

**AGENDA
PUBLIC MEETING
BOROUGH OF MONTVALE
Mayor and Council Meeting
July 10, 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: Attorney Client Privilege/Litigation

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

1. Contract Negotiations PVDPW
2. Pascack Valley Regional HS District

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

PRESENTATION: Flight Centre Travel Group

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2018-1455 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 4 OF THE BOROUGH OF MONTVALE TO INCREASE THE MAXIMUM NUMBER OF PLENARY RETAIL CONSUMPTION LICENSES

PUBLIC HEARING ORDINANCE NO. 2018-1456 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128, "ZONING," TO PROHIBIT MARIJUANA ESTABLISHMENTS AND VAPOR ESTABLISHMENTS, INCLUDING THE CULTIVATION, TESTING OR MANUFACTURING OF MARIJUANA OR VAPOR PRODUCTS AS WELL AS ADVERTISING CONCERNING SAME IN THE BOROUGH OF MONTVALE

(Montvale Planning Board Comments/Recommendations)

APPOINTMENT ENVIRONMENTAL COMMISSION: Carly De La Hoz, 2nd Alternate

MEETING OPEN TO PUBLIC:

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

June 26, 2018

MINUTES CLOSED/EXECUTIVE SESSION:

June 26, 2018

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.

147-2018 Authorize Change Orders No. 14 New Montvale Firehouse/Unimak LLC

148-2018 Authorizing Upgrade Sound System/Gramco Business Communications

149-2018 A Resolution of the Borough of Montvale Awarding a Contract to Media Consultants, LLC, as an Extraordinary Unspecifiable Service for MontVale Studio Management

150-2018 Providing For The Combination Of Certain Issues Of General Improvement Bonds Series 2018 Of the Borough of Montvale Into a Single Issue Of Bonds Aggregating \$9,770,000 In Principal Amount

151-2018 Award Professional Service Contract /Environmental Services/Block 1601 Lot 1/25 West Grand Avenue/Phase II Investigation & Tank Closure/ Maser Consulting, LLC

152-2018 Awarding Professional Service Contract/2018 Roadway & Storm Sewer Emergency Repairs Preparation of Bidding Specifications/Maser Consulting, LLC

153-2018 Awarding Professional Service Contract/2018 Emergency Sanitary Sewer Repairs Preparation of Bidding Specifications/Maser Consulting, LLC

154-2018 Authorize 2018 Memorial School Paving Project/Borough of Montvale's Portion/Alternate (To Be Provided At Meeting)

BILLS:

REPORT OF REVENUE:

COMMITTEE REPORTS:

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

a. Report Paving Sidewalks/Spring Valley Road

b. Update/Status Fieldstone Field Synthetic Turf

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

a. Written Property Maintenance Protocol/Proposed Distribution Website & Newsletter/Property Maintenance Official/J. Fette

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 July 31, 2018 at 7:30 p.m.

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2018-1455**

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 26th day of June 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 10th day of July 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 4 OF THE BOROUGH OF MONTVALE TO INCREASE THE MAXIMUM NUMBER OF PLENARY RETAIL CONSUMPTION LICENSES

WHEREAS, the number of plenary retail consumption licenses within the territorial jurisdiction is set by the New Jersey Division of Alcoholic Beverage Control ("ABC"); and

WHEREAS, the Borough of Montvale is currently limited by the ABC to a maximum of four plenary retail licenses based on its population, exclusive of exemptions; and

WHEREAS, there are certain exemptions to the maximum number of plenary retail consumption licenses, including for establishments affiliated with a hotel/motel or theater; and

WHEREAS, Montvale Code §4-11 imposes a cap of five plenary retail licenses, including exemptions; and

WHEREAS, the Borough of Montvale is desirous of increasing the cap in its Code to allow for additional plenary retail consumption licenses under hotel/motel, theater, or other exemptions permitted by the ABC.

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

Section 1. Chapter 4, "Alcoholic Beverages," of the Code of the Borough of Montvale, Section 11, "Limit on plenary retail consumption licenses," is hereby amended and supplemented by adding the underlined text and deleting the [bracketed] text, as follows:

§4-11 Limit on plenary retail consumption licenses.

The Mayor and Council does hereby limit the number of plenary retail consumption licenses to be issued to a maximum of six [five] licenses.

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 IAROSI-ALWAN, RMC
Municipal Clerk

INTRODUCED: 6/12/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

ADOPTED: 6/26/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2018-1456**

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 26th day of June 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 26th day of June 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, "ZONING," TO PROHIBIT MARIJUANA ESTABLISHMENTS AND VAPOR ESTABLISHMENTS, INCLUDING THE CULTIVATION, TESTING OR MANUFACTURING OF MARIJUANA OR VAPOR PRODUCTS AS WELL AS ADVERTISING CONCERNING SAME IN THE BOROUGH OF MONTVALE

WHEREAS, the State of New Jersey is considering legalizing marijuana for recreational use, allowing for the distribution and consumption of marijuana within New Jersey; and

WHEREAS, the Borough of Montvale is concerned about the impacts of the legalization of marijuana on the health, safety and welfare of the public and specifically with respect to children; and

WHEREAS, in light of the circumstances present in many other states that have legalized marijuana for recreational use, the Borough of Montvale hereby finds that businesses selling, cultivating, growing, processing or which are otherwise involved in the distribution of marijuana pose specific and articulable concerns, including but not limited to security, the sale or re-sale of marijuana to minors, the health of employees and patrons, patrons driving under the influence of marijuana, connection to organized criminal activity, and the sale of unlicensed products in such establishments; and

WHEREAS, the Borough of Montvale is therefore desirous of banning the sale of marijuana and associated paraphernalia, and operations related to the cultivation, testing or manufacturing of such products, within the territorial jurisdiction of the Borough of Montvale; and

WHEREAS, electronic smoking devices, commonly known as "e-cigarettes," "e-cigars," "e-pens," "vape pens" or similar names, are battery-operated devices designed to look like and be used in the same or a similar manner as conventional tobacco products; and

WHEREAS, electronic smoking devices often contain liquid or cartridges that contain liquid nicotine and other chemical, and which can sometimes be filled or re-filled with liquid solutions containing controlled substances, creating the potential for inhalation and exposure to controlled substances; and

WHEREAS, the United States Food and Drug Administration ("FDA") has conducted laboratory analysis of electronic smoking device cartridges and has found the presence of, among other things, diethylene glycol (an ingredient in antifreeze), tobacco-specific nitrosamines (human carcinogens), tobacco-specific impurities suspected of being harmful to humans, varied levels of nicotine despite identically-labelled cartridges, and particularly high doses of nicotine; and

WHEREAS, consumers currently lack information resulting from clinical studies about the safety and efficacy of electronic smoking devices, including with respect to second-hand exposure to the vapor emitted from electronic smoking devices; and

WHEREAS, the FDA has raised concerns about the use of electronic smoking devices and the marketing and advertising of such products towards young people; and

WHEREAS, the Borough of Montvale is concerned that the presence of social clubs and stores selling electronic smoking devices or other vapor products within the Borough would be detrimental to the health, safety and welfare of the public.

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

Section 1. Chapter 128 of the Borough of Montvale is hereby amended and supplemented by adding a new Section 9.3, "Certain uses related to marijuana and vapor products prohibited; definitions," as follows:

§128-9.3 Certain uses related to marijuana and vapor products prohibited; definitions.

A. Wherever used in this Chapter, the following terms shall have the meaning indicated:

ELECTRONIC SMOKING DEVICE means any non-combustible product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size and which can be used to deliver nicotine or other substances in a solution, vapor or any form to the person inhaling from the device, including, but not limited to, vapor cartridge, liquid nicotine container, electronic cigarette, cigar, cigarillo, pipe or other form intended to be used with, or in, any such device.

LIQUID NICOTINE means any solution containing nicotine which is designed or sold for use with an electronic smoking device.

LIQUID NICOTINE CONTAINER means a bottle or other container of liquid, wax, gel or other substance containing nicotine, where the liquid or other contained substance is sold, marketed or intended for use in a vapor product but does not include containers prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

MARIJUANA means all or parts of the plant genus Cannabis, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds (except those containing only resin extracted from the plant).

MARIJUANA ESTABLISHMENT means a business, residence or other location where the cultivation, testing, manufacturing, dispensing, growing, extraction or retail sale of marijuana or marijuana paraphernalia takes place, or where services are offered that involve marijuana or marijuana paraphernalia.

MARIJUANA PARAPHERNALIA means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

VAPOR PRODUCT means electronic smoking devices, liquid nicotine, liquid nicotine containers, and similar products used, or intended to be used, with such products.

VAPOR ESTABLISHMENT means a business, residence or other location where the testing, manufacturing or retail sale of vapor products takes place, or where services are offered that involve vapor products.

B. In all zoning districts in the Borough of Montvale, the following uses shall be prohibited:

1. Marijuana Establishments. This prohibition shall not include premises regularly in the business of providing prescription medicines under a license issued by the New Jersey Board of Pharmacy and only for the sale of medical marijuana having been prescribed by a licensed physician and dispensed by a licensed pharmacist.
2. Vapor Establishments.
3. Signs, billboards or other similar structures or devices that advertise or promote marijuana, marijuana establishments, vapor products or vapor establishments.

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 IAROSSE-ALWAN, RMC
Municipal Clerk

INTRODUCED: 6/26/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		

ADOPTED: 7/10/18

Councilmember	Yes	No
Arendacs		
Curry		
Gloeggler		
Koelling		
Lane		
Weaver		



www.montvale.org

Borough of Montvale

12 Mercedes Drive, 2nd Floor
Montvale NJ 07645

Ph: 201-391-5700
Fx: 201-391-9317

Date: July 5, 2018

To: Mayor and Council

cc: Maureen Iarossi-Alwan, Administrator/Municipal Clerk

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

RE: Marijuana Ordinance 2018-1456

Please be advised that the Planning Board has discussed the above item at their meeting of July 3, 2018.

It was the suggestion of the majority of the members present that the portions of the Ordinance relating to vaping be removed.

**WORKSHOP SESSION
MINUTES**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:50pm. 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/or The Ridgewood News, informing the public of the time and place according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

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

ROLL CALL:

Councilmember Arendacs
Councilmember Curry
Councilmember Gloeggler

Councilmember Koelling
Councilmember Lane
Councilmember Weaver

High School student, Nicholas, for his Eagle Scout Project, would like to form an astronomy club and use the swim club property because he feels it is the best location as far as no trees and darkness; councilmembers all agreed

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2018-1454 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO ADD A NEW CHAPTER 10, "BASKETBALL COURTS," TO REGULATE THE USE OF PUBLIC BASKETBALL COURTS IN THE BOROUGH

WHEREAS, the Borough of Montvale has encountered difficulties in the administration of the use of its public basketball courts, which has resulted in loud and boisterous behavior and an abundance of trash and other items being left on public property, and which has prevented certain children from being able to utilize the basketball courts; and

WHEREAS, in order to ensure that all players are given a fair opportunity to play on the basketball courts in the Borough of Montvale, the Mayor and Council have determined that it is necessary to regulate the use of public basketball courts in the manner set forth in this Ordinance.

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

Section 1. The Code of the Borough of Montvale is hereby amended and supplemented by adding a new Chapter 10, "Basketball Courts," as follows:

**Chapter 10
Basketball Courts**

§ 10-1. Definitions.

A. Certain words in this Chapter are defined for the purpose thereof as follows:

CHILD — Any person who shall not have attained the age of 13 years.

GUEST — Any person, other than a member, who has paid a fee for the use of the above-mentioned facilities at an hourly rate.

MEMBER — Any person who shall have paid an annual fee and receiving identification evidencing such payment for the use of the facilities being the subject matter of this ordinance.

NONRESIDENT — Any person who shall reside and maintain his or her permanent residence outside the territorial limits of the Borough of Montvale.

RESIDENT — Any person who shall reside and maintain his or her permanent residence within the territorial limits of the Borough of Montvale.

- B. Word usage. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular.

§ 10-2. Use of facilities.

- A. Membership and guest identification required. It shall be unlawful for any person to use at any time the basketball courts located at the Memorial Field Complex in the Borough of Montvale unless and until such person shall have first secured from the Borough of Montvale an identification badge, in a form and displayed in a manner prescribed in regulations established by the Borough, evidencing such person's membership or guest privilege and upon payment of a fee, if applicable.
- B. Application and payment for membership and guest passes. Application and payment for membership and guest passes shall be made to the Montvale Borough Clerk at the municipal offices or at such other place as shall be prescribed in a regulation issued by the Borough of Montvale.
- C. Display of membership and guest identification. Evidence of membership or guest identification shall be in a manner prescribed by the rules and regulations promulgated by the Borough of Montvale.
- D. Guest passes. Residents may obtain a maximum of two (2) guest passes when applying for membership. Nonresidents shall not be entitled to obtain guest passes. Guest pass fees shall be as set forth in the rules and regulations adopted by the Governing Body. The member to whom the guest passes were issued must be present at all times a guest pass is used at the basketball courts.

§ 10-3. Time of play.

- A. Limit of play. On-court play shall be limited to 60 consecutive minutes; provided, however, that should no person or persons be awaiting court time, play may continue until others appear to exercise their playing privileges, in which event such players then on the court shall immediately retreat therefrom. Replay shall be allowed upon a player's positioning his or herself last in consecutive order of those waiting to play upon expiration of a player's court time.
- B. Aggregating court time. A player's permitted court time shall not be aggregated by the number of players participating at a given time.

§ 10-4. Term of membership.

- A. Annual membership. Membership shall be based on a calendar year commencing January 1 through December 31.
- B. Apportionment of fee. Membership fees shall not be apportioned or refunded based on expired or unexpired portions of the year.
- C. Special rules for Children's Court. One marked basketball court shall be reserved for children aged 12 and under, which shall be known as the Children's Court. Players may play on the Children's Court except that, if one or more children request to use the Children's Court, or if it appears that one or more children are waiting with the intention to play on the Children's Court, all such players over the age of 12 shall immediately vacate the Children's Court.

§ 10-5. Attire.

All players must wear shirts while on the courts.

§ 10-6. Fees.

Fees for use of the basketball courts shall be established by resolution of the Governing Body, with due consideration being given to recommendations of the Recreation Department with respect thereto. To the extent possible, said fees shall be substantially based upon the cost of providing the facilities; it being further provided that the refund or apportionment of any fee, based upon an expired or unexpired portion of the term of the program, service or season for which any such fee has been paid or is otherwise due, shall be specifically prohibited. It shall be expressly permitted to establish different rates for residents and non-residents, recognizing that residents already contribute through local taxes to the establishment and maintenance of the basketball courts.

§ 10-7. Right to promulgate rules and regulations; posting.

The Governing Body reserves the right to promulgate from time to time, by resolution, rules and regulations pertaining to the maintenance and operation of the facilities and the conduct of players, which rules and regulations, as the same may from time to time be amended and supplemented, shall be posted at the facilities. In addition, at the time of the submission of application for membership, the applicant shall be provided a copy of the rules and regulations and shall sign an acknowledgment of his or her agreement to abide by such rules and regulations.

§ 10-8. Violations and penalties.

- A. Penalties. Any person who shall violate the provisions of this Chapter shall be subject to a fine of not more than \$100 for the first offense and \$200 for each succeeding offense or violation.
- B. In addition, any persons who shall violate any provision of this Chapter or the rules and regulations promulgated hereunder shall be subject to suspension of membership or guest privileges for a period of one year from the date of conviction of a violation thereof.

§ 10-9. Jurisdiction.

The Municipal Court shall have jurisdiction to impose sanctions for violations of this ordinance.

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, but in no event sooner than July 15, 2018.

Ordinance No. **2018-1454** was introduced for second reading by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only

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

Jarret Schumacher

Ordinance seems to be flawed, he mentioned the littering, the behavior, the language and not to mention skirts vs skins; Councilmember Weaver stated at dismissal time it is an issue; the Mayor stated by issuing badges we can track who is using the courts; the borough attorney stated there will be signs posted as far as behavior and littering;

Bob Zitelli

He agrees with Jarrett; and suggested maybe set hours for adults only play;

Carole Adams

In passing through NYC, she does not see the players shirtless

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

Motion to adopt on Second and Final Reading in the Bergen Record by Councilmember Lane; seconded by Councilmember Weaver; Clerk read by title only

Councilmember Lane asked about what does the Police Chief recommend, Councilmember Koelling read the Police Chiefs comments which will be included in the original minutes; Some questions that were raised, will there be more Police patrolling the courts; will the fines be issued on the spot or will the police officer use his discretion; the borough attorney stated you can adopt ordinance as is and at the next meeting you can amend it.

