one hundred eighty-one (181) and an unmet need of three hundred sixty-one (361). It further provides that the Borough has the right, under the Settlement Agreement with FSHC, to provide the forty-five (45) unit surplus from the prior round to any future change in land development patterns that would increase the Borough's RDP.

5. The HE/FSP provides for four (4) proposed mechanisms allocated toward unmet need. These include overlay zoning for Block 703, Lot 7 (the former Annie Sez property) for the southeast portion of the B-1 District east of the train tracks, for the southeast B-1 District west of the train tracks, as well as a Borough-wide set-aside Overlay Ordinance.

6. The HE/FSP also describes the Borough rehabilitation program and five (5) credits for this component.

The existing and proposed credits from rehabilitation, prior

round, and the third round RDP are detailed on page 69.

7. The HE/FSP further includes the adopted and proposed Ordinances intended to comply with the Settlement Agreement and to implement the HE/FSP.

8. The Board finds that the HE/FSP, in addition to satisfying the requirements of the Settlement Agreement, is consistent with the goals and objectives of the Fair Housing Act, *N.J.S.A. 52:27D-301, et seq.*, and will further permit the Borough to satisfy its constitutional obligation providing its fair share of the region's need for low and moderate income housing.

9. The HE/FSP, in view of its advancement of these goals and objectives and its conformity to the Settlement Agreement, is appropriate to be made a part of the Borough's Master Plan and is in accordance with the provisions of the aforesaid Order entered February 12, 2018.

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Montvale that it does hereby adopt the HE/FSP for the Borough of Montvale dated April 17, 2018 and further amends the Borough's Master Plan to include the HE/FSP as an integral part thereof; and

BE IT FURTHER RESOLVED that a copy of the within resolution and the adopted HE/FSP be forwarded, by certified mail, to the Bergen County Planning Board pursuant to *N.J.S.A. 40:55D-13(3)(b)*; and

BE IT FURTHER RESOLVED that notice of this action by the

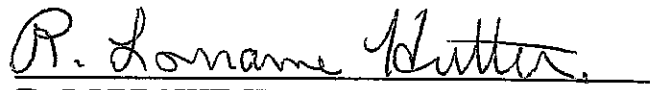
Planning Board be provided, by certified mail, to the Municipal Clerks of municipalities contiguous to the Borough of Montvale.



JOHN DE PINTO, Chairman

Dated: May 1, 2018

Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its regular meeting on Tuesday, May 1, 2018.



**R. LORRAINE HUTTER, Secretary/Land
Use Administrator**

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2018-1449**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 8th day of May 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 29th day of May 2018 at 7:30 pm, or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi Alwan, Municipal Clerk
Borough of Montvale

AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO ESTABLISH A BOROUGH-WIDE SET-ASIDE REQUIREMENT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, the Borough Council of the Borough of Montvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in *In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (201) ("Mt. Laurel IV")* seeking approval of a Housing Element and Fair Share Plan that satisfied the Borough's obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

WHEREAS, after a Fairness Hearing held on January 25, 2018, by Order dated February 12, 2018, Hon. Menelaos W. Toskos, J.S.C. approved a series of settlement agreements between the Borough of Montvale, Fair Share Housing Center, and three developer-intervenors intended to establish the Borough's affordable housing obligations; and

WHEREAS, pursuant to the requirements of the February 12, 2018 Order, the Borough of Montvale intends to supplement its Zoning Ordinance to include provisions addressing Montvale's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the Montvale Planning Board has adopted a Housing Element and Fair Share Plan dated April 17, 2018 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are required when certain types of applications are approved; and

WHEREAS, this Ordinance is intended to implement the above-referenced Housing Element and Fair Share Plan, which has been endorsed by the Governing Body.

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

Section 1. Chapter 128 of the Code of the Borough of Montvale, Article IX, entitled "Miscellaneous District Regulations," Section 9.2, is hereby amended and supplemented by renaming the section "Borough-Wide Set-Aside Requirements," and amending and supplementing said section to read as follows:

§128-9.2 Borough-Wide Set-Aside Requirements.

- A. Any property in the Borough of Montvale that receives a zoning change, density variance, use variance or approval of a redevelopment or rehabilitation plan to permit multi-family residential development, which multi-family residential development will yield five (5) or more new dwelling units, shall provide a minimum affordable housing set-aside of:
 - 1. fifteen (15%) percent if the affordable units will be for rent; or
 - 2. twenty (20%) percent set-aside if the affordable units will be for sale.
- B. This requirement shall not apply to residential development on sites that are zoned for inclusionary residential development as part of the Borough's Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning.
- C. This requirement does not, and shall not be construed to, grant any property owner or developer the right to any rezoning, variance or other relief, nor does this requirement establish any obligation on the part of the Borough of Montvale to grant any such rezoning, variance or other relief.
- D. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement.
- E. All affordable units created pursuant to this Section shall be governed by the provisions of Chapter 2B, "Affordable Housing Regulations"

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.

MICHAEL GHASSALI, MAYOR

ATTEST:

MAUREEN IAROSHI-ALWAN, RMC
Municipal Clerk

INTRODUCED: 5/08/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

ADOPTED: 5/29/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2018-1450**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 8th day of May 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 29th day of May 2018 at 7:30 pm, or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi Alwan, Municipal Clerk
Borough of Montvale

AN ORDINANCE RENAMING CHAPTER 2B OF THE CODE OF THE BOROUGH OF MONTVALE, "AFFORDABLE HOUSING REGULATIONS," AND REPLACING THE ENTIRE CONTENTS THEREOF TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Borough of Montvale has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region's need for affordable housing; and

WHEREAS, the Borough Council of the Borough of Montvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mt. Laurel IV") seeking approval of a Housing Element and Fair Share Plan that satisfies the Borough's obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

WHEREAS, after a Fairness Hearing held on January 25, 2018, by Order dated February 12, 2018, Hon. Menelaos W. Toskos, J.S.C. approved a series of settlement agreements between the Borough of Montvale, Fair Share Housing Center and three developer-intervenors, which were intended to establish the Borough's affordable housing obligations; and

WHEREAS, the Montvale Planning Board has adopted a Housing Element and Fair Share Plan dated April 17, 2018 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the Borough is desirous of amending and supplementing the Borough Code to implement the above-referenced Housing Element and Fair Share Plan, which has been endorsed by the Governing Body, and include provisions addressing Montvale's constitutional obligation to provide for its fair share of low and moderate income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

Section 1. Montvale Borough Code Chapter 2B, is hereby renamed "Affordable Housing Regulations" and replaced in its entirety, as follows:

CHAPTER 2B

AFFORDABLE HOUSING REGULATIONS

Article I

Affordable Housing Requirements

- §2B-1 Purpose.**
- §2B-2 Monitoring requirements.**
- §2B-3 Definitions.**
- §2B-4 Applicability.**
- §2B-5 Rehabilitation Program.**
- §2B-6 Alternative living arrangements.**
- §2B-7 Inclusionary zoning.**
- §2B-8 Phasing schedule for inclusionary zoning.**
- §2B-9 Fractional units.**
- §2B-10 New construction.**
- §2B-11 Utilities.**
- §2B-12 Occupancy standards.**
- §2B-13 Control periods for restricted ownership units and enforcement measures.**
- §2B-14 Price restrictions for restricted ownership units, homeowner association fees and resale prices.**
- §2B-15 Buyer income eligibility.**
- §2B-16 Limitations on indebtedness secured by ownership unit; subordination.**
- §2B-17 Capital improvements to ownership units.**
- §2B-18 Control periods for restricted units.**
- §2B-19 Rent Restrictions for Rental Units; Leases**
- §2B-20 Tenant income eligibility.**

Article II

Municipal Housing Liaison

- §2B-21 Municipal Housing Liaison**

Article III

Administrative Agent

- §2B-22 Administrative Agent.**

Article IV
Affirmative Marketing Requirements

§2B-23 **Affirmative marketing requirements.**

Article V
Enforcement

§2B-24 **Enforcement of affordable housing regulations.**
§2B-25 **Appeals.**

Article I
Affordable Housing Requirements

§2B-1 **Purpose.**

- A. The purpose of this Chapter is to provide for and regulate affordable housing in the Borough of Montvale. This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income individuals and households shall occupy these units.
- B. The Borough of Montvale Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan has been endorsed by the Borough Council. The Fair Share Plan describes the ways the Borough of Montvale shall address its fair share for low- and moderate-income housing as determined by the New Jersey Superior Court and documented in the Housing Element.
- C. This Ordinance implements and incorporates the Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as it may be amended and supplemented.

§2B-2 **Monitoring requirements.**

- A. On the first anniversary of the entry of the Order granting Montvale a Final Judgment of Compliance and Repose in IMO Application of the Borough of Montvale, Docket No.: BER-L-6141-15, and every anniversary thereafter through the end of 2025, the Borough shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs (DCA), Council on Affordable Housing (COAH), Local Government Services (LGS) or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the DCA, COAH or LGS.

- B. On the first anniversary of the entry of the Order granting Montvale a Final Judgment of Compliance and Repose in IMO Application of the Borough of Montvale, Docket No.: BER-L-6141-15, and every anniversary thereafter through the end of 2025, the Borough shall provide annual reporting of the status of all affordable housing activity within the Borough through posting on the municipal website, with copies provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Court-appointed Special Master and FSHC. In addition to the foregoing, the Borough may also post such activity on the CTM system and/or file a copy of its report with COAH or its successor agency at the State level.
- C. For the midpoint realistic opportunity review, due on July 6, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough shall post on its municipal website, with copies provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the Borough, with copies provided to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may, by motion, request a hearing before the Court regarding these issues.
- D. For the review of very-low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Order granting Montvale a Final Judgment of Compliance and Repose in IMO Application of the Borough of Montvale, Docket No.: BER-L-6141-15, and every third year thereafter, the Borough will post on its municipal website, with copies provided to FSHC, a status report as to its satisfaction of its very-low income requirements, including the family very-low income requirements referenced in the Settlement Agreement. Such posting shall invite any interested party to submit comments to the Borough, with copies provided to FSHC, on the issue of whether the Borough has complied with its very-low income housing obligation under the terms of the Settlement Agreement.

§2B-3 Definitions.

The following terms when used in this Chapter shall have the meanings given herein:

ACT

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The entity designated by the Borough to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

AFFIRMATIVE MARKETING

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE

The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

A sales price or rent level that is within the means of a low or moderate income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as it may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as it may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

AGENCY

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80% of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

ALTERNATIVE LIVING ARRANGEMENTS

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE

A facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD

A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

COAH

The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), or any successor agency charged with the administration of the Act.

COURT

The Superior Court of New Jersey, Law Division, Bergen County.

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPER

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

LOW INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

MULTIFAMILY UNIT

A structure containing five or more dwelling units.

NON-EXEMPT SALE

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REGIONAL ASSET LIMIT

The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

REHABILITATION

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT

A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHOP or MONI.

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

VERY-LOW INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30% or less of the regional median household income by household size.

VERY-LOW INCOME UNIT

A restricted unit that is affordable to a very-low income household.

WEATHERIZATION

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

§2B-4 Applicability.

- A. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Montvale pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.

- B. Moreover, this Ordinance shall apply to all developments that contain low and moderate income housing units, including any currently anticipated future developments that will provide low- and moderate-income housing units.

§2B-5 Rehabilitation Program.

- A. Montvale's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
- B. Both owner-occupied and renter-occupied units shall be eligible for rehabilitation funds.
- C. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
- D. The Borough of Montvale shall dedicate a maximum of \$20,000 for each unit to be rehabilitated through this program.
- E. The Borough of Montvale shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Borough.
- F. The Borough of Montvale shall designate, subject to the approval of the Court, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner-occupancy rehabilitation program and a rehabilitation manual for the rental-occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Court. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- G. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - 1. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - 2. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - 3. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.

4. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

§2B-6 Alternative living arrangements.

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 1. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by COAH or the Court.
 2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by COAH or the Court.
 1. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§2B-7 Inclusionary zoning.

To implement the fair share plan in a manner consistent with the terms of the Settlement Agreement executed on November 14, 2017, ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning shall be permitted on the following properties consistent with the provisions of the Borough of Montvale's Housing Plan Element and Fair Share Plan, and the terms of the settlement agreement:

- A. For-Sale Developments. Inclusionary zoning in Planning Area 1 permits residential development at a presumptive minimum gross density of eight units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development. The Borough's affordable housing zones, including those adopted as a result of settlement agreements with prospective developers, are set forth in Chapter 128, "Zoning."
- B. Rental Developments. Inclusionary zoning permits a presumptive minimum density of 12 units per acre and a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development and the zoning provides for at least 10 percent of the affordable units to be affordable to households earning 30 percent or less of the area median income for the COAH region. The Borough's affordable housing zones, including those adopted as a

result of settlement agreements with prospective developers, are set forth in Chapter 128, "Zoning."

§2B-8 Phasing schedule for inclusionary zoning.

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

§2B-9 Fractional units.

Inclusionary developments that result in an affordable housing obligation that is fractional shall round up and provide the additional affordable unit.

§2B-10 New construction.

A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13% of all restricted rental units shall be very-low income units (affordable to a household earning 30% or less of median income). The very-low income units shall be counted as part of the required number of low income units within the development.
2. At least 25% of the obligation shall be met through rental units, including at least half in rental units available to families.
3. A maximum of 25% of the Borough's obligation may be met with age restricted units. At least half of all affordable units in the Borough's Plan shall be non-restricted.
4. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low income units.
5. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - a. The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;

- b. At least 30% of all low- and moderate-income units shall be two-bedroom units;
 - c. At least 20% of all low- and moderate-income units shall be three-bedroom units; and
 - d. The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
6. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. The Borough shall not be permitted to claim credit to satisfy its obligations under the Settlement Agreement for age-restricted units that exceed 25% of all units developed.

B. Accessibility Requirements

- 1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multi-story buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- 2. All restricted townhouse dwelling units and all restricted units in other multi-story buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - a. An adaptable toilet and bathing facility on the first floor; and
 - b. An adaptable kitchen on the first floor; and
 - c. An interior accessible route of travel on the first floor; and
 - d. An adaptable room that can be used as a bedroom, with a door or casing for the installation of a door, on the first floor; and
 - e. If not all of the foregoing requirements in (2)(a) through (2)(d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs (2)(a) through (2)(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - f. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that Montvale has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

- i. Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
- ii. To this end, the builder of restricted units shall deposit funds within the Borough of Montvale's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
- iii. The funds deposited under paragraph (f)(2) above shall be used by the Borough of Montvale for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- iv. The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Montvale for the conversion of adaptable to accessible entrances.
- v. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- vi. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

C. Design.

1. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
2. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to very-low income households, earning 30% or less of the regional median household income, with such very-low income units counted the low-income housing requirement.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or two one-person households.
- 7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as it may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as it may be amended and supplemented.
- 8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as it may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as it may be amended and supplemented.
- 9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- 10. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

§2B-11

Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for its Section 8 program.

§2B-12 Occupancy standards.

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

§2B-13 Control periods for restricted ownership units and enforcement measures.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.5, as it may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Montvale takes action to release the unit from such requirements; prior to such action, a restricted ownership unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as it may be amended and supplemented.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal

of the restrictions provided under N.J.A.C. 5:80-26.5(a), as it may be amended and supplemented.

§2B-14 Price restrictions for restricted ownership units, homeowner association fees and resale prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as it may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See §2B-17.

§2B-15 Buyer income eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as it may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income, and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit moderate-income purchasers to buy low income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate income households shall retain the required pricing and pricing restrictions for low income units.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low income household or a moderate

income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's eligible monthly income.

§2B-16 Limitations on indebtedness secured by ownership unit; subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

§2B-17 Capital improvements to ownership units.

- A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§2B-18 Control periods for restricted units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80- 26.11, as it may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Montvale takes action to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as it may be amended and supplemented.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very-low, low- or moderate-income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale of other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgement of foreclosure on the property containing the unit.

§2B-19 Rent restrictions for rental units; leases.

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

§2B-20

Tenant income eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as it may be amended and supplemented, and shall be determined as follows:
1. Very-low income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
 2. Low income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 3. Moderate income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as it may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
1. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in A(1) through B(5) above with the Administrative Agent, who shall counsel the household on budgeting.

Article II
Municipal Housing Liaison

§2B-21 Municipal Housing Liaison.

- A. The Borough of Montvale shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee.
- B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Montvale, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - 1. Serving as Montvale's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - 2. Monitoring the status of all restricted units in Montvale's Fair Share Plan;
 - 3. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
 - 4. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - 5. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- C. Subject to the approval of the Court, the Borough of Montvale shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).
- D. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.

Article III Administrative Agent

§2B-22 Administrative Agent.

The Administrative Agent shall be an independent entity serving under contract to and reporting to the Borough. For new sale and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resales, single family homeowners and condominium homeowners shall be required to pay three percent of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, .16 and .18 thereof, which include:

- A. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Montvale and the provisions of N.J.A.C. 5:80-26.15; and
- B. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- C. Household Certification:
 - 1. Soliciting, scheduling, conducting and following up on interviews with interested households;
 - 2. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - 3. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - 4. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
 - 5. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - 6. Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Montvale when referring households for certification to affordable units.

