

PUBLIC MEETING
MINUTES

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:30PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Mayor for the Day, Cody Jones, led the Pledge of Allegiance to the Flag, and roll call was taken.

OPEN PUBLIC MEETING STATEMENT

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

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

ROLL CALL:

Councilmember Arendacs
Councilmember Curry - absent
Councilmember Gloeggler

Councilmember Koelling
Councilmember Lane
Councilmember Weaver

MAYOR FOR THE DAY: Cody Jones

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

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

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

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

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

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

N.J.A.C. 5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

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

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

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

WHEREAS, the Mayor and Council are desirous of endorsing the HEFSP and adopting the Spending Plan and authorizing the Borough's professionals to file the HEFSP and Spending Plan with the Court in connection with the Declaratory Judgment action to seek approval of these documents from the Court at the Compliance Hearing currently scheduled for July 18, 2018.

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

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

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - a roll call was taken, Councilmembers Lane, Gloeggler and Koelling voted yes and Councilmembers Arendacs and Weaver voted no

Councilmember Weaver asked for clarification for the amendments that were submitted by the Planning Board; the amendments reflect the Housing Element as well as the Fair Share Plan; mentioned that the Planner is not in attendance to answer questions; the Planner will attend the May 29th meeting for the public hearings of the ordinances. On page 43, the reference to 32 units is that for Summit Ave that the borough purchase the homes, the homes were purchase for the ramp; he asked if the 32 units will be inclusive, no they will not;

ORDINANCES:

INTRODUCTION OF ORDINANCE NO. 2018-1449 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO ESTABLISH A BOROUGH-WIDE SET-ASIDE REQUIREMENT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO
(Public hearing 5/29/18)

A motion to Introduce Ordinance **2018-1449** for first reading was made by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Koelling - A roll call was taken, Councilmembers Arendacs and Weaver voted No and Councilmembers Gloeggler, Koelling and Lane voted Yes

INTRODUCTION OF ORDINANCE NO. 2018-1450 AN ORDINANCE RENAMING CHAPTER 2B OF THE CODE OF THE BOROUGH OF MONTVALE, "AFFORDABLE HOUSING REGULATIONS," AND REPLACING THE ENTIRE CONTENTS THEREOF TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS
(Public Hearing 5/29/18)

A motion to Introduce Ordinance **2018-1450** for first reading was made by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Koelling - A roll call was taken, Councilmembers Arendacs and Weaver voted No and Councilmembers Gloeggler, Koelling and Lane voted Yes

INTRODUCTION OF ORDINANCE NO. 2018-1451 AN ORDINANCE AMENDING CHAPTER 57 THE LAND USE PROCEDURES ORDINANCE ARTICLE VII DEVELOPMENT FEES OF THE BOROUGH OF MONTVALE TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT
(Public Hearing 5/29/18)

A motion to Introduce Ordinance **2018-1451** for first reading was made by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Koelling - A roll call was taken – all ayes
Councilmember Lane explained that this is a provision that allows the borough to set aside funds to use for certain expenditures.

INTRODUCTION OF ORDINANCE NO. 2018-1452 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO RENAME SECTION 128-5.5 TO BE ENTITLED "OVERLAY DISTRICTS" AND TO ESTABLISH THE MIXED-USE INCLUSIONARY 1 (MI-1) OVERLAY DISTRICT, THE MIXED-USE INCLUSIONARY 2 (MI-2) OVERLAY DISTRICT, AND THE MIXED-USE INCLUSIONARY 3 (MI-3) OVERLAY DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO
(Public Hearing 5/29/18)

A motion to Introduce Ordinance **2018-1452** for first reading was made by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Koelling - A roll call was taken, Councilmembers Arendacs and Weaver voted No and Councilmembers Gloeggler, Koelling and Lane voted Yes

PUBLIC HEARING 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

Ordinance No. **2018-1447** was introduced for second reading by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only;

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

NO PUBLIC COMMENT

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

Motion to adopt on Second and Final Reading in Ridgewood News by Councilmember Lane; seconded by Councilmember Koelling; Clerk read by title only ----- A roll call vote was taken --- all ayes Councilmember Weaver asked for clarification regarding sanitary sewer repairs, Councilmember Lane explained that maintenance to the system needs to be done regardless of whether the borough has intentions of selling the system; Councilmember Weaver asked if other municipalities have sold their system; the engineer explained that if the borough decides to sell the system, the borough will be reimburse for any monies spent on repairs; Councilmember Weaver asked what is the process of privatization; the engineer stated it's a long process, public meetings need to be had, advertising, evaluating the system, prepare bid specs; Councilmember Gloeggler asked if we sold the system to a private company it would work like our water (Suez) company

PUBLIC HEARING 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).