--- A roll call vote was taken ---

Councilmember Arendacs, Weaver and Lane voted Yes; Councilmembers Curry, Koelling, and Gloeggler voted No; Mayor Ghassali broke the tie by voting Yes, therefore the ordinance was adopted.

INTRODUCTION: ORDINANCE NO. 2018-1455 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 4 OF THE BOROUGH OF MONTVALE TO INCREASE THE MAXIMUM NUMBER OF PLENARY RETAIL CONSUMPTION LICENSES

(Public Hearing 7/10/18)

A motion to Introduce Ordinance No. **2018-1455** for first reading was made by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember Curry - A roll call was taken – all ayes

INTRODUCTION ORDINANCE NO. 2018-1456 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128, "ZONING," TO PROHIBIT MARIJUANA ESTABLISHMENTS AND VAPOR ESTABLISHMENTS, INCLUDING THE CULTIVATION, TESTING OR MANUFACTURING OF MARIJUANA OR VAPOR PRODUCTS AS WELL AS ADVERTISING CONCERNING SAME IN THE BOROUGH OF MONTVALE
(Public Hearing 7/10/18)

A motion to Introduce Ordinance No. **2018-1456** for first reading was made by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember Arendacs - A roll call was taken – all ayes

Councilmember Curry asked does this ban include e-cigarettes that are already being sold in the borough; Councilmember Weaver asked what about the signs that already exists as well; the borough attorney explained that a health and safety ordinance can be adopted as well.

MINUTES:

June 12, 2018

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

MINUTES CLOSED/EXECUTIVE SESSION:

June 12, 2018

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

RESOLUTIONS: (CONSENT AGENDA*)

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

141-2018 A Resolution Authorizing the Connection of Block 308, Lot 5 (Also Known As 2 Their Lane) in Upper Saddle River to the Montvale Sanitary Sewer System

WHEREAS, N.J.S.A. 40:63-68 authorizes any municipality to contract with any other municipality to have its sewage received and disposed of by such other municipality; and

WHEREAS, on or about January 21, 1985, a Sewer Connection Agreement (the "Agreement") was entered into by and between the Boroughs of Upper Saddle River, Montvale and Woodcliff Lake which permitted certain properties in Blocks 1205, 1206, 1207 and 1213 in Upper Saddle River to connect to the sanitary sewer systems of Montvale and Woodcliff Lake; and

WHEREAS, subsequently, in or around 1997, the Borough of Montvale did authorize the connection of a certain parcel identified as Block 307, Lot 1, known as 1 Thier Lane in the Borough of Upper Saddle River, to connect to Montvale's sanitary sewer system, subject to the payment of all connection charges and fees required by the Borough of Montvale; and

WHEREAS, a request has been made by the owner of Block 308, Lot 5 in the Borough of Upper Saddle River, identified as 2 Thier Lane (the "Property") to connect to the Montvale sanitary sewer system; and

WHEREAS, the Borough Engineer has reviewed this request and has determined that Montvale's sanitary sewer system can accept this additional flow.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the request from the owner of the Property to connect to the Montvale sanitary sewer system is hereby approved, subject to the following terms and conditions:

1. The owner of the Property must pay all required connection charges and fees
2. The request to connect to Montvale's sanitary sewer system must also be approved by the Borough of Upper Saddle River prior to any connection being made
3. The connection shall be fully inspected and approved by the Borough of Upper Saddle River

142-2018 Refund Tax Overpayment / Block 2601, Lot 32.01, C0036 / 36 Cider Mill Court

WHEREAS, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for the property located at 36 Cider Mill Court, also known as Block 2601, Lot 32.01, C0036; and

WHEREAS, the homeowner made a prepayment of taxes in December 2017, he is now selling his home and is requesting a refund in the amount of \$6,294.00; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund Michael Searles, 36 Cider Mill Court, Montvale, NJ 07645 in the amount of \$ 6,294.00

143-2018 Renewal Liquor License Establishments 2018/2019

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, that renewal Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club License be granted to the following, said Licenses to be effective July 1, 2018 and to terminate June 30, 2019.

BE IT RESOLVED, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificates for each establishment for this renewal period.

0236-33-004-008 Paluter, Inc., t/a Aldo & Gianni Restaurant, for premises at 108 Chestnut Ridge Road, Montvale, New Jersey.

0236-33-005-008 The Waterfall, Inc., t/a Hearth & Tap for the premises at 125 Kinderkamack Road, Montvale, New Jersey.

0236-33-006-003 Montvale Recreation, Inc., t/a Montvale Recreation Inc. for premises at 14 West Grand Avenue, Montvale, New Jersey.

0236-33-007-004 TPC, Inc., t/a Davey's Locker, for premises at 5 Park Street, Montvale, New Jersey.

0236-31-009-001 Montvale Engine Co. #1, Inc., t/a Montvale Fire Department, for premises at 35 West Grand Avenue, Montvale, New Jersey.

0236-44-001-006 Mo & Sy Corp. t/a Montvale Wine & Spirits, Inc. for premises at 18 South Kinderkamack Road, Montvale, New Jersey

0236-44-002-011 BPO Wine Corporation, t/a Wegmans, 100 Farm View, Montvale, New Jersey

0236-36-012-003 South City Prime Montvale, LLC t/a Fire & Oak for premises at 100 Chestnut Ridge Road, Montale, New Jersey

BE IT RESOLVED, that the Municipal Clerk be and is hereby directed to issue said licenses.

144-2018 Corrective Action Plan

WHEREAS, the audit report for the year ended December 31, 2017 was received by the Borough of Montvale on May 14, 2018; and

WHEREAS, the Division of Local Government Services requires a corrective action plan to be prepared and submitted within 60 days from the date the audit is received by the Governing Body; and

WHEREAS, the corrective action plan covers all findings and recommendations in the audit report, including state, federal and general findings, as well as, the status of prior year findings and recommendations; and

WHEREAS, the corrective action plan should be prepared by the Chief Financial Officer, with the assistance from other municipal officials affected by the audit recommendations, and approved by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale hereby approves the corrective action plan prepared and submitted by the Chief Financial Officer in response to the findings and recommendations included as part of the audit report for the year ended December 31, 2017.

145-2018 Authorize Refunds of Recreation Programs

BE IT RESOLVED, the below individuals is hereby granted a refund for online registration for summer camp:

Sara Schmidt, in the amount of \$333.30

HyunJoo Linder, in the amount of \$333.30

146-2018 Appointing Scott Ehalt / Special Law Enforcement Officer Class III

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Scott Ehalt be and is hereby appointed as a Special Law Enforcement Officer Class III with the Borough of Montvale Police Department; and

BE IT FURTHER RESOLVED, the effective date of employment is June 29, 2018.

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

BILLS: Municipal Clerk read the Bill Report.

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

Councilmember Weaver questioned a bill for \$2,979.00 for Fieldstone turf inspection, the engineer stated this was part of the inspection process;

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

a. Various Streets 2018 NJDOT/Award/FY 2018 Municipal Program

Currently under design of the bid specs for the road program; an additional part of the road program will be the multi-use sports court (former roller rink) it will be lined for pickle ball; councilmembers all agreed to install a fence; the borough received \$218,000 DOT grant for Upper Saddle River Road which will be paved in 2019; Councilmember Weaver asked about Edgren Way, the borough was denied last year because cuts in funding; Mr. Hipolit stated there is a chance the borough could receive the funding for it next year.

b. Proposal Public Bidding Specifications Emergency Repairs/HVAC Municipal Complex/Sr. Community Center**c. Proposal Public Bidding Specifications Emergency Repairs/2018 Roadway & Storm Sewer Emergency Repairs****d. Proposal Public Bidding Specifications Emergency Repairs/Sanitary Sewer Repairs**

Mr. Hipolit explained this is a proactive approach to have these services available for emergency repairs; the cost of engineering to prepare bid specs will be \$26,000; Lime Energy will be doing an evaluation for the HVAC portion and if accepted, Lime Energy will pay for 70% of the cost for a new HVAC unit at borough hall; councilmembers approved to prepare bid specs

Councilmember Weaver asked what is being done about Fieldstone turf, have we contacted the installer, has a meeting been set; when is it going to be fixed? Mr. Hipolit said he will be meeting with them at the site next week; after a brief discussion, it was decided by council to have the borough attorney send a letter.

ATTORNEY REPORT:

Joseph Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:**a. Presentations Jeffrey Bliss, Borough Auditor & Anthony Inverso/Phoenix Advisors, LLC****1) Proposed General Obligations Bonds/Borrowing Analysis**

Jeff Bliss and Anthony Inverso explained at this time the borough is in a good position to lock in rates without drastic tax burden to the taxpayers to convert their existing notes into bonds for 12 years; it was all agreed by councilmembers.

b. Hillsdale Resolution/Against Referendum To Permit Woodcliff Lake To Withdraw From The PVRHS District And Impose An Additional Tax Burden Upon The Taxpayers Of Hillsdale

The clerk explained that Hillsdale just adopted this resolution not to withdraw from the district but rather to request a change in the funding and want the other 3 towns to do the same.

c. Request for donation of park bench / Huff Park

The Clerk explained that council needs to decide certain standards about the bench; Councilmember Weaver ask what guidelines are in place, what messages can be place on the bench; no political or commercial messages; Councilmember Lane suggested that the person being honored has to have some connection to Montvale by either living here, working here or volunteering in the community; Councilmember Curry suggested the standard plaque should read, "In Loving Memory of" ... or "in Appreciation of" or "In Honor of".... and can also include donated by "The name of the family" It was all agreed by council to add the above guidelines.

e. Update on Town Wide Survey

Jarret Schumacher has been working on the town wide survey and wanted councilmembers comments and recommendations; some suggestions were made regarding the naming of the parks so residents would know which particular park the questions pertain to; Mr. Schumacher explained some of the questions relate to not only the negative but what do you like about the town; what can be changed or not; it is still a work in progress and he will make the changes and bring back to council for further discussion.

NEW BUSINESS:

a. Discussion of Proposed Fees for Basketball Courts / Resident/Non-Resident/Guest

After a brief discussion, it was decided to have the recreation director impose fees and attend the next work shop meeting to further discuss.

1) Montvale Fire Official/Letter of Retirement/J. Wirth/Recommendation Survey of Park Ridge & Woodcliff Lake

Councilmember Lane asked if this can be put on hold for more information

Councilmember Koelling mentioned about the vandalism at the senior center, the clerk explained that cameras will be installed; the discussion was about changing the locks into a swipe system that is similar to what is used at borough hall; councilmembers agreed to install the swipe system; Councilmember Weaver asked if cameras will be installed outside. Councilmember Gloeggler stated we should add more signage for the public restrooms.

COMMUNICATION CORRESPONDENCE

None

MEETING OPEN TO THE PUBLIC:

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

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

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

Rich Ohnikian, 29 Dogwood Lane

He stated has an issue with his property eroding; a few weeks ago a large tree fell and up rooted a lot of the land near his property; he is located near the Pascack Brook; another owner owns the property across the brook; Mr. Ohnikian is asking for guidance as to what he can do; after a brief discussion the borough has no responsibility and the homeowner has to take care of it himself.

Carole Adams

Asked if there is a government shutdown, does it affect the borough; suggested maybe to shorten the town wide survey; encourage to support Nicholas with his astronomy project; suggested naming the parks.

BOROUGH OF MONTVALE

JUNE 26, 2018

Dan Buchner, 12 Shadow Lane

Suggested to add nicotine to the ordinance; suggested to get out of the school system and join Woodcliff Lake;

Jarret Schumacher

Suggested with movie under the stars to incorporate the astronomy club

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

ADJOURNMENT

Motion to adjourn Public Meeting by Councilmember Lane; seconded by Councilmember Curry
- all ayes

Meeting was adjourned at 10:54pm

The next meeting of the Mayor and Council will be held July 10, 2018 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 147-2018**

RE: Authorize Change Orders No. 14 New Montvale Firehouse/Unimak LLC

WHEREAS, the Borough of Montvale awarded a contract on April 26, 2016 in connection with the New Montvale Firehouse Project; and

WHEREAS, the original contract amount is \$4,449,000.00 via Resolution #82-2016; and

WHEREAS, the Robbie Conley Architect, LLC approved said change order based on the contract as per the documentation transmittal dated June 27, 2018 which is attached to the original of this resolution; and

WHEREAS, Change Order 14 is hereby authorized in the amount of \$3,480.02 to be issued to Unimak, LLC, 82 Midland Avenue, Saddle Brook, NJ 076633 Franklin Avenue, Suite 170 Nutley, NJ 07110-1209; and

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

Total Contract Amount	\$4,449,000.00 Resolution #82-2016
Payment	\$207,230.80 Resolution 138-2016 Payment #1
Payment	\$125,696.76 Resolution 144-2016 Payment #2
Payment	\$188,081.60 Resolution 153-2016 Payment #3
Payment	\$219,199.20 Resolution 171-2016 Payment #4
Payment	\$357,836.56 Resolution 180-2016 Payment #5
Change Order 1	\$0 (26 additional days)
Change Order 2	Credit \$23,000.00 (due to reduction heated slab)
Change Order#2 (continued)	Credit #23,000.00 minus \$19,915.15 (Fire Pole)
	Credit amount total \$3,085.00
Balance, Including Retainage	\$3,350,955.08 as of 11/7/16
Balance w/credit Change Order 2	\$3,347,870.08 Reso.188-2016
Change Order 3	\$0
Payment	\$273,771.34 Resolution 194-2016 Payment #6
Payment	\$156,559.10 Resolution 53-2017 Payment #7
Payment	\$204,912.37 Resolution 61-2017
Payment	\$56,208.60 Resolution 84-2017
Payment	\$156,514.40 Resolution 106-2017
Payment	\$130,624.90 Resolution 124-2017
Payment	\$146,617.80 Resolution 129-2017
Change Order 4	\$44,085.25 (6" Water Service)
Change Order 5	\$31,792.00 (Cupola)
Payment	\$197,738.03 Resolution 162-2017
Payment	\$252,873.27
Change Order 6	\$7,328.75
Change Order 7	\$66,158.32
Change Order 8	\$12,600.12
Change Order 9	\$10,530.85
Change Order 10	\$20,238.61
Change Order 11	\$7,931.96
Change Order 12	\$3,728.65
Change Order 13	\$12,740.75
Change Order 14	\$3,480.02 Final

AMOUNT \$3,480.02

ACCOUNT # C-04-55-405-A00

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

Adopted: July 10, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

Robbie Conley, Architect LLC

596 Glassboro Road
Woodbury Heights, New Jersey, 08097

Phone: (856) 845-7500
Fax: (856) 853-0528

June 27, 2018

Borough of Montvale
12 Mercedes Drive
Montvale, NJ 07645
Attn: Mayor and Council

Re: Pn 15003 Montvale Fire Station

Mayor and Council:

Attached, for your review and consideration, please find a copy of **Change Order No. 014** for the above referenced project. The Change Order includes the Contractor's Proposed Change Orders 00029, 00030, 00031 and 00032. These change requests are for the following:

Proposed Change Order 00029 is to re-direct the Fire Suppression water line as required by the Water Authority, Suez.

Proposed Change Order 00030 is a price adjustment for asphalt. Please be aware that this was a line item in the Contract as an allowance of \$10,000, and the billable amount (price increase) is \$4,388 which reflects a net \$5,612 credit back to the Borough. In the attached Change Order, the transaction is shown as a \$4,388 addition and a \$10,000 credit.

Proposed Change Order 00031 is for the addition of a lint interceptor for the gear washing machine, which was required by the local Plumbing Sub-Code Official.

Proposed Change Order 00032 is for the addition of Electric Cord Reels, which were not originally specified.

Our Office has reviewed the proposed Change Orders and find that they are necessary and warranted.

Please also be aware that this Change Order reflects a credit of \$7,328.75 for a fire hydrant that was approved in Change Order 006, but not installed. The net total for this Change Order is a \$3,480.02 increase to the Contract. Barring any unforeseen occurrences, it is our anticipation that this will be the final Change Order.

I hope the above explanation satisfactory addresses any questions or concerns you may have.