D. Affordability Controls:

1. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
2. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
3. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
4. Communicating with lenders regarding foreclosures; and
5. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

E. Sales and Re-rentals:

1. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
2. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

F. Processing Requests from Unit Owners:

1. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Chapter;
2. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
3. Notifying the Borough of an owner's intent to sell a restricted unit; and
4. Making determinations on requests by owners of restricted units for hardship waivers.

G. Enforcement:

1. Securing annually from the Borough a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
2. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
3. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
5. Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and
6. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

H. Additional Responsibilities:

1. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
2. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
3. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Article IV
Affirmative Marketing Requirements

§2B-23 Affirmative Marketing Requirements.

- A. The Borough of Montvale shall adopt by resolution an Affirmative Marketing Plan, subject to the approval of the Court that is compliant with N.J.A.C. 5:80-25.15, as it may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, as a result of the Settlement Agreement with FSHC, the Affirmative Marketing Plan shall require the notification of the FSHC, New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Bergen Urban League and the Bergen County Housing Coalition of affordable housing opportunities. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties.
- D. The Borough has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Borough of Montvale shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the Bergen County Administration Building, the Passaic County Administration Building, Hudson County Administration Building, County of Sussex (Newton), Montvale Free Public Library, Sussex County Main Library, Hudson County Library, Johnson Free Public Library (Hackensack), the Danforth Memorial Library (Paterson), the Montvale Municipal Building and the developer's rental office. Pre-applications may be emailed to prospective applicants upon request. Otherwise, hard copies are available from the Borough's Municipal Housing Liaison.
- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

Article V Enforcement

§2B-24 Enforcement of Affordable Housing Regulations.

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the Borough shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the Borough may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - 1. The Borough may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - a. A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Montvale Affordable Housing Trust Fund of the gross amount of rent illegally collected;

- b. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- 2. The Borough may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit:
 - a. The judgment shall be enforceable, at the option of the Borough, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the Borough, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Borough for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Borough in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Borough in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Borough for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the Borough for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the Borough. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Borough, whether such balance shall be paid to the Owner or forfeited to the Borough.

- c. Foreclosure by the Borough due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low and moderate income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- e. Failure of the low and moderate income unit to be either sold at the Sheriff's sale or acquired by the Borough shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the Borough, with such offer to purchase being equal to the maximum resale price of the low and moderate income unit as permitted by the regulations governing affordable housing units.
- f. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

§2B-25 Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Chapter shall be filed in writing with the Executive Director of COAH or with the Superior Court, Bergen County Vicinage.

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 and upon approval of same by the Superior Court after a duly-noticed Compliance Hearing.

ATTEST:

MICHAEL GHASSALI, Mayor

MAUREEN IAROSI-ALWAN, RMC
Municipal Clerk

INTRODUCED: 5/08/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

ADOPTED: 5/29/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2018-1451**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 8th day of May 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 29th day of May 2018 at 7:30 pm, or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi Alwan, Municipal Clerk
Borough of Montvale

**AN ORDINANCE AMENDING CHAPTER 57 THE LAND USE PROCEDURES ORDINANCE
ARTICLE VII DEVELOPMENT FEES OF THE BOROUGH OF MONTVALE TO PROVIDE FOR
THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING
AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT**

WHEREAS, in Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH); and

WHEREAS, pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans, and municipalities that were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan may retain fees collected from non-residential and residential development; and

WHEREAS, the Borough of Montvale has prepared a Spending Plan to submit to Hon. Menelaos W. Toskos, J.S.C. in connection with its pending declaratory judgment action concerning the Borough's affordable housing obligations, which incorporates the residential and non-residential development fees set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

Section 1. Chapter 57 of the Borough Code, entitled "Land Use Procedures," Article VII, entitled "Development Fees," is hereby deleted in its entirety and replaced to read as follows:

Article VII Development Fees

§57-50	Purpose.
§57-51	Court approval required.
§57-52	Definitions.
§57-53	Residential Development Fees.
§57-54	Non-Residential Development Fees.
§57-55	Collection procedures.
§57-56	Affordable Housing Trust Fund.
§57-58	Monitoring.
§57-59	On-going collection of fees.

§57-50 Purpose.

This Article establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Article shall be used for the purpose of providing very-low, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

§57-51 Court approval required.

- A. This Article shall not be effective unless and until approved by the Superior Court in connection with the Borough of Montvale's declaratory judgment action concerning its Third Round affordable housing obligations, Docket No. BER-L-6141-15.
- B. The Borough of Montvale shall not spend development fees collected pursuant to this Article unless and until the Superior Court has approved a Spending Plan for such fees.

§57-52 Definitions.

The following terms, as used in this Article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipally-sponsored construction project or a 100% affordable housing development.

COAH OR THE COUNCIL

The New Jersey Council on Affordable Housing established under the Fair Housing Act, or any successor agency.

DEVELOPMENT FEE

Money paid by a developer for the improvement of property as authorized by Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and regulated by applicable COAH Rules.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).

GREEN BUILDING STRATEGIES

Strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§57-53 Residential Development Fees.**A. Imposition of Fees.**

1. Within the Borough of Montvale, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
2. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments.

1. Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance or by Agreement with the Borough of Montvale, shall be exempt from the payment of development fees.
2. Developments that have received preliminary or final site plan approval prior to the adoption of this Ordinance shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a Zoning Permit and/or Construction Permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the Construction Permit is issued.
3. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
4. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirements. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

§57-54 Non-Residential Development Fees.

A. Imposition of Fees.

1. Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, and such calculation shall be made at the time a final Certificate of Occupancy is issued. If the calculation required under this Section results in a negative number, the non-residential development fee shall be zero.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development.

1. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
2. The 2.5% development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.
5. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this Section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Montvale as a lien against the real property of the owner.

§57-55 Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a Construction Permit shall notify the Borough Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.

- D. Within 90 days of receipt of such notification, the Borough Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
- E. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Borough of Montvale fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c.46 (C.40:55D-8.6).
- H. Except as provided in §57-54A(3) hereinabove, 50% of the initially calculated development fee shall be collected at the time of issuance of the Construction Permit. The remaining portion shall be collected at the time of issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the Construction Permit and that determined at the time of issuance of the Certificate of Occupancy.
- I. Appeal of Development Fees.
 - 1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Montvale. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Montvale. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§57-56 Affordable Housing Trust Fund.

- A. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Borough of Montvale for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
1. Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Borough of Montvale;
 2. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 3. Rental income from municipally operated units;
 4. Repayments from affordable housing program loans;
 5. Recapture funds;
 6. Proceeds from the sale of affordable units; and
 7. Any other funds collected in connection with Montvale's affordable housing program.
- C. In the event of a failure by the Borough of Montvale to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Montvale, or, if not practicable, then within the County.
- Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
- D. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

§57-57 Use of Funds.

- A. The expenditure of all funds shall conform to a Spending Plan approved by the Superior Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Borough of Montvale's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan.
- B. Funds shall not be expended to reimburse the Borough of Montvale for past housing activities.
- C. At least 30% of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of the median income for Housing Region 1, in which Montvale is located.
 - 1. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - 2. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The specific programs to be used for very-low income affordability assistance shall be identified and described within the Spending Plan.
 - 3. Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Borough of Montvale, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Borough of Montvale may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.

- E. No more than 20% of all revenues collected from development fees may be expended on administration, including but not limited to salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.
1. In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20% of collected development fees that may be expended on administration.
 2. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or actions are not eligible uses of the Affordable Housing Trust Fund.

§57-58 Monitoring.

The Borough of Montvale shall provide annual reporting of Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, COAH and Local Government Services or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, COAH or Local Government Services.

§57-59 Ongoing collection of fees.

- A. The ability of the Borough of Montvale to impose, collect and expend development fees shall be permitted through the expiration of the repose period covered by its Judgment of Compliance and shall continue thereafter so long as the Borough of Montvale has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
- B. If the Borough of Montvale is not pursuing authorization to impose and collect development fees after the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).
- C. After the expiration of the Judgment of Compliance, if the Borough does not pursue or obtain continued authorization, the Borough of Montvale shall not impose a residential development fee on a development that receives preliminary or final site plan approval, retroactively impose a development fee on such a development, or expend any of its collected development fees.

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 and upon approval of same by the Superior Court after a duly-noticed Compliance Hearing.

MICHAEL GHASSALI, MAYOR

ATTEST:

MAUREEN IAROSSO-ALWAN, RMC
Municipal Clerk

INTRODUCED: 5/08/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

ADOPTED: 5/29/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
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Lane		
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**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2018-1452**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 8th day of May 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 29th day of May 2018 at 7:30 pm, or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi Alwan, Municipal Clerk
Borough of Montvale

AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO RENAME SECTION 128-5.5 TO BE ENTITLED "OVERLAY DISTRICTS" AND TO ESTABLISH THE MIXED-USE INCLUSIONARY 1 (MI-1) OVERLAY DISTRICT, THE MIXED-USE INCLUSIONARY 2 (MI-2) OVERLAY DISTRICT, AND THE MIXED-USE INCLUSIONARY 3 (MI-3) OVERLAY DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, the Borough of Montvale has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region's need for affordable housing; and

WHEREAS, the Borough Council of the Borough of Montvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mt. Laurel IV") seeking approval of a Housing Element and Fair Share Plan that satisfies the Borough's obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

WHEREAS, after a Fairness Hearing held on January 25, 2018, by Order dated February 12, 2018, Hon. Menelaos W. Toskos, J.S.C. approved a series of settlement agreements between the Borough of Montvale, Fair Share Housing Center and three developer-intervenors, which were intended to establish the Borough's affordable housing obligations; and

WHEREAS, pursuant to the requirements of the February 12, 2018 Order, the Borough of Montvale intends to supplement its Zoning Ordinance to include provisions addressing Montvale's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the Montvale Planning Board has adopted a Housing Element and Fair Share Plan dated April 17, 2018 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, this Ordinance is intended to implement the above-referenced Housing Element and Fair Share Plan, which has been endorsed by the Governing Body; and

WHEREAS, the Borough Council has determined that certain lands comprised of Block 703, Lot 7 within the B-1 Business District are suited for overlay zoning to permit mixed-use inclusionary residential development (the "Mixed-Use Inclusionary 1 (MI-1) Overlay District"); and

WHEREAS, the Borough Council has determined that certain lands comprised of Block 1601, Lots 1, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23 (partial) and 24 (partial), Block 1603, Lot 1, and Block 2401, Lots 2, 3 and 4, within the B-1 Business District are suited for overlay zoning to permit mixed-use inclusionary development (the "Mixed-Use Inclusionary 2 (MI-2) Overlay District"); and

WHEREAS, the Borough Council has determined that certain lands comprised of Block 1604, Lots 1 and 2, Block 1605, Lots 1 and 2, Block 1606, Lots 1, 2, 3, 4 and 5, Block 2402, Lots 1, 2, 3, 5, 6, 7, 8 and 9, Block 2403, Lot 1, Block 2404, Lot 1, Block 2405, Lots 1, 2, 3, 4, 25 and 26, Block 2406, Lots 1, 2 and 3, and Block 2408, Lots 2 and 3 within the B-1 Business District are suited for overlay zoning to permit mixed-use inclusionary development (the "Mixed-Use Inclusionary 3 (MI-3) Overlay District"); and

WHEREAS, the locations of these sites are proximate to other multi-family housing developments.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Montvale in the County of Bergen and the State of New Jersey as follows:

Section 1. Chapter 128 of the Code of the Borough of Montvale, Section 128-2.1, "Classes of districts" is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

§ 128-2.1 Classes of districts.

MI-1 Mixed-Use Inclusionary 1 Overlay District

MI-2 Mixed-Use Inclusionary 2 Overlay District

MI-3 Mixed-Use Inclusionary 3 Overlay District

Section 2. Chapter 128 of the Code of the Borough of Montvale, Section 128-3.1 "Definitions," subsection B, is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

INDOOR RECREATION

A recreational land use conducted entirely within a building, including but not limited to an arcade, rock climbing, bowling alley, community center, gymnasium, swimming pool or tennis courts.

PERSONAL SERVICE ESTABLISHMENT

Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal service establishments include, but are not limited to, cleaning and garment services, clothing rental, carpet and upholstery cleaning, photograph studios, beauty shops, barbershops, tailors, travel agents, shoe repair, funeral services and domestic services.

Section 3. Chapter 128 of the Code of the Borough of Montvale is hereby amended and supplemented by renaming Section 128-5.5 "Overlay Districts," and amending and supplementing said section to read as follows:

§ 128-5.5 Overlay Districts

- A. The Borough of Montvale has established the following Overlay Districts within the Borough of Montvale:
 1. MI-1 Mixed-Use Inclusionary 1 Overlay District
 2. MI-2 Mixed Use Inclusionary 2 Overlay District
 3. MI-3 Mixed Use Inclusionary 3 Overlay District
- B. Mixed-Use Inclusionary 1 ("MI-1") Overlay District. The following standards shall apply to development within the MI-1 Overlay District. When the standards herein conflict with other provisions of Chapter 128, the standards herein shall apply.
 1. Purpose. The purpose of the MI-1 Overlay District is to provide a realistic opportunity for the construction of affordable housing as part of a mixed-use inclusionary development. The MI-1 Overlay District shall be applied as an overlay zone to the underlying B-1 District. This approach provides property owners and developers with the opportunity to utilize either set of zoning regulations as they deem preferable.
 2. Permitted principal uses. In the MI-1 Overlay District, the following uses shall be permitted:
 - a. Restaurants. However, no drive-thru, drive-in or curbside restaurants shall be permitted.

- b. Retail stores where goods are sold or services are rendered and where nothing is fabricated or manufactured or converted or altered except for such retail trade. Specifically excepted from the foregoing are any uses which involve the repair and/or maintenance of vehicles, which are prohibited.
 - c. Offices, banks and financial institutions, including medical and professional offices.
 - d. Personal service establishments.
 - e. Child-care centers.
 - f. Multi-family residential units above the ground floor.
 - g. A mixture or combination of the above uses.
3. Permitted accessory uses.
- a. Tenant amenities including but not limited to recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.
 - b. Outdoor dining, associated with permitted restaurant uses, subject to the following conditions:
 - i. Tables shall be located on private property and not in the public right-of-way.
 - ii. Fencing, bollards or planters shall be used to define the outdoor dining area.
 - iii. No outdoor dining shall be permitted after 12:00 a.m.
 - iv. All lighting shall be downward-facing and shall be turned off no later than 12:30 a.m.
 - v. Outdoor dining shall not include an outdoor bar or any other similar outdoor accessory use that serves only beverages, nor does it include any drive-through or take-out windows.
 - vi. Approval shall not be construed as approval by the Borough Council for extension and/or renewal of any license under ABC jurisdiction.
 - vii. No amplified music shall be permitted.
 - viii. Outdoor seating shall count for purposes of calculating parking requirements.
 - c. Waste and recycling receptacles.

- d. Surface parking and parking incorporated into the building design.
 - e. Any use customary and incidental to a permitted principal use.
 - f. Signs.
 - g. Fences and walls.
4. Bulk area and other dimensional standards.
- a. Minimum lot area – 4 acres
 - b. Minimum front yard – 100 feet (measured from street center line)
 - c. Minimum side yard – 20 feet
 - d. Minimum rear yard – 60 feet
 - e. Maximum building coverage – 60%
 - f. Maximum lot coverage – 85%
 - g. Maximum density – 12 units per acre
 - h. Maximum building height – 3 stories and 40 feet
 - i. Retaining walls, sidewalks, walkways, fences, above-ground and underground utilities shall be permitted within the setbacks.
5. Affordable Housing requirements
- a. 20% of all for-sale units in the MI-1 Overlay District shall be set aside for affordable households.
 - b. 15% of all rental units in the MI-1 Overlay District shall be set aside for affordable households.
 - c. Affordable units shall be governed by deed restrictions ensuring long-term affordability controls in accordance with Chapter 2B, "Affordable Housing Regulations."
 - d. The development, unit distribution and marketing of all affordable units shall be undertaken consistent with Chapter 2B, "Affordable Housing Regulations," the Uniform Housing Affordability Controls, and all other applicable laws, rules and regulations, including applicable COAH regulations, the Fair Housing Act and its requirement that at least 13% of all affordable units associated with this project be made affordable to very-low income households.

- e. The Developer shall be responsible for all costs associated with the initial sale or rental of the affordable units, and for the continuing administration of the affordable units and the preservation of the creditworthiness of the units.

6. Architecture

- a. Long, monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
 - i. The maximum spacing between building wall offsets shall be 50 feet.
 - ii. The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
 - iii. The maximum spacing between roof offsets shall be 50 feet.
 - iv. Projecting balconies are prohibited along front or side façades. Where located along a rear façade, projecting balconies may encroach up to 3 feet into a required rear yard setback.
- b. The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building facing a public street shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- c. Fenestration
 - i. Windows shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
 - ii. All ground-level restaurant, retail and service uses shall have clear glass on at least 60% of their façades (applicable to all façades visible from the public street) between 3 and 8 feet above grade.

