

**MINUTES  
WORK SESSION**

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

**OPEN PUBLIC MEETING STATEMENT**

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

**ROLL CALL:**

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

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

**Proclamation**

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

**2018 BUDGET PRESENTATION: Councilmember Lane**  
**PUBLIC HEARING 2018 MUNICIPAL BUDGET**

**MEETING OPEN TO PUBLIC:**

Municipal Budget Only

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

Frank DiPalma

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

Jaret Schumacher

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

**MEETING CLOSED TO PUBLIC:**

Municipal Budget Only

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

**105a-2018 Self-Examination of Municipal Budget**

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

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

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

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

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

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

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

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

4. That pursuant to the Local Budget Law:

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

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

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

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

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

**Resolution 105b-2018 Adoption of 2018 Municipal Budget**

Resolution included with original minutes

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

**ORDINANCES:**

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

(public hearing 5/8/18)

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

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

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

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

**Chapter 119A  
Trees and Plants**

**Article 1      Tree Removal**

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

**Article 2      Demolition**

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

**Article 3      Bamboo**

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

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

## Article 1 Tree Removal

### § 119A-1 Findings and purpose

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

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

### § 119A-2 Tree removal permit required

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

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

### **§ 119A-3 Exemptions**

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

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

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

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

**§ 119A-4      Compensatory plantings**

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

**§ 119A-5      Violations**

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

**Article 2      Demolition**

**§ 119A-6 Tree removal during demolition**

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

**§ 119A-7 Demolition permit required**

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

**§ 119A-8 Exemptions**

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

**§ 119A-9 Violations**

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

**Article 3 Bamboo****§ 119A-10 Purpose**

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

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

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

**§ 119A-12 Exemptions**

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

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

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

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

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



**§ 119A-14 Violations**

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

**Section 2.** Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 3.** Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 4.** Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 5.** Effective Date.

This ordinance shall become effective upon adoption and publication as required by law.

Ordinance No. **2018-1445** was introduced for second reading by Councilmember Gloeggler; seconded by Councilmember Curry; Clerk read by title only;

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

**NO PUBLIC COMMENT**

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

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

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

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

(public hearing 5/8/18)

A motion to Introduce Ordinance **2018-1448** for first reading was made by Councilmember Gloeggler; seconded by Councilmember Curry; Clerk read by title only; Councilmember Lane

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

**MINUTES:**

April 10, 2018

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

**MINUTES CLOSED/EXECUTIVE SESSION:**

April 10, 2018

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, the aforesaid tax appeal involves vacant land located at Rear 110 Summit Avenue, which is otherwise referred to as Block 1102 Lot 2.03 on the tax assessment map of the Borough (hereinafter the "subject property"), and;

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

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

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

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

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

**SCHEDULE "A"**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

No Report

**ATTORNEY REPORT:**

Joseph Voytus, Esq.  
Report/Update  
No report

**UNFINISHED BUSINESS**

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

**NEW BUSINESS:**

None

**COMMUNICATION CORRESPONDENCE:**

None

**MEETING OPEN TO THE PUBLIC:**

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

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

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

**Mrs. Giannantonio, 45 Highland Road**

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

**Jim Gallucci, MAL President**

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

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

**ADJOURNMENT:**

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

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

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