AIA® Document G701™ – 2017

Change Order

PROJECT: (Name and address)
 Montvale Firehouse
 35 W. Grand Ave.
 Montvale, NJ 07645

CONTRACT INFORMATION:
 Contract For: General Construction
 Date: July 11, 2016

CHANGE ORDER INFORMATION:
 Change Order Number: 014
 Date: June 25, 2018

OWNER: (Name and address)
 Borough of Montvale
 12 Mercedes Drive
 Montvale, NJ 07645

ARCHITECT: (Name and address)
 Robbie Conley Architect, LLC
 596 Glassboro Road
 Woodbury Heights, NJ 08097

CONTRACTOR: (Name and address)
 UniMak LLC
 82 Midland Avenue
 Saddlebrook, NJ 07663

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Contractor PCO #29 - Redirect Fire Suppression Line per Water Utility Authority	\$4,848.25
Contractor PCO #30 - Price Adjustment for Asphalt Paving	\$4,388.00
Contractor PCO #31 - Install Lint Interceptor as required by Plumbing SuCode Official	\$3,434.56
Contractor PCO #32 - Install 5 Cord Reels. Not Included in Original Contract	\$8,137.96
Allowance per Line Item #150 in Contractor's SOV for Price Adj. for Asphalt Paving	
against Contractor PCO #30 Listed Above - CREDIT to Contract	(\$10,000.00)
Credit for Line Item #2060 in Contractor's SOV - Fire Hydrant Not Installed	(\$7,328.75)
Total Net Change	\$3,480.02

The original Contract Sum was	\$	4,449,000.00
The net change by previously authorized Change Orders	\$	214,050.26
The Contract Sum prior to this Change Order was	\$	4,663,050.26
The Contract Sum will be increased by this Change Order in the amount of	\$	3,480.02
The new Contract Sum including this Change Order will be	\$	4,666,530.28

The Contract Time will be increased by Zero (0) days.
 The new date of Substantial Completion will be unchanged

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Robbie Conley Architect, LLC
ARCHITECT (Firm name)

SIGNATURE

PRINTED NAME AND TITLE

DATE

UniMak LLC

CONTRACTOR (Firm name)

SIGNATURE

PRINTED NAME AND TITLE

DATE

Borough of Montvale

OWNER (Firm name)

SIGNATURE

PRINTED NAME AND TITLE

DATE

UniMak LLC**PROPOSED CHANGE ORDER****No. 00029**

82 Midland Ave

Phone: 973-478-4925

Saddle Brook, NJ 07663

Fax: 973-200-3673

TITLE: 6" Fire Line**DATE:** 03/23/2018**PROJECT:** Montvale Firehouse**JOB:****TO:** Attn: Borough of Montvale**CONTRACT NO:** 4

Borough of Montvale

12 Mercedes Drive

Montvale, NJ 07645

Phone: 201-391-5700 Fax: 201-391-9317

RE:**To:****From:****Number:****DESCRIPTION OF PROPOSAL**

6" FIRE LINE - Re-direct with 2 - 6" - 90 degree elbows and cap end of line and 2" line capped with 3 thrust blocks

Item	Description	Stock#	Quantity	Units	Unit Price	Tax Rate	Tax Amount	Net Amount
00001	Tom Buske Proposal		1		\$4,300.00	0.00%	\$0.00	\$4,300.00
00002	10% O&P		1		\$430.00	0.00%	\$0.00	\$430.00
00003	2.5% Bond		1		\$118.25	0.00%	\$0.00	\$118.25

Unit Cost: \$4,848.25

Unit Tax: \$0.00

Unit Total: \$4,848.25**APPROVAL:**By: _____
Borough of MontvaleBy: _____
Toni Jovanoski

Date: _____

Date: _____

104 Beech Avenue
Pompton Lakes, NJ 07442

Date _____

3/21/2018

30197

UniMak, LLC
82 Midland Ave, Suite D
Saddle Brook, NJ 07663

MONTVALE FIRE HOUSE[illegible]

UniMak LLC**PROPOSED CHANGE ORDER**

82 Midland Ave

No. 00030

Saddle Brook , NJ 07663

Phone: 973-478-4925

Fax: 973-200-3673

TITLE: Asphalt price adjustment**DATE:** 04/23/2018**PROJECT:** Montvale Firehouse**JOB:****TO:** Attn: Borough of Montvale**CONTRACT NO:** 4

Borough of Montvale

12 Mercedes Drive

Montvale , NJ 07645

Phone: 201-391-5700 Fax: 201-391-9317

RE:**To:****From:****Number:****DESCRIPTION OF PROPOSAL**

Asphalt price adjustment for HMA 12.5M64 surface course. Price reflects the increase per ton of asphalt required.

Item	Description	Stock#	Quantity	Units	Unit Price	Tax Rate	Tax Amount	Net Amount
00001	Lucas Const.Proposal		1		\$3,891.80	0.00%	\$0.00	\$3,891.80
00002	10% O&P		1		\$389.18	0.00%	\$0.00	\$389.18
00003	2.5% Bond		1		\$107.02	0.00%	\$0.00	\$107.02

Unit Cost: \$4,388.00

Unit Tax: \$0.00

Unit Total: \$4,388.00

APPROVAL:By: _____
Borough of MontvaleBy: _____
Toni Jovanoski

Date: _____

Date: _____



LUCAS

CONSTRUCTION GROUP, INC.

P.O. Box 8939, Red Bank, NJ 07701

(Phone) 732.955.8300

(Fax) 732.955.8301

PROPOSAL

SUBMITTED TO: UniMak, LLC Address: 82 Midland Ave. Suite D Saddle Brook, NJ 07663 Contact: Craig Miller Jr. Phone: (201) 496-8509 Fax: (973) 200-3673 Email: Craig.Miller@unimakllc.com		Date: 4/16/2018 Project Name: Montvale Fire Department Project Number: 15003 Project Location: Bergen County Project City: Borough of Montvale Project State: New Jersey Project Manager: Anthony Lucas Engineer/Architect:			
PROPOSAL FOR: CHANGE ORDER #1					
ITEM:	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL
3	Asphalt Price Adjustment for HMA 12.5M64 Surface Course From Original Contract - project was bid at the September 2016 Index of \$318/ton / Work to be performed at the April 2018 Index of \$440/ton. Price reflects the increase per ton of asphalt required.	580	TON	\$6.71	\$3,891.80

NOTES

- This proposal is based on the following terms and conditions:
- 1 The Owner shall procure all necessary road opening permits, municipal permits, licenses, inspection fees, bonds or similar items which may be required by any governmental or township agency for the construction outlined herein.
 - 2 The Owner shall procure all necessary construction layout (Survey). No provision has been made for any construction layout.
 - 3 No provision has been made for the use of select fill material or the importation of any material other than listed in bid items.
 - 4 Upon entering into a contract, Lucas Construction Group reserves the right to verify the bid quantities.
 - 5 The owner shall be responsible for testing and inspection fees.
 - 6 No provision has been made for the relocation or supporting of any existing utilities, which may conflict with the prosecution of work other than stated in the bid items.
 - 7 This contract will take exception to any underground, unforeseen object or obstruction of work outlined herewith.
 - 8 All pricing is based on unitized quantities and measurements and are subject to change upon the same.
 - 9 If unsuitable and/or contaminated materials are encountered, removal of the materials will be executed as an extra upon written order only.
 - 10 No provision has been made for construction activities during inclement weather conditions. Price excludes winter asphalt prices (January - March).
 - 11 The proposal is based on one complete package and not individual items.
 - 12 Prices are based on an asphalt cement index of \$440.00 per ton (As of April 2018) Asphalt prices may increase due to increase in asphalt cement index.
 - 13 Proposal is based on daytime work only (M-F 7AM - 5PM). Prices due to increase if night work is mandated.
 - 14 Prices exclude traffic control.
 - 15 Proposal is based on 2018 labor, material and equipment rates. Any work performed after the 2018 calendar year may be subject to a price increase.
 - 16 Price excludes sales tax.

Lucas Construction Group proposes to furnish labor, materials, and equipment to perform the following work, subject to the terms and conditions contained above.

Payment to be made as follows:

15 Days after completion of work

AUTHORIZED SIGNATURE:

NAME

TITLE

This proposal may be withdrawn at any time.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted.

You are authorized to do the work as specified.

Payment will be made as outlined above.

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

UniMak LLC**PROPOSED CHANGE ORDER**

82 Midland Ave

No. 00031

Saddle Brook , NJ 07663

Phone: 973-478-4925**Fax:** 973-200-3673**TITLE:** Lint Interceptor**DATE:** 05/02/2018**PROJECT:** Montvale Firehouse**JOB:****TO:** Attn: Borough of Montvale**CONTRACT NO:** 4

Borough of Montvale

12 Mercedes Drive

Montvale , NJ 07645

Phone: 201-391-5700 Fax: 201-391-9317

RE:**To:****From:****Number:****DESCRIPTION OF PROPOSAL**

As per the Plumbing Inspector, a lint interceptor is required on the commercial washing machine for the Montvale Fire Department.

Item	Description	Stock#	Quantity	Units	Unit Price	Tax Rate	Tax Amount	Net Amount
00001	National Plumbing Proposal		1		\$3,046.17	0.00%	\$0.00	\$3,046.17
00002	10% O&P		1		\$304.62	0.00%	\$0.00	\$304.62
00003	2.5% Bond		1		\$83.77	0.00%	\$0.00	\$83.77

Unit Cost: \$3,434.56

Unit Tax: \$0.00

Unit Total: \$3,434.56

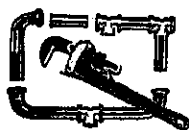
We do not deem the use or application of the washing machine to be categorized as "Commercial Laundry" due to the sole purpose of this machine to simply wash employee gear, however, with the request by Plumbing Inspector to provide a lint interceptor, we find the change order acceptable.

McHugh Engineering - NC - 05/03/2018

APPROVAL:By: _____
Borough of MontvaleBy: _____
Toni Jovanoski

Date: _____

Date: _____



National Plumbing & Heating Inc.

236 South 11th Street

Newark, NJ 07107

Change Order

Date	Change Order #
4/30/2018	2017472

Name / Address
UniMak LLC. 82 Midland Ave Saddle Brook, NJ 07663

Project		
New Montvale Fire House		
Description	Qty	Total
This Change Order is based on extra work performed at the above address.		
DATE: 04/30/18 CHANGE ORDER #4 CONTRACT # UNDER OUR AGREEMENT DATE: 04/30/18		
You hereby authorized and directed to make the following change(s) in accordance with terms and conditions of the Agreement:-----		
Install and supply trough drain w/ pump for Commercial Washer Machine.		
Labor		
4 Hours Plumber		560.00
4 Hours Helper		320.00
Material		
Trough drains w/ pump		1,375.76
copper pipe w/ Fittings		160.00
Works Compensation		44.63
Liability Insurance		188.46
15% Profit		397.32
For the additive sum of \$3,046.17		
Original Agreement Amount \$195,200.00		
Sum of Previous Charges \$6,015.14		
This Change Order Add \$3,046.17		
Present Agreement Amount \$204,261.31		
Accepted / / year		
By: _____ Owner or Project Manager		
By: _____ Sub-Contractor		
Total		\$3,046.17

UniMak LLC**PROPOSED CHANGE ORDER****No. 00032**

82 Midland Ave

Phone: 973-478-4925

Saddle Brook, NJ 07663

Fax: 973-200-3673

TITLE: Red cord reels**DATE:** 06/14/2018**PROJECT:** Montvale Firehouse**JOB:****TO:** Attn: Borough of Montvale
Borough of Montvale
12 Mercedes Drive
Montvale, NJ 07645
Phone: 201-391-5700 Fax: 201-391-9317**CONTRACT NO:** 4**RE:****To:****From:****Number:****DESCRIPTION OF PROPOSAL**

Furnish and Install five (5) red cord reels

Item	Description	Stock#	Quantity	Units	Unit Price	Tax Rate	Tax Amount	Net Amount
00001	Metrix Proposal		1		\$6,874.00	0.00%	\$0.00	\$6,874.00
00002	10% Overhead		1		\$687.40	0.00%	\$0.00	\$687.40
00003	5% Profit		1		\$378.07	0.00%	\$0.00	\$378.07
00004	2.5% Bond		1		\$198.49	0.00%	\$0.00	\$198.49
Unit Cost:								\$8,137.96
Unit Tax:								\$0.00
Unit Total:								\$8,137.96

APPROVAL:**By:** _____
Borough of Montvale**By:** _____
Toni Jovanoski**Date:** _____**Date:** _____



LICENSE # 17743
95 MYRTLE AVENUE
NUTLEY, NJ 07110
PHONE #: (201) 925-4224 PHONE #: (862) 823-6009
FAX # (973) 667-5818
Email: info@metrixelectric.com

June 12, 2018

ELECTRICAL PROPOSAL

Project: Montvale Fire House

Furnish labor and rough materials for electrical work in the above mentioned project.

SCOPE OF WORK:

Metrix Electric LLC will provide all labor, materials and tools for electric work associated with the project. The scope of work include the following as per the drawings:

- Provide and install 5 red cord reels as requested

5 – Red cord reels = \$4,023.00 (see attached specs)
Freight – approximately \$750.00



LICENSE # 17743
95 MYRTLE AVENUE
NUTLEY, NJ 07110
PHONE #: (201) 925-4224 PHONE #: (862) 823-6009
FAX # (973) 667-5818
Email: info@metrixelectric.com

Foreman labor – 8hr x \$98.72 = \$789.76

Journeyman labor – 8hr x \$85.86 = \$686.88

Total with 10% for overhead and profit - \$6,874.00

If you have any further questions please feel free to contact me.

Conley Architect, LLC



R. J. Conley, AIA

C.c. Toni Jovanoski, UniMak LLC
Chief Clint Miller, MFD
Carl Bello
File



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 148-2018**

RE: Authorizing Upgrade Sound System/Gramco Business Communications

WHEREAS, the Borough of Montvale have deemed is necessary to obtain an upgrade sound system for Council Chambers, microphones stations, integrate system for digital recording, video feeds, upgrade for digital recordings in the Municipal Complex; and

WHEREAS, Borough of Montvale's Studio Management Company Media Consultants solicited proposals and reported two proposals had been received and reviewed; and

WHEREAS, Media Consultant's recommends the purchase of this equipment from Gramco Business Communications, 1149 Bloomfield Avenue, Clifton, NJ 07012 in the amount of \$17,649.35, which is made part of this Resolution and outlines the equipment ; and

WHEREAS, N.J.S.A. 40A:11-6.1 states the following: Award Of Purchases, Contracts Or Agreements: for all purchase/contracts that in the aggregate are less than the bid threshold but 15 percent or more of that amount, the contracting unit shall award the contract after soliciting at least two competitive quotations, if practicable.

WHEREAS, Borough of Montvale quotation threshold is in the amount of \$6,000; and

WHEREAS, the bidding threshold within the Borough of Montvale is currently \$40,000 which exempts this purchase from competitive bidding.

WHEREAS, the Municipal Finance Officer has certified funds are available as outlined in the Certification of Funds attached to the original of this Resolution.

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

That the contract for this equipment and services be awarded to Gramco Business Communications, 1149 Bloomfield Avenue, Clifton, NJ 07012 in the amount of \$17,649.35.

AMOUNT \$17,649.35

ACCOUNT #

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

Adopted: July 10, 2018

ATTEST:

Maureen Iarossi-Alwan
Municipal Clerk

APPROVED:

Michael Ghassali
Mayor

Total Cost	\$17,649,35
------------	-------------

GRAMCO

Business Communications

1149 Bloomfield Ave., Clifton, NJ 07012-2314
PHONE: 973-773-8500 FAX: 973-773-8555

MAINTENANCE CONTRACT OFFER

Date	Offer #
7/3/2018	3238

NAME/ADDRESS
BOROUGH OF MONTVALE ATTN: MAUREEN IAROSSE-ALWAN, ADMIN. 12 MERCEDES DRIVE MONTVALE, NJ 07645

P.O. #	Rep
	TG
Price	Total
0.00	0.00
1,250.00	1,250.00

Qty	Make/Model of Unit
1	SOUND SYSTEM COMPLETE 1 YEAR WARRANTY - N/C
1	SOUND SYSTEM COMPLETE 2ND YEAR MAINTENANCE COVERAGE

Annual Maintenance Contract Includes:

NO charge for on-site service calls.

NO charge for software support on Digital Systems.

NO charge for parts and/or any needed in-shop labor.

NO charge for travel time.

One inspection will be made by appointment at the customer's request to achieve quality performance of the equipment and minimize repair interruptions.

This agreement will be automatically offered for successive one year periods.

This agreement does not cover service made necessary through abuse, accident, carelessness, fire or the need for complete reconditioning.

Upon reaching an age; where in Gramco's opinion, a unit is no longer repairable in its present condition; an estimate of a complete reconditioning or the cost of a replacement unit will be submitted to the customer. At that time, either reconditioning or replacement can be done.