7. Parking. Any structured or stilted parking area beneath a building must be disguised or obscured with no less than 50% of the ground floor frontage occupied by an active use (residential lobbies included), and the remainder shall have window openings to match the floors above and evergreen foundation plantings no less than 3 feet in height to soften the impact of the wall.

8. Entrances.

- a. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, canopies, overhangs, railings, etc.
- b. Residential units must be accessed by a secure lobby separate from any other uses taking place within the building.

9. Mechanicals and utilities.

- a. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall not be visible from the public right-of-way except where required by the public utility. The requirements of §128-6.4, regarding satellite antennas, shall apply.
- b. All rooftop mechanical equipment, inclusive of solar equipment, shall be screened from view from all vantage points at grade or below the roof.
- c. Placement of any packaged terminal air conditioner units within the façade is prohibited.

10. Sidewalks and landscaping. Sidewalks and landscaped beds fronting any building shall be no less than 8 feet in depth combined.

11. Refuse and Recycling.

- a. Regulations of §128-7.8 apply for mixed-use structures with residential units.
- b. Refuse and recycling must be located either:
 - i. Interior to a building in a designated refuse storage area, or
 - ii. Located in a side or rear yard setback area, no closer than 5 feet to any adjacent lot line, enclosed on all four sides, and screened using durable materials.

12. Landscaping. Pervious areas shall be landscaped with a mix of deciduous and evergreen trees and low ground cover or grass.

13. Parking.

- a. Parking areas shall be subject to landscaping requirements per §128-7.1(K).

- b. Parking areas between the street line and front façade must provide a sidewalk providing a safe pedestrian connection between the public right-of-way and the building entrance(s). Such sidewalk must be a minimum of 5 feet wide, buffered by 2 feet of landscaping on each side where adjacent to a parking area, driveway, or drive aisle.
- c. Minimum parking requirements.
 - i. Retail uses, offices including medical and professional uses, banks, financial institutions, and personal services uses: one off-street parking space for each 200 square feet of floor area.
 - ii. Restaurants and any establishment which engages in the serving of food and/or beverages for consumption on and/or off the premises: one off-street parking space for every three seats provided and, in addition thereto, one parking space for every ten square feet of floor area made available to customers for off-premises consumption services.
 - iii. Child care centers: one off-street parking space for each 300 feet of floor area.
 - iv. Residential uses: as required by RSIS.
- d. Location of parking
 - i. All structured or stilted parking shall be accessed only from the rear or side of the site. No parking garage egress shall be available from the front of the building.
 - ii. Surface parking between buildings and the street line is permitted, in accordance with §128-7.1.
- e. Additional parking requirements. Where uses share access to parking spaces, the required ratios above may be lowered by the Planning Board, based upon a shared parking analysis, which demonstrates to the reasonable satisfaction of the Planning Board that the combined peak parking demand can be satisfied for those shared parking facilities at a lower combined ratio.

C. Mixed-Use Inclusionary 2 ("MI-2") Overlay District. The following standards shall apply to development within the MI-2 Overlay District. When the standards herein conflict with other provisions of Chapter 128, the standards herein shall apply.

- 1. Purpose. The purpose of the MI-2 Overlay District is to provide a realistic opportunity for the construction of affordable housing as part of a mixed-use inclusionary development. The MI-2 Overlay District shall be applied as an overlay zone to the underlying B-1 District. This approach provides property owners and developers with the opportunity to utilize either set of zoning regulations as they deem preferable.

2. Permitted principal uses. In the MI-2 Overlay District, the following uses shall be permitted:
 - a. Restaurants. However, no drive-thru, drive-in or curbside restaurants shall be permitted.
 - b. Retail stores where goods are sold or services are rendered and where nothing is fabricated or manufactured or converted or altered except for such retail trade. Specifically excepted from the foregoing are any uses which involve the repair and/or maintenance of vehicles, which are prohibited.
 - c. Offices, banks and financial institutions, including medical and professional offices.
 - d. Personal service establishments.
 - e. Child-care centers.
 - f. Indoor recreation.
 - g. Multi-family residential units above the ground floor.
 - h. A mixture or combination of the above uses.
3. Permitted accessory uses.
 - a. Tenant amenities including but not limited to recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.
 - b. Outdoor dining, associated with permitted restaurant uses, subject to the following conditions:
 - i. Tables shall be located on private property and not in the public right-of-way.
 - ii. Fencing, bollards or planters shall be used to define the outdoor dining area.
 - iii. No outdoor dining shall be permitted after 12:00 a.m.
 - iv. All lighting shall be downward-facing and shall be turned off no later than 12:30 a.m.
 - v. Outdoor dining shall not include an outdoor bar or any other similar outdoor accessory use that serves only beverages, nor does it include any drive-through or take-out windows.
 - vi. Approval shall not be construed as approval by the Borough Council for extension and/or renewal of any license under ABC jurisdiction.
 - vii. No amplified music shall be permitted.

viii. Outdoor seating shall count for purposes of calculating parking requirements.

- c. Waste and recycling receptacles.
- d. Surface parking.
- e. Any use customary and incidental to a permitted principal use.
- f. Signs.
- g. Fences and walls.

4. Bulk area and other dimensional standards.

- a. Minimum lot area – 7,500 square feet
- b. Minimum lot width – 75 feet
- c. Minimum front yard – 5 feet (measured from property line)
- d. Maximum front yard – 10 feet (measured from property line)
- e. Minimum side yard – 5 feet (one); 15 feet (aggregate)
- f. Minimum rear yard – 30 feet
- g. Maximum building coverage – 60%
- h. Maximum lot coverage – 90%
- i. Maximum density – 12 units per acre
- j. Maximum building height – 3 stories and 40 feet
- k. Retaining walls, sidewalks, walkways, fences, above-ground and underground utilities shall be permitted within the setbacks.

5. Affordable Housing requirements

- a. 20% of all for-sale units in the MI-2 Overlay District shall be set aside for affordable households.
- b. 15% of all rental units in the MI-2 Overlay District shall be set aside for affordable households.
- c. Affordable units shall be governed by deed restrictions ensuring long-term affordability controls in accordance with Chapter 2B, "Affordable Housing Regulations."

- d. The development, unit distribution and marketing of all affordable units shall be undertaken consistent with Chapter 2B, "Affordable Housing Regulations," the Uniform Housing Affordability Controls, and all other applicable laws, rules and regulations, including applicable COAH regulations, the Fair Housing Act and its requirement that at least 13% of all affordable units associated with this project be made affordable to very-low income households.
- e. The Developer shall be responsible for all costs associated with the initial sale or rental of the affordable units, and for the continuing administration of the affordable units and the preservation of the creditworthiness of the units.

6. Architecture

- a. Long, monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
 - i. The maximum spacing between building wall offsets shall be 40 feet.
 - ii. The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
 - iii. The maximum spacing between roof offsets shall be 40 feet.
 - iv. Projecting balconies are prohibited along front or side façades. Where located along a rear façade, projecting balconies may encroach up to 3 feet into a required rear yard setback.
- b. The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building facing a public street shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- c. Fenestration
 - i. Windows shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
 - ii. All ground-level restaurant, retail and service uses shall have clear glass on at least 60% of their façades (applicable to all façades visible from the public street) between 3 and 8 feet above grade.

7. Entrances.

- a. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, canopies, overhangs, railings, etc.
- b. Residential units must be accessed by a secure lobby separate from any other uses taking place within the building.

8. Mechanicals and utilities.

- a. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall not be visible from the public right-of-way except where required by the public utility. The requirements of §128-6.4, regarding satellite antennas, shall apply.
- b. All rooftop mechanical equipment, inclusive of solar equipment, shall be screened from view from all vantage points at grade or below the roof.
- c. Placement of any packaged terminal air conditioner units within the façade is prohibited.

9. Sidewalks and landscaping. Sidewalks and landscaped beds fronting any building shall be no less than 8 feet in depth combined.

10. Refuse and Recycling.

- a. Regulations of §128-7.8 apply for mixed-use structures with residential units.
- b. Refuse and recycling must be located either:
 - i. Interior to a building in a designated refuse storage area, or
 - ii. Located in a side or rear yard setback area, no closer than 5 feet to any adjacent lot line, enclosed on all four sides, and screened using durable materials.

11. Landscaping. Pervious areas shall be landscaped with a mix of deciduous and evergreen trees and low ground cover or grass.

12. Parking.

- a. Parking areas shall be subject to landscaping requirements per §128-7.1(K).
- b. Minimum parking requirements.

- i. Retail uses, offices including medical and professional uses, banks, financial institutions, and personal services uses: one off-street parking space for each 200 square feet of floor area.
- ii. Restaurants and any establishment which engages in the serving of food and/or beverages for consumption on and/or off the premises: one off-street parking space for every three seats provided and, in addition thereto, one parking space for every ten square feet of floor area made available to customers for off-premises consumption services.
- iii. Child care centers: one off-street parking space for each 300 feet of floor area.
- iv. Indoor recreation: one space per 200 square feet of floor area
- v. Residential uses: as required by RSIS.
- c. Location of parking. All parking shall be located to the side or rear of a building. Said parking shall be well-screened to a minimum height of four feet by the use of appropriate plantings of sufficient height and density so as to obscure the view of such parking areas from all streets. Where a parking lot abuts a residential zone, no parking shall be located closer than 15 feet to said zone boundary.
- d. In cases where adjacent property owners agree to provide a shared access driveway, the following applies:
 - i. Minimum one-way driveway width: 12 feet
 - ii. Minimum two-way driveway width: 24 feet
 - iii. Maximum driveway width: 30 feet
 - iv. Driveways may be centered on the shared lot line or offset to any degree as agreed to by the property owners.
 - v. A permanent easement for shared access to rear parking areas shall be filed with the property deeds.
- e. Parking shall be subject to additional requirements per §128-7.1 and loading per §128-7.6.

D. Mixed-Use Inclusionary 3 ("MI-3") Overlay District. The following standards shall apply to development within the MI-3 Overlay District. When the standards herein conflict with other provisions of Chapter 128, the standards herein shall apply.

1. **Purpose.** The purpose of the MI-3 Overlay District is to provide a realistic opportunity for the construction of affordable housing as part of a mixed-use inclusionary development. The MI-3 Overlay District shall be applied as an overlay zone to the underlying B-1 District. This approach provides property owners and developers with the opportunity to utilize either set of zoning regulations as they deem preferable.
2. **Permitted principal uses.** In the MI-3 Overlay District, the following uses shall be permitted:
 - a. **Restaurants.** However, no drive-thru, drive-in or curbside restaurants shall be permitted.
 - b. **Retail stores** where goods are sold or services are rendered and where nothing is fabricated or manufactured or converted or altered except for such retail trade. Specifically excepted from the foregoing are any uses which involve the repair and/or maintenance of vehicles, which are prohibited.
 - c. **Offices, banks and financial institutions, including medical and professional offices.**
 - d. **Personal service establishments.**
 - e. **Child-care centers.**
 - f. **Multi-family residential units above the ground floor.**
 - g. **A mixture or combination of the above uses.**
3. **Permitted accessory uses.**
 - a. **Tenant amenities** including but not limited to recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.
 - b. **Outdoor dining, associated with permitted restaurant uses, subject to the following conditions:**
 - i. **Tables shall be located on private property and not in the public right-of-way.**
 - ii. **Fencing, bollards or planters shall be used to define the outdoor dining area.**
 - iii. **No outdoor dining shall be permitted after 12:00 a.m.**
 - iv. **All lighting shall be downward-facing and shall be turned off no later than 12:30 a.m.**

- v. Outdoor dining shall not include an outdoor bar or any other similar outdoor accessory use that serves only beverages, nor does it include any drive-through or take-out windows.
 - vi. Approval shall not be construed as approval by the Borough Council for extension and/or renewal of any license under ABC jurisdiction.
 - vii. No amplified music shall be permitted.
 - viii. Outdoor seating shall count for purposes of calculating parking requirements.
 - c. Waste and recycling receptacles.
 - d. Surface parking.
 - e. Any use customary and incidental to a permitted principal use.
 - f. Signs.
 - g. Fences and walls.
4. Bulk area and other dimensional standards.
- a. Minimum lot area – 7,500 square feet
 - b. Minimum lot width – 75 feet
 - c. Minimum front yard – 5 feet (measured from property line)
 - d. Maximum front yard – 10 feet (measured from property line)
 - e. Minimum side yard – 5 feet (one); 15 feet (aggregate)
 - f. Minimum rear yard – 30 feet
 - g. Maximum building coverage – 60%
 - h. Maximum lot coverage – 90%
 - i. Maximum density – 15 units per acre
 - j. Maximum building height – 3 stories and 40 feet
 - k. Retaining walls, sidewalks, walkways, fences, above-ground and underground utilities shall be permitted within the setbacks.

5. Affordable Housing requirements

- a. 20% of all for-sale units in the MI-3 Overlay District shall be set aside for affordable households.
- b. 15% of all rental units in the MI-3 Overlay District shall be set aside for affordable households.
- c. Affordable units shall be governed by deed restrictions ensuring long-term affordability controls in accordance with Chapter 2B, "Affordable Housing Regulations."
- d. The development, unit distribution and marketing of all affordable units shall be undertaken consistent with Chapter 2B, "Affordable Housing Regulations," the Uniform Housing Affordability Controls, and all other applicable laws, rules and regulations, including applicable COAH regulations, the Fair Housing Act and its requirement that at least 13% of all affordable units associated with this project be made affordable to very-low income households.
- e. The Developer shall be responsible for all costs associated with the initial sale or rental of the affordable units, and for the continuing administration of the affordable units and the preservation of the creditworthiness of the units.

6. Architecture

- a. Long, monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
 - i. The maximum spacing between building wall offsets shall be 40 feet.
 - ii. The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
 - iii. The maximum spacing between roof offsets shall be 40 feet.
 - iv. Projecting balconies are prohibited along front or side façades. Where located along a rear façade, projecting balconies may encroach up to 3 feet into a required rear yard setback.

- b. The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building facing a public street shall be architecturally designed to be consistent with regard to style, materials, colors and details.
 - c. Fenestration
 - i. Windows shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
 - ii. All ground-level restaurant, retail and service uses shall have clear glass on at least 60% of their façades (applicable to all façades visible from the public street) between 3 and 8 feet above grade.
- 7. Entrances.
 - a. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, canopies, overhangs, railings, etc.
 - b. Residential units must be accessed by a secure lobby separate from any other uses taking place within the building.
- 8. Mechanicals and utilities.
 - a. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall not be visible from the public right-of-way except where required by the public utility. The requirements of §128-6.4, regarding satellite antennas, shall apply.
 - b. All rooftop mechanical equipment, inclusive of solar equipment, shall be screened from view from all vantage points at grade or below the roof.
 - c. Placement of any packaged terminal air conditioner units within the façade is prohibited.
- 9. Sidewalks and landscaping. Sidewalks and landscaped beds fronting any building shall be no less than 8 feet in depth combined.
- 10. Refuse and Recycling.
 - a. Regulations of §128-7.8 apply for mixed-use structures with residential units.
 - b. Refuse and recycling must be located either:
 - i. Interior to a building in a designated refuse storage area, or

- ii. Located in a side or rear yard setback area, no closer than 5 feet to any adjacent lot line, enclosed on all four sides, and screened using durable materials.
- 11. Landscaping. Pervious areas shall be landscaped with a mix of deciduous and evergreen trees and low ground cover or grass.
- 12. Parking.
 - a. Parking areas shall be subject to landscaping requirements per §128-7.1(K).
 - b. Minimum parking requirements.
 - i. Retail uses, offices including medical and professional uses, banks, financial institutions, and personal services uses: one off-street parking space for each 200 square feet of floor area.
 - ii. Restaurants and any establishment which engages in the serving of food and/or beverages for consumption on and/or off the premises: one off-street parking space for every three seats provided and, in addition thereto, one parking space for every ten square feet of floor area made available to customers for off-premises consumption services.
 - iii. Child care centers: one off-street parking space for each 300 feet of floor area.
 - iv. Residential uses: as required by RSIS.
 - c. Location of parking. All parking shall be located to the side or rear of a building. Said parking shall be well-screened to a minimum height of four feet by the use of appropriate plantings of sufficient height and density so as to obscure the view of such parking areas from all streets. Where a parking lot abuts a residential zone, no parking shall be located closer than 15 feet to said zone boundary.
 - d. In cases where adjacent property owners agree to provide a shared access driveway, the following applies:
 - i. Minimum one-way driveway width: 12 feet
 - ii. Minimum two-way driveway width: 24 feet
 - iii. Maximum driveway width: 30 feet
 - iv. Driveways may be centered on the shared lot line or offset to any degree as agreed to by the property owners.
 - v. A permanent easement for shared access to rear parking areas shall be filed with the property deeds.

- e. Parking shall be subject to additional requirements per §128-7.1 and loading per §128-7.6.

Section 4. Signs in non-residential districts. Chapter 128 of the Code of the Borough of Montvale is hereby amended and supplemented by revising §128-9.7A.6 "Signs in nonresidential districts" by adding the underlined text as follows:

§ 128-9.7A.6 Signs in non-residential districts.