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

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

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

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

Ordinance No. **2018-1448** was introduced for second reading by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only;

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

NO PUBLIC COMMENT

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

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

MEETING OPEN TO PUBLIC:

Agenda Items Only

Motion to open meeting to the public by Councilmember Koelling; seconded by Councilmember Lane – all ayes

Paul Walsh, 12 Ellsworth Terrace

As a result of Akers Ave no parking, now the problem moved onto the surrounding streets; the Mayor explained that the permit parking on Akers is a pilot program and the police have been collecting data; Councilmember Weaver stated the Superintendent thought the borough wanted the gate closed, now the gate is unlocked;

Rachele Campana, 27 Sheppard Drive

Working with the High School to promote students on how to deal with stress; she is asking for a discounted rate for the high school students on stress relief programs that are offered by recreation; after a brief discussion, a motion to provide a resident rate for students by Councilmember Weaver; seconded by Councilmember Arendacs – all ayes

Bob Zitelli

What about issuing a warning to the people parking on the streets informing them to park in the lot;

Motion to close meeting to the public by Councilmember Koelling; seconded by Councilmember Lane – all ayes

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

April 24, 2018

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Gloeggler – all ayes with the exception of Councilmembers Arendacs and Weaver abstaining; Councilmember Weaver asked for clarification on the response to Jim Gallucci's comments in the public portion of the minutes; it was a rhetorical comment, no response was given.

MINUTES CLOSED/EXECUTIVE SESSION:

April 24, 2018

A motion to accept minutes by Councilmember Gloeggler; seconded by Councilmember Lane – all ayes with the exception of Councilmembers Arendacs, Weaver Lane and Koelling abstaining

RESOLUTIONS:**110-2018 Authorizing Tax Sale Premium to Escheat to the Municipality**

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

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

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

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

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

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

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

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes
The tax collector explained, per NJ statutes, when a lienholder bids a premium at a tax sale then forecloses on the property, he forfeits the premium and the borough keeps it as surplus.

111-2018 Authorize Tax Court Settlement / Block 2802, Lot 4 / 14 Philips Parkway, LLC

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

WHEREAS, the subject property is located at 14 Philips Parkway, and is otherwise identified as Block 2802 Lot 4 on the Tax Assessment maps of the Borough, and;

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

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

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

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

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

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

SCHEDULE "A"

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

2014 Tax Assessment: Withdrawn
2015 Tax Assessment: \$5,300,000
2016 Tax Assessment: \$5,450,000
2017 Tax Assessment: \$5,350,000
2018 Tax Assessment: \$5,350,000

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

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

112-2018 Transfer and Development Agreement (Bergen County United Way Madeline Housing Partners, LLC)

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Montvale that the Deed of conveyance shall contain a restriction as to the development and use of the property for affordable

housing and should the lots not be used in accordance with such limitations, title to the parcels shall revert to the Borough; and

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

Introduced by: Councilmember Lane; seconded by Councilmember Gloeggler - All ayes
Councilmember Weaver asked if the property is currently zoned or will it need a variance; the mayor stated it is included with the master plan.

113-2018 Authorize Release of Escrow / Block 2802/Lot 2/Ultimate Living III LLC

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

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

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

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

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

114-2018 Authorize Release of Escrow / Block 2002/Lot 14/Tonelli Development Corp.

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

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

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

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

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

115-2018 Revise Resolution of Appointment/Tax Assessor Resolution 65-2018 /Raymond Tighe

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

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

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

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

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above named individual is hereby appointed in the position of Tax Assessor for the Borough of Montvale.