The Customer agrees to pay all charges due hereunder: Payment is due upon receipt of the Maintenance Contract Agreement.

Signature _____ Date _____

Name (Print or Type) _____

Title _____

Phone _____ Fax _____

Subtotal	\$1,250.00
Sales Tax (0.0%)	\$0.00
Total	\$1,250.00

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 149-2018**

RE: A Resolution of the Borough of Montvale Awarding a Contract to Media Consultants, LLC, as an Extraordinary Unspecifiable Service for MontVale Studio Management, Content Production and Related Services

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

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

WHEREAS, the Borough has received a renewal proposal to provide such services from Media Consultants, LLC (the "MC Proposal") it has been determined that Media Consultants demonstrates the expertise and proven reputation in the specialty of television studio management, content production and related services which is essential to the Montale Cable Access Studio; and

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

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

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

BE IT FURTHER RESOLVED that the pricing for this contract shall be for a total of \$39,900.00 as set forth in the MC Proposal and shall be for a term of one (1) year.

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

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

Amount \$39,900.00

Account #

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

Adopted: July 10, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

Media Consultants LLC

6 Woodlands Hills Drive Sussex NJ 07461
P (973) 670-5638 F (973) 702-7618

Borough of Montvale ... Studio Management Proposal

COUNCIL, STUDIO & FIELD SUPPORT:

Meeting Coverage: Crewing with Borough staff & production of two regularly scheduled meetings per month. Media Consultants will provide two technical positions per meeting.

Channel Playback & Scheduling: Importing & formatting of internal and external content as directed, creation of a dynamic programming grid to raise resident awareness Schedule all meetings as well as special events to channels and web. Also program VOD to website.

Community Bulletin Board: Creation & posting of borough approved announcements

Studio Show Production: Monthly coordination, preparation & production of one studio day (maximum of four programs per day) Media Consultants will provide technical studio and control room staffing.

Community Event Coverage: Field camera coverage and post production services of six borough designated events during the calendar year

Volunteer Coordination & Training: Coordination of volunteers to meet the needs of the MonTVale studio and annual open house and training sessions for interested volunteers

TERMS OF AGREEMENT:

*In exchange for the production support detailed above, the Borough of Montvale agrees to pay **Media Consultants LLC** an annual figure of **\$39,900** annually billed quarterly as follows:*

\$9,975.00 ... paid upon acceptance/execution of this proposal 8/1/18

\$9,975.00 ... paid 90 days after the initial payment 11/1/18

\$9,975.00 ... paid 180 days after the initial payment 2/1/19

\$9,975.00 ... paid 270 days after the initial payment 5/1/19

*Both parties reserve the right to cancel this agreement given 60-day written notice.

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 150-2018**

RE: RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS, SERIES 2018 OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$9,770,000 IN PRINCIPAL AMOUNT.

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY AS FOLLOWS:

Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Borough of Montvale, in the County of Bergen, New Jersey (the "Borough") authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds, Series 2018, in the principal amount of \$9,770,000 (the "Bonds").

The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Bond Ordinance Number	Principal Amount of Bonds	Description of Improvement and Date of Adoption of Bond Ordinance	Useful Life
#2016-1409	\$4,855,000	Construction of a Fire House, finally adopted March 29, 2016.	30 years
#2016-1413	\$1,400,000	Various capital improvements, finally adopted May 10, 2016.	23.16 years
#2017-1425	\$1,187,500	Various capital improvements, finally adopted April 25, 2017.	15.40 years
#2017-1430	\$665,000	Acquisition of property, finally adopted July 11, 2017.	40 years
#2018-1447	\$1,662,500	Various capital improvements, finally adopted May 8, 2018.	15.71 years
TOTAL	\$9,770,000		25.49 years

The following matters are hereby determined with respect to the combined issue of Bonds:

The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 25.49 years. The Bonds of the combined issue shall be designated "General Improvement Bonds, Series 2018" and shall mature within the average period of usefulness herein determined. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

The following additional matters are hereby determined, declared, recited and stated: None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2 hereof. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

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

Adopted: July 10, 2018

ATTEST:

Maureen Iarossi-Alwan
Municipal Clerk

APPROVED:

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 151-2018**

**RE: Award Professional Service Contract /Environmental Services/Block 1601 Lot 1/25 West
Grand Avenue/Phase II Investigation & Tank Closure/ Maser Consulting, LLC**

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to conduct a complete Environmental Investigation prior to the Borough of Montvale's acquisition of the property located at 25 West Grand Avenue; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, Maser Consulting, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated June 12, 2018 to provide the Phase II ESA and Closing the Underground Heating Oil Storage Tank the services which are detailed and attached to the original of this resolution, and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

- 1) That the proposal for the scope of environmental services is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Environmental Services/Phase II
- 3) The cost not to exceed the total amount of \$47,850.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

BE IT FURTHER RESOLVED, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

AMOUNT \$47,500.00
ACCOUNT #

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

Adopted: July 10, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor




Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

400 Valley Road, Suite 304
Mount Arlington, NJ 07856
T: 973.398.3110
F: 973.398.3199
www.maserconsulting.com

MEMORANDUM

To: Maureen Iarossi-Alwan

From: Andrew Hipolit 

cc: Joe Torlucci
Joe Voytus

Date: June 12, 2018

Re: Proposal for Phase II Investigation and Tank Closure
25 West Grand Avenue, Montvale, NJ
MC Project No. MVB-563

The following is the general work scope and cost estimate for conducting a Phase II ESA and closing the underground heating oil storage tank.

The Phase I ESA identified the following as requiring further action:

Unregulated Heating Oil Underground Storage Tank

An out-of-service, unregulated, underground heating oil storage tank is located east of the dwelling. The age, condition and contents of the tank are not known. The geophysical survey suggests the tank has a 550-gallon capacity.

Fill Material

It appears the area around the current Pascack Brook channel was filled over the years, possibly with imported materials. Some demolition debris (broken tiles) was observed near the top of the east bank. The quality of the fill is unknown.

Pesticide Treatment

There is evidence of pesticide use (drill holes) around the foundation of the house. Pesticides, which often are persistent in the environment, may be present.

Off-Site Former Petroleum Storage

Petroleum products were stored in aboveground storage tanks north and northeast of the property and in an underground gasoline tank to the northeast. Surface-water runoff from these tank locations appeared to be toward the subject property; therefore, petroleum released at these tanks had the potential to migrate to the subject property.



Lead-Based Paint and Asbestos-Containing Materials (LBP and ACMs)

Based on the age of the structures, there is potential that lead-based paints (LBPs) and asbestos-containing materials (ACMs) are present. During our site reconnaissance, several suspect ACMs were observed, including pipe insulation and floor tiles. The property owner acknowledged removing some asbestos pipe insulation. If exterior paints are LBP, the surface soils may be impacted.

PROPOSED WORK SCOPE

The following general work scope and costs are associated with addressing the conditions noted above. The work scope and cost does not account for delineating or remediating any soil contamination or planning or abating any hazardous materials or wastes such as asbestos and lead paints. Soil samples will be analyzed on a standard (21-day) turnaround time.

Presumed 550-Gallon Heating Oil Tank

The work scope includes retaining a contractor (Goldstar Environmental Services, Inc.) to obtain the local permit, access and clean the tank, remove the tank and properly dispose of the tank, and backfill the tank excavation with certified-clean material. We will oversee the tank closure and collect / analyze post-removal soil samples to confirm the quality of the soil around the tank. The samples will be analyzed for extractable petroleum hydrocarbons (EPH) and if necessary for follow-up parameters specified in the NJDEP "EPH protocol".

If soil contamination is found above the various regulatory limits for residential properties or ecological screening levels (due to the proximity to the Brook) either during the tank closure or in the soil samples, the NJDEP must be notified, and remediation performed in accordance with NJDEP requirements. The cost of the remediation will depend on the extent and nature of the soil contamination, and whether ground-water quality may be, or is, impacted. The remediation scope or cost is not included herein.

Fill Material

Three soil borings will be advanced into the suspected fill area using a GeoProbe® rig. One or two samples will be collected from each boring depending on the type of materials that are found. The samples will be analyzed on a standard (three week) turnaround for TCL+30, TAL metals and EPH.

Pesticides

Four soil samples collected around the dwelling will be analyzed for TCL pesticides.

Petroleum from Off-Site Sources

Two soil borings will be made toward the northern and northeast limits of the property. One or two soil sample from each boring will be analyzed for EPH, and one sample from each for TCL volatile organics plus 15 library search compounds.



Asbestos

An asbestos survey will be performed for the dwelling and the garage. The survey will require intrusive sampling. Minor repairs (coating with spackle or spray seal only) will be made. We presume both structures will be readily and fully accessible. Certain roofing materials or other materials that cannot be safely accessed may be presumed to be ACMs.

Lead-Based Paint

A lead-based paint survey will be conducted by our sub-consultant. If exterior LBP paint is found, four shallow soil samples will be collected and analyzed for lead.

COST ESTIMATE

Tank Closure

Coordination and Health and Safety Plan/Prep	\$	2,000.00
Field Supervision, Sampling, Lab Management		4,500.00
Tank Closure Subcontractor		4,500.00
Laboratory Analysis		<u>600.00</u>
	\$	11,600.00
Plus Additional Investigation and Remediation		As needed

Soil and Fill Investigations

Field Supervision, Sampling, Lab management	\$	5,000.00
Drilling Subcontractor		2,200.00
Laboratory Analysis		<u>5,100.00</u>
	\$	12,300.00

Asbestos Survey

Field Survey and Sampling	\$	5,000.00
Laboratory Analysis & Handling (35 PLM, 25 TEM)*		<u>2,400.00</u>
	\$	7,400.00*

*Plus \$ 16/additional PLM and \$70/additional TEM

Lead Survey & Soil Evaluation

Coordination and Soil Sampling	\$	2,000.00
Lead Sub-Consultant	\$	1,000.00
Laboratory Analysis (Lead only)		<u>550.00</u>
	\$	3,550.00

Phase II Report, Management & Follow-up/ Planning	\$	13,000.00
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TOTAL COST ESTIMATE	\$	47,850.00
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**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 152-2018**

**RE: Awarding Professional Service Contract/2018 Roadway & Storm Sewer Emergency Repairs
Preparation of Bidding Specifications/Maser Consulting, LLC**

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to prepare specifications for emergency repairs to roadways, curving, sidewalks, inlets and any other items associated with roadway or storm sewer failure; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, Maser Consulting, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated June 21, 2018 to bid specifications which are detailed and attached to the original of this resolution, and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

- 1) That the proposal for the scope of services is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Preparation of Bid Specifications 2018 Roadway and Storm Sewer Emergency Repairs
- 3) The cost not to exceed the total amount of \$5,000.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

BE IT FURTHER RESOLVED, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

AMOUNT \$5,000.00

ACCOUNT #

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

Adopted: July 10, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

400 Valley Road, Suite 304
Mount Arlington, NJ 07856
T: 973.398.3110
F: 973.398.3199
www.maserconsulting.com

June 21, 2018

Maureen Iarossi-Alwan
Borough Clerk/Borough Administrator
Borough of Montvale
12 Mercedes Drive
Montvale, NJ 07645

Re: 2018 Roadway and Storm Sewer Emergency Repairs
Proposal to Prepare Specifications for Bidding
Borough of Montvale, Bergen County, NJ
MC Project No. MVB-565P

Dear Ms. Iarossi-Alwan:

As discussed, Maser Consulting will prepare specifications for public bidding for the 2018 Roadway and Storm Sewer Emergency Repairs. The specifications will include emergency repairs to roadways, curbing, sidewalks, inlets and any other items associated with roadway or storm sewer failures. The purpose of the specifications is to allow the Borough to have 24-hour access to Contractor services for roadway and storm sewer repairs in place of declaring an emergency for each event. The repairs that are proposed in this bid specification would be outside the scope of the Pascack Valley DPW contract.

Maser Consulting will prepare the bid specifications, including coordination with DPW, bid support services and evaluation and tabulation of submitted bids. Maser proposes to prepare the 2018 Roadway and Storm Sewer Emergency Repairs specifications for the lump sum fee not to exceed \$5,000.00.

The specifications will be written in a form that will allow a Contractor to bid materials, workmanship and labor including profit and overhead. It will be the recommendation of Maser that the specifications allow for two (2) one (1) year extensions for a total contract of three (3) years. It should be noted that the Borough will need to set a minimum cost of repairs for the initial calendar year. Maser recommends the minimum be set at \$25,000.00. Should you have any questions or concerns, please feel free to contact me.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in black ink, appearing to read 'Andrew R. Hipolit'.

Andrew R. Hipolit, P.E.
Borough Engineer

ARH/dw

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Customer Loyalty through Client Satisfaction

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 153-2018**

**RE: Awarding Professional Service Contract/2018 Emergency Sanitary Sewer Repairs
Preparation of Bidding Specifications/Maser Consulting, LLC**

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to prepare specifications for emergency repairs to including piping network, man holes and pump stations; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, Maser Consulting, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated June 21, 2018 to bid specifications which are detailed and attached to the original of this resolution, and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

- 1) That the proposal for the scope of services is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Preparation of Bid Specifications 2018 Emergency Sanitary Sewer Repairs
- 3) The cost not to exceed the total amount of \$8,500.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

BE IT FURTHER RESOLVED, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

AMOUNT \$8,500.00

ACCOUNT #

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

Adopted: July 10, 2018

ATTEST:

Maureen Iarossi-Alwan
Municipal Clerk

APPROVED:

Michael Ghassali
Mayor



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

400 Valley Road, Suite 304
Mount Arlington, NJ 07856
T: 973.398.3110
F: 973.398.3199
www.maserconsulting.com

June 21, 2018

Maureen Iarossi-Alwan
Borough Clerk/Borough Administrator
Borough of Montvale
12 Mercedes Drive
Montvale, NJ 07645

Re: 2018 Emergency Sanitary Sewer Repairs
Proposal to Prepare Specifications for Bidding
Borough of Montvale, Bergen County, NJ
MC Project No. MVB-566P

Dear Ms. Iarossi-Alwan:

As discussed, Maser Consulting will prepare specifications for public bidding for emergency repairs to the Montvale Sanitary Sewer system including piping network, man holes and pump stations. The purpose of the specifications is to allow the Borough to have 24-hour access to Contractor services for sanitary sewer repairs in place of declaring an emergency for each incident. The repairs that are contemplated as part of this proposal would be outside the scope of the Pascack Valley DPW contract.

Maser Consulting will prepare the bid specifications, including performing site visits to the three (3) pump stations, coordination with DPW, bid support services and evaluation and tabulation of submitted bids. Maser proposes to prepare the 2018 Emergency Sanitary Sewer repair specifications for the lump sum fee not to exceed \$8,500.00.

The specifications will be written in a form that will allow a Contractor to bid materials, workmanship and labor including profit and overhead. It will be the recommendation of Maser that the specifications allow for two (2) one (1) year extensions for a total contract of three (3) years. It should be noted that the Borough will need to set a minimum cost of repairs for the initial calendar year. Maser recommends the minimum be set at \$50,000.00.

Should you have any questions or concerns, please feel free to contact me.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in black ink, appearing to read 'Andrew R. Hipolit'.

Andrew R. Hipolit, P.E.
Borough Engineer

ARH/dw

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Customer Loyalty through Client Satisfaction

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	\$2,660,844.93	Bill List Wire 7/11/18.
	<u>235,859.89</u>	Wires/Manual Checks
Current TOTAL	2,896,704.82	
Escrow - Trust	41,017.00	Bill List Wire 7/11/18.
Housing Trust	1,487.50	Bill List Wire 7/11/18.
Engineering Trust	1,272.00	Bill List Wire 7/11/18.
Recreation Trust	7,093.00	Bill List Wire 7/11/18.
Unemployment Trust	226.50	

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

7/11/18

Introduced by: _____

Seconded by: _____ Approved: 7/11/18

ATTEST:

Michael Ghassali, Mayor

Maureen Iarossi-Alwan, Municipal Clerk

MANUAL/VOID CHECKS - WIRES
July 10, 2018

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Transaction/Vendor</u>	<u>Amount</u>
WIRE		6/27/18	Payroll Account	148,282.73
WIRE		6/27/18	Salary Account	87,174.66
WIRE		6/27/18	FSA Account	<u>402.50</u>
Total				<u>235,859.89</u>

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 Invoice	Exc1
00116 VERIZON	Continued				
18-00893 07/05/18 201V06-1876 72707Y VERIZON					
1 201V06-1876 72707Y VERIZON	176.79 8-01-20-701-029 B OTHER CONTRACTUAL ITEMS	R	07/05/18 07/05/18	JUNE.JULY.	N
JUNE.JULY.					
Vendor Total:	431.90				
00125 NORTHWEST BERGEN REGIONAL					
18-00123 01/17/18 HEALTH SERVICES 2018	B				
8 HEALTH SERVICES 2018/JULY	4,660.31 8-01-27-785-029 B OTHER CONTRACTUAL ITEMS	R	04/26/18 07/05/18	0141-18	N
INVOICE NO. 0141-18					
Vendor Total:	4,660.31				
00137 PASCACK VALLEY REGIONAL HS DST					
18-00005 01/03/18 REGIONAL SCHOOL TAX 2018	B				
8 REGIONAL SCHOOL TAX 2018 JULY	1,161,956.44 8-01-55-206-000 B REGIONAL SCHOOL TAX	R	05/11/18 07/05/18	2018 TAX JULY	N
Vendor Total:	1,161,956.44				
00212 RHODE ISLAND NOVELTY					
18-00732 06/01/18 GAME TRAILER PRIZES 2					
1 GAME TRAILER PRIZES 2	465.80 8-01-28-797-029 B OTHER CONTRACTUAL ITEMS	R	06/01/18 07/05/18	IN3904328	N
Vendor Total:	465.80				
00215 TOWNSHIP OF RIVER VALE					
18-00165 01/24/18 PASCACK VALLEY DPW 2018 SVCS.	B				
8 PASCACK VALLEY DPW JULY 2018	130,733.00 8-01-37-850-029 B OTHER CONTRACTUAL - PASCACK VALLEY DPW	R	04/26/18 07/05/18	JULY PAYMENT	N
Vendor Total:	130,733.00				
00250 FIRE AND SAFETY SERVICES LTD					
18-00231 02/09/18 REPAIR OF FIRE TRUCK- M4					
1 REPAIR OF FIRE TRUCK- M4	4,811.33 8-01-26-767-099 B VEHICLE MAINT/PARTS - FIRE	R	02/09/18 07/05/18	SI18-1009	N
INVOICE NO. SI18-1009					

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 Exc1
00250 FIRE AND SAFETY SERVICES LTD Continued											
18-00702		05/22/18	RELOCATE SHORE- M1								
1			RELOCATE SHORE - M1	1,457.64	8-01-26-767-099	B VEHICLE MAINT/PARTS - FIRE	R	05/22/18	07/05/18	SI8-1104	N
			INVOIE NO. SI18-1104								
			Vendor Total:	6,268.97							
00258 ROCKLAND ELECTRIC COMPANY											
18-00894		07/05/18	ROCKLAND ELECTRIC CHARGES/JUNE								
1			23108-43006 ALAYNA ASSOC	43.83	8-01-38-854-029	B OTHER CONTRACTUAL ITEMS	R	07/05/18	07/05/18	JUNE 2018	N
2			07000-55009 HUFF TER PUMP57088	456.77	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
3			00520-60009 CHESTNUT TFLT	32.21	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
4			52298-45000 LA TRENTA FIELD	236.85	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
			LIGHTS- BALL FIELD								
5			15030-30001 SUMMIT AVE TFLT X	54.71	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
6			23971-50008 SPRING VALLEY RD	59.05	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
			TRAF LIGHT								
7			59858-45006 CHESTNUT RIDGE RD	49.17	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
8			52088-45000 159 CHESTNUT RIDGE	70.49	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
9			16199-31002 VALLEY VIEW SEWER	952.87	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
10			51038-45008 CHESTNUT TRAF/SUMT	147.67	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
11			47258-45003 SUMMIT OTHR FIRE	12.49	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
12			97049-32006 W GRAND OTH UNMTR	45.22	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
13			96839-32013 GRAND TFLT 57400	38.63	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
14			17530-77003 W GRAND AVE TFLX	54.22	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
15			00181-69009 35 W GRAND AVE	1,493.29	8-01-31-825-071	B ELECTRICITY	R	07/05/18	07/05/18	JUNE 2018	N
			JUNE 2018								
				3,747.47							
			Vendor Total:	3,747.47							
00327 INTERNATIONAL ASSOCIATION											
18-00716		05/30/18	IACP 2018 ORANGE COUNTY CONVEN								
1			IACP 2018 ORANGE COUNTY CONVEN	425.00	8-01-25-745-042	B EDUCATION/TRAINING/SEMINARS	R	05/30/18	07/05/18	10/6-9/2018	N
			ORANGE COUNTY CONVENTION CENTER								
			OCTOBER 6-9, 2018								
			ORLANDO, FLORIDA								

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Item Description		Amount	Charge Account	Acct Type	Description	Stat/Chk	Enc Date	Date	Date	Invoice	Exc1
00327 INTERNATIONAL ASSOCIATION Continued											
18-00716 05/30/18 IACP 2018 ORANGE COUNTY CONVEN		Continued									
REGISTRATION FORM ATTACHED		\$425.00									
Vendor Total:		425.00									
00731 MASER CONSULTING P.A.											
18-00320 02/26/18 COMPLIANCE HEARING D. GREEN			B								
5 HEFSP & COMPLIANCE DOCUMENTS		4,586.60	8-01-21-720-028	B	OTHER PROF/CONSULTANT SERVICES	R	02/26/18	07/05/18		460324	N
PROFESSIONAL SERVICES 5/13/18											
INVOICE NO. 460324											
18-00719 05/30/18 ESCROW PAYMENTS											
1 KHOV DELBEN II 302/1&4 1002/7		692.50	E-08-00-208-21A	B	KHOV DELBEN II 302/1&4 - 1002/7	R	05/30/18	07/05/18		459810	N
2 MTVL DEV ASSOC-RD IMPROV/MASER		187.50	E-08-00-213-09A	B	MtvI Dev Assoc-Road Improv/Maser	R	05/30/18	07/05/18		459896	N
3 UNITED WAY OF BC (1606/6)		330.00	E-08-00-214-22A	B	United Way of BC (1606/6)	R	05/30/18	07/05/18		459806	N
4 MEMORIAL SLOAN KETTERING		1,087.50	E-08-00-215-05A	B	Memorial Sloan Kettering (2601/32)	R	05/30/18	07/05/18		459813	N
(2601/32)											
INVOICE NO. 459810+459896+459806+459813											
		2,297.50									
18-00720 05/30/18 ENGINEERING REVIEW											
1 DJEDJI, DJAKOURE (707/3)		240.00	T-03-56-286-008	B	TRUST - RESERVE FOR ENGINEER	R	05/30/18	07/05/18		454430	N
2 BEAR BAN (1301/24.2)		226.25	T-03-56-286-008	B	TRUST - RESERVE FOR ENGINEER	R	05/30/18	07/05/18		459907	N
3 BEAR BAN (1301/24.17)		400.00	T-03-56-286-008	B	TRUST - RESERVE FOR ENGINEER	R	05/30/18	07/05/18		429158	N
4 PAXINOPOULOS (3003/3)		240.00	T-03-56-286-008	B	TRUST - RESERVE FOR ENGINEER	R	05/30/18	07/05/18		459915	N
INVOICE NO. 454430+459907+REV429158											
459915		1,106.25									
18-00723 05/30/18 ESCROW PAYMENTS											
1 ETHAN HOMES LLC (2509/35)		49.85	E-08-00-211-11A	B	Ethan Homes LLC (2509/35)	R	05/30/18	07/05/18		459809	N
2 ETHAN HOMES LLC (2509/35)		32.65	E-08-00-211-11B	B	Ethan Homes (2509/35) Interest	R	05/30/18	07/05/18		459809	N
3 MTVL DEV-HEKEMAIN GROUP		72.50	E-08-00-213-07A	B	MtvI Dev-Hekemian Group (2802/2&3)	R	05/30/18	07/05/18		459811	N
(2802/2&3)											
4 MTVL DEV-HEKEMAIN GROUP		123.75	E-08-00-213-07A	B	MtvI Dev-Hekemian Group (2802/2&3)	R	05/30/18	07/05/18		460317	N
(2802/2&3)											
5 CHESTNUT RIDGE SHOP		123.75	E-08-00-214-08A	B	CHESTNUT RIDGE SHOP CTR-URSTADT(3101/1)	R	05/30/18	07/05/18		460356	N

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Item Description	Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice	Exc
00731 MASER CONSULTING P.A.			Continued						
18-00723 05/30/18 ESCROW PAYMENTS			Continued						
CTR-URSTADT (3101/1)									
6 S.HEKEMIAN/MERCEDES (2702/1&3)	13,891.25	E-08-00-216-02A	B S.Hekemian/Mercedes (2702/1 & 3)	R	05/30/18	07/05/18		459820	N
7 KPMG (2701/2) (OLD 3102/1.01)	333.75	E-08-00-216-05A	B KPMG (2701/2) (old 3102/1.01)	R	05/30/18	07/05/18		460321	N
8 KPMG (2701/2) (OLD 3102/1.01)	3,851.25	E-08-00-216-05A	B KPMG (2701/2) (old 3102/1.01)	R	05/30/18	07/05/18		459814	N
INVOICE NO. 459809+459811+460317+460356									
459820+460321+459814									
	18,478.75								
18-00728 06/01/18 ESCROW PAYMENTS									
1 PINTO, LAWRENCE & TANIA (201/3)	1,923.75	E-08-00-217-02A	B Pinto, Lawrence & Tania (201/3)	R	06/01/18	07/05/18		459835	N
2 RICHARD QUEEN (2408/26)	675.00	E-08-00-217-04A	B RICHARD QUEEN 2408/26	R	06/01/18	07/05/18		459816	N
3 RICHARD QUEEN (2408/26)	82.50	E-08-00-217-04A	B RICHARD QUEEN 2408/26	R	06/01/18	07/05/18		460322	N
4 V+R DEVELOPMENT-99 LLC (403/2)	1,115.00	E-08-00-217-05A	B V+R Development - 99 LLC (403/2)	R	06/01/18	07/05/18		459825	N
5 RW DAKE & CO. TD BANK (2402/2)	82.50	E-08-00-218-12A	B RW DAKE AND CO. TD BANK (2402/2)	R	06/01/18	07/05/18		459826	N
6 ARV AT MONTVALE GRAND (1902/5)	247.50	E-08-00-217-16A	B ARV AT MONTVALE GRAND (1902/5)	R	06/01/18	07/05/18		459833	N
7 ARV AT MONTVAL GRAND (1902/5)	20.00	E-08-00-217-16A	B ARV AT MONTVALE GRAND (1902/5)	R	06/01/18	07/05/18		460347	N
8 ARV MONTVALE AT GRAND (1902/5)	267.50	E-08-00-207-02A	B ARV Montvale at Grand - 1902/5	R	06/01/18	07/05/18		460347	N
9 KAUFMAN, SETH & FAITH (201/11)	165.00	E-08-00-217-24A	B KAUFMAN, SETH & FAITH (201/11)	R	06/01/18	07/05/18		459832	N
10 METROPOLITAN HOME DEVEL (403/1) (1103/5)	6,985.00	E-08-00-217-30A	B METROPOLITAN HOME DEVEL(403/1& 1103/5)	R	06/01/18	07/05/18		459819	N
11 METROPOLITAN HOME DEVEL (403/1) (1103/5)	1,730.00	E-08-00-217-30A	B METROPOLITAN HOME DEVEL(403/1& 1103/5)	R	06/01/18	07/05/18		460320	N
INVOICE NO. 459835+459816+460322+459825									
459826+459833+460347+459832									
459819+460320									
	13,293.75								
18-00730 06/01/18 ESCROW PAYMENTS									
1 TSL PIKE PREDEVELOPMENT (1102/2)	4,761.25	E-08-00-218-02A	B TSL PIKE PREDEVELOPMENT (1102/2)	R	06/01/18	07/05/18		459817	N
2 HOFFMANN, DANIEL (1607/9)	41.25	E-08-00-218-04A	B HOFFMANN, DANIEL (1607/9)	R	06/01/18	07/05/18		460344	N
3 PREMIER ASSOC (1902/6,9)	165.00	E-08-00-218-05A	B PREMIER ASSOC (1902/6,9)	R	06/01/18	07/05/18		460340	N
4 PREMIER ASSOC (1902/6,9)	680.00	E-08-00-218-05A	B PREMIER ASSOC (1902/6,9)	R	06/01/18	07/05/18		459823	N
5 TWO PARAGON DR LLC (TOLL BROS) (1903/7)	566.25	E-08-00-218-07A	B TWO PARAGON DR LLC (TOLL BROS) (1903/7)	R	06/01/18	07/05/18		459807	N

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Item Description	Amount	Charge	Account	Acct Type	Description	Enc Date	Date	Date	Invoice	Exc
00731 MASER CONSULTING P.A.	Continued									
18-00730 06/01/18 ESCROW PAYMENTS	Continued									
6 TWO PARAGON DR LLC (TOLL BROS) (1903/7)	206.25	E-08-00-218-07A	B TWO PARAGON DR LLC (TOLL BROS) (1903/7)	R	06/01/18	07/05/18			460326	N
7 JACOVINO, MARIO (505/3)	300.00	E-08-00-218-09A	B JACOVINO, MARIO (505/3)	R	06/01/18	07/05/18			460327	N
INVOICE NO. 459817+460344+460340+459823										
459807+460326+460327										
6,720.00										
18-00742 06/05/18 PROFESSIONAL SERVICES										
1 PROFESSIONAL SERVICES	1,123.75	8-01-21-720-028	B OTHER PROF/CONSULTANT SERVICES	R	06/05/18	07/05/18			417954	N
7/16/2017										
MASTER PLAN AMENDMENT (A/C 487)										
ZONING ORDINANCE (A/C 488)										
PROJECT: MPP042										
PROJECT NAME: HEKEMIAN/MERCEDES #21602										
INVOICE NO. 417954										
18-00834 06/22/18 MESSINA (1706/5)										
1 MESSINA (1706/5)	165.75	T-03-56-286-008	B TRUST - RESERVE FOR ENGINEER	R	06/22/18	07/05/18			REV060618	N
INVOICE NO. REV060618										
Vendor Total: 47,772.35										
00891 RIDGEMONT PIZZA & RESTAURANT										
18-00800 06/13/18 DITP LUNCH										
1 DITP LUNCH	67.07	8-01-28-797-029	B OTHER CONTRACTUAL ITEMS	R	06/13/18	07/05/18			6/16/2018	N
Vendor Total: 67.07										
01132 COOPERATIVE COMMUNICATIONS, INC										
18-00866 07/02/18 2013915700 BOROUGH OF MONTVALE										
1 2013915700 BOROUGH OF MONTVALE	1,950.46	8-01-31-827-076	B TELEPHONE CHARGES	R	07/02/18	07/05/18			JUNE 2018	N
JUNE 2018 TELEPHONE SERVICE										
INVOICE 7/1/2018										
Vendor Total: 1,950.46										

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Item Description		Amount	Charge Account	Acct Type	Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl
01645 BOROUGH OF WOODCLIFF LAKE Continued											
18-00807 06/14/18 RECYCLING CENTER REIMBURSEMENT Continued											
DATE WORKED											
5/5/18											
5/12/18											
5/19/18											
5/26/18											
32 HOURS @ \$35.00/HR = \$1,120.00											
Vendor Total:		1,120.00									
01646 NJRPA											
18-00746 06/05/18 NJRPA Membership Fees											
1	NJRPA Membership Fees	120.00	8-01-28-795-042	B	EDUCATION/TRAINING/SEMINARS	R	06/05/18	07/05/18		MEMBERSHIP DUES	N
MEMBERSHIP											
2	NJRPA Membership Fees	10.00	8-01-28-795-042	B	EDUCATION/TRAINING/SEMINARS	R	06/05/18	07/05/18		MEMBERSHIP DUES	N
DIRECTORY											
		130.00									
Vendor Total:		130.00									
01659 ORIENTAL TRADING											
18-00731 06/01/18 GAME TRAILER PRIZES											
1	GAME TRAILER PRIZES	586.14	8-01-28-797-029	B	OTHER CONTRACTUAL ITEMS	R	06/01/18	07/05/18		690421682-01	N
Vendor Total:		586.14									
01669 FUN TIME ENTERTAINMENT LLC											
18-00699 05/22/18 Camp Party Inflatables											
1	PIRATE RIP N DIP	650.00	T-19-56-286-106	B	SUMMER CAMP	R	05/22/18	07/05/18		REC ACTIVITIES	N
2	ROCKIN RAPIDS	650.00	T-19-56-286-106	B	SUMMER CAMP	R	05/22/18	07/05/18		REC ACTIVITIES	N
PLEASE RELEASE CHECK ON 7/27/18											
		1,300.00									
18-00703 05/22/18 SUMMER CAMP INFLATABLES											
1	WILD RAPIDS WATER SLIDE	650.00	T-19-56-286-106	B	SUMMER CAMP	R	05/22/18	07/05/18		07864+	N
2	ROCKIN RAPIDS	650.00	T-19-56-286-106	B	SUMMER CAMP	R	05/22/18	07/05/18		07864+	N

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	Item Description	Amount Charge Account Acct Type Description	Stat/chk	Enc Date Date	Date Invoice Invoice	Exc
01669 FUN TIME ENTERTAINMENT LLC Continued						
18-00703 05/22/18 SUMMER CAMP INFLATABLES Continued						
3 TROPICAL WATER SLIDE COMBO	750.00	T-19-56-286-106	B SUMMER CAMP	R	05/22/18 07/05/18	07864+ N
ORDER NO. 07864+07865+07866						
	2,050.00					
Vendor Total:	3,350.00					
01684 HOME FIELD ADVANTAGE SPORTING						
18-00704 05/22/18 CAMP COUNSELOR SHIRTS						
1 CAMP COUNSELOR SHIRTS	583.00	T-19-56-286-106	B SUMMER CAMP	R	05/22/18 07/05/18	6618 N
SMALL-EXTRA LARGE SIZES						
2 CAMP COUNSELOR SHIRTS	28.00	T-19-56-286-106	B SUMMER CAMP	R	05/22/18 07/05/18	6618 N
2XL SIZES						
	611.00					
Vendor Total:	611.00					
01699 SWANK MOTION PICTURES, INC.						
18-00853 06/28/18 MOVIES UNDER THE STARS						
1 MOVIE LICENSE	700.00	8-01-28-795-068	B SPECIAL EVENTS	R	06/28/18 07/05/18	7/13/2018 N
THE JUNGLE BOOK AND HOOK						
2 MOVIE LICENSE	435.00	8-01-28-795-068	B SPECIAL EVENTS	R	06/28/18 07/05/18	7/13/2018 N
COCO						
3 COPY OF MOVIES	84.00	8-01-28-795-068	B SPECIAL EVENTS	R	06/28/18 07/05/18	7/13/2018 N
	1,219.00					
Vendor Total:	1,219.00					
01767 VERIZON						
18-00891 07/05/18 555-569-014-0001-55 VERIZON						
1 555-569-014-0001-55 VERIZON	175.64	8-01-20-701-029	B OTHER CONTRACTUAL ITEMS	R	07/05/18 07/05/18	JUNE.JULY. N
JUNE.JULY.						
Vendor Total:	175.64					

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01804 GO AIRBORNE, LLC	18-00831 06/22/18 CAMP TRIP: BOUNCE TRAMPOLINE							
	1 CAMP TRIP: BOUNCE TRAMPOLINE	500.00 T-19-56-286-114	B CAMP TRIPS	R	06/22/18	07/05/18	7/31/2018	N
	Vendor Total:	500.00						
01806 HIGH EXPOSURE LLC	18-00829 06/22/18 CAMP TRIP							
	1 CAMP TRIP	660.00 T-19-56-286-114	B CAMP TRIPS	R	06/22/18	07/05/18	7/6/2018	N
	Vendor Total:	660.00						
01810 MELISSA GAYLE CINEMA CORP.	18-00830 06/22/18 CAMP MOVIE THEATER TRIP							
	1 Camp Movie Theater Trip Need Check on 7/20/18	275.00 T-19-56-286-114	B CAMP TRIPS	R	06/22/18	07/05/18	7/20/2018	N
	2 CAMP MOVIE THEATER TRIP SNACK COMBO	192.00 T-19-56-286-114	B CAMP TRIPS	R	06/22/18	07/05/18	7/20/2018	N
		467.00						
	Vendor Total:	467.00						
01817 BISHNOI, MEENAKSHI	18-00828 06/20/18 REFUND OF RECREATION PROGRAM							
	1 REFUND OF RECREATION PROGRAM RESOLUTION NO. 140-2018	80.00 T-19-56-286-107	B TENNIS INSTRUCTION	R	06/20/18	07/05/18	RESO.#140-2018	N
	Vendor Total:	80.00						
01818 TRI-STATE GOLF CARTS LLC	18-00844 06/26/18 CAMP GOLF CART RENTAL							
	1 RENTAL FEE NEED CHECK ON 7/10/18	800.00 T-19-56-286-106	B SUMMER CAMP	R	06/26/18	07/05/18	GOLF CARTS	N
	2 DELIVERY CHARGE	125.00 T-19-56-286-106	B SUMMER CAMP	R	06/26/18	07/05/18	GOLF CARTS	N
	3 SECURITY DEPOSIT REFUNDABLE UPON SUCCESSFUL (NO DAMAGE)	500.00 T-19-56-286-106	B SUMMER CAMP	R	06/26/18	07/05/18	GOLF CARTS	N

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Vendor # Name	PO # PO Date Description	Contract Amount Charge Account	PO Type Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
01818 TRI-STATE GOLF CARTS LLC	Continued								
18-00844 06/26/18 CAMP GOLF CART RENTAL	Continued								
INSPECTION BY TRI-STATE									
	1,425.00								
Vendor Total:	1,425.00								
01856 MONTVALE FLORIST									
18-00564 04/30/18 PD & ADM MEMORIAL DAY WREATHS									
1 PD MEMORIAL DAY WREATHS	50.00	8-01-25-745-058	B OTHER EQUIPMENT & SUPPLIES	R	04/30/18	07/05/18		000212	N
PD MEMORIAL DAY WREATH	\$50.00								
2 ADM MEMORIAL DAY WREATH	50.00	8-01-20-701-058	B OTHER EQUIPMENT & SUPPLIES	R	04/30/18	07/05/18		000212	N
MAYOR AND COUNCIL									
MEMORIAL DAY WREATH	\$50.00								
	100.00								
Vendor Total:	100.00								
02141 REGAN, ROBERT T., ESQ.									
18-00722 05/30/18 ESCROW PAYMENTS- HORNROCK									
1 HORNROCK PROPERTIES MPR LLC (3302/1)	192.00	E-08-00-218-14A	B HORNROCK PROPERTIES MPR LLC (3302/1)	R	05/30/18	07/05/18		13026	N
2 HORNROCK PROPERTIES MPR LLC (3302/1)	35.00	E-08-00-218-14A	B HORNROCK PROPERTIES MPR LLC (3302/1)	R	05/30/18	07/05/18		14785	N
INVOICE NO. 13026+14785									
	227.00								
18-00783 06/11/18 MONTVALE- COAH									
1 MONTVALE- COAH	1,487.50	T-03-56-286-006	B TRUST - RESERVE FOR HOUSING	R	06/11/18	07/05/18		14848	N
INVOICE NO. 14848									
Vendor Total:	1,714.50								
02426 VERIZON WIRELESS									
18-00867 07/02/18 PD BROADBAND CHARGES									
1 PD BROADBAND CHARGES	190.05	8-01-31-827-076	B TELEPHONE CHARGES	R	07/02/18	07/05/18		9809291059	N
POLICE DEPARTMENT									

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Borough of Montvale
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	Stat/Chk	Enc Date Date	Date Invoice	Exc1
Item Description		Acct Type Description					
02426	VERIZON WIRELESS	Continued					
18-00867	07/02/18 PD BROADBAND CHARGES	Continued					
BROADBAND WIRELESS CHARGES							
PDMV LAPTOPS \$190.05							
551-777-1342 38.01							
551-777-1733 38.01							
551-777-1754 38.01							
551-777-1755 38.01							
609-331-1264 38.01							
ACCOUNT # 482530999-00001							
INVOICE # 9809291059							
18-00868	07/02/18 9809475183 VERIZON WIRELESS						
1	9809475183 VERIZON WIRELESS	206.11	8-01-31-827-076	B TELEPHONE CHARGES	R	07/02/18 07/05/18	9809475183 N
LINE CHARGES							
201-316-4547							
201-661-4065							
201-819-6222							
201-906-4723							
551-579-7140							
INVOICE NO. 9809475183							
Vendor Total:		396.16					
03615	FRASCIELLO, MARLY						
18-00847	06/28/18 PD PETTY CASH						
1	MEAL REIMBURSE DURING TRAINING	94.13	8-01-25-745-041	B MEAL REIMBURSEMENT	R	06/28/18 07/05/18	PETTY CASH N
ABRAMS 6-21-18		\$20.00					
FEDICK 5-30-18		\$24.13					
MCDOWELL WOODRIDGE RANGE 6-5		\$50.00					
2	MCNEICE CLOTHING ALLOWANCE	18.00	8-01-25-745-264	B MC NEICE, ALLISON - CLOTHING	R	06/28/18 07/05/18	PETTY CASH N
TONI EMBROIDERY HAT		\$18.00					
3	CLOTHING ALLOWANCE SANFILIPPO	14.99	8-01-25-745-267	B SANFILIPPO, JOSEPH - CLOTHING	R	06/28/18 07/05/18	PETTY CASH N
SANFILIPPO SOCKS		\$14.99					

03792	IDW LLC							
18-00737	06/01/18	PD PHOTO COLOR RIBBON						
1	PD PHOTO COLOR RIBBON	126.00	8-01-25-745-036	B OFFICE SUPPLIES	R	06/01/18	07/05/18	1474723
	PD COLOR PHOTO RIBBON FOR ACCESS CARDS							
	YMCKO - 200 PRINTS							
	QTY 2 @ \$63.00							
	QUOTE 4801-52918 ATTACHED	\$126.00						
	Vendor Total:	126.00						

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Borough of Montvale
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	Stat/Chk	Enc Date	Date	Date	Invoice	Exc]
Item Description											
Total Purchase Orders:		50	Total P.O. Line Items:	113	Total List Amount:	2,711,940.93	Total Void Amount:	0.00			

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND 2018 BUDGET	8-01	2,660,844.93	0.00	2,660,844.93	0.00	0.00	2,660,844.93
BOA ESCROW ACCOUNTS	E-08	41,017.00	0.00	41,017.00	0.00	0.00	41,017.00
OTHER TRUST ACCOUNT	T-03	2,759.50	0.00	2,759.50	0.00	0.00	2,759.50
UNEMPLOYMENT TRUST ACCOUNT	T-13	226.50	0.00	226.50	0.00	0.00	226.50
RECREATION TRUST FUND	T-19	7,093.00	0.00	7,093.00	0.00	0.00	7,093.00
Year Total:		10,079.00	0.00	10,079.00	0.00	0.00	10,079.00
Total of All Funds:		2,711,940.93	0.00	2,711,940.93	0.00	0.00	2,711,940.93

Maureen Iarossi

To: Maureen Iarossi
Subject: RE: PMV Protocol

Jeff,

Thank you for the response. I am listing this under new business for the next M&C agenda to be discussed by the full governing body prior to this information being posted on our website or any other social media site.

Thank you!

Maureen

From: Jeff Fette

Sent: Wednesday, June 27, 2018 11:06 AM

To: Maureen Iarossi <miarossi@montvaleboro.org>

Subject: PMV Protocol

Maureen,

As per your request, the following is the protocol used when determining responsibility and compliance with a Property Maintenance Violation (PMV).

Complaints come into my office from various sources such as neighbors, council members, phone calls to the administration, planning board members, phone calls to my office, and mostly by my own visual inspections. ALL complaints are visited by myself to see if, in fact, there is a violation and what is the extent of the violation. Some complaints are anonymous so I do not have a person to respond back to and this may lead to some people thinking their complaint was ignored. It was not.

Once a complaint has been determined to violate any portion of the ordinance, I research the property owner(s) and send out our standard PMV form. It spells out the nature of the violation and what needs to be done to abated the violation as provided by section 86-10 (D)(2) of the Montvale Code.

The property owner is given not more than 30 days to correct the violation as per the ordinance. Our PMV form allows 14 days to correct. After 14 days, a follow up inspection is done automatically unless the property owner has contacted me requesting more time to comply. I generally always grant a reasonable extension.

If the follow up inspection reveals compliance, the file is noted and closed. If the property owner requests more time, I note the file and reschedule a follow up based upon the property owner's request. If a follow up inspection reveals no compliance and there has been no response from the property owner, I will re-send the initial PMV notice stamped "FINAL NOTICE" and give an additional 10 days to comply. If there is still no compliance, a summons is issued. If after a summons is issued and there is compliance before the court hearing, the summons can be dismissed at my discretion.

In the event there is a habitual violator, a summons is issued without the step of a PMV being sent. This is done on a case by case basis at my discretion. There are NO courtesy phone calls or knocking on doors as this does not provide me a paper trail which is critical when, and if, the matter reaches the court. I have to show the prosecutor and the judge that sufficient notice and time was given to gain compliance.

This is the process that has been used since I have taken over this position. I have issued over 1800 PMV's with only a small number (5-10) which I am aware of that have had some type of complaint with the process. Keep in mind, every PM complaint requires a decision on my part as to imminent safety issue, existence of a violation, history of the property and owner, person making the complaint, and degree of non-compliance just to name a few. These guidelines are basic but have been consistently followed.

Jeffrey Fette

Borough of Montvale, NJ
Thursday, July 5, 2018

Chapter 86. Property Maintenance

[HISTORY:^[1] Adopted by the Borough of Montvale Council as indicated in article histories.
Amendments noted where applicable.]

GENERAL REFERENCES

Abandoned vehicles — See Ch. 2.
Building construction — See Ch. 20.
Uniform construction codes — See Ch. 23.
Garbage and rubbish — See Ch. 46.
Litter — See Ch. 58.
Public health nuisances — See Ch. 69.
Storage and collection of refuse — See Ch. 91.
Sanitation and plumbing — See Ch. 95.
Streets and sidewalks — See Ch. 109.
Zoning — See Ch. 128.

[1] *Editor's Note: Former Part 1, Buildings Other Than Single-Family Residential, adopted 4-14-1970 by Ord. No. 572, as amended, was repealed 5-27-1997 by Ord. No. 97-1060.*

Article I. General Provisions

[Adopted 6-12-1985 by Ord. No. 85-802]

[1] *Editor's Note: This article, previously included in this chapter as Part 2, Standards, Art. XVII, §§ 86-43 through 86-59, was renumbered as Art. I, §§ 86-1 through 86-17, respectively, at the direction of the Borough.*

§ 86-1. Title.

This ordinance shall be known as the "Property Maintenance Code of the Borough of Montvale" and may be referred to in this ordinance in the short form as "this code."

§ 86-2. Findings.

It is hereby found and declared that there exist in the Borough of Montvale buildings and premises used for residential and nonresidential purposes which are or may become substandard with respect to structural integrity, equipment or maintenance, and further that such conditions, including but not limited to structural deterioration, lack of exterior maintenance, infestation, lack of minimal essential heating, plumbing, storage or refrigeration equipment, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, unsanitary conditions and overcrowding constitute a hazard and endangerment to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the Borough of Montvale.

§ 86-3. Purpose; intent.

The purpose of this code is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, condition and occupancy of premises situated in the borough, used or intended to be used or designed to be used, in whole or in part, for residential and nonresidential purposes; to establish standards governing utilities, facilities and other physical components and conditions essential to make such premises fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities upon occupants; to prevent blighting conditions; to authorize and establish procedures for the inspection of such premises; to correct violations or to fix penalties for the violations of this code; and to provide for the right of access across adjoining premises to permit repairs. This code is hereby declared to be remedial and essential for the public interest, and it is intended that this code be liberally construed to effectuate the purposes as stated herein.

§ 86-4. Applicability.

- A. Buildings affected by this code. Every building and the premises on which it is situated in the borough used or intended to be used or designed to be used, in whole or in part, for residential and nonresidential purposes, as limited herein, shall comply with the provisions of this code, whether or not any such building shall have been constructed, altered or repaired before or after the enactment of this code and irrespective of any permits or licenses which shall have been issued for the construction, alteration or repair of any such building or for the installation or repair of equipment or facilities therein or thereon prior to the effective date of this code. This code establishes standards for the maintenance of all such buildings and premises and does not replace, modify or lessen standards otherwise established for the construction, repair, alteration or use of such buildings and premises. equipment or facilities contained therein or thereon, except as provided in § 86-4B hereof.
- B. Higher standards to prevail in case of conflict with other ordinances or laws. In any case where the provisions of this code impose a higher standard than that set forth in any other ordinance of the borough or law of the State of New Jersey applicable thereto, then the standards as set forth herein shall prevail; but if the provisions of this code impose a lesser standard than such other ordinance of the borough or law of the State of New Jersey, then the higher standard contained in such other ordinance or law shall prevail.
- C. Issuance and renewal of other permits and licenses. After the date of enactment hereof, all licenses, permits and certificates of occupancy relating to such buildings and premises which may be issued or renewed pursuant to any other ordinance of the borough may be issued or renewed only upon compliance with this code as well as compliance with the ordinance under which such licenses and permits may be granted or renewed.
- D. Enforcement and compliance with other ordinances. Compliance with this code shall not constitute a defense against the violation of any provision of any other ordinance of the borough or law of New Jersey applicable to any building or premises.

§ 86-5. Responsibilities of owners, operators and occupants.

- A. Owners and operators. Owners and operators shall have all the duties and responsibilities as prescribed in this code and the regulations promulgated pursuant thereto, unless specifically set forth to the contrary, and no owner or operator shall be relieved from any such duty and

responsibility nor be entitled to defend against any charge or violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof.

- B. Occupants. Occupants shall have all the duties and responsibilities as prescribed in this code and all the regulations promulgated in connection therewith to the extent that said occupant has control over the premises or in the further event that the occupant has caused the condition violative of the provisions of this code.
- C. Contract not to alter responsibilities. Unless expressly provided to the contrary in this code, the respective obligations and responsibilities of the owner and operator on one hand, and the occupant on the other, shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and their parties.

§ 86-6. Definitions and word usage.

[Amended 5-27-1997 by Ord. No. 97-1060]

- A. As used in this ordinance, the following terms shall have the meanings indicated:

ABANDONED MOTOR VEHICLE

A motor vehicle exposed to public view which does not have a valid registration and license plate and has no inspection sticker or an inspection sticker which has elapsed for more than 60 days or has been inoperative for more than 60 days because of the lack of essential components such as engine parts or wheels.

BATHROOM

Any enclosed space which contains one or more of the following, i.e., bathtub, shower, water closet, lavatory, water closet compartment, washbowl, sink or fixtures serving similar purposes.

BLIGHT

That which causes or is likely to cause disease or injury or, in terms of the neighborhood, frustrates its healthy growth and sustenance and that which tends to impair, wither, destroy or cause deterioration in the neighborhood adversely affecting the general welfare of its inhabitants.

BOROUGH

The Borough of Montvale, County of Bergen, State of New Jersey.

BUILDING

A combination of materials intended to form a safe and stable structure for human habitation or otherwise and includes any accessory buildings and appurtenances belonging thereto or usually enjoyed therewith.

DETERIORATION

The condition of a building, or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, lacking structural maintenance, whether interior or exterior.

DWELLING UNIT

Any room or group of rooms forming a single habitable unit which includes or is intended to include living, sleeping, bathing, toilet and cooking facilities.

EXPOSED TO PUBLIC VIEW

Any building or premises, or part thereof, which may be lawfully viewed by the public, or any member thereof, from a sidewalk, street, alleyway or parking lot or from any adjoining or neighboring premises.

EXTERIOR OF PREMISES

Those portions of a building which are exposed to public view or the elements and the open space of any premises not occupied by any building.

EXTERMINATION

The control and elimination of insects, rodents and vermin by eliminating their harborage places or by removing or making inaccessible material that may serve as their food or by poisoning, spraying, fumigating, trapping or any other approved means of pest elimination.

GARBAGE

Animal, vegetable and other organic waste resulting from handling, preparing, cooking and consumption of food or other products (see also "refuse" and "rubbish").

HABITABLE ROOM

A room occupied by one or more persons for living, eating or sleeping, but not including bathrooms, laundries, serving and storage pantries, corridors, foyers, vestibules, cellars, boiler and utility rooms or spaces that are not used frequently or for an extended period of time, or areas that have less than 50 square feet of floor area.

INFESTATION

The presence, on or within a premises, of any insects, rodents or other pests.

MIXED OCCUPANCY

Any building containing two or more dwelling units and also having a portion thereof devoted to nonresidential uses. The applicable provisions for residential and nonresidential buildings shall control.

NONRESIDENTIAL

The use of the word refers only to the nondwelling use of a mixed occupancy building.

NUISANCE

- (1) Any public nuisance known at common law or in law or equity jurisprudence, or as provided by the statutes of the State of New Jersey or the ordinances of the borough.
- (2) Physical conditions dangerous to human life or detrimental to health of persons, including but not limited to any inadequately protected well, shaft, basement, excavation, abandoned motor vehicle, icebox and refrigerator, structurally unsound fence, wall or building, lumber, trash, debris or vegetation, such as but not limited to poison ivy, oak or sumac, or detrimental to the safety or health of persons.
- (3) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- (4) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- (5) Fire hazards.

OCCUPANCY UNIT

Any apartment, multifamily or any room or group of rooms or part thereof forming a single usable unit (used or intended to be used or designed to be used for nonresidential

purposes) and located within a building used or intended to be used or designed to be used, in whole or in part, for commercial business, industrial or any other nonresidential occupancy.

OCCUPANT

Any person or persons, including the owner, having actual possession of and using the entire building or any part thereof.

OPERATOR

Any person who has charge, care or control of a premises or part thereof, whether with or without the knowledge and consent of the owner.

OWNER

Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have charge, care or control of any dwelling unit as owner or agent of the owner or as executor, administrator, trustee, receiver or guardian of an estate or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee, a sublessee or assignee of all or any part of the building shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by such lessee.

PARTIES IN INTEREST

All individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.

PERSON

Same meaning as defined in N.J.S.A. 1:1-2.

PREMISES

A lot, plot or parcel of land and any buildings located thereon, including but not limited to sidewalks, yards and parking areas.

PUBLIC OFFICER

The person or persons who are authorized by this ordinance to exercise powers prescribed by this code.

REFUSE

All putrescible and nonputrescible solid wastes (except body wastes), including but not limited to brush, weeds, broken glass, debris of any description, garbage, rubbish, ashes, street cleaning, dead animals, abandoned motor vehicles and solid market and industrial wastes.

RUBBISH

Includes all combustible and noncombustible waste material excluding garbage but including liquid commercial and industrial wastes.

STRUCTURE

An assembly of materials forming a construction, including but not limited to buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, open sheds, bins, shelters, fences and display racks and signs.

WATER CLOSET COMPARTMENT

An enclosure containing a single water closet.

WEATHERING

Deterioration, decay or damage caused by exposure to the elements.

WINDOW

An opening in the wall or roof of a building for the admission of light, which opening may be closed to the elements by casements or sashes containing glass or other transparent.

WINDOW DISPLAY AREA

That area of a building in proximity to the inner surface of a window which is designed or used for the viewing of the interior and the display of items representative of any goods or services pertaining to the business therein.

- B. Meaning of certain words. Whenever, in describing or referring to any person, party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and to apply to several persons or parties as well as to one person and to females as well as males and to bodies corporate as well as individuals and to several matters and things as well as one matter or thing. The word "shall" shall be applied retroactively as well as prospectively.

§ 86-7. Maintenance of exterior of premises.

- A. Applicability. All of the provisions contained in § 86-7 shall be applicable to both residential and nonresidential premises.
- B. Nuisances and hazards. The exterior of any premises shall be kept free of refuse, nuisances and any hazards to the safety of occupants, pedestrians, invitees and other persons utilizing the premises, and free of unsanitary conditions. It shall be the duty of the owner or operator to keep the premises free of, or to remove, abate and correct the premises against, such conditions, which include but are not limited to the following:
- (1) Plantings and certain structures. In the form of walls, berms, shrubs, bushes, trees or other vegetation, except those placed, or approved for placement, therein by the governmental authority having jurisdiction thereof, the placement of any plant material or the sufferance thereof, or other vegetation in excess of a height of three feet, by any owner, occupant or operator within 50 feet of a point formed by the intersection of two public rights-of-way. In addition, the limbs and foliage of any tree shall not be permitted to fall nearer to the ground than six feet where such limbs or foliage overhang or are over or upon land within the aforementioned distance from an intersection.
 - (2) Unsafe exterior porches, landings, balconies, stairs and fire escapes. In all buildings other than one-family dwellings, exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and kept structurally sound and in good report.
 - (3) Overhangings. Loose, overhanging and projecting objects which, by reason of location above ground level, constitute dangers to persons in the vicinity thereof.
 - (4) Dangerous unsanitary conditions. Holes, excavations, breaks, projections, icy conditions, uncleared snow, obstructions and excretion of pets or other animals on paths, sidewalks, walks, driveways, parking lots and parking areas and other parts of the exterior of the premises which are accessible to and used by persons having access to such premises.
 - (5) Recurring accumulation of stormwater. Adequate runoff drains shall be provided and maintained in accordance with applicable borough ordinances to eliminate recurrent accumulations of stormwater, so as to prevent infestation.

- (6) Sources of infestation.
- (7) Defective walls. Foundation walls and retaining walls shall be kept structurally sound, free from defects and damage and capable of sustaining imposed loads safely.
- (8) Sidewalks, driveways, etc. All sidewalks, driveways, walkways and entrance stairways shall be maintained in a safe condition, such as will not constitute a hazard to persons using the premises. Such shall include an obligation to keep such areas free from the encroachment of plantings, as well as overhanging vegetation and branches, to a height of eight feet in the case of sidewalks, walkways and entranceways and 11 feet along driveways and other areas.
- (9) Waterways, brooks, etc. Property adjoining waterways, brooks, channels, canals, drainage ditches and swales, through which the same shall flow, shall be maintained in such a manner so as to prevent material located on the property, whether in the form of personalty or dead or diseased vegetation, including that which may be attached to living plants and trees as well as leaves, grass clippings or other debris, from entering the waterways, thus impeding or tending to impede the free flow of water, either intrinsically or in conjunction with other material located within the flow way.
- (10) Refuse. Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, rubbish, refuse and debris of any description and as further defined under "refuse."^[1]
[Added 5-27-1997 by Ord. No. 97-1060]
[1] Editor's Note: See § 86-6, Definitions and word usage.
- (11) Natural growth. Dead and dying trees and other natural growth which, by reason of rotting or deteriorating conditions or storm damage, are or may be dangerous to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
[Added 5-27-1997 by Ord. No. 97-1060]
- (12) Foundation walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.
[Added 5-27-1997 by Ord. No. 97-1060]
- (13) Chimneys and flue and vent attachments thereto. Chimneys and flue and vent attachments shall be maintained structurally sound, free from defects and so maintained as to capably perform at all times the functions for which they were designed and constructed. Chimneys, flues, gas vents and other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoketight and capable of withstanding the action of flue gases.
[Added 5-27-1997 by Ord. No. 97-1060]
- (14) Debris in streets and gutters. Dirt, stones and debris shall be prevented from accumulating in streets and gutters and should be removed by the abutting property owner.
[Added 5-27-1997 by Ord. No. 97-1060]
- C. Repair and maintenance. The exterior of the premises, the exterior of dwelling structures and the condition of accessory structures shall be maintained in the manner so as to prevent a blighting effect on the surrounding neighborhood. For the purpose of this ordinance, "blight" shall be defined in the manner as set forth herein and otherwise according to law.
- D. Site plan. Whenever premises have been developed after application to a board of the borough wherein a site plan application has been approved, the owner shall be responsible for the continuing maintenance of the premises, including but not limited to landscaping and grading as per the approved site plan.
- E.

Removal of refuse. If the owner or operator of any lands or buildings in the borough shall fail or neglect to remove refuse within 10 days after notice to remove same, in the manner and within the time provided, the public officer may, in addition to such other remedies provided herein, cause same to be removed by the borough. In such cases, the public officer shall certify the cost thereof to the Mayor and Council, which shall examine the certificate and, if found correct and reasonable, shall by resolution approve the cost as shown thereon to be charged against said lands. The amount so charged shall become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced in the same manner as are taxes.

- F. Except for premises upon which the business of an automobile dealership is actively being operated in accordance with all applicable municipal ordinances and regulations, no person shall in any manner expose for sale any automobile or vehicle on any premises unless the automobile or vehicle has been duly registered at the address of the premises for a period of at least 60 days prior to its being so exposed for sale.
[Added 2-11-1997 by Ord. No. 97-1049]
- G. Landscaping. Where exposed to public view, the landscaping of premises shall be maintained in an orderly state with lawns and bushes trimmed and free from becoming overgrown, littered and unsightly where such would constitute a blighting effect, depreciating adjoining and nearby property. Open areas shall be graded evenly to eliminate holes, depressions, gullies, mounds, accumulations of debris or other unsightly or unsafe conditions.
[Added 5-27-1997 by Ord. No. 97-1060]
- H. Repair and painting of exteriors of buildings. All storefronts and the exteriors of all buildings shall be kept in good repair, painted where required or otherwise provided with protective treatment sufficient to prevent deterioration, and shall not hereby constitute a safety hazard or nuisance. In the event that repairs to a storefront become necessary, such repairs shall be made in harmony with the original design, with the same materials or materials of appearance similar to those used in the construction of the storefront, in such a manner as to permanently repair the damaged area or areas.
[Added 5-27-1997 by Ord. No. 97-1060]
- I. Signs or advertisements. It is understood that the provisions of the Montvale Sign Ordinance shall control.
[Added 5-27-1997 by Ord. No. 97-1060]
- J. Awnings and marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall be so maintained as to not constitute a nuisance or a safety hazard. In the event that any such awning or marquee is not properly maintained in accordance with the foregoing, it shall, together with its supporting members, be removed forthwith. In the event that any such awning or marquee is made of cloth, plastic or of similar materials, said materials, where exposed to public view, shall be maintained in good conditions and shall show evidence of excessive weathering, discoloration, ripping, tearing or other deterioration. Nothing herein shall be construed to authorize any encroachment of an awning, marquee or its accompanying structural members on street, sidewalks or other parts of the public domain.
[Added 5-27-1997 by Ord. No. 97-1060]
- K. Scaffolding. No temporary painting scaffold or other temporary equipment used for construction, repair or maintenance shall be permitted to remain in place beyond a period of six months after erection or placement thereof, without permission of the public officer.
[Added 5-27-1997 by Ord. No. 97-1060]

- L. No person shall park any automobile or vehicle on any premises utilized for residential purposes other than on driveways servicing said premises.
[Added 5-27-1997 by Ord. No. 97-1060]
- M. No commercial vehicle shall be parked in any residential district between sundown and sunup unless the same is placed in an enclosed garage or otherwise actively engaged in use.
[Added 5-27-1997 by Ord. No. 97-1060]

§ 86-8. General sanitation and safety.

All residential and nonresidential buildings and premises and all parts of all premises shall be kept free of nuisances or other conditions which may constitute health, safety or fire hazards. The owner, operator or occupant of every building and its premises shall, along with other responsibilities necessary to attain these objectives:

- A. Maintain all parts of premises to prevent infestation.
- B. Not store on the premises flammable, combustible or explosive materials unless they are of a type approved for storage by municipal regulations and then only in such quantities and in such fireproof storage containers as may be prescribed by the Uniform Fire Code adopted February 18, 1985, as the same may be amended and supplemented.
- C. Provide at least one twenty-gallon watertight receptacle with a tight-fitting cover or equivalent in total gallonage for each dwelling unit for the temporary storage of garbage. These containers shall be placed or kept on the property not nearer to the street than the building line, accessible for private or municipal collection. Privately collected garbage shall be collected at least twice a week.
- D. Place rubbish and receptacles containing same in areas designated by the public officer or Department of Public Works^[1] for collections. Rubbish shall not be placed in such designated areas earlier than 5:00 p.m. of the day prior to scheduled collections, and the empty receptacles shall be removed to areas not exposed to public view within 12 hours after the collection. Under unusual circumstances, such as the need to move heavy items when the required personnel are available, certain items may be placed in the designated area earlier than the time prescribed above. The frequency and duration of such exceptions shall be kept to a minimum, and repeated abuse of this exception will be considered a violation.
[1] *Editor's Note: The Department of Public Works was dissolved pursuant to Ord. No. 2014-1383, adopted 1-28-2014.*
- E. In buildings containing not more than four occupancy units, it shall be the responsibility of each of the occupants and, in buildings containing more than four occupancy units, it shall be the responsibility of the owner and operator to furnish such receptacles as are needed for the proper storage of garbage and rubbish from the premises in accordance with the regulations and ordinances of the Borough of Montvale.
[Added 5-27-1997 by Ord. No. 97-1060]
- F. Floors shall be maintained in a structurally sound condition, capable of safely bearing imposed loads, and shall be maintained at all times in a condition so as to be free of hazards.
[Added 5-27-1997 by Ord. No. 97-1060]
- G. Supporting structural members shall be kept structurally sound, free from deterioration and capable of safely bearing imposed loads.
[Added 5-27-1997 by Ord. No. 97-1060]
- H.

Bathroom and water closet compartment floors shall be surfaced with water-resistant material and shall be kept in a dry, clean and sanitary condition at all times.

[Added 5-27-1997 by Ord. No. 97-1060]

- I. Every building shall be provided with electric service, where required, in accordance with the standards of the National Electrical Code, as amended from time to time.

[Added 5-27-1997 by Ord. No. 97-1060]

- J. Every bathroom and water closet compartment shall be provided with permanently installed and operating artificial lighting fixtures with switches and wall plates so located and maintained that there is no danger of electrical shock from a simultaneous contact with a water supply fixture.

[Added 5-27-1997 by Ord. No. 97-1060]

- K. Maximum fuse sizes, as specified by the National Electrical Code, as amended from time to time, shall be posted conspicuously on the inside cover of all fuse boxes, and no fuse shall be installed therein in excess of the stated maximums. Owners and operators shall not be held responsible for violations of fuse sizes, where the correct maximum size is stated and the fuse box is located within any part of the building which is the exclusive possession of an occupant or occupants other than the owner.

[Added 5-27-1997 by Ord. No. 97-1060]

§ 86-9. Standards and regulations for mixed-occupancy buildings and premises.

In addition to the standards and regulations set forth in this ordinance, which standards and regulations are incorporated by reference in this section as if set forth at length herein, the following additional standards and regulations shall apply to mixed-occupancy buildings and premises:

- A. Storage of commercial and industrial material. There shall not be stored or used at a location exposed to public view equipment and materials relating to commercial or business uses.
- B. Standards of maintenance. The exterior of mixed-occupancy buildings and premises shall be maintained so that the appearance thereof shall not constitute a blighting effect upon neighboring properties nor an element leading to a progressive deterioration and downgrading of neighboring properties.
- C. Signs and billboards. All permanent signs and billboards exposed to public view permitted by borough ordinance and regulated by the Sign Ordinance^[1] or other regulations shall be maintained in good repair. Any sign or billboard which has weathered excessively or faded or the paint on which has excessively peeled or cracked shall, with its supporting members, be removed forthwith or put into a state of good repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith. All campaign or garage sale signs shall be removed after the event or sale.

[1] Editor's Note: See Ch. 128, Zoning, Art. IX.

§ 86-10. Administration.

- A. Public officer. The Borough Council shall designate the public officer, who shall serve for a term of one year, to exercise the powers prescribed by this code and by the laws of the State of New Jersey. The public officer may be Building Code or Subcode Official or may be otherwise designated as the Property Maintenance Subcode Official.

[Amended 4-12-1988 by Ord. No. 88-86o]

- B. Inspections. All nonresidential premises within the borough covered by this code shall be subject to inspection from time to time by the public officer to determine the condition thereof in order that he may perform his duty of safeguarding the health and safety of the persons occupying the same and of the general public. For the purpose of making such inspections, the public officer is hereby authorized to enter, with the express consent of the occupant, examine and survey at all reasonable times all such premises; provided, however, that such entries are made in such manner as to cause the least possible inconvenience to the persons in possession.
- C. Search warrant. If the public officer is denied the right of inspection, he may, upon affidavit establishing good cause, apply to the Municipal Court or such other court of competent jurisdiction for a search warrant to permit entry into the premises in question.
- D. Notice and hearing where violation discovered.
- (1) Where a violation of this code is found to exist, or upon petition of at least five borough residents and investigation by the public officer, a written notice from the public officer shall be served on the person or persons responsible for the correction thereof.
 - (2) The notice shall specify the violation or violations committed, what must be done to correct or abate same, a reasonable period of time not to exceed 30 days to make such corrections, the right of the person served to request a hearing and that the notice shall become an order of the public officer 10 days after service unless a hearing is requested pursuant to this section. The thirty-day time limit set forth herein shall not be effective where specific time limits are set forth in other sections of this code.
 - (3) Notice may be served personally on an owner, operator or occupant or agent for the owner or operator as set forth in § 86-6 of this Code. Service may also be made by certified mail, return receipt requested, to the last known address of the person or by posting the notice in a conspicuous place upon the premises where the owner or lessor has failed to register, pursuant to § 86-6. Where the notice is directed to an occupant, service may also be made by posting same on the door or entrance to the area he occupies.
 - (4) Ten days from the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon and serves a written request within the ten-day period, in person or by mail, on the public officer. Such request for a hearing shall set forth briefly the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation which are to be disputed at the hearing. The public officer, upon receipt of the request, shall, within 30 days therefrom and upon five days' notice to the party aggrieved, set the matter down for hearing.
 - (5) Hearing board.
 - (a) At any hearing required hereunder, a hearing board shall conduct and decide issues presented to it. Said hearing board shall consist of the following members, of which three members shall constitute a quorum:
 - [1] Building Inspector or his delegate.
 - [2] Chief of the Fire Prevention Bureau.
 - [3] Two citizens of the borough, who shall be appointed by the Mayor with the consent of the Council for a term of two years.
 - (b)

The hearing board shall be vested with all the powers provided by law to compel the attendance of witnesses and parties in interest by issuance and service of subpoenas, to require by subpoena the production of books, records or other documents at any such hearing which may be pertinent to matters to be determined by it and to enforce any such subpoena or secure any other for the enforcement of any such subpoena as provided by law. A determination shall be made within 10 days from the completion of the hearing. The hearing board shall issue an order either incorporating the determinations and directions contained in the notice, modifying the same or withdrawing the notice.

- (6) The public officer or the hearing board, where necessary, may extend the time for correction or abatement of the violations for an additional period of time not to exceed 30 days, except where major capital improvements or renovations are involved, in which instance, the time for completion may be extended for a period not to exceed 90 days beyond the expiration date of the original notice.
- (7) Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the public officer may either abate the violation or condition immediately or order the owner, operator or occupant to abate the violation or condition within a period of time not to exceed three days; and upon failure to do so, the public officer shall abate the condition immediately thereafter.
- (8) Where abatement of any nuisance, as nuisance is defined herein, correction of a defect in the premises or the maintenance of the premises in a proper condition so as to comply with the requirements of any municipal ordinances or state law applicable thereto requires expending borough moneys therefor, the public officer shall present a report of the work proposed to be done to accomplish the foregoing to the Mayor and Council with an estimate of the cost thereof, along with a summary of the proceedings undertaken by the public officer to secure compliance, including notices served upon the owners, operators, lessors or agents, as the case may be, hearings and the order of the hearing board with reference thereto. The Mayor and Council may, thereupon, by resolution, authorize the abatement of the nuisance, correction of the defect or the work necessary to place the premises in proper condition and in compliance with ordinances of the borough and laws of the state. The public officer may, thereafter, proceed to have the work performed in accordance with the said resolution at borough expense, not to exceed the amount specified in the resolution, and shall, upon completion thereof, submit a report of the moneys expended and costs to the Mayor and Council. After review of the same, the Mayor and Council may approve the said expenses and costs; and they shall become a lien against the said premises and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced in the same manner as are taxes. A copy of the resolution approving the said expenses and costs shall be certified by the Mayor and Council and filed with the Tax Collector, and a copy of this report and resolution shall be sent by certified mail to the owner.

§ 86-11. Additional remedies.

- A. Public officer may act as custodian. In addition to other remedies provided herein, where the public officer has issued an order requiring the abatement of the nuisance, correction of a defective condition or the maintenance of the premises in a proper condition so as to conform to the ordinances of the borough and laws of the state applicable thereto and the owner, operator, lessor or agent charged with the premises has failed to comply therewith, the public

officer may, for the purpose of correcting any of the foregoing conditions, act as custodian of any building or structure and may, as custodian, enter into and take care of the premises and supervise the abatement of any nuisance, correction or defect or the placing of the premises in compliance with municipal ordinances and state laws. For the performance of the duties of custodian, the borough shall receive for the services, from the owner, operator and lessor of the premises, compensation approved by the Mayor and Council not exceeding \$5 a day per dwelling unit or \$30 a week per dwelling unit in the premises, whichever is less, as costs and expense, the same to be certified and collected as provided in § 86-10D(8) hereof.

- B. Appointment of receiver. Where the owner, operator or lessor of the building violates this code or any other municipal ordinance pertaining to said structure or fails to abate any violation of this code or violates an order of the public officer with respect thereto, the Borough Attorney, upon resolution duly approved by the Mayor and Council, shall commence an action in the Superior Court seeking appointment of the public officer as receiver ex officio of the rents and income from the said property. The said rents and income shall be collected by the said receiver and shall be expended and allocated to secure compliance with the ordinances of the borough and laws of the state, as set forth in the order of the public officer, and shall be utilized to defray such costs and expenses of the receivership as may be adjudged by the Superior Court and shall be applied towards payment to the borough of any fines or penalties with costs which may have been imposed on the owner, operator or lessor for violation of the ordinances of the borough and which have remained unpaid.
- C. Additional powers. Notwithstanding the provisions of § 86-10D hereof, the public officer may, at his election, prosecute violations of any section of this code involving public health or safety by the filing of a complaint with the Municipal Court of the Borough of Montvale.

§ 86-12. Certificates of necessity.

- A. Who may apply. Where any owner, operator or occupant is required to make repairs or otherwise improve his property and is unable to comply with this code without having right of access to the building or premises through or across adjoining premises not owned by him or under his control and where right of access has been refused the owner, operator or occupant or where the owner or person responsible for granting permission cannot be found or located, then, upon an affidavit setting forth the facts having been filed with the public officer, the public officer shall serve a five-day written notice of hearing in accordance with the provisions for service contained in this code upon the owner, operator or occupant of any adjoining premises affected by the application.
- B. Hearing. On the day fixed for hearing, the public officer shall provide opportunity for the owner, operator or occupant of the adjoining property or properties to state why access shall not be granted across such adjoining properties.
- C. Issuance; conditions. If the public officer determines that access is necessary to accomplish or complete repairs or improvements necessary for compliance with this code, then the public officer shall issue a certificate of necessity, setting forth therein the person or persons to whom the certificate shall apply, such conditions as shall be necessary to protect the adjoining property, reasonable time limits during which such certificate shall operate, precautions to be taken to avoid damage and, where the public officer deems proper, that a bond be procured, at the expense, if any, of the person seeking access, to secure the adjoining property against damage to persons or property arising out of such rights of access. The bond shall not exceed in amount \$25,000, and the amount set shall take into consideration the extent, nature and duration of the repairs, the proximity of the improvement on the premises affected and the potential risk of damage thereto. The bond shall be filed with the public officer.

- D. Procedure where access refused. Any refusal to comply with this ordinance or any interference with the access to premises pursuant to a certificate issued hereunder shall be a violation of this code, and in addition to the penalties provided hereunder, the public officer may, upon affidavit, apply to the Municipal Court Judge for a warrant under the procedure set forth in the application section of this code authorizing access to the premises under appropriate conditions and circumstances as provided above.

§ 86-13. Violations and penalties.

[Amended 2-27-2007 by Ord. No. 2007-1262]

See Ch. 1, General Provisions, Article II, General Penalty.

§ 86-14. Severability.

Should any article, section, subsection, paragraph, sentence, clause or phrase of this code be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the article, section, subsection, paragraph, sentence, clause or phrase thereof directly involved in the controversy in which said judgment shall have been rendered.

§ 86-15. Repealer.

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

§ 86-16. Effect of legal decision.

If any section, part of any section or clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Montvale declares that it would have passed the ordinance and each section and subsection hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

§ 86-17. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

Article II. Temporary Exterior Storage Units

[Adopted 8-11-2009 by Ord. No. 2009-1308^[1]]

[1] *Editor's Note: This ordinance was originally adopted as Art. XVIII, §§ 86-60 through 86-63, but was renumbered in order to maintain the organizational style of the chapter.*

§ 86-18. Definitions.

For the purposes of this article, the following terms, wherever used or referred to, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

CONSTRUCTION DUMPSTER

A roll-off waste container transported to and from the place of use by trucks or trailers and positioned at a construction site for the collection and eventual disposal of construction waste.

PORTABLE ON-DEMAND STORAGE UNIT

A container designed, constructed and commonly used for nonpermanent placement on property for the purpose of temporary storage of personal property.

STORAGE TRAILER

Trucks, trailers, and other vehicles or parts of vehicles designed to be hitched and attached to trucks, tractors or other vehicles for movement from place to place and used as temporary exterior storage units.

TEMPORARY EXTERIOR STORAGE UNIT

Any storage trailer, portable on-demand storage unit, or similar unit or device designed to be placed outside of a building or structure and to temporarily store personal property, excluding construction dumpsters and similar waste receptacles.

§ 86-19. Placement; maintenance; contents; permit required.

- A. It shall be unlawful for any person to park, place or suffer placement of a temporary exterior storage unit which:
 - (1) Is not secured or which is accessible to others not using the unit;
 - (2) Lacks verminproof floors or otherwise permits rat and vermin harborage; or
 - (3) Is not in a state of good repair and alignment and is not free from nuisance.
- B. It shall be unlawful for any person to park, place, or suffer placement of a temporary exterior storage unit:
 - (1) In or upon any street, highway, roadway, designated fire lane or sidewalk in the Borough;
 - (2) On any lot or property in the Borough other than on a concrete, asphalt or other improved surface;
 - (3) On any lot or property in the Borough used for commercial purposes or containing three or more dwelling units, in such a way as to block or interfere with access to a garage or off-street parking areas;
 - (4) In a manner that interferes with sight lines for motorists on adjoining streets or the driveways of adjacent properties;
 - (5) In a manner that obstructs the light or air of any dwelling unit;
 - (6) In a manner that obstructs safe means of access to or from any dwelling;
 - (7) In a manner that creates fire or safety hazards; or
 - (8) That displays advertising, other than the identification of the manufacturer or operator of the unit.
- C. No temporary exterior storage unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the temporary exterior storage unit is located (i.e., used for retail sales) or any other illegal or hazardous material. Upon reasonable

notice to the applicant, the Borough of Montvale may inspect the contents of the temporary exterior storage unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a temporary exterior storage unit be used for any of these purposes.

- D. It shall be unlawful for any person to park, place, or suffer placement of a temporary exterior storage unit on any lot or property in the Borough without having obtained a permit or in violation of the permit conditions as provided in this article.

§ 86-20. Permit specifications; duration; conditions; fees.

No person shall park, place or suffer placement of a temporary exterior storage unit without first obtaining a permit from the Borough Clerk. The permit shall specify the time period, not exceeding 14 days, during which the unit may be kept on the property. The following conditions shall apply:

- A. The permit shall be obtained prior to setting the unit on the property and shall be displayed in a weatherproof manner on the unit.
- B. There shall be a maximum of one unit per property at any time.
- C. No more than three permits may be issued for any lot or parcel of property in any twelve-month period.
- D. The permit shall specify where the unit is to be situated on the property, which shall be on a driveway or other paved surface at a point farthest from the street, preferably to the rear of the principal building lot.
- E. The size of the unit shall not exceed:
 - (1) A height of eight feet; and
 - (2) A size of 130 square feet.
- F. The application fee for the permit shall be \$25 for each fourteen-day period. Extension of a permit will cost \$25 for each extension period granted.

§ 86-21. Enforcement; violations and penalties.

- A. Violations and enforcement.
 - (1) Any temporary exterior storage unit located within the Borough of Montvale without approval pursuant to this ordinance shall be subject to the penalties set forth below.
 - (2) The Borough of Montvale Construction Code Enforcement Officer, Fire Prevention Officer and the Montvale Police Department shall be responsible for enforcing the provisions of this ordinance.
 - (3) Any temporary exterior storage unit which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of a law enforcement officer for removal of such unit for safety reasons, may be removed by the Borough immediately, without notice, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the unit was located and may be filed as a lien against the property by the Borough Clerk. Such lien shall be superior in dignity to all other liens or encumbrances upon the property, including the lien of a mortgage and taxes.

- (4) Any temporary exterior storage unit not in compliance with this ordinance is and shall be declared to be a public nuisance and may be abated by the Borough at the owner's or responsible person's expense. Abatement shall, at the Borough's option, include the removal and/or the emptying of the dumpster.

B. Penalties.

- (1) Any person, corporation or partnership that violates any provision(s) of this article shall be subject to fines and penalties, as follows:
 - (a) For the first violation: a fine of \$100 per day, per violation.
 - (b) For the second violation: a fine of \$250 per day, per violation.
 - (c) For the third or any subsequent violation: a fine of \$500 per day, per violation.
- (2) In addition, any person, corporation or partnership found guilty of a violation of this article shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.