- A. In the instance of any use permitted in any non-residential zoning district, there shall be permitted the location of one sign to be erected on any parcel or lot on which there is a building, which sign may be freestanding or affixed to said structure as hereinafter provided.
- (1) If attached to a building, the horizontal linear dimensions of such sign shall not exceed 30% of the width of the building wall to which it is to be affixed. The maximum height of such sign shall not exceed two feet if the building wall is 40 feet or less in width; 2 1/2 feet if the building wall is more than 40 feet but less than 80 feet in width; and three feet if the building wall is 80 feet or more in width.
 - (2) Any freestanding sign in the OR-1, OR-2, OR-3 and SED Zoning Districts, which sign may be two-sided, shall not be located more than 2 1/2 feet above the lowest grade elevation below it. The height of the sign shall not exceed six feet, nor shall its width exceed 12 linear feet. The maximum area of any such sign shall not exceed 32 square feet
 - (3) Any freestanding sign in the B-1 and B-2 Zoning Districts and in the MI-1, MI-2 and MI-3 Overlay Districts, which sign may be two-sided, shall be located not more than 4 1/2 feet above the lowest grade elevation below it. The height of the sign shall not exceed 9 1/2 feet. The maximum area of such freestanding sign shall not exceed 20 square feet, provided that in the event there exists on the premises to which such sign is to be located more than 15 business units, then in such event the area of such sign may be increased by one square foot for each such business unit, which area as extended shall nevertheless not exceed 25 square feet.
- B. Where a developed tract or parcel on which there is a building is bordered along front and back property lines by parallel roads, streets, avenues or highways, there shall be permitted two freestanding or affixed signs, one oriented to the back of the property and one oriented to the front of the property. Should application be made for erection of two signs pursuant to this provision, approval shall be contingent upon a showing of total conformance to bulk, color and location requirements detailed and provided in Subsection A above.
- C. In the B-1 and B-2 Districts, and in the MI-1, MI-2 and MI-3 Overlay Districts, in addition to any sign or signs permitted pursuant to this section, a sign or signs, limited to demonstrate or evidence membership in a retail or professional organization or credit card or credit association or plan or to show manufacturers' or required licenses or advertisements referable to sales within, shall be permitted to be attached to windows on the interior of the business use, provided that the aggregate area employed for such purpose shall not exceed 20% of the total window area.

Section 5. The Official Zoning Map shall be changed for the following Blocks and Lots to add the following overlay zoning designations to the underlying B-1 District zoning:

MI-1 Overlay District: Block 703, Lot 7

MI-2 Overlay District: Block 1601, Lots 1, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23 (partial)
 and 24 (partial)
 Block 1603, Lot 1
 Block 2401, Lots 2, 3 and 4

MI-3 Overlay District: Block 1604, Lots 1 and 2
 Block 1605, Lots 1 and 2
 Block 1606, Lots 1, 2, 3, 4 and 5
 Block 2402, Lots 1, 2, 3, 5, 6, 7, 8 and 9
 Block 2403, Lot 1
 Block 2404, Lot 1
 Block 2405, Lots 1, 2, 3, 4, 25 and 26
 Block 2406, Lots 1, 2 and 3
 Block 2408, Lots 2 and 3

Section 6. 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 7. 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 8. 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 9. Effective Date.

This ordinance shall become effective upon adoption and publication as required by law and upon approval of same by the Superior Court after a duly-noticed Compliance Hearing.

MICHAEL GHASSALI, MAYOR

ATTEST:

MAUREEN IAROSSO-ALWAN, RMC
Municipal Clerk

INTRODUCED: 5/08/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

ADOPTED: 5/29/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2018-1447**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 24th day of April 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 8th day of May 2018 at 7:30 pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,662,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Montvale, in the County of Bergen, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,750,000, and further including the aggregate sum of \$87,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,662,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
Improvements to various roads as listed on file in the office of the Clerk, including all work and materials necessary therefor and incidental thereto.	\$1,000,000	\$950,000	10 years
Sanitary Sewer System improvements, including all work and materials necessary therefor and incidental thereto.	\$250,000	\$237,500	40 years
Various improvements to buildings and grounds, including all work and materials necessary therefor and incidental thereto.	\$500,000	\$475,000	15 years
TOTALS:	<u>\$1,750,000</u>	<u>\$1,662,500</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15.71 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,662,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to

comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCED: 4/24/2018

Councilmember	Yes	No
Arendacs - ABSENT		
Curry	X	
Gloeggler	X	
Koelling	X	
Lane	X	
Weaver - ABSENT		

ADOPTED: 5/8/2018

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

ATTEST:

Maureen Iarossi-Alwan- Municipal Clerk

MICHAEL GHASSALI, Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2018-1448**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 24th day of April 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 8th day of May 2018 at 7:30 pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

ORDINANCE AMENDING ORDINANCE NUMBER 2016-1413 OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, FINALLY ADOPTED MAY 10, 2016 IN ORDER TO AMEND SECTION 3b).

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF MONTVALE IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section One. Section 3b) of Ordinance numbered 2016-1413 of the Borough of Montvale finally adopted May 10, 2016 is hereby amended to read as follows: "Sanitary Sewer System Improvements, including all work and materials necessary therefor and incidental thereto."

Section Two. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section Three. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCED: 4/24/2018

Councilmember	Yes	No
Arendacs - ABSENT		
Curry	X	
Gloeggler	X	
Koelling	X	
Lane	X	
Weaver - ABSENT		

ADOPTED: 5/8/2018

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSSO-ALWAN, RMC

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:37pm. Adequate notification was published in the official newspaper of the Borough of Montvale. Roll call was taken.

OPEN PUBLIC MEETING STATEMENT

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

ROLL CALL:

Councilmember Arendacs - absent	Councilmember Koelling - phone
Councilmember Curry	Councilmember Lane - phone
Councilmember Gloeggler	Councilmember Weaver - absent

Also present: Mayor Michael Ghassali; Borough Attorney, Joe Voytus; Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo

Proclamation

Proclaiming May 1, 2018 As "Keep Kids Alive Drive 25 Day®" In The Borough Of Montvale

2018 BUDGET PRESENTATION: Councilmember Lane
PUBLIC HEARING 2018 MUNICIPAL BUDGET

MEETING OPEN TO PUBLIC:

Municipal Budget Only

A motion to open the meeting to the public by Councilmember Curry; seconded by Councilmember Gloeggler - all ayes

Frank DiPalma

Asked for clarification between the projected surplus being 5 million and our debt of 11,400,000, how does it relate; Councilmember Lane stated it's better to build your surplus then use it to pay down the debt.

Jaret Schumacher

Congratulations on decreasing the municipal portion of the taxes; asked what are the statutory expenses consists of, CFO answered pensions and social security;

MEETING CLOSED TO PUBLIC:

Municipal Budget Only

A motion to close the meeting to the public by Councilmember Curry; seconded by Councilmember Gloeggler - all ayes

105a-2018 Self-Examination of Municipal Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Montvale has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Montvale that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

Resolution 105b-2018 Adoption of 2018 Municipal Budget

Resolution included with original minutes

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

ORDINANCES:

INTRODUCTION OF BOND ORDINANCE NO. 2018- 1447 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,662,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

(public hearing 5/8/18)

A motion to Introduce Ordinance **2018-1447** for first reading was made by Councilmember Gloeggler; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember Koelling - A roll call was taken - all ayes

PUBLIC HEARING OF ORDINANCE NO. 2018-1445 AN ORDINANCE TO PROVIDE FOR THE PRESERVATION OF TREES ON RESIDENTIAL PROPERTIES THROUGHOUT THE BOROUGH OF MONTVALE AND CREATING A NEW CHAPTER 119A IN

BE IT ORDAINED by the Mayor and Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Code of the Borough of Montvale is hereby amended and supplemented by adding a new Chapter 119A, "Trees and Plants," as follows:

**Chapter 119A
Trees and Plants**

Article 1 Tree Removal

- § 119A-1 Findings and purpose
- § 119A-2 Tree removal permit required
- § 119A-3 Exemptions
- § 119A-4 Compensatory plantings
- § 119A-5 Violations

Article 2 Demolition

- § 119A-6 Tree removal during demolition
- § 119A-7 Demolition permit required
- § 119A-8 Exemptions
- § 119A-9 Violations

Article 3 Bamboo

- § 119A-10 Purpose
- § 119A-11 Prohibition of the planting, growing or cultivating of bamboo

§ 119A-12	Exemptions
§ 119A-13	Complaint notice; order for removal and compliance
§ 119A-14	Violations

Article 1 Tree Removal

§ 119A-1 Findings and purpose

The Borough Council of the Borough of Montvale does find and determine that:

- A. Indiscriminate and uncontrolled tree removal upon lots and tracts of land within the Borough contributes to drainage problems, increased soil erosion and dust conditions tending to decrease property values and adversely affects the public health, safety and general welfare of the community.
- B. The Borough desires to control and regulate tree removal and to preserve the appropriate number of trees during the course of development of lots or parcels of land.
- C. This ordinance is not intended to directly affect those property owners not involved in construction activities.

§ 119A-2 Tree removal permit required

- A. Tree removal as set forth in this Article shall be prohibited within the Tree Preservation Zone, which is defined as the area between the lot or parcel perimeter property lines and the front, side and rear building set-back lines as established in each zoning district. Notwithstanding the foregoing, the Tree Preservation Zone shall not include any area within 5 feet of the boundary of any primary or accessory structure on the property.
- B. Except as may be otherwise set forth in this Chapter, no applicant, developer, contractor or other person or entity shall cut down or remove trees of a caliper of six (6) inches or greater measured 4.5 feet above the high side of existing grade within the Tree Preservation Zone as part of a site plan, subdivision or building addition application without first obtaining a tree removal permit from the Construction Code Official or the reviewing Board, as appropriate to the application, in accordance with this Article.
- C. The Construction Code Official shall adopt a standard application form for use by applicants seeking a tree removal permit, whether such application is made to the Construction Code Official or to the reviewing Board.
- D. In the case of site plan and subdivision applications, the reviewing Board shall request recommendations from the Environmental Commission on tree removal prior to any Board decision. For applications not subject to Board review, the Construction Code Official shall request the recommendations of the Montvale Environmental Commission before issuing a tree removal permit.
- E. A site survey or other reasonably sufficient plan or drawing showing the tree removal limits shall be provided for review and approval with the tree removal application. In evaluating the application, the Environmental Commission shall consider the following;

1. Light and air flow
 2. Property screening, both from public roadways and neighboring properties
 3. Relative size and health of trees and benefits/detriments to removal
 4. Proposed distribution of tree species
 5. Potential safety hazards among existing trees
 6. Number and density of remaining trees
 7. Property circulation (walkways, driveways, etc.)
- F. The Montvale Environmental Commission shall submit a letter to the Construction Code Official, or the reviewing Board, as appropriate to the application, describing the Commission's recommendations as to permitted tree removal limits. The final determination on the tree removal permit shall be within the jurisdiction of the Construction Code Official or the reviewing Board, as appropriate to the application.
- G. Timeframe for action.
1. The Environmental Commission shall submit its review letter within five (5) days of its next regularly-scheduled meeting following the Borough's receipt of a completed application, if the application is received at least ten (10) days prior to said meeting, or within five (5) days of its second regularly-scheduled meeting following the Borough's receipt of a completed application, if the application is received fewer than ten (10) days prior to its next regularly-scheduled meeting.
 2. Nothing in this section shall prohibit the Environmental Commission from holding a special meeting for purposes of complying with the time-frames set forth in this Article, nor shall the Environmental Commission be prohibited from considering and acting upon an application received fewer than ten (10) days prior to its next regularly-scheduled meeting.
 3. If the Environmental Commission does not submit its review letter in accordance with the time-frames set forth in this section, the Construction Code Official or the reviewing Board, as appropriate to the application, shall have the authority to apply and enforce the provisions of this Article.
- H. In connection with the submission of a site plan, subdivision or building addition application, the applicant shall be required to detail any tree removal activities undertaken on the property within the past four (4) months. If any trees were removed during said four-month period that would have been impermissible under this Article as part of such application, the Montvale Environmental Commission shall review such activities and recommend compensatory plantings consistent with this Article.

§ 119A-3 Exemptions

The following shall be exempt from the requirements of this Article:

- A. Residential lots containing an existing dwelling that are not subject of a site plan, subdivision or building addition application.
- B. Any property or planned unit development which is in a zone which requires the provision of affordable housing or any property or planned unit development which proposes the construction of affordable housing.

C. Tree removal within the Tree Preservation Zone to allow for the following:

1. Driveway or roadway access from an existing road frontage.
2. Any portions of the property which may otherwise be permissibly be utilized pursuant to the Borough's zoning regulations for off-street parking and/or accessory structures.
3. Land grading necessary to establish the appropriate proposed grade elevations to foster proper drainage and construction of the proposed building or buildings on a lot or parcel.
4. Construction or installation of underground utilities that serve the building or buildings.
5. Removal of trees that are dead, dying or diseased, or trees that have sustained significant storm damage, or trees that due to their location or physical condition render them a hazard to structures, vehicles and/or people.
6. Removal of any tree with a caliper below six (6) inches measured from 4.5 feet above the highest side of existing grade.
7. Any tree growing in the public right-of-way or on publicly-owned land or property.
8. Tree removal as part of a Municipal, County or State agency or authority improvement project.
9. Commercial nurseries, Christmas tree plantations and farming activities requiring tree removal.
10. Any trees hindering sight triangles from property or impeding proper sight distances.

§ 119A-4 Compensatory plantings

In the event that preservation of existing trees within any designated Tree Preservation Zone which would otherwise have been recommended to remain is impossible or impractical based on the proposed development, compensatory plantings shall be required for each live tree within the Tree Preservation Zone being removed. Compensatory plantings shall be made on a one for one basis on the project lot or parcel with each compensatory tree being 2 inches caliper minimum. The Montvale Environmental Commission will review and recommend compensatory planting as a result of actions described in this Chapter. No compensatory plantings shall be required for trees that are being appropriately designated for removal based upon the review of the Montvale Environmental Commission.

§ 119A-5 Violations

- A. A fine of five hundred dollars (\$500) shall be imposed for each tree removed in violation of this Article.

Article 2 Demolition

§ 119A-6 Tree removal during demolition

The Borough Council of the Borough of Montvale does hereby find and determine that there is a desire to control and regulate tree removal as part of the demolition of buildings and structures, because uncontrolled demolition and clearing of land can be detrimental to the public safety, health and general welfare.

§ 119A-7 Demolition permit required

- A. Pursuant to the Borough Code, no applicant, developer, contractor or any other person or entity shall initiate or commence demolition or removal of any buildings or structures without first obtaining a demolition permit from the Construction Code Official.
- B. A site survey showing the limits of disturbance (defined as the foundation line of the structure being demolished plus an additional 20 feet in each direction) required to accomplish the demolition or removal shall be provided as part of the demolition permit application.
- C. Tree removal outside the approved limits of disturbance shall not be permitted without first obtaining a Tree Removal Permit pursuant to this Chapter, except as may be otherwise set forth herein.

§ 119A-8 Exemptions

- A. Tree removal is permitted outside the limits of disturbance as defined herein to allow for the removal of any tree with a caliper below six (6) inches measured 4.5 feet above the highest side of existing grade.
- B. Tree removal shall be permitted inside the limits of disturbance without regard to the size of the tree without obtaining a Tree Removal Permit.

§ 119A-9 Violations

- A. A fine of five hundred dollars (\$500) shall be imposed for each tree removed in violation of this Article.

Article 3 Bamboo**§ 119A-10 Purpose**

The Borough Council of the Borough of Montvale does hereby find and determine that it is necessary and proper to control the planting, cultivating and/or growing of bamboo in the Borough of Montvale and to require barriers to prevent the spread of existing bamboo into other areas of the Borough.

§ 119A-11 Prohibition of the planting, growing or cultivating of bamboo

Subject to certain exemptions set forth in this Article, no persons, residents, citizens, property owners, tenants or other entities shall plant, cultivate or cause to grow, any bamboo upon any lot and/or parcel of ground anywhere within the territorial boundaries of the Borough of Montvale.

§ 119A-12 Exemptions

The following shall be exempt from the requirements of this Article:

- A. Any existing bamboo plant located on any property within the Borough limits. Notwithstanding the foregoing, no portions of such bamboo shall be allowed to grow upon, extend roots across, or extend branches, stalks or leaves past the property boundary or onto any public right-of-way. Furthermore, the general prohibitions set forth in §119A-11 shall apply with respect to any bamboo plant whose presence on property located in the Borough does not pre-date the effective date of this Article.
- B. Any bamboo plant where the root system of such bamboo plant is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plant's root system beyond the container in which it is planted. Whether planted or growing in a container as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than ten (10) feet from any property line or public right-of-way.