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

116-2018 Resolution Authorizing a Change Order to the Contract With Waste Management to Include The Reserve at Montvale Pursuant to the Borough's Obligations Under the Condo Services Act

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

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

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

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

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

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

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

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

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

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

117-2018 Authorize Refund of Recreation Programs

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

Tennis Lessons - \$166.81 – Maryam Hassimi

Yoga - \$80.00 – Debra Stefanelli

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

119-2018 Authorize Hiring /Fire Prevention Inspector / John Kurz

WHEREAS, the Uniform Fire Safety Act, (P.L. 1983, c.383) was enacted for the purpose of establishing a system for the enforcement of fire safety standards throughout the State of New Jersey; and

WHEREAS, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement and to establish local enforcement agencies for that purpose; and

WHEREAS, the Borough of Montvale has opted to have the Uniform Fire Safety Act enforced locally; and

WHEREAS, the Fire Official shall carry out the duties in accordance with the Uniform Fire Safety Act and the NJ Administrative Code.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that John Kurz is hereby appointed Fire Inspector, effective May 8, 2018

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

120-2018 A Resolution Approving a Change Order to the Contract with Tele-Measurements to Add and Remove Certain Equipment from the Contract

WHEREAS, the Borough did previously solicit bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., under the title "Provision and Installation of New Audio/Visual Equipment for the Montvale Public Access TV Control Room"; and

WHEREAS, a contract was subsequently awarded to Tele-Measurements, Inc. in the amount of \$179,056.00; and

WHEREAS, the Borough is desirous of approving a Change Order to add and remove certain equipment from the Contract.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Montvale that the above-referenced Contract is hereby amended by removing the following line items from the Contract for a total reduction of \$15,177.00:

Model	MFG	Description	Qty	Unit Price	Total Price
DN-500BDMK11	Denon	Blu Ray	1	(373.00)	(373.00)
G5302	Winsted	4 bay console - Freight incl	1	(5,339.00)	(5,339.00)
CG-300TC Kit	Datavideo	CG SoftwareCG Kit	1	(1,689.00)	(1,689.00)
TOMSHSTU01	Atomos	shotgun	1	(2,719.00)	(2,719.00)
ATOMCAB017	Atomos	Break out cable	1	(135.00)	(135.00)
ATOMS2H002	Atomos	Coneverter	1	(199.00)	(199.00)
OG05221	G Tech	Master Caddy	2	(343.00)	(686.00)
OG05218	G Tech	Master Caddy	2	(105.00)	(210.00)
OG05217	G Tech	Master caddy Reader	2	(105.00)	(210.00)
999-5600-000	Vaddio	Camara Control Console	1	(3,617.00)	(3,617.00)
TOTAL					(\$15,177.00)

BE IT FURTHER RESOLVED that the above-referenced contract is hereby amended by adding the following line items to the Contract for a total addition of \$13,247.00:

Model	MFG	Description	Qty	Unit Price	Total Price
BMD-HYPERD/ST/Pro2	Black Majic	Hyperdeck Studio Pro	2	2,423.00	4,846.00
SASSDXPS480	Scan Disk	480G Drive	6	279.00	1,674.00
PCRM300	Datavideo	Switcher KIT	1	4,804.00	4,804.00
999-5700-000	Vaddio	Camera Control Console	1	1,923.00	1,923.00
TOTAL					\$13,247.00

BE IT FURTHER RESOLVED that as a result of the addition and removal of the above items from the Contract, the amended Contract price shall be \$177,126.00 and

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 Koelling - All ayes

BILLS: Municipal Clerk read the Bill Report.

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

Councilmember Weaver asked for clarification for the purchase of a commissioner jacket by the Police Chief

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

COMMITTEE REPORTS:

Councilmember Gloeggler

TV Access

Interviewed Marie Dineen, President of the Senior Club and Frank DiPalma OEM coordinator;

Local Board of Ed

Adopted their annual budget with an increase to Montvale residents of \$135.20; the budget will be posted to the BOE website

Attended a swearing in of US Citizens held at the Westwood Public Library

Council President Koelling

Tri-Boro

Montvale logged: 34 calls; 442 miles; 30 crew hours

Police

Monthly report included in original minutes

Environmental Commission

Montvale clean-up day was held on April 28 which included approximately 80 volunteers

Councilmember Arendacs

DPW

Currently in litigation and thanked Woodcliff Lake DPW for helping on Saturday's with the recycle center

Recreation/Special Events

Day in the Park is scheduled for June 16, with rain date of June 17; summer camp has 240 campers registered; adult co-ed soccer April 22 through May 13 on Sundays 5-7pm; tennis badges are now available;