§ 119A-13 Complaint notice; order for removal and compliance

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough, on its own observations and inspections, determines that there is an encroachment or bamboo plants or roots onto the property of another land owner, the Borough shall cause Notice to be served on the owner of the offending property, according to the following procedure:

- A. The Notice shall specify the nature of the violation(s).
- B. The Notice shall state specifically what must be done by the responsible party to correct the violation(s).
- C. The Notice shall state that the violation(s) must be corrected within thirty (30) calendar days from the date of the Notice is received.
- D. If the violation is not remedied within the time frame set forth in the aforesaid Notice, the Borough is hereby authorized and empowered to remove or to have removed any encroaching bamboo and to take all reasonable steps to eradicate the re-growth of the bamboo on the public right-of-way, including sidewalks, and to restore such land to its normal condition, prior to such removal and eradication.
- E. The Notice shall be mailed by Certified Mail, Return Receipt Requested, properly addressed and with sufficient postage, and also by First Class mail. Notice by Certified Mail shall be deemed complete on the date of personal delivery, or the date the Certified Mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office. First Class mail shall be deemed delivered on the fifth calendar day after mailing by the Borough.

§ 119A-14 Violations

- A. Any person or entity determined by a court of competent jurisdiction to have violated any provision of this Article shall be subject to pay a fine of one hundred dollars (\$100.00). Each day of a continuing violation shall constitute a separate offense for which an additional fine may be levied.
- B. In addition to any penalty imposed as set forth above, the cost of any action taken by the Borough to remove and/or eradicate any prohibited bamboo, together with legal fees and other costs incurred by the Borough shall be recoverable from the responsible party.

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. **2018-1445** was introduced for second reading by Councilmember Gloeggler; seconded by Councilmember Curry; Clerk read by title only;

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

NO PUBLIC COMMENT

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

Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Curry - a roll call was taken - all ayes

Councilmember Curry mentioned that the Planning Board asked for the Tree Removal Form be included with the ordinance; the attorney explained the current form needs to be revised to relate to the new ordinance; Section 1192A has a typo.

INTRODUCTION OF AMENDING BOND ORDINANCE NO. 2018- 1448 ORDINANCE AMENDING ORDINANCE NUMBER 2016-1413 OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, FINALLY ADOPTED MAY 10, 2016 IN ORDER TO AMEND SECTION 3b).

(public hearing 5/8/18)

A motion to Introduce Ordinance **2018-1448** for first reading was made by Councilmember Gloeggler; seconded by Councilmember Curry; 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 Curry - A roll call was taken – all ayes

MINUTES:

April 10, 2018

A motion to accept the minutes by Councilmember Gloeggler; seconded by Councilmember Curry - all ayes

MINUTES CLOSED/EXECUTIVE SESSION:

April 10, 2018

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

RESOLUTIONS:**106-2018 A Resolution Authorizing the Borough of Montvale Police Department to Apply, Enroll and Participate in the Department of Defense Law Enforcement Support Office ("LESO") 1033 Program**

WHEREAS, the Department of Defense Law Enforcement Support Office ("LESO") facilitates a law enforcement support program, which originated from the National Defense Authorization Act of Fiscal Year 1997; and

WHEREAS, Federal law permits the Secretary of the United States Department of Defense to transfer to federal and State agencies personal property of the Department of Defense that the secretary determines is suitable for use by agencies in law enforcement activities; and

WHEREAS, informally known as the "1033 Program", this initiative allows local law enforcement agencies to obtain, at little or no cost, surplus federal property, including vehicles, small arms, rescue equipment, medical supplies, and even office supplies originally intended for use by the United States Armed Forces; and

WHEREAS, although equipment is provided through the 1033 Program at no cost to municipal law enforcement agencies, these entities are responsible for costs associated with the maintenance, fueling and upkeep of this equipment, and for specialized training for its operation; and

WHEREAS, on March 16, 2015, Governor Christie signed Senate Bill No. 2364 (P.L. 2015, c.23), which now establishes, in the absence of federal requirements, a system of local oversight over local law enforcement agencies that participate in and acquire equipment through the 1033 Program; and

WHEREAS, pursuant to N.J.S.A. 40A:5-30.2a, municipal governing bodies must now authorize participation in the 1033 Program by a "resolution adopted by a majority of the full membership of the governing body of a local unit prior to transmittal of any such application to the State Coordinator" of the 1033 Program; and

WHEREAS, pursuant to N.J.S.A. 40A:5-30.2b, the acquisition of any property by a local law enforcement agency shall be approved by a "resolution adopted by a majority of the full membership of the governing body"; and

WHEREAS, the Chief of Police of the Montvale Police Department has requested that the Governing Body authorize the Police Department to participate in the 1033 Program; and

WHEREAS, the Governing Body of the Borough of Montvale has determined that it is in the best interests of the residents of the Borough of Montvale to authorize the Police Department to apply, enroll and participate in the 1033 Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

1. The Chief of Police or his designee, on behalf of the Montvale Police Department, is hereby authorized and empowered to apply, enroll and participate in the Department of Defense Law Enforcement Support Office 1033 Program.
2. The Chief of Police shall be responsible for ensuring compliance with the requirements for participation as outlined in 10 U.S.C. 2576a for all controlled equipment.
3. Pursuant to N.J.S.A. 40A:5-30.2b, the Chief of Police, or his designee, shall maintain an inventory of surplus property obtained under the 1033 Program, subject to the following terms and conditions:
 - a. Within thirty (30) days of all acquisitions under the 1033 Program, the Chief of Police or his designee shall notify the Governing Body of the acquisition of such property, which shall be subject to review by the Governing Body to determine whether any such property should be rejected and removed from the Borough's inventory;
 - b. The Governing Body shall, within thirty (30) days of receipt of notice of the acquisition of such property, adopt a resolution accepting or rejecting such property.

Introduced by: Councilmember Koelling; seconded by Councilmember Lane - All ayes
Councilmember Curry asked if Montvale Police department has the final decision.

107-2018 Resolution Authorizing Two-Year Extension With Waste Management for Solid Waste and Recyclable Materials Collection and Disposal Services

WHEREAS, in 2015, after duly advertising for and receiving public bids, the Borough of Montvale (the "Borough") entered into a contract with Waste Management of New Jersey (the "Contractor") to perform solid waste and recyclable materials collection and disposal services in the Borough for three (3) years; and

WHEREAS, said contract provided that the Borough and the Contractor were entitled to extend said contract for either one (1) two-year extension or two (2) one-year extensions, consistent with the provisions of the *Local Public Contracts Law, N.J.S.A. 40A:11-15*; and

WHEREAS, the Borough and the Contractor are desirous of extending the current contract for an additional two (2) years, pursuant to *N.J.S.A. 40A:11-15*; and

WHEREAS, said statute provides that such extensions must be exercised by Resolution of the Governing Body upon a finding that the services provided are being performed in an effective and efficient manner; and

WHEREAS, Maureen Iarossi-Alwan, Borough Administrator, has attested that the Contractor is in fact performing said services in an effective and efficient manner; and

WHEREAS, the prices for the contract shall increase 2% annually as set forth below, and all other terms and conditions shall remain substantially the same, pursuant to *N.J.S.A. 40A:11-15*; and

WHEREAS, the Chief Financial Officer has provided a certification of available funds for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council hereby authorize a two-year extension to the above contract as follows:

Waste Management of New Jersey
77 Brookside Place
Hillsdale, New Jersey, 07642

2 Year Ext.	Curbside Collection	Veg. Disp/YD	Street Sweepings/ Ton	Start Date	End Date	Annual Increase	% Inc
YEAR 4	\$574,092.00	\$20.40	\$75.48	9/1/2018	8/31/2019	\$11,256.00	2.00%
YEAR 5	\$585,576.00	\$20.81	\$75.48	9/1/2019	8/30/2020	\$11,484.00	2.00%

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk hereby directed, authorized and empowered to execute an amendment to the above-mentioned agreement in order to effectuate the provisions of this Resolution, subject to approval by the Borough Attorney.

Introduced by: Councilmember Lane; seconded by Councilmember Curry - All ayes
Councilmember Curry asked about the street sweeping; the DPW does the street sweeping, this is just if needed.

108-2018 Authorize Tax Court Settlement / Rear 110 Summit Ave / Rockland Electric Company Block 1102, Lot 2.03

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Rockland Electric Company (hereinafter the "Tax Appeal"), under Docket Numbers 015844-2014, 004466-2015, 007182-2016 and 004100-2017, and;

WHEREAS, the aforesaid tax appeal involves vacant land located at Rear 110 Summit Avenue, which is otherwise referred to as Block 1102 Lot 2.03 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 Appraiser and the Borough Tax Assessor, and;

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

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

SCHEDULE "A"

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

2014 Appeal: Withdrawn
2015 Appeal: \$1,745,500
2016 Appeal: Withdrawn
2017 Appeal: Withdrawn

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

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

109-2018 Resolution Adopting The Affirmative Fair Housing Marketing Plan For The Montvale Senior Housing Development

WHEREAS, in accordance with the New Jersey Uniform Housing Affordability Controls ("UHAC") pursuant to *N.J.A.C. 5:80-26-1, et seq.*, the Borough of Montvale is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created within the Borough of Montvale are affirmatively marketed to low- and moderate-income households, particularly those living and/or working within Housing Region 1, the COAH Housing Region encompassing the Borough of Montvale; and

WHEREAS, there has been approved a development known as the Montvale Senior Housing Development ("the Development") located at 11 East Grand Avenue, being designated as Block 1606, Lot 6 as depicted on the Borough tax map; and

WHEREAS, an Affirmative Fair Housing Marketing Plan ("the Marketing Plan") has been prepared for the Development; and

WHEREAS, the Marketing Plan details the methods to be used in qualifying households and determining eligibility; and

WHEREAS, the Marketing Plan details the mechanisms to be employed in advising the public of the availability of the units in the Development, which include advertising within the print media, as well as on television and radio stations and the contacting of companies and firms; and

WHEREAS, the Marketing Plan also includes notifying community groups and organizations within the Housing Region to post advertisements and distribute flyers pertaining to the availability of affordable housing units; and

WHEREAS, the Governing Body has reviewed the Marketing Plan and determined same to be consistent with the requirements of UHAC.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that it has hereby determined that the Marketing Plan is in accordance with the applicable requirements, and finds that the Marketing Plan represents an appropriate mechanism to ensure that notice will be provided to the widest possible audience of the availability of housing units in the Development and for the opportunity to apply for such housing; and

BE IT FURTHER RESOLVED that a copy of the within resolution shall be provided to the Special Master, counsel for Fair Share Housing Center, and such other parties as Borough's counsel deems appropriate for the receipt thereof.

Introduced by: Councilmember Lane; seconded by Councilmember Gloeggler - all ayes

BILLS: Municipal Clerk read the Bill Report

Motion to pay bills by Councilmember Curry; seconded by Councilmember Koelling - all ayes

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update
No Report

ATTORNEY REPORT:

Joseph Voytus, Esq.
Report/Update
No report

UNFINISHED BUSINESS

Councilmember asked about the speed bump on memorial drive, this will be forwarded to the engineer.

NEW BUSINESS:

None

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 Gloeggler; seconded by Councilmember Curry – all ayes

Mrs. Giannantonio, 45 Highland Road

Last year her son got hit in the face with a bat, it is very dangerous without dugouts or fences; Councilmember Curry gave an explanation, that the school will be relocating the path and dugouts will be done later in the summer.

Jim Gallucci, MAL President

MAL had a discussion last year with the borough engineer regarding the fences and dugouts ; why wasn't it done last year

A motion to close meeting to the public by Councilmember Curry; seconded by Councilmember Gloeggler – all ayes

ADJOURNMENT:

Motion to adjourn by Councilmember Curry; seconded by Councilmember Gloeggler – all ayes
Meeting adjourned at 8:55pm

The next Meeting of the Mayor and Council will be held May 8, 2018 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 110-2018**

RE: Authorizing Tax Sale Premium to Escheat to the Municipality

WHEREAS, the Borough of Montvale issued a Certificate of Sale for unpaid municipal property taxes, #15-00001 on Block 2405, Lot 25 located at 5 Wayne Street at tax sale held on October 20, 2016; and

WHEREAS, a premium of \$11,600.00 was bid and paid by the successful bidder and held in a trust account in the Borough of Montvale; and

WHEREAS, per N.J.S.A. 54:5-33 such premiums shall escheat after five years of non-redemption and be turned over to the treasurer of the municipality and become part of the funds of the municipality; and

WHEREAS, the Tax Collector has been notified that the lienholder which holds the certificate #15-00001 has foreclosed on the above mentioned property; and

WHEREAS, the Final Judgment was received and recorded on March 5, 2018 by the Bergen County Clerk in which the lienholder, John Finan, is vested with an absolute and indefeasible estate of inheritance in fee simple to the premises; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with N.J.S.A. 54:5-33 that the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to forward the funds listed below to the CFO.

Certificate #15-00001, Block 2405, Lot 25; in the amount of \$11,600.00

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

Adopted: May 8, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 111-2018**

RE: Authorize Tax Court Settlement / Block 2802, Lot 4 / 14 Philips Parkway, LLC

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by 14 Philips Parkway, LLC (hereinafter the "Tax Appeal"), under Docket Numbers 009326-2014 and 001757-2015, 004061-2016, 006071-2017 and 002170-2018 and;

WHEREAS, the subject property is located at 14 Philips Parkway, and is otherwise identified as Block 2802 Lot 4 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 legal counsel, the Borough Appraiser and the Borough Tax Assessor, and;

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

WHEREAS, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement, 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 in the attached Schedule "A", and;

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

SCHEDULE "A"

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

2014 Tax Assessment: Withdrawn

2015 Tax Assessment: \$5,300,000

2016 Tax Assessment: \$5,450,000

2017 Tax Assessment: \$5,350,000

2018 Tax Assessment: \$5,350,000

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

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

Adopted: May 8, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 112-2018**

RE: Transfer and Development Agreement (Bergen County United Way Madeline Housing Partners, LLC)

WHEREAS, the Borough of Montvale is the owner of certain property known as Block 1002, Lots 3 and 5 as depicted on the Borough tax assessment map, being more commonly known as 161 and 159 Summit Avenue, respectively ("the property", "the premises" or "the parcel"); and

WHEREAS, the Planning Board of the Borough of Montvale has adopted a Housing Element and Fair Share Plan ("HE/FSP") intended to address the Borough's constitutional obligation to provide its fair share of the region's need for low and moderate income housing; and

WHEREAS, the HE/FSP has been endorsed by the Mayor and Council; and

WHEREAS, a Settlement Agreement has been entered into between the Borough and Fair Share Housing Center ("FSHC") which was approved by Order of the Honorable Menelaos W. Toskos dated February 12, 2018; and

WHEREAS, the HE/FSP provides for the construction of thirty-two (32) affordable units on the property, with approval having been granted by resolution of the Planning Board dated July 15, 2014; and

WHEREAS, for the past year the Borough has been addressing the development of the property through an Agreement with Bergen County United Way Madeline Housing Partners, LLC ("United Way") whereby United Way would construct the thirty-two (32) affordable units as provided in the HE/FSP; and

WHEREAS, it is the intent of the HE/FSP that United Way obtain ownership of the property to construct the thirty-two (32) affordable units consistent with the HE/FSP; and

WHEREAS, N.J.S.A. 40A:12-21(l) permits a municipality to convey land not needed for municipal purposes, for a nominal consideration, to a duly incorporated non-profit housing corporation for the purpose of constructing housing for low or moderate income persons or families; and

WHEREAS, the applicant qualifies as a non-profit housing corporation experienced in the development of housing for low and moderate income persons; and

WHEREAS, the applicant intends to construct such housing in accordance with the aforementioned approvals and requirements.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that it does hereby authorize a private sale for a nominal consideration of the aforementioned property to United Way for the express purpose of constructing the affordable housing units as above described; and

BE IT FURTHER RESOLVED that in accordance with the aforementioned statute, the conveyance of the parcels is restricted to the construction of the affordable housing units previously approved by the Planning Board in accordance with the terms and conditions as detailed in the resolution of the Board; and

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Montvale that the Deed of conveyance shall contain a restriction as to the development and use of the property for affordable housing and should the lots not be used in accordance with such limitations, title to the parcels shall revert to the Borough; and

BE IT FURTHER RESOLVED that Mayor Michael Ghassali and Borough Clerk/Administrator Maureen Iarossi Alwan be and are hereby authorized to execute a Deed of conveyance, Affidavit of Title, and such other documents as may be necessary to effectuate the terms and provisions of this resolution.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

Adopted: May 8, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

TRANSFER AND DEVELOPMENT AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2018, by and between the **BOROUGH OF MONTVALE**, a municipal corporation of the State of New Jersey maintaining offices at 12 Mercedes Drive, Montvale, New Jersey 07645 (hereinafter "the Borough") and **BERGEN COUNTY UNITED WAY MADELINE HOUSING PARTNERS, LLC**, maintaining offices at 6 Forest Avenue, Suite 210, Paramus, New Jersey 07652 (hereinafter "the Developer").

W I T N E S S E T H:

WHEREAS, the Borough is the record owner of properties being designated as Block 1002, Lots 3 and 5 as depicted on the tax assessment map of the Borough of Montvale, being more commonly known as 161 Summit Avenue and 159 Summit Avenue, respectively (hereinafter collectively "the property" or "the parcel"); and

WHEREAS, the Borough and the Developer seek to have constructed and operated on the property an affordable housing development as hereinafter described.

NOW THEREFORE, IT IS AGREED by and between the parties hereto and in consideration of the sum of One (\$1.00) Dollar, the parties agree as follows:

1. **Transfer of Title.** The Borough will convey title to the Developer to the property for the sum of One (\$1.00) Dollar. The property is more particularly described on Exhibit A attached hereto.

2. **Time of Transfer.** The Borough shall convey fee simple title to Developer upon receipt by Developer of a title report insuring marketable title and upon Developer receiving a written commitment for construction financing.

3. **Condition of Transfer.** It is the intention of the parties that Developer will construct thirty-two (32) affordable rental housing units for families. In the event such construction does not occur and is not completed within a period of three (3) years from the date of this Agreement, in such event Developer agrees to re-convey title to the Borough, free and clear of all encumbrances.

4. **Construction Financing.** Developer will undertake to obtain financing from such sources as may be available for the construction of the thirty-two (32) affordable units as described above.

5. **Approvals.** Promptly upon receiving a fully signed copy of this Agreement, Developer will apply for approvals for construction of the project through the Borough's municipal agencies and the agencies of the State of New Jersey including the New Jersey Housing and Mortgage Finance Agency and such other agencies and sources as may be available. The Developer will diligently prepare, file and pursue approvals of site plan applications, obtaining building permits, and thereafter pursue the erection and completion of the project.

6. **Time For Construction.** Once construction financing has been obtained and once building permits have been issued, the Developer agrees to make all efforts to complete the construction of the project within twelve (12)

months. The twelve (12) month period shall be subject to extension for delays beyond the Developer's control including, but not limited to, acts of God, adverse weather conditions, unavailability of materials from anticipated sources of supply, labor difficulties, and physical conditions discovered on the property not anticipated by the Borough or the Developer related to environmental conditions.

7. **Liens; Deed Restrictions.** The Developer shall be permitted to place upon the property title liens and encumbrances required by financing sources, HMFA or such other entity and deed restrictions for use for the project and financial liens.

8. **Representations of Developer.** The Developer represents and warrants to the Borough that:

(a) The Developer is qualified to manage the construction of the project and is experienced in obtaining New Jersey State funding for projects of the nature of the project undertaken pursuant to this Agreement.

(b) Once the project is completed and an unconditional Certificate of Occupancy is issued, the Developer will cause the project to be operated by it or by such other entity, as approved by the Borough, experienced in leasing of family affordable rental units.

(c) The Developer is a valid and existing entity created and domiciled in the State of New Jersey and is authorized to do business in the State of New Jersey, including the construction of projects such as the project contemplated by this Agreement.

9. **Reversion of Title.** The property shall be conveyed subject to a deed containing a right of reverter of title to the Borough upon a default under this Agreement, provided that the Borough shall provide prior written notice to the Developer of not less than thirty (30) days stating the claimed default and providing the Developer with the opportunity to cure the claimed default. Should the Developer undertake to cure the default and diligently thereafter pursue cure of the default and such default not be cured within the thirty (30) day notice period, the notice period shall be extended so long as the Developer continues to diligently pursue the cure. Defaults and reverter shall occur upon the following events:

(a) The Developer ceases to exist as a legal entity under the laws of the State of New Jersey as the result of any bankruptcy or similar insolvency proceeding, voluntary dissolution or forfeiture of charter;

(b) The Developer ceases to be controlled by one or more entities recognized as charitable pursuant to Internal Revenue Code *Section 501(c)(3)* during construction, and, after the unconditional Certificate of Occupancy is issued, while the Developer is acting as the operator of the project;

(c) The Developer attempts to transfer the ownership of the property, the project or its obligations under this Agreement without the prior written consent of the Borough; or

(d) The Developer fails to complete the project within the time period set forth in paragraph 6 and any approved extension for delays as set forth therein.

10. **Occupancy.** Developer acknowledges that the units and housing shall be provided to persons qualifying for low and moderate income units under the Rules of the New Jersey Council On Affordable Housing, or any successor entity. Developer acknowledges that the units shall be affirmatively marketed for leasing consistent with such Rules, and that the Uniform Housing Affordability Controls (UHAC), *N.J.A.C. 5:80-26.1, et seq.* shall govern all units and housing in the development.

11. **No Claims As To Reverter.** Should title to the property revert to the Borough, Developer and any successors and assigns shall have no claim on the property or against the Borough for compensation or reimbursement of any funds expended in the construction and operation of the project.

12. **Notices.** All notices with regard to this Agreement shall be in writing and delivered to the other party in the following manner:

(a) By certified mail, return receipt requested, effective one (1) day after mailing;

(b) By nationally recognized overnight delivery service, effective one (1) day after delivery to the overnight service;

(c) By facsimile initiated between 9:00 a.m. and 4:30 p.m. on any business day that is not a New Jersey banking holiday followed by certified mail, return receipt requested, of a copy of the notice, effective upon initiating of the facsimile;

(d) By any other future form of electronic communication where proof of initiating the transmission can be documented in writing, provided

written notice by certified mail, return receipt requested is obtained, which electronic notice shall be effective upon initiation; or

(e) By personal delivery to the principal office of the party and to the person designated by that party, in writing, from time to time, effective upon personal delivery.

13. **Entire Agreement.** This Agreement contains all of the terms and conditions of the understanding of the parties. This Agreement may only be changed by written amendment executed by both parties.

14. **Approval of Agreement.** Borough represents that this Agreement has been reviewed on behalf of the Borough and the execution of this Agreement has been authorized by appropriate adopted resolution of the Governing Body of the Borough. The execution of this Agreement by the Developer is duly authorized by executed resolution of the Members in accordance with the Operating Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

WITNESS:

BOROUGH OF MONTVALE

MAUREEN IAROSI ALWAN,
Borough Administrator/Clerk

By: _____
Michael Ghassali, Mayor

**BERGEN COUNTY UNITED WAY
MADELINE HOUSING PARTNERS, LLC**

**By: _____
Thomas Toronto, Manager**

**By: _____
Shari De Palma, Manager**

EXHIBIT A

Old Republic National Title Insurance Company

OWNER'S POLICY OF TITLE INSURANCE

SCHEDULE C

LEGAL DESCRIPTION

Policy No.: OX-11838506

File No.: BTA33130

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Montvale, in the County of Bergen, State of New Jersey:

BEGINNING at an iron pipe with cap in the northerly sideline of Summit Avenue where the same is intersected by the easterly line of lands now or formerly of Rafael Rodriguez and Patricia Murillo; running THENCE:

(1) North 02 degrees 19 minutes 00 seconds East, along the easterly line of lands now or formerly of Rafael Rodriguez and Patricia Murillo, 464.57 feet to the southeasterly line of the Garden State Parkway; THENCE

(2) North 35 degrees 37 minutes 34 seconds East, along the Garden State Parkway, 138.94 feet to a Highway Monument; THENCE

(3) North 46 degrees 04 minutes 58 seconds East, Still along the Garden State Parkway, 62.97 feet to the westerly line of lands now or formerly of Edward, Terry and Glen De Piero; THENCE

(4) South 02 degrees 16 minutes 00 seconds West, along said lands; 626.06 feet to a point on the northerly sideline of Summit Avenue; THENCE

(5) Along the same, North 87 degrees 44 minutes 00 seconds West, 120.00 feet to the point and place of BEGINNING.

FOR INFORMATION PURPOSES ONLY: BEING known as 161 Summit Avenue, Tax Lot 3, Tax Block 1002 on the Official Tax Map of Borough of Montvale, NJ.

Old Republic National Title Insurance Company

OWNER'S POLICY OF TITLE INSURANCE

SCHEDULE C

LEGAL DESCRIPTION

Policy No.: OX-11838487

File No.: BTA33129

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Montvale, in the County of Bergen, State of New Jersey:

PRELIMINARY DESCRIPTION TO BE REVISED UPON RECEIPT OF A CURRENT SURVEY:

BEGINNING on the northerly side of Summit Avenue at a point distant 377 feet easterly from the dividing line between lands now or formerly of grantor and Howth, and running THENCE:

- (1) Easterly along said line of Summit Avenue, 120 feet to a point; THENCE
- (2) Northerly and at right angles to the first course, 720 feet to a point; THENCE
- (3) Westerly and parallel with the first course, 120 feet to a point; THENCE
- (4) Southerly and at right angles to the first course, 720 feet to the said northerly line of Summit Avenue to the point and place of BEGINNING.

EXCEPTING THEREOUT AND THEREFROM:

Premises described in Deed Books 1856 page 56; 3808 page 390 and 3774 page 377.

FOR INFORMATION PURPOSES ONLY: BEING known as 159 Summit Avenue, Tax Lot 5, Tax Block 1002 on the Official Tax Map of Borough of Montvale, NJ.

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 113-2018**

RE: Authorize Release of Escrow / Block 2802/Lot 2/Ultimate Living III LLC

WHEREAS, Ultimate Living III, LLC (European Wax Center), 66 Hemlock Terrace, Wayne, NJ 07470 has requested release of escrow for Block 2802; Lot 2, for escrow posted for their location at The Shoppes at DePiero Farm, Montvale, NJ ; and

WHEREAS, the Borough Engineer and other Borough professionals take no exception to the release; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale the amount of \$168.00 is hereby released to Ultimate Living III, LLC; and

BE IT FURHTER RESOLVED, the Treasurer shall receive a copy of this resolution for processing.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

Adopted: May 8, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 114-201**

RE: Authorize Release of Escrow / Block 2002/Lot 14/Tonelli Development Corp.

WHEREAS, Tonelli Development, Corp., 44 Highland Road, Montvale , NJ 07470 has requested release of escrow for Block 2002; Lot 14, for escrow posted 20 Spring Valley Road, Montvale, NJ ; and

WHEREAS, the Borough Engineer and other Borough professionals take no exception to the release; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale the amount of \$47,164.38 is hereby released to Tonelli Development Corporation; and

BE IT FURHTER RESOLVED, the Treasurer shall receive a copy of this resolution for processing.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

Adopted: May 8, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 115-2018**

RE: Revise Resolution of Appointment/Tax Assessor Resolution 65-2018 /Raymond Tighe

WHEREAS, the Borough of Montvale appointed Raymond Tighe Tax Assessor in February 2018;
and

WHEREAS, N.J.S.A. 40A-9-148 dictates a Municipal Tax Assessor shall hold for a term of 4 years
from the first day of July, following their selection; and

WHEREAS, Raymond Tighe has meet the qualifications for this position and agrees to the terms and
conditions of employment; and

WHEREAS, this appointment is for a four year term effective February 20, 2018 and will end on June
30, 2022. Upon re-appointment on July 1, 2022, Mr. Tighe will be eligible for tenure; 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 in the position of
Tax Assessor for the Borough of Montvale.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

Adopted: May 8, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 116-2018**

Resolution Authorizing a Change Order to the Contract With Waste Management to Include The Reserve at Montvale Pursuant to the Borough's Obligations Under the Condo Services Act

WHEREAS, in 2015, after duly advertising for and receiving public bids, the Borough of Montvale (the "Borough") entered into a contract with Waste Management of New Jersey (the "Contractor") to perform solid waste and recyclable materials collection and disposal services in the Borough for three (3) years; and

WHEREAS, said contract was extended for two additional years by Resolution adopted on April 24, 2018; and

WHEREAS, the Borough and the Contractor are desirous of amending the contract to include The Reserve at Montvale to the existing collection and disposal services pursuant to the Borough's obligations under the Condo Services Act, N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the annual increase in contract price shall be as set forth below; and

WHEREAS, all other terms and conditions shall remain substantially the same; and

WHEREAS, the Chief Financial Officer has provided a certification of available funds for this change order to the contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council hereby authorize an amendment to the contract with Waste Management to add collection and disposal services for The Reserve at Montvale as follows:

	Contract Year	rate per unit per mo.	# units	Monthly Cost	Start Date	End Date	Annual Billing for The Reserve
Cost to add The Reserve at Montvale	YEAR 3	\$18.50	80	\$1,480.00	6/1/2018	8/31/2018	\$4,440.00
	YEAR 4	\$18.87	80	\$1,509.60	9/1/2018	8/31/2019	\$18,115.20
	YEAR 5	\$19.25	80	\$1,540.00	9/1/2019	8/30/2020	\$18,480.00

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk hereby directed, authorized and empowered to execute an amendment to the above-mentioned agreement in order to effectuate the provisions of this Resolution, subject to approval by the Borough Attorney.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

Adopted: May 8, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 117-2018**

RE: Authorize Refund of Recreation Programs

BE IT RESOLVED, the below individuals are hereby granted refunds for:

Tennis Lessons - \$166.81 – Maryam Hassimi

Yoga - \$80.00 – Debra Stefanelli

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

Adopted: May 8, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, N.J., that the following bills, having been referred to the Borough Council and found correct, be and the same hereby be paid:

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$4,436,053.69	Bill List Wire 5/8/18
	<u>244,161.74</u>	Wires/Manual Checks
Current TOTAL	4,680,215.43	
Escrow - Trust	69,457.48	Bill List Wire 5/8/18
Housing Trust	1,585.50	Bill List Wire 5/8/18
Capital Fund	75,497.98	Bill List Wire 5/8/18

*This resolution was adopted by the Mayor and Council of Montvale
at a meeting held on 5/8/18*

Introduced by: _____

Approved: 5/8/18

Seconded by: _____

Michael Ghassali, Mayor

ATTEST:

Maureen Iarossi-Alwan, Municipal Clerk

MANUAL/VOID CHECKS - WIRES
May 8, 2018

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Transaction/Vendor</u>	<u>Amount</u>
WIRE		4/26/18	Payroll Account	154,583.32
WIRE		4/26/18	Salary Account	89,150.92
WIRE		4/26/18	FSA Account	427.50
Total				<u>244,161.74</u>

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

[illegible]

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Bill List By Vendor Id

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Vendor # Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
00118 NJ STATE LEAGUE OF													
18-00356 03/06/18 Ad for Violation Clerk													
1 ad for violation clerk				55.20	8-01-42-855-021		B ADVERTISING	R	03/06/18	05/02/18		10900SD	N
2 ad for violation clerk				59.80	8-01-41-250-021		B ADVERTISING	R	04/09/18	05/02/18		10900SD	N
				115.00									
18-00426 03/22/18 ad for Fire Prevention Emp.													
1 Job Ad for Fire Prevention				160.00	8-01-20-701-021		B ADVERTISING	R	03/22/18	05/02/18		10900SD	N
Vendor Total:				275.00									
00125 NORTHWEST BERGEN REGIONAL													
18-00123 01/17/18 HEALTH SERVICES 2018						B							
6 HEALTH SERVICES 2018/MAY				4,660.31	8-01-27-785-029		B OTHER CONTRACTUAL ITEMS	R	04/26/18	05/02/18		0139-18	N
MAY 2018													
INVOICE #0139-18													
Vendor Total:				4,660.31									
00137 PASCACK VALLEY REGIONAL HS DST													
18-00005 01/03/18 REGIONAL SCHOOL TAX 2018						B							
6 REGIONAL SCHOOL TAX 2018 MAY				1,111,032.60	8-01-55-206-000		B REGIONAL SCHOOL TAX	R	01/03/18	05/02/18		2018 TAX MAY	N
MAY 2018													
Vendor Total:				1,111,032.60									
00139 MAUREEN IAROSSEI-ALWAN													
18-00575 04/30/18 PETTY CASH FOR APRIL													
1 PETTY CASH FOR APRIL				70.00	8-01-20-704-042		B EDUCATION/TRAINING/SEMINARS	R	04/30/18	05/02/18		PETTY CASH 4/18	N
2				8.00	8-01-20-701-041		B MEAL REIMBURSEMENT	R	04/30/18	05/02/18		PETTY CASH 4/18	N
3				35.00	8-01-20-708-042		B EDUCATION/TRAINING/SEMINARS	R	04/30/18	05/02/18		PETTY CASH 4/18	N
4				18.12	8-01-20-703-041		B MEAL REIMBURSEMENT	R	04/30/18	05/02/18		PETTY CASH 4/18	N
5				29.58	8-01-28-795-068		B SPECIAL EVENTS	R	04/30/18	05/02/18		PETTY CASH 4/18	N
6				52.54	8-01-21-720-045		B TRAVEL	R	04/30/18	05/02/18		PETTY CASH 4/18	N
7				41.42	8-01-20-704-045		B TRAVEL	R	04/30/18	05/02/18		PETTY CASH 4/18	N
8				15.60	8-01-41-250-042		B EDUCATION/TRAINING/SEMINARS	R	04/30/18	05/02/18		PETTY CASH 4/18	N

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Bill List By Vendor Id

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Vendor # Name		Contract PO Type		First Rcvd		Chk/Void	1099	
PO #	PO Date Description	Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date Date	Invoice	Excl
Item Description								
<hr/>								
00139	MAUREEN IAROSI-ALWAN	Continued						
18-00575	04/30/18 PETTY CASH FOR APRIL	Continued						
9		14.40	8-01-42-855-042	B EDUCATION/TRAINING/SEMINARS	R	04/30/18 05/02/18	PETTY CASH 4/18 N	
		284.66						
Vendor Total:		284.66						
<hr/>								
00146	PSE&G CO.							
18-00559	04/30/18 PSEG CHARGES/MARCH 2018							
1	6703262608 43 HUFF TER	16.15	8-01-31-829-070	B NATURAL GAS	R	04/30/18 05/02/18	MARCH 2018	N
	MARCH 2018							
18-00560	04/30/18 PSE&G CHARGES/MARCH							
1	6772525604 12 MERCEDES DR	3,609.14	8-01-31-829-078	B NATURAL GAS - 12 MERCEDES	R	04/30/18 05/02/18	MARCH 2018	N
2	6502643000 1 MEMORIAL DR	1,288.34	8-01-31-829-086	B NATURAL GAS - ONE MEMORIAL	R	04/30/18 05/02/18	MARCH 2018	N
3	6600192208 VLY VIEW TER	19.23	8-01-31-829-070	B NATURAL GAS	R	05/02/18 05/02/18	MARCH 2018	N
4	6530025502 RECREATION	242.38	8-01-31-829-070	B NATURAL GAS	R	05/02/18 05/02/18	MARCH 2018	N
5	6532701009 CHESTNUT RIDGE TS	172.66	8-01-31-829-070	B NATURAL GAS	R	05/02/18 05/02/18	MARCH 2018	N
6	6702243308 FIELD HOUSE	422.00	8-01-31-829-070	B NATURAL GAS	R	05/02/18 05/02/18	MARCH 2018	N
	MARCH 2018							
	CURRENT PSEG CHARGES- \$2,852.99							
	CURRENT CONSTELLATION NEW ENERGY CHARGES							
	\$2,900.76							
		5,753.75						
Vendor Total:		5,769.90						
<hr/>								
00215	TOWNSHIP OF RIVER VALE							
18-00165	01/24/18 PASCACK VALLEY DPW 2018 SVCS.		B					
6	PASCACK VALLEY DPW MAY 2018	130,733.00	8-01-37-850-029	B OTHER CONTRACTUAL - PASCACK VALLEY DPW	R	04/26/18 05/02/18	MAY PAYMENT	N
	MAY 2018							
Vendor Total:		130,733.00						
<hr/>								
00247	MONTVALE FREE PUBLIC LIBRARY							
18-00223	02/06/18 LIBRARY PAYMENTS 2018		B					
3	LIBRARY PAYMENTS 2018	40,208.00	8-01-29-800-029	B OTHER CONTRACTUAL ITEMS	R	02/06/18 05/02/18	2ND QTR 2018	N

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Borough of Montvale
Bill List By Vendor Id

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Vendor # Name		PO # PO Date Description		Contract	PO Type	First Rcvd		Chk/Void	1099	
Item Description		Amount	Charge Account	Acct Type	Description	Stat/Chk	Enc Date	Date	Date Invoice	Excl
00247	MONTVALE FREE PUBLIC LIBRARY	Continued								
18-00223	02/06/18 LIBRARY PAYMENTS 2018		Continued							
	2ND QUARTER 2018									
Vendor Total:		40,208.00								
00258	ROCKLAND ELECTRIC COMPANY									
18-00607	05/02/18 ROCKLAND ELECTRIC CHARGES/APR.									
1	2310843006 ALAYNA ASSOC	41.68	8-01-38-854-029	B	OTHER CONTRACTUAL ITEMS	R	05/02/18	05/02/18	APRIL 2018	N
2	0018169009 35 W GRAND AVE	1,666.80	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
3	2397150008 SPRING VALLEY RD	45.87	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
4	1753077003 W GRAND AVE TFL X	46.89	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
5	9683932013 GRAND TFLT 57400	35.21	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
6	5229845000 LA TRENTA BALLFIELD	142.69	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
7	4725845003 SUMMIT OTHR FIRE	12.27	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
8	5103845008 CHESTNUT TRAF/SUMT	132.59	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
9	0052060009 CHESTNUT TFLT 57243	28.58	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
	38229									
10	0700055009 HUFF TER PUMP 57088	770.06	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
11	1619931002 VALLEY VIEW SEWER	821.83	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
12	5985845006 CHESTNUT RIDGE RD	44.13	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
13	5208845000 159 CHESTNUT RDG	87.46	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
14	9704932006 W GRAND OTH MTLBX	40.75	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
15	1503030001 SUMMIT AVE TFLT X	48.62	8-01-31-825-071	B	ELECTRICITY	R	05/02/18	05/02/18	APRIL 2018	N
	APRIL 2018									
		3,965.43								
Vendor Total:		3,965.43								
00363	MORRIS COUNTY PUBLIC SAFETY									
18-00505	04/10/18 JV TRAINING CRUISE									
1	JV TRAINING CRUISE	25.00	8-01-25-745-042	B	EDUCATION/TRAINING/SEMINARS	R	04/10/18	05/02/18	3/28/18	N
	CRUISE TRAINING CLASS JV 3-28-18									
	CLASS ID # 1713787	\$25.00								
	INVOICE NO. 25963									
Vendor Total:		25.00								

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Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
00389 THE FRESH MARKET	18-00541	04/16/18	ESCROW DEPOSIT REFUND									
1 THE FRESH MARKET, INC. INTEREST REMAINING INTEREST REFUNDED				5.15	E-08-00-210-06B	B The Fresh Market, Inc. -Interest	R	04/16/18	05/02/18		INTREST REFUND	N
Vendor Total:				5.15								
00497 LEVITZKI, ANN	18-00603	05/02/18	CELL PHONE REIMBURSEMENT									
1 CELL PHONE REIMBURSEMENT MARCH 2018				23.92	8-01-42-855-029	B OTHER CONTRACTUAL ITEMS	R	05/02/18	05/02/18		MARCH 2018	N
2 CELL PHONE REIMBURSEMENT MARCH 2018				25.92	8-01-41-250-029	B OTHER CONTRACTUAL ITEMS	R	05/02/18	05/02/18		MARCH 2018	N
				49.84								
Vendor Total:				49.84								
00554 BERGEN MUNI EMPL BENEFITS FUND	18-00612	05/02/18	HEALTH BENEFITS -APRIL & MAY									
1 MEDICAL BENEFITS -APRIL 2018				63,743.00	8-01-23-733-096	B OTHER CONTRACTUAL - BMED	R	05/02/18	05/02/18		APR-MAY 2018	N
2 MEDICAL BENEFITS -MAY 2018				63,743.00	8-01-23-733-096	B OTHER CONTRACTUAL - BMED	R	05/02/18	05/02/18		APR-MAY 2018	N
3 DENTAL BENEFITS -APRIL 2018				3,623.00	8-01-23-733-095	B DENTAL	R	05/02/18	05/02/18		APR-MAY 2018	N
4 DENTAL BENEFITS -MAY 2018				3,623.00	8-01-23-733-095	B DENTAL	R	05/02/18	05/02/18		APR-MAY 2018	N
5 RX BENEFITS -APRIL 2018				12,528.00	8-01-23-733-097	B PRESCRIPTION	R	05/02/18	05/02/18		APR-MAY 2018	N
6 RX BENEFITS -MAY 2018				12,528.00	8-01-23-733-097	B PRESCRIPTION	R	05/02/18	05/02/18		APR-MAY 2018	N
				159,788.00								
Vendor Total:				159,788.00								
00699 ATLANTIC TOMORROWS OFFICE	18-00496	04/09/18	PD COPIER MAINTENANCE									
1 PD COPIER MAINTENANCE POLICE DEPARTMENT COPIER MAINTENANCE AGREEMENT MACHINE ID H07148 SERIAL SCHED30686				77.80	8-01-25-745-028	B OTHER PROF/CONSULTANT SERVICES	R	04/09/18	05/02/18		CNIN748307	N

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Borough of Montvale
Bill List By Vendor Id

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Vendor # Name		PO # PO Date Description		Contract	PO Type			First	Rcvd	chk/void	1099
Item Description		Amount	Charge Account	Acct Type	Description	Stat/Chk	Enc	Date	Date	Date Invoice	Exc1
00699	ATLANTIC TOMORROWS OFFICE	Continued									
18-00496	04/09/18 PD COPIER MAINTENANCE			Continued							
	BW 1/1/18-3/31/18										
Vendor Total:		77.80									
00730	BOGGIA & BOGGIA, ESQS.										
18-00222	02/06/18 LEGAL FEES 2018			B							
25	GENERAL MATTERS - 2018	2,088.05	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28686	N
26	CONSTRUCTION OF FIREHOUSE	966.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28687	N
27	MUNICIPAL SERVICES AGREEMENTS	84.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28689	N
28	LIBOCK V BEAR-BAN BUILDERS LLC	826.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28690	N
29	MICHAEL CULHANE PENALTY ENFORCEMENT	798.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28691	N
30	MERCEDES REDEVELOPMENT	28.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28692	N
31	MONTVALE INTERSECTION IMPROVE	98.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28693	N
32	25 W. GRAND AVENUE	154.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28694	N
33	MILLER V WILSON, ET ALS.	714.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28695	N
34	TREE PROTECTION ORDINANCE	28.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28696	N
35	6 & 9 PENNSYLVANIA AVENUE	98.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28697	N
36	BREA V MONTVALE	2,450.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28698	N
37	MONTVALE -TV ACCESS	434.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28699	N
38	KSL-TAX APPEAL	630.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28700	N
39	BERGEN COUNTY TAX APPEALS 2018	1,596.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28701	N
40	20 CRAIG ROAD- TAX APPEAL	70.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28702	N
41	MONTVALE- KPMG TAX APPEAL	98.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28703	N
42	MONTVALE- SUMMIT PLAZA INC TAX APPEAL	268.40	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28704	N
43	HUB PROPERTIES TAX APPEAL	140.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28705	N
44	HORNROCK PROPERTIES TAX APPEAL	392.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28706	N
45	14 PHILIPS PARKWAY 2014 TAX APPEAL	238.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28707	N
46	140 HOPPER AVE TAX APPEAL	140.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28708	N
47	LUKOIL- TAX APPEAL	294.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28709	N
48	TWO PARAGON DRIVE TAX APPEAL	294.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28710	N
49	JD MONTVALE 2017 TAX APPEAL	140.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28711	N
50	ROCKLAND ELECTRIC- TAX APPEAL	126.00	8-01-20-712-028	B	OTHER PROF/CONSULTANT SERVICES	R		02/06/18	05/02/18	28712	N

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Item Description		Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl
00730	BOGGIA & BOGGIA, ESQS. Continued									
18-00222	02/06/18 LEGAL FEES 2018		Continued							
	28686+28687+28689+28690+28691+28692									
	28693+28694+28695+28696+28697+28698									
	28699+28700+28701+28702+28703+28704									
	28705+28706+28707+28708+28709+28710									
	28711+28712									
		13,192.45								
18-00492	04/05/18 2015 AFFORDABLE HOUSING LIT.									
1	2015 AFFORDABLE HOUSING	518.00	T-03-56-286-006	B TRUST - RESERVE FOR HOUSING	R	04/05/18	05/02/18		28688	N
	LITIGATION									
	FEBRUARY 2018									
	INVOICE NO. 28688									
Vendor Total:		13,710.45								
00731	MASER CONSULTING P.A.									
16-00489	04/21/16 COMPLIANCE W.AFFORDABLE HOUSIN		B							
27	AFFORDABLE HOUSING SERVICES	453.75	8-01-55-204-000	B ACCOUNTS PAYABLE	R	01/01/18	05/02/18		452925	N
	INVOICE NO. 452925									
17-01290	11/14/17 FLOOD DETENTION DAM		B							
5	FLOOD DETENTION DAM	85.00	7-01-20-715-029	B ENGINEERING - OTHER CONTRACTUAL ITEMS	R	11/14/17	05/02/18		454497	N
	INVOICE NO. 454497									
	RESOLUTION NO. 202-2017									
18-00320	02/26/18 COMPLIANCE HEARING D. GREEN		B							
3	HEFSP & COMPLIANCE DOCUMENTS	16,310.00	8-01-21-720-028	B OTHER PROF/CONSULTANT SERVICES	R	02/26/18	05/02/18		452929	N
	INVOICE NO. 452929									
	PROJECT: MPP014C									
18-00449	03/30/18 HEKEMIAN/MERCEDES #21602									
1	HEKEMIAN/MERCEDES #21602	1,123.75	7-01-21-720-028	B OTHER PROF/CONSULTANT SERVICES	R	03/30/18	05/02/18		417954	N
	INVOICE NO. 417954									
	PROJECT: MPP042									

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Item Description		Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl
00731	MASER CONSULTING P.A.	Continued								
18-00450	03/30/18 S.HEKEMIAN GROUP LLC/MERCEDES									
1	S.HEKEMIAN GROUP LLC/MERCEDES	1,460.25	7-01-21-720-028	B OTHER PROF/CONSULTANT SERVICES	R	03/30/18	05/02/18		418344	N
INVOICE NO. 418344										
PROJECT: MVP478										
BLOCK 2702, LOT 1										
18-00451	03/30/18 S. HEKEMIAN GROUP,LLC/MERCEDES									
1	S. HEKEMIAN GROUP,LLC/MERCEDES	2,377.00	7-01-21-720-028	B OTHER PROF/CONSULTANT SERVICES	R	03/30/18	05/02/18		432437	N
INVOICE NO. 432437										
PROJECT: MVP478										
BLOCK 2702, LOT 1										
18-00488	04/05/18 ESCROW PAYMENTS									
1	S.HEKEMIAN/MERCEDES (2702/1&3)	1,451.25	E-08-00-216-02A	B S.Hekemian/Mercedes (2702/1 & 3)	R	04/05/18	05/02/18		447988	N
2	S.HEKEMIAN/MERCEDES (2702/1&3)	2,772.50	E-08-00-216-02A	B S.Hekemian/Mercedes (2702/1 & 3)	R	04/05/18	05/02/18		450173	N
3	S.HEKEMIAN/MERCEDES (2702/1&3)	1,785.00	E-08-00-216-02A	B S.Hekemian/Mercedes (2702/1 & 3)	R	04/05/18	05/02/18		451028	N
4	S.HEKEMIAN/MERCEDES (2702/1&3)	948.75	E-08-00-216-02A	B S.Hekemian/Mercedes (2702/1 & 3)	R	04/05/18	05/02/18		452936	N
5	KPMG (2701/2) OLD (3102/1.01)	563.75	E-08-00-216-05A	B KPMG (2701/2) (old 3102/1.01)	R	04/05/18	05/02/18		452926	N
6	PINTO, LAWRENCE & TANIA (201/3)	618.75	E-08-00-217-02A	B Pinto, Lawrence & Tania (201/3)	R	04/05/18	05/02/18		452927	N
7	RICHARD QUEEN (2408/26)	1,433.75	E-08-00-217-04A	B RICHARD QUEEN 2408/26	R	04/05/18	05/02/18		452928	N
8	TRUMBETTI, JOHN/C.RICH	580.00	E-08-00-217-36A	B TRUMBETTI, JOHN/C.RICH (2504/10&11	R	04/05/18	05/02/18		452941	N
BLOCK 2504 LOT 10&11										
9	TSL PIKE PREDEVELOPMENT 1102/2	907.50	E-08-00-218-02A	B TSL PIKE PREDEVELOPMENT (1102/2)	R	04/05/18	05/02/18		452945	N
10	KOERNER, JOHN (1301/24.04)	82.50	E-08-00-218-03A	B KOERNER, JOHN (1301/24.04)	R	04/05/18	05/02/18		452931	N
INVOICE NO.										
447988+450173+451028+452936+452926+452927										
452928+452941+452945+452931										
		11,143.75								
18-00535	04/13/18 ESCROW PAYMENTS									
1	KHOV DELBEN II 302/1&4-1002/7	3,763.75	E-08-00-208-21A	B KHOV DELBEN II 302/1&4 - 1002/7	R	04/13/18	05/02/18		446301	N
2	KHOV DELBENII 302/1&4-1002/7	438.75	E-08-00-208-21A	B KHOV DELBEN II 302/1&4 - 1002/7	R	04/13/18	05/02/18		451008	N

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	Item Description	Amount Charge Account Acct Type Description						Exc
00731 MASER CONSULTING P.A.	Continued							
18-00535 04/13/18 ESCROW PAYMENTS	Continued							
INVOICE NO. 446301+451008		4,202.50						
Vendor Total:		37,156.00						
00767 SCORDO, FRAN								
18-00565 04/30/18 TRAVEL EXPENSES - TAX CLASS								
1 TRAVEL EXPENSES FOR A TAX	81.78 8-01-20-708-045	B TRAVEL	R	04/30/18	05/02/18		TRAVEL EXP.	N
WORKSHOP ON APRIL 20, 2018								
Vendor Total:		81.78						
00789 NJAPZA								
18-00576 04/30/18 Annual Membership Dues								
1 Annual Membership Dues	100.00 8-01-21-720-044	B PROFESSIONAL ASSOCIATION DUES	R	04/30/18	05/02/18		1/1/2018	N
Vendor Total:		100.00						
00896 GIAMMARINO, MICHAEL								
18-00048 01/09/18 INTERPRETER SERVICES 2018	B							
19 INTERPRETER SERVICES 2018	104.00 8-01-41-250-028	B OTHER PROFESSIONAL/CONSULTING SERVICES	R	04/26/18	05/02/18		4/23/2018	N
20 INTERPRETER SERVICES 2018	96.00 8-01-42-855-028	B OTHER PROF/CONSULTANT SERVICES	R	04/26/18	05/02/18		4/23/2018	N
APRIL, 23 2018		200.00						
Vendor Total:		200.00						
01120 GTBM INC.								
18-00394 03/15/18 ANTENNAS FOR 366 & 367								
1 ANTENNAS FOR 366 & 367	276.73 8-01-25-745-103	B POLICE VEHICLE EQUIPMENT	R	03/15/18	05/02/18		0000015889	N
ANTENNA FOR SCANNER FOR								
PDMV #366	31.98							
GPS ANTENNA FOR LPR SYSTEM FOR								
PDMV #367	244.75							

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01120 GTBM INC.	18-00394 03/15/18 ANTENNAS FOR 366 & 367	Continued						
	TOTAL \$276.73	Continued						
	Vendor Total:	276.73						
01132 COOPERATIVE COMMUNICATIONS, INC	18-00608 05/02/18 2013915700 BOROUGH OF MONTVALE							
	1 2013915700 BOROUGH OF MONTVALE	1,959.92	8-01-31-827-076	B TELEPHONE CHARGES	R	05/02/18 05/02/18	APRIL 2018	N
	APRIL 2018 TELEPHONE SERVICE							
	INVOICE 5/1/2018							
	Vendor Total:	1,959.92						
01134 RESERVE ACCOUNT	18-00166 01/24/18 REFILL POSTAGE METER 2018							
	6 REFILL POSTAGE METER 2018 MAY	1,000.00	8-01-20-701-022	B POSTAGE & EXPRESS CHARGES	R	03/30/18 05/02/18	MAY 2018	N
	MAY 2018							
	18-00437 03/27/18 POSTAGE FOR TAX DEPARTMENT							
	1 POSTAGE FOR TAX DEPARTMENT	342.63	8-01-20-708-022	B POSTAGE AND EXPRESS CHARGES	R	03/27/18 05/02/18	POSTAGE TAX DEP N	
	FOR MAILING OF:							
	EXCESS SEWER BILLS - 139							
	DELINQUENT NOTICES - 140							
	HOMESTEAD CREDITS - 450							
	TOTAL PIECES = 729 X \$0.47							
	Vendor Total:	1,342.63						
01211 TURN OUT UNIFORMS & CO.	18-00474 04/04/18 PD COMISSIONER JACKET TALARICO							
	1 PD COMISSIONER JACKET TALARICO	131.99	8-01-25-745-266	B CLOTHING	R	04/04/18 05/02/18	188753	N
	POLICE COMISSIONER JACKET FOR							
	SAL TALARICO							

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Item Description			Amount	Charge Account	Acct Type Description						
01211 TURN OUT UNIFORMS & CO. Continued											
18-00474	04/04/18	PD COMMISSIONER JACKET TALARICO	Continued								
RECEIPT ATTACHED			\$131.99								
Vendor Total:			131.99								
01241 FRANCO BRICK OVEN PIZZA											
18-00545	04/17/18	Planning board Meeting									
1 PB Meeting			75.27	8-01-21-720-042	B EDUCATION/TRAINING/SEMINARS	R	04/17/18	05/02/18		4/17/18	N
2 tip			15.00	8-01-21-720-042	B EDUCATION/TRAINING/SEMINARS	R	04/17/18	05/02/18		4/17/18	N
			90.27								
18-00554	04/24/18	PIZZA FOR COUNCIL MEETING									
1 PIZZA FOUR COUNCIL MEETING			80.23	8-01-20-701-041	B MEAL REIMBURSEMENT	R	04/24/18	05/02/18		4/24/18	N
18-00590	05/01/18	planning board meeting									
1 Planning Board Meeting			68.59	8-01-21-720-041	B MEAL REIMBURSEMENT	R	05/01/18	05/02/18		5/1/2018	N
2 tip			15.00	8-01-21-720-041	B MEAL REIMBURSEMENT	R	05/01/18	05/02/18		5/1/2018	N
			83.59								
Vendor Total:			254.09								
01254 KEN'S TREE CARE											
18-00469	04/03/18	TREE SERVICES									
1 TREE SERVICES			3,190.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	04/03/18	05/02/18		270811	N
2 TREE SERVICES			3,190.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	04/03/18	05/02/18		270824	N
3 TREE SERVICES			3,190.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	04/03/18	05/02/18		270872	N
4 TREE SERVICES			3,190.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	04/03/18	05/02/18		270892	N
5 TREE SERVICES			1,595.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	04/03/18	05/02/18		270894	N
INVOICE NO. 270811+270824+270872+270892											
270894											
			14,355.00								
18-00497	04/09/18	TREE SERVICES- STORM RELATED									
1 TREE SERVICES- STORM RELATED			1,595.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	04/09/18	05/02/18		270908	N
2 TREE SERVICES- STORM RELATED			1,595.00	8-01-26-765-029	B OTHER CONTRACTUAL ITEMS	R	04/09/18	05/02/18		270912	N

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Item Description			Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice				Excl	
01653 SNS ARCHITECTS & ENGINEERS, PC Continued															
18-00501 04/10/18 PROFESSIONAL SERVICES FEB 2018															
1	PROFESSIONAL SERVICES FEB 2018		4,822.00	8-01-26-772-029	B OTHER CONTRACTUAL ITEMS	R	04/10/18	05/02/18		16454				N	
PROJECT:															
5033.00 MONTVALE MEMORIAL DR.															
BLDG. DEPT OFFICES EXPANSION															
INVOICE: 16454															
Vendor Total: 7,522.00															
01760 UNITED PARCEL SERVICE															
18-00361 03/09/18 F047X6098 UPS CHARGES															
1	F047X6098 UPS CHARGES/PB		10.83	8-01-21-720-022	B POSTAGE & EXPRESS CHARGES	R	03/09/18	05/02/18		F047X6				N	
INVOICE NO. F047X6098															
18-00406 03/16/18 F047X6108 UPS CHARGES															
1	F047X6108 UPS CHARGES		10.83	8-01-21-720-022	B POSTAGE & EXPRESS CHARGES	R	03/16/18	05/02/18		F047X6108				N	
INVOICE NO. F047X6108															
18-00455 03/30/18 UPS CHARGES F047X6118															
1	UPS CHARGES F047X6118		7.22	8-01-20-701-022	B POSTAGE & EXPRESS CHARGES	R	03/30/18	05/02/18		F047X6118				N	
2	UPS CHARGES F047X6118		21.66	8-01-21-720-022	B POSTAGE & EXPRESS CHARGES	R	03/30/18	05/02/18		F047X6118				N	
			28.88												
18-00456 03/30/18 UPS CHARGES F047X6128															
1	UPS CHARGES F047X6128/ ADMIN		8.62	8-01-20-701-022	B POSTAGE & EXPRESS CHARGES	R	03/30/18	05/02/18		F047X6128				N	
2	UPS CHARGES F047X6128/ PB		10.83	8-01-21-720-022	B POSTAGE & EXPRESS CHARGES	R	03/30/18	05/02/18		F047X6128				N	
			19.45												
18-00493 04/09/18 UPS CHARGES F047X6138															
1	UPS CHARGES F047X6138/PB		28.88	8-01-21-720-022	B POSTAGE & EXPRESS CHARGES	R	04/09/18	05/02/18		F047X6138				N	
2	UPS CHARGES F047X6138/ADMIN		10.83	8-01-20-701-022	B POSTAGE & EXPRESS CHARGES	R	04/09/18	05/02/18		F047X6138				N	
			39.71												
18-00528 04/13/18 UPS CHARGES F047X6148															
1	UPS CHARGES F047X6148/PB		14.47	8-01-21-720-022	B POSTAGE & EXPRESS CHARGES	R	04/13/18	05/02/18		F047X6148				N	

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	Item Description	Amount Charge Account Acct Type Description	Stat/chk	Enc Date Date	Date Invoice Invoice	Excl
01760	UNITED PARCEL SERVICE	Continued				
18-00528	04/13/18 UPS CHARGES F047X6148	Continued				
2	UPS CHARGES F047X6148/ADMIN	21.71	8-01-20-701-022	B POSTAGE & EXPRESS CHARGES	R	04/13/18 05/02/18 F047X6148 N
	INVOICE F047X6148					
		21.71				
	Vendor Total:	131.41				
01767	VERIZON					
18-00598	05/02/18 555-569-014-0001-55 VERIZON					
1	555-569-014-0001-55 VERIZON	175.64	8-01-20-701-029	B OTHER CONTRACTUAL ITEMS	R	05/02/18 05/02/18 APR.MAY. N
	APR.MAY.					
	Vendor Total:	175.64				
01783	DOERR, MARIA					
18-00563	04/30/18 COURT ASSISTANCE					
1	COURT ASSISTANCE	60.00	8-01-42-855-028	B OTHER PROF/CONSULTANT SERVICES	R	04/30/18 05/02/18 APRIL 18, 2018 N
2	COURT ASSISTANCE	65.00	8-01-41-250-028	B OTHER PROFESSIONAL/CONSULTING SERVICES	R	04/30/18 05/02/18 APRIL 18, 2018 N
	RIDGEWOOD MUNICIPAL COURT					
	APRIL 18, 2018	125.00				
	Vendor Total:	125.00				
01788	RAYMOND TIGHE					
18-00605	05/02/18 REIMBURSEMENT EXPENSES					
1	REIMBURSEMENT EXPENSES	199.00	8-01-20-710-042	B EDUCATION/TRAINING/SEMINARS	R	05/02/18 05/02/18 4/30/18 N
	CEU					
	Title: 2018-2019 7hr National USPAP					
	Update Course					
	Sponsor: Mckissock,LLC					
	Date:4/10/2018					
	Vendor Total:	199.00				

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Item Description	Amount	Charge Account	Acct Type Description				Enc Date	Date	Date	Invoice	Excl
01791 CARINO, A. TATIANA											
18-00602 05/02/18 INTERPRETER SERVICE 4/11/2018											
1 INTERPRETER SERVICE 4/11/2018	14.40	8-01-42-855-028	B OTHER PROF/CONSULTANT SERVICES	R		05/02/18	05/02/18		4/11/18	N	
2 INTERPRETER SERVICE 4/11/2018	15.60	8-01-41-250-028	B OTHER PROFESSIONAL/CONSULTING SERVICES	R		05/02/18	05/02/18		4/11/18	N	
	30.00										
Vendor Total:	30.00										
01792 TONELLI DEVELOPMENT CORP.											
18-00594 05/02/18 ESCROW REFUND											
1 ESCROW REFUND	47,164.38	E-08-00-217-19A	B TONELLI DEV CORP (2002/14)	R		05/02/18	05/02/18		ESCROW REFUND	N	
BLOCK 2202 LOT 14											
Vendor Total:	47,164.38										
01793 D&D COMMUNICATIONS ENT, INC.											
18-00611 05/02/18 BLDG PERMIT REFUND (18-00049)											
1 BLDG PERMIT REFUND (18-00049)	120.00	8-01-55-300-004	B REFUND OF FEES & PERMITS	R		05/02/18	05/02/18		PERMIT REFUND	N	
Refund of Roofing/Siding permit #											
18-00049 due to customer cancellation.											
\$150 less 20% fee= \$120.											
Vendor Total:	120.00										
02141 REGAN, ROBERT T., ESQ.											
18-00445 03/29/18 ESCROW PAYMENTS											
1 TONELLI DEV CORP (2002/14)	450.00	E-08-00-217-19A	B TONELLI DEV CORP (2002/14)	R		03/29/18	05/02/18		14524	N	
INVOICE NO. 14524											
18-00490 04/05/18 COAH											
1 COAH	1,067.50	T-03-56-286-006	B TRUST - RESERVE FOR HOUSING	R		04/05/18	05/02/18		14708	N	
INVOICE NO. 14708											
18-00491 04/05/18 ESCROW PAYMENTS											
1 MTVL DEV-HEKEMIAN GROUP	35.00	E-08-00-213-07A	B Mtv1 Dev-Hekemian Group (2802/2&3)	R		04/05/18	05/02/18		14715	N	
(2802/2&3)											
2 MEMORIAL SLOAN KETTERING	17.50	E-08-00-215-05A	B Memorial Sloan Kettering (2601/32)	R		04/05/18	05/02/18		14705	N	
(2601/32)											

[illegible]

Borough of Montvale
Bill List By Vendor Id

[illegible]

Vendor Total: 206.58

Vendor Total: 57,488.50

Vendor Total: 217.80

Total Purchase Orders: 71 Total P.O. Line Items: 171 Total List Amount: 4,582,594.65 Total Void Amount: 0.00

May 2, 2018
04:28 PM

Borough of Montvale
Bill List By Vendor Id

Page No: 19

Totals by Year-Fund Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND 2017 BUDGET	7-01	5,046.00	0.00	5,046.00	0.00	0.00	5,046.00
CURRENT FUND 2018 BUDGET	8-01	4,431,007.69	0.00	4,431,007.69	0.00	0.00	4,431,007.69
CAPITAL FUND	C-04	75,497.98	0.00	75,497.98	0.00	0.00	75,497.98
BOA ESCROW ACCOUNTS	E-08	69,457.48	0.00	69,457.48	0.00	0.00	69,457.48
OTHER TRUST ACCOUNT	T-03	1,585.50	0.00	1,585.50	0.00	0.00	1,585.50
Total of All Funds:		<u>4,582,594.65</u>	<u>0.00</u>	<u>4,582,594.65</u>	<u>0.00</u>	<u>0.00</u>	<u>4,582,594.65</u>

Fran Scordo

From: Lisa Dent
Sent: Tuesday, May 01, 2018 10:27 AM
To: Fran Scordo
Subject: FW: Item for 5/8/18 Mayor and Council Meeting-Pascack Hills High School discounted Recreation Student Rate

From: zenzius@aol.com <zenzius@aol.com>
Sent: Tuesday, May 01, 2018 10:26 AM
To: Maureen Iarossi <miarossi@montvaleboro.org>
Cc: Lisa Dent <ldent@montvaleboro.org>; efranceski@pascack.org; zenzius@aol.com
Subject: Item for 5/8/18 Mayor and Council Meeting-Pascack Hills High School discounted Recreation Student Rate

Hello Ms. Iarossi-Alwan,

My name is Rachele Campana. I am a long time resident of Montvale (since 1994) and my four children have had the benefit of attending the Montvale Public Schools starting in 2001. I have been an active volunteer in the schools since 2004. The last of my children graduated from Pascack Hills High School in 2017. I am working with Mrs. Erica Franceski from Pascack Hills High School in her role as Student and Family Resource Liaison. Additionally, Mrs. Franceski is also responsible for the Pascack Hills High School Wellness Center. In her position, she has identified a need to help the students better cope with the inevitable stressors and pressures of everyday life. As a result, the Pascack Hills Wellness Center is organizing a Wellness Fair which will introduce the students to various organizations within our community that can help them find healthier more positive ways of dealing with stress.

I have had the pleasure of speaking to Ms. Lisa Dent, your Recreation Director, about attending the Wellness Fair on May 16th. She felt it was a good opportunity to introduce the students to the programs that Montvale Recreation has to offer, as well as to get suggestions from the students on programs that they would like the Recreation Department to introduce. Montvale Recreation has offered many healthy and more holistic ways of dealing with stress such as yoga, martial arts, and tae kwon do, all of which are positive, healthier ways of dealing with stress.

The only obstacle to integrating the Montvale Recreation Program into Pascack Hills is that Pascack Hills High School students are not all residents of Montvale. Therefore the rate is different for out of town individuals, and in some cases may prohibit students from participating. Since the basic premise of the Wellness Fair is to promote healthy ways of dealing with stress we are aiming to promote inclusion for all students. These students, regardless of where they live, are socially connected by where they go to school.

This social connection wards off loneliness and depression among the students so for Montvale Recreation to fully participate in the Wellness Fair, I am proposing that a discounted student rate for Pascack Hills Students be implemented, for the Montvale Recreation programs, regardless of where the student resides.

This will be an opportunity for Montvale Recreation to introduce themselves to the students of Pascack Hills and also provide our students with a positive and inclusive way of joining the wonderful

programs Montvale Recreation has to offer. I hope you consider this request in providing a discounted Pascack Hills Student Rate for Recreation programs and making a difference in the lives of our students. The added benefit is it will introduce our young people to some positive alternatives to dealing with stress and provide some healthy coping mechanisms.

If this can be added to the council meeting agenda for this month it would be greatly appreciated. We are under some time constraints since the Wellness Fair is scheduled for May 16th.

If you have any questions about the Wellness Fair or the proposal for the discounted Pascack Hills Student rate please feel free to contact either myself or Mrs. Franceski at efranceski@pascack.org or 201-358-7020 ext. 22008.

Regards,

Rachele Campana
201-294-7859