Engineering

Shady Lane and Valemont will be paved the week of May 21; Upper Saddle River Road will be paved the week of June 4; Fieldstone turf installation is now complete;

Councilmember Lane

Fire Dept

28 fire calls; 2 drills; 2 extra credits; Firehouse is near completion

Finance

The municipal portion of the annual budget is lower than the surrounding towns;

MAYOR

Library

Circulation 8,698; 4,990 patron visits; 22 cards issued; many thanks to all who dined at Davey's for the Friends of the Library fundraiser;

Report

Attended the State Mayor's conference, some of the discussions were regarding the Opioid crisis, legalizing marijuana and the Governor signed a bill for Charitable contribution to offset property taxes; the state now has the task of setting guidelines for municipalities to follow and also the State is waiting to hear if the IRS will allow such a deduction; Bergen County will be honoring the SRO Officer who saved a student from choking at the high school.

Councilmember Arendacs read a Proclamation on Click It or Ticket included in the original minutes

Councilmember Weaver

Regional School

Annual budget meeting was televised and is also on their website; an decrease of \$9.34 to Montvale residents;

Swim club site

At the last meeting, a unanimous agreement with all groups involved stated, the need for a community center; the engineer stated the next step would be, have a discussion as to what do you want there; Councilmember Weaver stated they are looking for a large space areas, possible courts, classrooms etc; the Mayor stated he will be scheduling a town hall meeting in June, he will add this to the agenda;

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

Fieldstone is open, but there are a few items that need to be addressed; will have proposal for 2018 road program; Upper Saddle River Road will be paved in the next few weeks; Shady Trail and Valemont will also be paved next week; Councilmember Weaver asked about the maintenance of the new turf, the engineer stated it should be brushed every couple of months.

ATTORNEY REPORT:

Phil Boggia, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:

Councilmember Weaver mentioned a few items to be further discussed at the next workshop meeting:

- the borough is investing in new studio equipment, we should televise both council meetings;
- Planning board should post its full agenda on the website; televise planning board meetings as well;
- Installing speed tables on Memorial Drive
- Use of basketball courts

Councilmember Weaver stated that he has volunteered countless hours with the MAL serving on the board and being a part of activities that do not involve his children, then to have the borough attorney ask him to step down off the dais because of his interest was only spurred by the involvement of his children is very offensive. Councilmember Weaver went on the further state that he welcomed the opportunity to

speak with Mr. Voytus and Mr. Voytus reference his email response. Councilmember Weaver stated he will be filing an attorney ethics grievance.

NEW BUSINESS:**a. 6 and 9 Pennsylvania Ave Donation of Property**

The engineer stated that the owner of 6 and 9 Pennsylvania Ave. wants to donate their property to the borough; normally when you take possession of a property you conduct a search to make sure it is not contaminated, plus a survey needs to be done; the proposal will cost \$23,500; they Mayor asked what would the benefit be to the borough; it would be considered open space;

b. 25 West Grand Ave

“Ali Property”, the borough is buying this property, recommends an environmental study as soon as possible, the cost will be \$7,000; a motion not to exceed \$7,000 to conduct the study by Councilmember Lane; seconded by Councilmember Koelling – all ayes

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 Koelling - all ayes

Carole Adams

Reminded everyone that it is Teacher appreciation day and week; showed pictures of the recycle center having piles of recycled items; mentioned last year about the Hoving Home, they will be having their annual fundraiser at Florentine Gardens on May 10th, The Walter Hoving Home, is a home that helps women to rebuild their lives from drug and alcohol abuse, prostitution and incarceration; a new facility has been opened in Oxford, New Jersey. Suggested, to think about having a town wide garage sale.

Jarret Schumacher

As another topic at the town hall discussion could be, shared services with other towns like infrastructure and to consider all possible shared services.

Bob Zitelli

Asked for an explanation as to what caused RiverVale to pull out of the DPW shared services; the Mayor stated he cannot say much because of the litigation but RiverVale asked for additional funds due to the last snow storm, in the contract a process needs to be followed; Mr. Zitelli asked how much has the borough saved by this service, the mayor responded approximately \$150,000 - \$300,00;

Jeff Ballanco

Thanked all for their support; will be planning the building dedication, he is asking for help with the invites

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

ADJOURNMENT

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

Meeting was adjourned at 10:30pm

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

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk